

December 22, 2008

Mr. Jay Hyland, Manager
Division of Environmental Health
Radiation Control Program
286 Water Street, 11 SHS
Augusta, ME 04333-0011

Dear Mr. Hyland:

We have reviewed the proposed changes to the Maine regulations, Rules Relating to Radiation Protection, received by our office on November 18, 2008. These regulations were reviewed by comparison to the equivalent Nuclear Regulatory Commission (NRC) rules in 10 CFR Parts 19, 20, 30, 31, 32, 33, 35, 40, 61, 70, 71, 150 and the requirements of the 11 amendments identified in the enclosed State Regulation Status (SRS) Data Sheet. We discussed our review of the regulations with Shawn Seeley on December 19, 2008.

As a result of our review, we have 52 comments that have been identified in the enclosure. Please note that we have limited our review to regulations required for compatibility and/or health and safety. Under our current procedure, a finding that the Maine regulations meet the compatibility and health and safety categories of the equivalent NRC regulation may only be made based on a review of the final Maine regulations. However, we have determined that if your proposed regulations were adopted, incorporating our comments and without other significant change, they would meet the compatibility and health and safety categories established in the Office of Federal and State Materials and Environmental Management Programs (FSME) Procedure SA-200.

We request that when the proposed regulations are adopted and published as final regulations, a copy of the "as published" regulations be provided to us for review. As requested in FSME Procedure SA-201, "Review of State Regulatory Requirements," please highlight the final changes, and provide a copy to Division of Materials Safety and State Agreements, FSME.

The SRS Data Sheet summarizes our knowledge of the status of other Maine regulations, as indicated. Please let us know if you note any inaccuracies, or have any comments on the information contained in the SRS Data Sheet. This letter, including the SRS Data Sheet, is posted on the FSME website: <http://nrc-stp.ornl.gov/rulemaking.html>.

If you have any questions regarding the comments, the compatibility and health and safety categories, or any of the NRC regulations used in the review, please contact Kathleen Schneider, State Regulation Review Coordinator at (301) 415-2320 (kathleen.schneider@nrc.gov) or Monica Orendi at (301) 415-3938 (monica.orendi@nrc.gov).

Sincerely,

/RA/

Terrence Reis, Deputy Director
Division of Materials Safety and State Agreements
Office of Federal and State Materials
and Environmental Management Programs

Enclosures: As stated

Mr. Jay Hyland, Manager
 Division of Environmental Health
 Radiation Control Program
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 Division of Materials Safety and State Agreements
 Office of Federal and State Materials
 and Environmental Management Programs

Enclosures: As stated

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COMPATIBILITY COMMENTS ON MAINE PROPOSED REGULATIONS

STATE SECTION	NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
1	C.8.F	30.35	2003-1	<p>Financial assurance and recordkeeping for decommissioning</p> <p>Maine states in Part C 8.F. (1) that "... shall submit a decommissioning funding plan as described in paragraph (4) of this section.". However paragraph (3) is equivalent to 10 CFR 30.35(e) not paragraph (4) so this statement should read "... shall submit a decommissioning funding plan as described in paragraph (3) of this section.".</p> <p>Also Maine's regulation Part C 8.F(3) omits "Cost estimates must be adjusted at intervals not to exceed 3 years. The decommissioning funding plan must also contain a certification by the licensee that financial assurance for decommissioning has been provided in the amount of the cost estimate for decommissioning and a signed original of the financial instrument obtained to satisfy the requirements of paragraph (f) [Part C 8.F.(4)] of this section.".</p> <p>Maine needs to make the above changes to Part C 8.F in order to meet the Compatibility Category H&S designation assigned to 10 CFR 30.35(a) &(e).</p>
2	C.8.F	40.36	2003-1	<p>Financial assurance and recordkeeping for decommissioning</p> <p>Maine omits an equivalent section to 10 CFR 40.36 from their regulations. Maine needs to add financial assurance regulations for specific licenses authorizing the possession and use of more than 100 mCi of source material in a readily dispersible form and those authorizing possession and use of source material greater that 10 mCi but less than 100mCi in a readily dispersible form (10 CFR 40.36 (a) & (b)).</p>

