



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

September 30, 2019

Jay Hyland, Manager
Division of Environmental Health
Maine Radiation Control Program
286 Water Street, 11 State House Station
Augusta, ME 04333

Dear Mr. Hyland:

We have reviewed the proposed revisions to the *Maine Rules Relating to Radiation Safety*, received by our office on July 24, 2019. These regulations were reviewed by comparison to the equivalent U.S. Nuclear Regulatory Commission (NRC) rules and Regulation Amendment Tracking System Identification Numbers (RATS IDs) 2011-1, 2012-2, 2012-3, 2012-4, 2013-1 [included in Maine proposed revisions although not noted in Maine's letter], 2013-2, 2015-1, 2015-2, 2015-3, 2015-4, 2015-5, 2018-1, and 2018-2 as identified in the enclosed State Regulation Status (SRS) Data Sheet. We discussed our review of the regulations with Tom Hillman on September 30, 2019.

As a result of our review, we have 45 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 Nuclear Material Safety and Safeguards (NMSS) Procedure SA-200, "Compatibility Categories and Health and Safety Identification for NRC Regulations and Other Program Elements".

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 NMSS Procedure SA-201, "Review of State Regulatory Requirements", please highlight the final changes, and provide a copy to Division of Materials Safety, Security, State, and Tribal Programs, NMSS.

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 NMSS State Communication Portal: <https://scp.nrc.gov/rulemaking.html>.

J. Hyland

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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 Michelle Beardsley, State Regulation Review Coordinator, at (301) 415-0275 (Michelle.Beardsley@nrc.gov) or Monica Ford at (610) 337-5214 (Monica.Ford@nrc.gov).

Sincerely,

/RA/ PMichalak for

Kevin Williams, Deputy Director
Division of Materials Safety, Security, State
and Tribal Programs
Office of Nuclear Material Safety
and Safeguards

Enclosures:

1. Compatibility Comments
2. Maine SRS Data Sheet

J. Hyland

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SUBJECT: LETTER TO J. HYLAND, MAINE PROPOSED REVISIONS TO RATS ID 2011-1, 2012-2, 2012-3, 2012-4, 2013-1 2013-2, 2015-1, 2015-2, 2015-3, 2015-4, 2015-5, 2018-1, AND 2018-2

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COMPATIBILITY COMMENTS ON MAINE PROPOSED REGULATIONS

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
1	D.1404.A	20.1404(a)	2011-1	C	<p>Alternate criteria for license termination</p> <p>Maine omits the following language from the beginning of D.1404.A(5): “Has provided sufficient financial assurance...”</p> <p>Maine needs to add the above language to the beginning of D.1404.A(5) in order to meet the Compatibility Category C designation assigned to 10 CFR 20.1404(a).</p>
2	C.14.B	30.34(b)	2011-1	C	<p>Terms and conditions of licenses</p> <p>Maine needs to change the reference in C.14.B(1)(b) from C.25 to C.8.F.</p> <p>Maine needs to make the above change to C.14.B in order to meet the Compatibility Category C designation assigned to 10 CFR 30.34(b).</p>
3	C.8.F	30.35(e)	2011-1	H&S	<p>Financial assurance and recordkeeping for decommissioning</p> <p>Maine needs to remove the references to the NRC’s regulations in C.8.F(5)(a)(ii) and replace them with the equivalent Maine regulations (D.1402 and D.1403).</p> <p>Maine needs to make the above change in order to meet the Compatibility Category H&S designation assigned to 10 CFR 30.35(e).</p>
4	C.8.F	40.36(d)	2011-1	H&S	<p>Financial assurance and recordkeeping for decommissioning</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					<p>Maine needs to remove the references to the NRC's regulations in C.8.F(5)(a)(ii) and replace them with the equivalent Maine regulations (D.1402 and D.1403).</p> <p>Maine needs to make the above change in order to meet the Compatibility Category H&S designation assigned to 10 CFR 40.36(d).</p>
5	C.14.B	40.46	2011-1	C	<p>Inalienability of licenses</p> <p>Maine needs to change the reference in C.14.B(1)(b) from C.25 to C.8.F.</p> <p>Maine needs to make the above change in order to meet the Compatibility Category C designation assigned to 10 CFR 40.46.</p>
6	C.8.F	70.25(e)	2011-1	H&S	<p>Financial assurance and recordkeeping for decommissioning</p> <p>Maine needs to remove the references to the NRC's regulations in C.8.F(5)(a)(ii) and replace them with the equivalent Maine regulations (D.1402 and D.1403).</p> <p>Maine needs to make the above change in order to meet the Compatibility Category H&S designation assigned to 10 CFR 70.25(e).</p>
7	C.14.B	70.36	2011-1	C	<p>Inalienability of licenses</p> <p>Maine needs to change the reference in C.14.B(1)(b) from C.25 to C.8.F.</p> <p>Maine needs to make the above change in order to meet the Compatibility Category C designation assigned to 10 CFR 70.36.</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
8	Part L	10 CFR Part 71	2012-2 2015-3	Various	<p>10 CFR Part 71 – Transportation</p> <p>Maine needs to make the following changes to Part L.</p> <p>1) Maine needs to add the following sections to L.1.B: 71.11, 71.85(a)-(c), 71.91(b), 71.107, 71.109, 71.111, 71.113, 71.115, 71.117, 71.119, 71.121, 71.123, and 71.125.</p> <p>2) Maine needs to change L.2 to read as follows:</p> <p>Effect of Incorporation of 10 CFR Part 71 (effective date June 14, 2015). To reconcile differences between this part and the incorporated sections of 10 CFR Part 71 (relating to packaging and transportation of radioactive material), the following words and phrases are substituted for the language in 10 CFR Part 71 as follows:</p> <p>A. Where the words “NRC,” “Commission,” “Nuclear Regulatory Commission,” “United States Nuclear Regulatory Commission,” or “Administrator of the appropriate Regional Office” appear in 10 CFR Part 71, substitute the words “[State] Department/Agency” except when used in 10 CFR 71.5 (b), 71.10, 71.17(c)(3), and (e), 71.85(c), 71.88(a)(4), 71.93(c), 71.95, 71.97(c), (c)(3)(iii), and (f).</p> <p>B. The terms “certificate of compliance, compliance holder or applicant” apply to the NRC as they are the sole authority for issuing a package Certificate of Compliance.</p>

