

Rulemaking Comments

From: Sahle, Solomon
Sent: Wednesday, October 14, 2009 1:49 PM
To: Rulemaking Comments
Cc: Gallagher, Carol; Ngbea, Evangeline; Hsueh, Kevin; OSullivan, Kevin
Subject: FW: Maine comments on proposed rule limiting the quantity of byproduct materials in generally licensed devices.
Attachments: Maine comments fsme 09-066.pdf

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USNRC

Maine's Comment

October 14, 2009 (3:44pm)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

From: Hyland, Jay [mailto:Jay.Hyland@maine.gov]
Sent: Wednesday, October 14, 2009 1:47 PM
To: Sahle, Solomon
Subject: Maine comments on proposed rule limiting the quantity of byproduct materials in generally licensed devices.

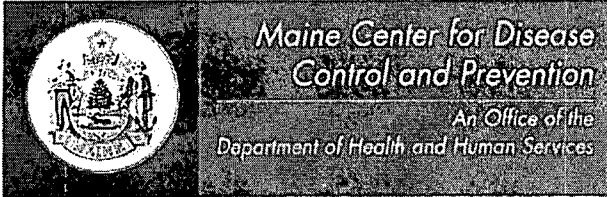
Thanks,

Jay Hyland

Radiation Control Program
Division of Environmental Health
Maine Center for Disease Control and Prevention
Department of Health and Human Services
www.maineradiationcontrol.org
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Template = SECY-067



John E. Baldacci, Governor

Brenda M. Harvey, Commissioner

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October 13, 2009

Mark Shaffer, Director
Division of Intergovernmental Liaison and Rulemaking
Office of Federal and State Materials and Environmental Management Programs U.S. Nuclear
Regulatory Commission
Two White Flint North
11545 Rockville Pike
Rockville, MD 20852

Re: OPPORTUNITY TO COMMENT ON PROPOSED RULE ON "LIMITING THE QUANTITY OF
BYPRODUCT MATERIAL IN A GENERALLY LICENSED DEVICE " (FSME-09-066)

Dear Mr. Shaffer:

We are pleased to have an opportunity to comment on the new General License (GL) requirements. As you are aware, on June 27, 2005, the Organization of Agreement States (OAS) petitioned the NRC to strengthen the regulation of radioactive materials by requiring a Specific License (SL) for higher-activity devices that are currently available under 10 CFR 31.5. In addition and more importantly, we requested a change to the compatibility of 10 CFR 31.5 from Category "B" to Category "C". Furthermore, the State of Florida also requested similar changes specifically for 10 CFR 31.5(c).(13).(i).

We have reviewed the proposed rule and agree with the changes that will be made to accommodate the above mentioned petitions. We understand and agree with the rationale for setting the lower limit for a Generally Licensed device at 1/10th of the thresholds listed for Category 3 radioactive materials. We also agree with the "B" to "C" compatibility changes. We cannot support this rulemaking without these compatibility changes in the final rule.

We agree that the newly upgraded GL devices should be Specifically Licensed. It is our understanding that some States currently require all portable gauges to be specifically licensed, even if they are initially distributed as GL devices. This allows our license reviewers and inspectors to monitor if and when the licensee accumulates devices in excess of IAEA Quantity 2. It would therefore provide our staff with the mechanism for ensuring that those licensees are appropriately sent the more stringent IC Regulations.

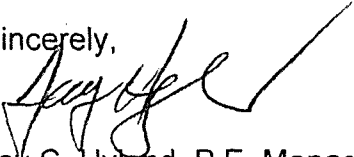
The Maine Radiation Control Program does not believe that this would cause any undue hardships or confusion when it comes to reciprocity. The devices will now be Specifically Licensed and should be treated that way. This would greatly simplify procedures. Currently we have several facilities that possess both SL & GL devices and it creates an uneven playing field when a GL service company is allowed to come into the State without having to file reciprocity but a SL service company is required to for exactly the same work. In some cases, the GL device may be the larger hazard.

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Furthermore we would also propose that all the appropriate Sealed Source and Device (SS&D) registration certificates be amended to reflect the new SL designations as quickly and efficiently as possible after the final rule is published to avoid confusion.

We appreciate your attention to these matters and thank you for the opportunity to comment on them. If you have any further questions on our comments, please contact me by either email or phone as listed below.

Sincerely,



Jay C. Hyland, P.E. Manager
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Content-Transfer-Encoding: binary
From: "Sahle, Solomon" <Solomon.Sahle@nrc.gov>
To: Rulemaking Comments <Rulemaking.Comments@nrc.gov>
CC: "Gallagher, Carol" <Carol.Gallagher@nrc.gov>, "Ngbea, Evangeline"
<Evangeline.Ngbea@nrc.gov>, "Hsueh, Kevin" <Kevin.Hsueh@nrc.gov>,
"OSullivan, Kevin" <Kevin.OSullivan@nrc.gov>
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