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					<p>Also Maine's regulation Part C 8.F(3) omits "Cost estimates must be adjusted at intervals not to exceed 3 years. The decommissioning funding plan must also contain a certification by the licensee that financial assurance for decommissioning has been provided in the amount of the cost estimate for decommissioning and a signed original of the financial instrument obtained to satisfy the requirements of paragraph (f) [Part C 8.F.(4)] of this section."</p> <p>Maine needs to make the above changes to Part C 8.F in order to meet the Compatibility Category H&S designation assigned to 10 CFR 40.36(a), (b), &(d).</p>
3	C.8.F	70.25	2003-1	H&S	<p>Financial assurance and recordkeeping for decommissioning</p> <p>Maine's regulation Part C 8.F(3) omits "Cost estimates must be adjusted at intervals not to exceed 3 years. The decommissioning funding plan must also contain a certification by the licensee that financial assurance for decommissioning has been provided in the amount of the cost estimate for decommissioning and a signed original of the financial instrument obtained to satisfy the requirements of paragraph (f) [Part C 8.F.(4)] of this section."</p> <p>Maine needs to change Part C 8.F to address the above comment in order to meet the Compatibility Category H&S assigned to 10 CFR 70.25(e).</p>
4	L.1	71.13	2004-1	[B]	<p>Exemption of physicians</p> <p>Maine states in Part L 1. B that they are not incorporating 10 CFR 71.13(c) & (d) (previously approved packages) by reference. However 10 CFR 71.19 is previously approved packages and is a compatibility NRC which should not be incorporated by reference.</p> <p>Maine needs to remove 71.13(c) & (d)</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					from Part L 1. B and replace it with 10 CFR 71.19 (the entire section not just (c) & (d)) in order to meet the compatibility category [B] designation assigned to 10 CFR 71.13.
5	L.1	71.14(b)	2004-1	NRC	<p>Exemption of low level materials</p> <p>Maine incorporates this section by reference.</p> <p>Maine needs to add 10 CFR 71.14(b) to the list of sections not incorporated by reference in Part L 1. B in order to meet the Compatibility Category NRC designation assigned to 10 CFR 71.14(b).</p>
6	L.1	71.22	2004-1	[B]	<p>General license: Fissile material</p> <p>Although Maine states in Part L 1.B that they are not incorporating 10 CFR 71.24 (general license, fissile material) by reference, it should be noted that 10 CFR 71.24 is not titled General license: fissile material and that 10 CFR 71.22 General license: fissile material, should be incorporated by reference.</p> <p>Maine needs to remove 10 CFR 71.24 (general license: fissile material) from Part L 1. B in order to meet the Compatibility Category [B] designation assigned to 10 CFR 71.22.</p>
7	L.1	71.47	2004-1	[B]	<p>External radiation standards for all packages</p> <p>Maine states in Part L 1. B that 10 CFR 71 Subpart E is not incorporated by reference. However 10 CFR 71.47 is in 10 CFR Subpart E and should be included by reference due to it being assigned a Compatibility Category [B].</p> <p>Maine needs to incorporate by reference 10 CFR 71.47 in order to meet the Compatibility Category [B] designation assigned to 10 CFR 71.47.</p>
8	L.1	71.101(c)(2), (d), & (e)	2004-1	NRC	<p>Quality assurance requirements</p> <p>Maine incorporates 10 CFR</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					<p>71.101(c)(2), (d), & (e) by reference.</p> <p>Maine needs to not incorporate by reference 10 CFR 71.101(c)(2), (d), & (e) in order to meet the Compatibility Category NRC designation assigned to 10 CFR 71.101(c)(2), (d), &(e).</p>
9	G.2	35.2	2005-2 2006-1	B	<p>Definition: Radiation Safety Officer</p> <p>Maine should change paragraph (2) of their definition of Radiation Safety Officer for Medical Use to read “Is defined as a Radiation Safety Officer on a NRC or Agreement State license or equivalent permit, a license recognized by the Agency, or a medical use permit issued by a NRC master material licensee for similar types and uses of radioactive material.”.</p> <p>Maine needs to change their definition of Radiation Safety Officer for Medical Use to reflect the above in order to meet the Compatibility Category B designation assigned to 10 CFR 35.2 definition Radiation Safety Officer.</p>
10	G.50	35.50	2005-2 2006-1	B	<p>Training for a radiation safety officer</p> <p>Maine states in Part G 50 A. “...and who meets the requirements in paragraphs E and F of this section.”. This should read “... and who meet the requirements of paragraphs D and E of this section.</p> <p>Maine needs to remove “or before October 24, 2005 G.920 or G.930;” from Part G 50 A.2(b)(ii).</p> <p>Maine omits “or permit issued by a NRC master material licensee” from Part G 50 B.1(b).</p> <p>Maine omits “or G 50.C(2)” from Part G 50.D.</p> <p>Maine needs to make the above changes in order to meet the Compatibility Category B designation assigned to 10 CFR 35.50.</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
11	G.51	35.51	2005-2 2006-1	B	<p>Training for an authorized medical physicist</p> <p>Maine needs to remove “or before October 24, 2005 authorized users who meet the requirements of G.940 or G.960;” from Part G 51.A.(2)(ii).</p> <p>Maine needs to remove “or before October 24, 2005 G.961” from Part G 51.B.(2).</p> <p>Maine needs to make the above changes to Part G 51 in order to meet the Compatibility Category B designation assigned to 10 CFR 35.51.</p>
12	G.55	35.55	2005-2	B	<p>Training for an authorized nuclear pharmacist</p> <p>Maine omits “and who meets the requirements in paragraph (b)(2) [Maine regulation G.55.B(2)] of this section.” From Part G 55.A.</p> <p>Maine needs to add the above wording to Part G 55.A in order to meet the Compatibility category B designation assigned to 10 CFR 35.55.</p>
13	G.57	35.57	2005-2	B	<p>Training for experienced Radiation Safety Officer, teletherapy or medical physicist, authorized medical physicist, authorized user, nuclear pharmacist, and authorized nuclear pharmacist</p> <p>Maine’s regulation G.57A.(1) should read “... master material license permit or by a master material license permittee of broad scope ...”</p> <p>Maine needs to remove G.57.B(2) from its regulations. This is a duplication and is covered by G.57.B(1).</p> <p>Maine omits equivalent regulation text to 10 CFR 35.57 (a)(3) & (b)(3) from G.57.</p> <p>Maine needs to address the above comments in Part G 57 in order to</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					meet the Compatibility Category B designation assigned to 10 CFR 35.57.
14	G.100	35.100	2005-2 2006-1 2007-3	H&S	<p>Use of unsealed byproduct material for uptake, dilution, and excretion studies for which a written directive is not required</p> <p>Maine lists the wrong references in G.100.B.(2). G.100.B.(2) should read “ A physician who is an authorized user and who meets the requirements specified in G.290 or G.390 and G.290.C.(1)b.(vii), or,”.</p> <p>Maine needs to make the above change in order to meet the Compatibility Category H&S designation assigned to 10 CFR 35.100.</p>
15	G.200	35.200	2005-2 2006-1 2007-3	H&S	<p>Use of unsealed byproduct material for imaging and localization studies for which a written directive is not required</p> <p>Maine lists a wrong reference in G.200.B(2). G.200.B(2) should read “a physician who is an authorized user and who meets the requirements specified in G.290 or G.390 and G.290.C.(1)b.(vii), or”.</p> <p>Maine needs to make the above change to G.200.B(2) in order to meet the Compatibility Category H&S designation assigned to 10 CFR 35.200.</p>
16	G.290	35.290	2005-2 2006-1 2007-1	B	<p>Training for imaging and localization studies</p> <p>Maine lists a wrong reference in G.290.B, C(1)b, and C(2). The references that read G.290.C.(2) in the previously mentioned sections should read G.290.C.(1)b.(vii).</p> <p>Maine omits G.290.A.(1) from G290.C.(2). The sentence should read “...that the individual has satisfactorily completed the requirements in G.290.A(1) or G.290.C(1) and has achieved...”.</p>