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					<p>3) 10 CFR 71.9 employee protection also applies to violations of Maine Administrative Code in XXXXX.</p> <p>4) Maine form number XXXX, "Notice to Employees," must be posted instead of NRC Form 3 that is specified in 10 CFR Part 71.</p> <p>Maine needs to make the above changes in order to meet the Compatibility Category designations assigned to 10 CFR 71.</p>
9	E.5	34.20(a)(1)	2012-3	B	<p>Performance requirements for industrial radiography equipment</p> <p>Maine omits where the publication may be purchased from in E.5.A.</p> <p>Maine needs to add the publication purchase information to E.5.A in order to meet the Compatibility Category B designation assigned to 10 CFR 34.20(a)(1).</p>
10	C.3.C(1)	30.15(a)(2)	2012-4	B	<p>Certain items containing byproduct material</p> <p>Maine does not have equivalent regulation text to 10 CFR 30.15(a)(2)(iii) in C.3.C(1).</p> <p>Maine needs to add equivalent text from 30.15(a)(2)(iii) to C.3.C(1) in order to meet the Compatibility Category B designation assigned to 10 CFR 30.15(a)(2).</p>
11	C.3.C(6) & (7)	30.22	2012-4	B	<p>Certain industrial devices</p> <p>Maine references C.7 as the equivalent to 10 CFR 32.30 in C.3.C(6) and C.3.C(7). However, 10 CFR 32.30 is a Compatibility Category NRC, so Maine should not have an equivalent regulation to 10</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					<p>CFR 32.30. Therefore Maine needs to reference “in accordance with a specific license issued under 10 CFR 32.30” in C.3.C(6) and C.3.C(7).</p> <p>Maine needs to make the above changes in order to meet the Compatibility Category B designation assigned to 10 CFR 30.22.</p>
12	C.11.C	32.26	2012-4	NRC	<p>Gas and aerosol detectors containing byproduct material: Requirements for license to manufacture, process, produce, or initially transfer</p> <p>10 CFR 32.26 is a Compatibility Category NRC, which means that Agreement States do not have authority for this activity. Maine states that a license will be issued if it meets the requirements in 10 CFR 32.26. Maine cannot issue this license as it needs to be issued by the NRC. Maine needs to delete Section C.11.C from its regulations.</p> <p>Maine needs to make the above change in order to meet the Compatibility Category NRC designation assigned to 10 CFR 32.26.</p>
13	C.11.D	32.51(a)(6)	2012-4	B	<p>Byproduct material contained in devices for use under § 31.5; requirements for license to manufacture, or initially transfer</p> <p>Maine omits an equivalent regulation to 10 CFR 32.51(a)(6) from C.11.D(1)(b).</p> <p>Maine needs to add the equivalent language in order to meet the Compatibility Category B designation assigned to 10 CFR 32.51(a)(6).</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
14	C.11.E(3)	32.55	2012-4	B	<p>Same: Quality assurance, prohibition of transfer</p> <p>Maine needs to add “the NRC or” between “equivalent general license of” and “an Agreement State” in C.11.E(3).</p> <p>Maine needs to make the above change in order to meet the Compatibility Category B designation assigned to 10 CFR 32.55.</p>
15	C.11.E(5)	32.56	2012-4	B	<p>Same: Material transfer reports</p> <p>1) Maine needs to remove the two references to 10 CFR 31.7 from C.11.E(5)(a) and replace it with C.6.D.</p> <p>2) Maine needs to change the reference in C.11.E(5)(b) from C.11.F to C.11.E.</p> <p>Maine needs to make the above changes in order to meet the Compatibility Category B designation assigned to 10 CFR 32.56.</p>
16	C.11.F(4)	32.59	2012-4	B	<p>Same: Leak testing of each source</p> <p>Maine needs to add “the NRC or” between “equivalent regulations of” and “an Agreement State” in the two locations that appear in C.11.F(4).</p> <p>Maine needs to make the above change in order to meet the Compatibility Category B designation assigned to 10 CFR 32.59.</p>
17	C.11.I(1)(f)	32.61(f)	2012-4	B	<p>Ice detection devices containing strontium 90; requirements for license to manufacture or initially transfer</p> <p>Maine needs to change “(f)(3)” to</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					<p>“(f)(iii)” in C.11.I(1)(f)(ii).</p> <p>Maine needs to make the above change in order to meet the Compatibility Category B designation assigned to 10 CFR 32.61(f).</p>