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					Maine needs to make the above changes to Part G 290 in order to meet the Compatibility Category B designation assigned to 10 CFR 35.290.
17	G.392	35.392	2005-2 2006-1	B	<p>Training for the oral administration of sodium iodide I-131 requiring a written directive in quantities less than or equal to 1.22 gigabecquerels (33 millicuries)</p> <p>Maine omits “and who meets the requirements in paragraph (c)(3) [Maine regulation G.392.C.(3)]” after “or an Agreement State” in G.392.A.</p> <p>Maine needs to change the reference in G.392.B, G.392.C.(2), and G.392.C.(3) to read “in G.390.B.(1)b(vi)(a) or (b)” instead of “G.390.B.(1)b(vii)(a) or (b)”.</p> <p>Maine needs to make the above changes to Part G 392 in order to meet the Compatibility Category B designation assigned to 10 CFR 35.392.</p>
18	G.394	35.394	2005-1 2006-1	B	<p>Training for the oral administration of sodium iodide I-131 requiring a written directive in quantities greater than 1.22 gigabecquerels (33 millicuries)</p> <p>Maine needs to change the reference in G.394.B, G.394.C.(2), and G.394.C.(3) to read “in G.390.B.(1)b(vi)(a) or (b)” instead of “G.390.B.(1)b(vii)(a) or (b)” as stated in B and C(3) and instead of “G.390 B.(3)” as stated in C.(2).</p> <p>Maine omits “G.394” after “... who meets the requirements in G.390” in G.394.C.(3).</p> <p>Maine needs to make the above changes to Part G 394 in order to meet the Compatibility Category B designation assigned to 10 CFR 35.394.</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
19	G.396	35.396	2005-2 2006-1	B	<p>Training for the parenteral administration of unsealed byproduct material requiring a written directive</p> <p>Maine omits “for uses listed in §§ 35.390(b)(1)(ii)(G)(3) or 35.390(b)(1)(G)(4) [Maine equivalent G.390.B.(1)b(vi)(c) and G.390.B.(1)b(vi)(d)]” after “Is an authorized user under G.390” in G.396.A.</p> <p>Maine needs to change the reference in G.396.D.(2) and G.396.D.(3) to read “in G.390.B.(1)b(vi)(a) or (b)” instead of “G.390.B.(1)b(vii)(c) and/or G.390.B.(1)b(vi)(d)” instead of “G.390.B.(1)b(vii)(c) and/or G.390.B.(1)b(vii)(d)”.</p> <p>Maine needs to make the above changes in order to meet the Compatibility Category B designation assigned to 10 CFR 35.396.</p>
20	G.490	35.490	2005-2 2006-1	B	<p>Training for use of manual brachytherapy sources</p> <p>Maine omits “and who meets the requirements in paragraph (b)(3) [Maine equivalent G.490.B.(3)] of this section” after “... has been recognized by the Agency, the NRC, or an Agreement State”.</p> <p>In G.490.B.(3) Maine uses the word “certification”. This needs to be changed to the word “attestation”.</p> <p>Maine states “...that the individual has satisfactorily completed the requirements in G.490.A, or ...” in G.490.B.(3). However this should read “that the individual has satisfactorily completed the requirements in G.490.A.(1), or ...”.</p> <p>Maine needs to make the above changes in order to meet the Compatibility Category B designation assigned to 10 CFR 35.490.</p>
21	G.491	35.491	2005-2 2006-1	B	<p>Training for ophthalmic use of strontium-90</p>

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					<p>Maine states "Except as provided in G.21, the licensee shall..." in the introductory paragraph of G.491. However this statement should read "Except as provided in G.57, the licensee shall ...".</p> <p>Maine needs to make the above change in order to meet the Compatibility Category B designation assigned to 10 CFR 35.491.</p>
22	G.590	35.590	2005-2	B	<p>Training for use of sealed sources for diagnosis</p> <p>Maine needs to remove the reference to G.590.C from G.590.A because there is no G.590.C. 10 CFR 35.590(c) is actually G.590.B.(5) so by saying G.590.B Maine has equivalent text to 10 CFR 35.590(a).</p> <p>Maine needs to remove the reference to G.590.C from G.590.A in order to meet the Compatibility Category B designation assigned to 10 CFR 35.590.</p>
23	G.690	35.690	2005-2 2006-1	B	<p>Training for use of remote afterloader units, teletherapy units, and gamma stereotactic radiosurgery units</p> <p>Maine states "Except as provided in G.21, the licensee shall ..." in the introductory paragraph of G.690. This should read "Except as provided in G.57, the licensee shall...".</p> <p>Maine states "...and who meets the requirements in G.690.B.(3) and G.690.C." in G.690.A. However there is no G.690.C so this sentence should read "...and who meets the requirements in G.690.B.(3) and G.690.B.(4).".</p> <p>Maine states "...completed the requirements in G.690.A or G.690.B and has achieved..." in G.690.B.(3). However this should read "... completed the requirements in G.690.A.(1) or G.690.B.(1) and G.690.B.(2), and G.690.B.(4), and has</p>

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					<p>achieved...”.</p> <p>Maine needs to make the above changes in order to meet the Compatibility Category B designation assigned to 10 CFR 35.690.</p>
24	C.11.J	32.72	2006-1 2007-1 2007-3	B	<p>Manufacture, preparation, or transfer for commercial distribution of radioactive drugs containing byproduct material for medical use under part 35</p> <p>Maine references C.11.J.(2)c in C.11.J.(2)a and C.11.J.(2)b(iii). This reference is incorrect and needs to be changed to C.11.J.(2)d.</p> <p>C.11.J.(2)e(v) and C.11.J.(2)e(vii) are the same statement. This is duplicative and one of these statements should be removed.</p> <p>Maine needs to make the above changes in order to meet the Compatibility Category B designation assigned to 10 CFR 32.72.</p>
25	C.11.L	32.74	2006-1 2007-1	B	<p>Manufacture and distribution of sources or devices containing byproduct material for medical use</p> <p>Maine omits G.1000 from the introductory paragraph of C.11.L.</p> <p>Maine omits G.65 and G.600 from C.11.L.(3).</p> <p>Maine needs to remove “provided that such labeling for sources which do not require long term storage (e.g. gold-198 seeds) may be on a leaflet or brochure which accompanies the source” from C.11.J.(3) because there is no such equivalent text in 10 CFR 32.74(a)(3).</p> <p>Maine needs to make the above changes in order to meet the Compatibility Category B designation assigned to 10 CFR 32.74.</p>
26	G.2	35.2	2006-1	B	<p>Definition Authorized medical physicist</p>

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					<p>Maine needs to change the reference in paragraph (1) from "G.51" to "G.51.A".</p> <p>Maine needs to change the reference in paragraph (1) from "G.57" to "G.59".</p> <p>Maine omits "or teletherapy physicist" from paragraph (2) and (3).</p> <p>Maine omits "A permit issued by a Commission master material license broad scope medical use permittee".</p> <p>Maine needs to make the above changes to the definition of Authorized Medical Physicist in order to meet the Compatibility Category B designation assigned to 10 CFR 35.2 definition Authorized Medical Physicist.</p>
27	G.2	35.2	2006-1	B	<p>Definition Authorized nuclear pharmacist</p> <p>Maine needs to change the reference in paragraph (1) from "G.57" to "G.59".</p> <p>Maine omits text equivalent to 10 CFR 35.2 definition Authorized Nuclear Pharmacist paragraphs (2)(ii), (2)(iv), (3), and (4).</p> <p>Maine needs to rewrite their paragraph (2) to read "Is identified as an authorized nuclear pharmacist on a specific license or equivalent permit that authorizes medical use or the practice of nuclear pharmacy issued by the Agency, NRC, or Agreement State; or".</p> <p>Maine needs to make the above changes to their definition of Authorized Nuclear Pharmacist in order to meet the Compatibility Category B designation assigned to 10 CFR 35.2 definition Authorized Nuclear Pharmacist.</p>
28	G.2	35.2	2006-1	B	<p>Definition Authorized user</p> <p>Maine needs to remove the reference to G.491 from paragraph (1) of their definition.</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					<p>Maine omits equivalent text to 10 CFR 35.2 definition Authorized User paragraphs (2)(ii) and (2)(iv).</p> <p>Maine needs to make the above changes to their definition in order to meet the Compatibility Category B designation assigned to 10 CFR 35.2 definition Authorized User.</p>
29	G.59	35.59	2006-1	B	<p>Recentness of training</p> <p>Maine needs to remove “subparts I and J” from their list of sections from Part G.</p> <p>Maine needs to make the above change in order to meet the Compatibility Category B designation assigned to 10 CFR 35.59.</p>
30	C.3.A	30.14	2007-2	B	<p>Exempt concentrations</p> <p>Maine states in Part C 3.A.(4) “... producer of a product or material in an Agreement State is exempt ...”. By only listing Agreement States Maine is omitting Non-Agreement States. C.3.A.(4) should read “... producer of a product or material is exempt ...”.</p> <p>Maine needs to make the above change in order to meet the Compatibility Category B designation assigned to 10 CFR 30.14.</p>
31	C.3.C	30.15	2007-2 2007-3	B	<p>Certain items containing byproduct material</p> <p>Maine needs to change the date in C.3.C.(1)a(viii) from “July 1, 1999” to “November 30, 2007”.</p> <p>Maine needs to add “manufactured before December 17, 2007” to C.3.C.(1)b.</p> <p>Maine needs to remove C.3.C.(1)d “Thermostat dials and pointers containing not more than 925MBq (25mCi) of tritium per thermostat.</p> <p>Maine needs to make the above changes to Part C 3.C in order to</p>

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					meet the Compatibility Category B designation assigned to 10 CFR 30.15.
32	C.3.B	30.18	2007-2 2007-3	B	<p>Exempt quantities</p> <p>Maine omits “before September 25, 1971” after the words “received or acquired” in C.3.B.(2).</p> <p>Maine omits “then provided under 10 CFR 31.4 or similar general license of an Agreement State” after “under the general license” in C.3.B.(2).</p> <p>Maine needs to remove “Such exemption does not apply for radium-226.” From C.3.B.(2).</p> <p>Maine needs to remove “or by the agency pursuant to C.28.b” from C.3.B.(4). 10 CFR 32.18 in a Compatibility Category NRC and should not have a corresponding Agreement State regulation.</p> <p>Maine needs to make the above changes to C.3.B in order to meet the Compatibility Category B designation assigned to 10 CFR 30.18.</p>
33	C.6.C	31.5	2007-2 2007-3	B	<p>Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere</p> <p>Maine lists a wrong reference in C.6.C.(2)b. Maine needs to remove “C.6.J” and replace it with “C.6.C.(3j)”.</p> <p>Maine omits the word “receives” from C.6.C.(3).</p> <p>Maine lists two incorrect references in C.6.C.(3)i(i). The first reference to “C.6.C.(3)i” should be “C.6.C.(3)h” and the second reference to “C.6.C.(3)i” should “C.6.C.(3)j”.</p> <p>Maine lists the wrong reference in section C.6.C.(3)i(iv). Maine needs to remove the reference “C.6.C.(3)h(ii)” and replace it with “C.6.C.(3)i(ii)”.</p> <p>Maine omits “a copy of 30.51,</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					<p>20.2201, 20.2202 [insert equivalent Maine regulations] (note 31.2 is a D and is not required to be listed)” after “a copy of this regulation,” in C.6.C.(3)j(i).</p> <p>Maine lists the an incorrect reference in C.6.C.(3)j(i)(d). Maine needs to remove “C.6.C.(3)l” and replace it with “C.6.C.(3)m”.</p> <p>Maine has two incorrect references in C.6.C.(3)n(i). Maine needs to change the reference “C.6.C” to “C.6.C.(3)n(ii) and 31.5(c)(13(iii)” and the reference “C.6.C.(3)” to “31,5(c)(13)(iii)(D)”.</p> <p>Maine omits equivalent regulations to 10 CFR 31.5(c)(13)(iii) & (iv).</p> <p>Maine needs to make the above changes in order to meet the Compatibility Category B designation assigned to 10 CFR 31.5.</p>
34	C.11.A	32.13	2007-2	C	<p>Same: Prohibition of introduction</p> <p>Maine states in C.11.A “with a license issued pursuant to C.11.A.(1) or the general license provided in C.24.”. C.11.A.(1) does not exist in Maine’s regulations and C.24 is an incorrect reference. This statement should be rewritten to read “with a license issued under 10 CFR 32.11”.</p> <p>Maine needs to make the above change in order to meet the Compatibility Category C designation assigned to 10 CFR 32.13.</p>
35	C.11.B.(3)	32.20	2007-2	NRC	<p>Same: Records and material transfer reports</p> <p>Maine has a regulation equivalent to 10 CFR 32.20(a) in C.11.B.(3). 10 CFR 32.20 is designated a Compatibility Category NRC and therefore needs to be removed from Maine’s regulations.</p> <p>Maine needs to remove C.11.B.(3) from it’s regulations in order to meet</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					the Compatibility Category NRC designation assigned to 10 CFR 32.20.
36	C.24	150.20	2007-2	C	<p>Recognition of Agreement State licenses</p> <p>Maine omits “for a period of time not to exceed 180 calendar days” after “within this State” in C.24.A.(1).</p> <p>Maine needs to make the above change in order to meet the Compatibility Category C designation assigned to 10 CFR 150.20.</p>
37	A	20.1003 30.4 150.3	2007-3	H&S	<p>Definition Byproduct material</p> <p>Maine omits the word “activity” from paragraph c.2.b of the definition.</p> <p>Maine needs to add the word “activity” to paragraph c.2.b in order to meet the Compatibility Category H&S designation assigned to 10 CFR 20.1003 Definition Byproduct Material.</p>
38	A	20.1003 61.2	2007-3	B	<p>Definition Waste</p> <p>Maine states “... in paragraphs a, b, or c of the definition ...”. This should actually read “... in paragraphs b, c, or d of the definition ...”.</p> <p>Maine needs to make the above change in order to meet the Compatibility Category B designation assigned to 10 CFR 20.1003 Definition Waste.</p>
39	D.2001	20.2001	2007-3	C	<p>General requirements</p> <p>Maine should remove “M, or U” from D.2001.A.(1).</p> <p>Maine needs to correct the reference in D.2001.A.(4) to read “D.2008” instead of “2008”.</p> <p>Maine needs to add “pursuant to 10 CFR 61” to D.2001.B.(5).</p> <p>Maine needs to make the above changes in order to meet the</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					Compatibility Category C designation assigned to 10 CFR 20.2001.
40	D.2006	20.2006	2007-3	B	<p>Transfer for disposal and manifests</p> <p>Maine needs to remove the reference to Part D Appendix G from D.2006.A.</p> <p>Maine needs to change the text of D.2006 after “The requirements of D.2006 and Appendix D of this Part are designed to” to read “control transfers of low-level radioactive waste by any waste generator, waste collector, or waste processor licensee, as defined, who ships low-level waste either directly or indirectly through a waste processor to a licensed low-level waste land disposal facility;”.</p> <p>Maine has an incorrect reference in D.2006.E. The reference should be made to Appendix D not Appendix G.</p> <p>Maine omits equivalent provisions to 10 CFR 20.2006 (a)(3), (c), (d), & (e).</p> <p>Maine needs to make the above changes to D.2006 in order to meet the Compatibility Category B designation assigned to 10 CFR 20.2006.</p>
41	D.2008	20.2008	B	2007-3	<p>Disposal of 11e.(3) and 11e.(4) byproduct material</p> <p>Maine has a section listed for this regulation in Part D, however there is no text listed under this heading.</p> <p>Maine needs to add equivalent text to 10 CFR 20.2008 to D.2008 in order to meet the Compatibility Category B designation assigned to 10 CFR 20.2008.</p>
42	D Appendix B	20 Appendix B	A	2007-3	<p>Annual Limits on Intake (ALIs) and Derived Air Concentrations (DACs) of Radionuclides for Occupational</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					<p>Exposure; Effluent Concentrations; Concentrations for Release to Sewerage</p> <p>Maine did not add Nitrogen and Oxygen to either table in Part D Appendix B.</p> <p>Maine needs to make the above change in order to meet the Compatibility Category A designation assigned to 10 CFR 20 Appendix B.</p>
43	C.1.A	30.3(a)	C	2007-3	<p>Activities requiring license</p> <p>Maine omits the words “manufacture and produce” from C.1.A.</p> <p>Maine needs to add the above words to C.1.A in order to meet the Compatibility Category C designation assigned to 10 CFR 30.3(a).</p>
44	C.3.C.(4)	30.20	B	2007-3	<p>Gas and aerosol detectors containing byproduct material</p> <p>Maine inserts the word “and” between the words “distribution” and “gas” in C.3.C.(4)a. The word “and” needs to be removed.</p> <p>Maine states “... with a specific license issued by the Agency or the NRC pursuant to 10 CFR Part 32.26 ...”. Maine needs to remove “the Agency” from the above statement because 10 CFR 32.26 is a Compatibility Category NRC.</p> <p>Maine’s two references in C.3.C.(4)(b) to “C.3.C.(3)a” are incorrect. Maine should change these references to “C.3.C.(4)a”.</p> <p>Maine needs to remove “pursuant to C.11.C” from C.3.C.(4)b and replace it with “pursuant to 10 CFR 32.26”.</p> <p>Maine needs to make the above changes in order to meet the Compatibility Category B designation assigned to 10 CFR 30.20.</p>
45	C.7.H	30.32(j)	2007-3	B	<p>Application for specific licenses</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					<p>Maine omits "NRC requirements" from C.7.H.(1). C.7.H.(1) should read "... an existing license issued under this Part, NRC requirements, or Agreement State requirements for a ...".</p> <p>Maine needs to make the above change in order to meet the Compatibility Category B designation assigned to 10 CFR 30.32(j).</p>
46	C.14.D & G	30.34(g)	2007-3	B	<p>Terms and conditions of licenses</p> <p>Maine repeats this section in their regulations.</p> <p>Maine needs to remove either C.14 D or C.14.G in order to meet the Compatibility Category H&S designation assigned to 10 CFR 30.34(g).</p>
47	C.14.H	30.34(j)	2007-3	B	<p>Terms and conditions of licenses</p> <p>Maine lists an incorrect reference in C.14.H.(1), C.14.H.(2), C.14.H.(3), and C.14.H.(4). Maine needs to change "C.7.J" to "C.7.H".</p> <p>Maine lists an incorrect reference in C.14.H.(2)a and C.14.H.(2)b. Maine needs to change "C.7.J" to "C.11.J".</p> <p>Maine lists an incorrect reference in C.14.H.(3)a and C.14.H.(4). Maine needs to change "C.11.I" to "C.11.J".</p> <p>Maine needs to make the above changes in order to meet the Compatibility Category B designation assigned to 10 CFR 30.34(j).</p>
48	C.11.F.(4)	32.59	2007-3	B	<p>Same: Leak testing of each source</p> <p>Maine lists two incorrect references in C.11.F.(4). Maine needs to remove "C.28f" and replace it with "C.11.F" and Maine needs to remove "C.22h" and replace it with "C.6".</p> <p>Maine needs to make the above changes in order to meet the Compatibility Category B designation assigned to 10 CFR 32.59.</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
49	C.11.H	32.71	2007-3	B	<p>Manufacture and distribution of byproduct material for certain in vitro clinical or laboratory testing under general license</p> <p>Maine has an incorrect reference listed in C.11.H.(3)b. Maine needs to remove "D.27 and replace it with "D.1901.A".</p> <p>Maine has an incorrect reference in C.11.H.(5). Maine needs to remove "D.33" and replace it with "D.2001".</p> <p>Maine needs to make the above changes in order to meet the Compatibility Category B designation assigned to 10 CFR 32.71.</p>
50	C.11.F.(2)	32.102	2007-3	B	<p>Schedule-C prototype tests for calibration or reference sources containing americium-241</p> <p>Maine lists an incorrect reference in C.11.F.(2). Maine needs to remove "C.28f" and replace it with "C.11.F".</p> <p>Maine needs to make the above change in order to meet the Compatibility Category B designation assigned to 10 CFR 32.102.</p>
51	G.11	35.11(a)	2007-3	C	<p>License required</p> <p>Maine needs to fix the references in G.11.A to read "G.11.B or G.11.C".</p> <p>Maine needs to remove the "(1)" before G.11.C.</p> <p>Maine needs to make the above changes in order to meet the Compatibility Category C designation assigned to 10 CFR 35.11(a) & (b).</p>
52	J.4	19.13	2008-1	C	<p>Notification and reports to individuals</p> <p>Maine lists an incorrect reference in J.4.B. Maine needs to remove "D.2103" and replace it with "D.1502".</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					<p>Maine omits listing "D.2202" and "D.2204" in J.4.E.</p> <p>Maine needs to make the above changes in order to meet the Compatibility Category C designation assigned to 10 CFR 19.13.</p>

STATE REGULATION STATUS

State: Maine
[11 amendment(s) reviewed is identified by a ★
at the beginning of the equivalent NRC requirement.]

Tracking Ticket Number: 8-102
Date: December 22, 2008

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Package	Outgoing Package	Notes
1991-1	Safety Requirements for Radiographic Equipment Part 34 55 FR 843 (Superseded by 1997-5)	01/10/1994	Final ML012710492	No Comments 12/11/2001 ML013520336	Maine has adopted Final Regulations equivalent to RATS ID: 1997-5.
1991-2	ASNT Certification of Radiographers Part 34 56 FR 11504 (Superseded by 1997-5)	none	Not Required	Not Required	Maine has adopted Final Regulations equivalent to RATS ID: 1997-5.
1991-3	Standards for Protection Against Radiation Part 20 56 FR 23360; 56 FR 61352; 57 FR 38588; 57 FR 57877; 58 FR 67657; 59 FR 41641; 60 FR 20183;	01/01/1994	Final ML012710492	No Comments 12/11/2001 ML013520336	
1991-4	Notification of Incidents Parts 20, 30, 31, 34, 39, 40, 70 56 FR 64980;	10/15/1994	Final ML012710492	No Comments 12/11/2001 ML013520336	
1992-1	Quality Management Program and Misadministrations Part 35 56 FR 34104 (Superseded by 2002-2)	01/27/1995	Final ML012710492	No Comments 12/11/2001 ML013520336	Maine has adopted Final Regulations equivalent to RATS ID: 2002-2.
1992-2	Eliminating the Recordkeeping Requirements for Departures from Manufacturer's Instructions Parts 30, 35 57 FR 45566	none	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility.
1993-1	Decommissioning Recordkeeping and License Termination: Documentation Additions [Restricted areas and spill sites] Parts 30, 40 58 FR 39628	10/25/1996	Final ML012710492	No Comments 12/11/2001 ML013520336	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Package	Outgoing Package	Notes
1993-2	Licensing and Radiation Safety Requirements for Irradiators Part 36 58 FR 7715	07/01/1996	Not Applicable ⁱ	Not Applicable	Maine does not have any licensees subject to these regulations. (See SECY 95-112)
1993-3	Definition of Land Disposal and Waste Site QA Program Part 61 58 FR 33886	07/22/1996	Not Applicable	Not Applicable	Maine does not have authority to regulate this material under its Agreement.
1994-1	Self-Guarantee as an Additional Financial Mechanism Parts 30, 40, 70 58 FR 68726; 59 FR 1618	none	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility.
1994-2	Uranium Mill Tailings Regulations: Conforming NRC Requirements to EPA Standards Part 40 59 FR 28220	07/01/1997	Not Applicable	Not Applicable	Maine does not have authority to regulate this material under its Agreement.
1994-3	Timeliness in Decommissioning Material Facilities Parts 30, 40, 70 59 FR 36026	08/15/1997	Final ML012710492	No Comments 12/11/2001 ML013520336	
1995-1	Preparation, Transfer for Commercial Distribution, and Use of Byproduct Material for Medical Use Parts 30, 32, 35 59 FR 61767; 59 FR 65243; 60 FR 322	01/01/1998	Final ML012710492	No Comments 12/11/2001 ML013520336	
1995-2	Frequency of Medical Examinations for Use of Respiratory Protection Equipment Part 20 60 FR 7900	03/13/1998	Final	No Comments 11/24/1999	
1995-3	Low-Level Waste Shipment Manifest Information and Reporting Parts 20, 61 60 FR 15649; 60 FR 25983	03/01/1998	Final ML021830034 ML021990480	No Comments 08/27/2002 ML022400454	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Package	Outgoing Package	Notes
1995-4	Performance Requirements for Radiography Equipment Part 34 60 FR 28323 (Superceded by 1997-5)	06/30/1998	Final ML021830034 ML021990480	No Comments 08/27/2002 ML022400454	Maine has adopted Final Regulations equivalent to RATS ID: 1997-5.
1995-5	Radiation Protection Requirements: Amended Definitions and Criteria Parts 19, 20 60 FR 36038	08/14/1998	Final ML021830034 ML021990480	No Comments 08/27/2002 ML022400454	
1995-6	Clarification of Decommissioning Funding Requirements Parts 30, 40, 70 60 FR 38235	11/24/1998	Final ML021830034 ML021990480	No Comments 08/27/2002 ML022400454	
1995-7	Medical Administration of Radiation and Radioactive Materials Parts 20, 35 60 FR 48623 (Superceded by 2002-2 and 2005-2)	10/20/1998	Final ML021830034 ML021990480	No Comments 08/27/2002 ML022400454	Maine has not yet adopted Final Regulations equivalent to RATS ID: 2005-2.
1996-1	Compatibility with the International Atomic Energy Agency Part 71 60 FR 50248; 61 FR 28724 (Superceded by 2004-1)	04/01/1999	Final ML021830034 ML021990480	No Comments 08/27/2002 ML022400454	Maine has not yet adopted Final Regulations equivalent to RATS ID: 2004-1.
1996-2	One Time Extension of Certain Byproduct, Source and Special Nuclear Materials Licenses Parts 30, 40, 70 61 FR 1109	02/15/1999	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility.
1996-3	Termination or Transfer of Licensed Activities: Record keeping Requirements Parts 20, 30, 40, 61, 70 61 FR 24669	06/17/1999	Final	No Comments 11/24/1999	
1997-1	Resolution of Dual Regulation of Airborne Effluents of Radioactive Materials; Clean Air Act Part 20 61 FR 65120	01/9/2000	Final ML012710492	No Comments 12/11/2001 ML013520336	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Package	Outgoing Package	Notes
1997-2	Recognition of Agreement State Licenses in Areas Under Exclusive Federal Jurisdiction Within an Agreement State Part 150 62 FR 1662	02/27/2000	Final ML012710492	No Comments 12/11/2001 ML013520336	
1997-3	Criteria for the Release of Individuals Administered Radioactive Material Parts 20, 35 62 FR 4120	05/29/2000	Final ML012710492	No Comments 12/11/2001 ML013520336	
1997-4	Fissile Material Shipments and Exemptions Part 71 62 FR 5907 (Superseded by 2004-1)	02/10/2000	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility. (See STP-97-078)
1997-5	Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiography Operations Parts 30, 34, 71, 150 62 FR 28947	06/27/2000	Final ML021830034 ML021990480	No Comments 08/27/2002 ML022400454	
1997-6	Radiological Criteria for License Termination Parts 20, 30, 40, 70 62 FR 39057	08/20/2000	Final	No Comments 11/24/1999	
1997-7	Exempt Distribution of a Radioactive Drug Containing One Micro curie of Carbon-14 Urea Part 30 62 FR 63634	01/02/2001	Final	No Comments 11/24/1999	
1998-1	Deliberate Misconduct by Unlicensed Persons Parts 30, 40, 61, 70, 71, 150 63 FR 1890; 63 FR 13773	02/12/2001	Final ML021830034 ML021990480	No Comments 8/27/02 ML022400454	
1998-2	Self-Guarantee of Decommissioning Funding by Nonprofit and Non-Bond-Issuing Licensees Parts 30, 40, 70 63 FR 29535	07/01/2001	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility.

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Package	Outgoing Package	Notes
1998-3	License Term for Medical Use Licenses Part 35 63 FR 31604 (Superceded by 2002-2)	07/10/2001	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility. (See STP-98-074) Maine has adopted Final Regulations equivalent to RATS ID: 2002-2.
1998-4	Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations Part 34 63 FR 37059	07/09/2001	Final ML012710492	No Comments 12/11/2001 ML013520336	
1998-5	Minor Corrections, Clarifying Changes, and a Minor Policy Change Parts 20, 35, 36 63 FR 39477; 63 FR 45393	10/26/2001	Final ML021830034 ML021990480	No Comments 08/27/2002 ML022400454	
1998-6	Transfer for Disposal and Manifests: Minor Technical Conforming Amendment Part 20 63 FR 50127	11/20/2001	Final ML021830034 ML021990480	No Comments 08/27/2002 ML022400454	
1999-1	Radiological Criteria for License Termination of Uranium Recovery Facilities Part 40 64 FR 17506	06/11/2002	Not Applicable	Not Applicable	Maine does not have the authority to regulate this material under its Agreement.
1999-2	Requirements for Those Who Possess Certain Industrial Devices Containing Byproduct Material to Provide Requested Information Part 31 64 FR 42269	10/04/2002	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility.
1999-3	Respiratory Protection and Controls to Restrict Internal Exposure Part 20 64 FR 54543; 64 FR 55524	02/02/2003	Final ML021830034 ML021990480	No Comments 08/27/2002 ML022400454	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Package	Outgoing Package	Notes
2000-1	Energy Compensation Sources for Well Logging and Other Regulatory Clarifications Part 39 65 FR 20337	05/17/2003	Final ML021830034 ML021990480	No Comments 08/27/2002 ML022400454	
2000-2	New Dosimetry Technology Parts 34, 36, 39 65 FR 63750	01/08/2004	Final ML012710492	No Comments 12/11/2001 ML013520336	
2001-1	Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material Parts 30, 31, 32 65 FR 79162	02/16/2004	Final ML031500588	Comments 08/31/2006 ML062370173	
2002-1	Revision of the Skin Dose Limit Part 20 67 FR 16298	04/05/2005	Final ML031500588	No Comments 10/31/2003 ML033040387	
2002-2	Medical Use of Byproduct Material Parts 20, 32, 35 67 FR 20249	10/24/2005	Final ML031500588	No Comments 10/31/2003 ML033040387	
★2003-1	Financial Assurance for Materials Licensees Parts 30, 40, 70 68 FR 57327	12/03/2006	Proposed ML083170116	Comments 12/22/2008 ML083390176	
★2004-1	Compatibility With IAEA Transportation Safety Standards and Other Transportation Safety Amendments Part 71 69 FR 3697	10/01/2007	Proposed ML083170116	Comments 12/22/2008 ML083390176	
★2005-1	Security Requirements for Portable Gauges Containing Byproduct Material Part 30 70 FR 2001	07/11/2008	Proposed ML083170116	No Comments 12/22/2008 ML083390176	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Package	Outgoing Package	Notes
★2005-2	Medical Use of Byproduct Material - Recognition of Specialty Boards Part 35 70 FR 16336; 71 FR 1926	04/29/2008	Proposed ML083170116	Comments 12/22/2008 ML083390176	
2005-3	Increased Controls for Risk-Significant Radioactive Sources (NRC Order EA-05-090) 70 FR 72128	12/01/2005	License Condition ML053130012	No Comments 11/10/2005 ML053180036	
★2006-1	Minor Amendments Parts 20, 30, 32, 35, 40 and 70 71 FR 15005	03/27/2009	Proposed ML083170116	Comments 12/22/2008 ML083390176	
★2006-2	National Source Tracking System - Serialization Requirements Part 32 with reference to Part 20 Appendix E 71 FR 65685	02/06/2007	Proposed ML083170116	No Comments 12/22/2008 ML083390176	
★2006-3	National Source Tracking System Part 20 71 FR 65685, 72 FR 59162	01/31/2009	Proposed ML083170116	No Comments 12/22/2008 ML083390176	
★2007-1	Medical Use of Byproduct Material - Minor Corrections and Clarifications Parts 32 and 35 72 FR 45147, 54207	10/29/2010	Proposed ML083170116	Comments 12/22/2008 ML083390176	
★2007-2	Exemptions From Licensing, General Licenses, and Distribution of Byproduct Material: Licensing and Reporting Requirements Parts 30, 31, 32, 150 72 FR 58473	12/17/2010	Proposed ML083170116	Comments 12/22/2008 ML083390176	
★2007-3	Requirements for Expanded Definition of Byproduct Material Parts 20, 30, 31, 32, 33, 35, 61, 150 72 FR 55864	11/30/2010	Proposed ML083170116	Comments 12/22/2008 ML083390176	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Package	Outgoing Package	Notes
2007-4	Order Imposing Fingerprinting Requirements and Criminal History Records Check Requirements for Unescorted Access to Certain Radioactive Material NRC Order EA-07-305 72 FR 70901	06/05/2008	License Condition ML081230585	No Comments 05/06/2008 ML081260717	
★2008-1	Occupational Dose Records, Labeling Containers, and Total Effective Dose Equivalent Parts 19, 20 72 FR 68043	02/15/2011	Proposed ML083170116	Comments 12/22/2008 ML083390176	

ⁱ IMPEP Team: verify that Maine does not have any licensees subject to these regulations during each review.