18	C.11.I(2)	32.62(c), (d), (e)	2012-4	B	<p>Same: Quality assurance; prohibition of transfer</p> <p>1) Maine needs to replace “under an equivalent general license of an Agreement State” with “under an equivalent NRC or Agreement State general license” in C.11.I(2)(e).</p> <p>2) Maine needs to change “(c)(2)” to “(c)(ii)” in C.11.I(2)(e)(ii).</p> <p>Maine needs to make the above changes in order to meet the Compatibility Category B designation assigned to 10 CFR 32.62(c), (d), and (e).</p>
19	N/A	32.210	2012-4	B & C	<p>Registration of product information</p> <p>1) Maine directly references 10 CFR 32.210 as a part of several other regulations. However, Maine does not directly adopt 10 CFR 32.210 by reference. Since Maine has the authority to regulate SS&D evaluations, Maine needs to include equivalent rule text or a specific adoption by reference in its regulations.</p> <p>2) Additionally, Maine needs to state that a reference to “the NRC” means “the Agency” if adopting 10 CFR 32.210 by reference.</p> <p>Maine needs to make the above changes in order to meet the Compatibility Category B and C designations assigned to 10 CFR</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					32.210.
20	N/A	32.211	2012-4	B	<p>Inactivation of certificates of registration of sealed sources and devices</p> <p>Maine does not have an equivalent regulation to 10 CFR 32.211. Since Maine has SS&D authority, this regulation is a Compatibility Category B.</p> <p>Maine needs to adopt an equivalent regulation to 10 CFR 32.211 in order to meet the Compatibility Category B designation assigned to 10 CFR 32.211.</p>
21	A.3.C	30.13	2013-1	B	<p>Carriers</p> <p>Maine needs to add "or storage incident thereto" to the end of A.3.C.</p> <p>Maine needs to make the above change in order to meet the Compatibility Category B designation assigned to 10 CFR 30.13.</p>
22	Part S	10 CFR Part 37	2013-1 2015-2 2015-4 2018-2	Various	<p>10 CFR Part 37</p> <p>Maine incorporates 10 CFR Part 37 by reference. Maine needs to make the following changes to Part S:</p> <p>1) Add the following statement in S.1: "All of the requirements in Part S apply to both licensees and registrants. "Registrant" means any person who is registered with the Agency and is legally obligated to register with the Agency pursuant to article [XX and STATE Code chapter XXX]. "Registration" means the notification to the Agency of possession of a source of radiation and the furnishing of information with respect thereto, in accordance with</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					<p>[Maine Code chapter XX]."</p> <p>2) Add the following substitutions to the list in S.2: A reference in 10 CFR part 37 to "license" includes "registration," a reference to "licensee" includes "registrant," a reference to "licensed" includes "registered," a reference to "licensed material(s)" includes "registered source of radiation," and a reference to "licensed radioactive material" includes "registered source of radiation."</p> <p>3) Change S.2.L to reference the appropriate State of Maine Legislative Code.</p> <p>4) Remove "Licensing State" from S.2.B.</p> <p>Maine needs to make the above changes in order to meet the Compatibility Category designations assigned to 10 CFR Part 37.</p>
23	C.2.C(10)	40.13(c)(10)	2013-2	B	<p>Unimportant quantities of source material</p> <p>Maine needs to add "the NRC or" between "equivalent regulations of" and "an Agreement State" in C.2.C(10).</p> <p>Maine needs to add "the NRC or" between "source material by" and "an Agreement State" in C.2.C.(10)(b).</p> <p>Maine needs to make the above changes in order to meet the Compatibility Category B designation assigned to 10 CFR 40.13(c)(10).</p>
24	C.5.A	40.22(e)	2013-2	B	<p>Small quantities of source material</p> <p>Maine needs to add "the NRC or"</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					<p>between “equivalent regulations of” and “an Agreement State” and between “equivalent provisions of” and “an Agreement State” in C.5.A.</p> <p>Maine needs to make the above change in order to meet the compatibility category B designation assigned to 10 CFR 40.22(e).</p>
25	C.21.E	40.54	2013-2	B	<p>Requirements for license to initially transfer source material for use under the ‘small quantities of source material’ general license</p> <p>Maine needs to add “the NRC or” between “equivalent regulations of” and “an Agreement State” in C.21.E(1).</p> <p>Maine needs to make the above change in order to meet the Compatibility Category B designation assigned to 10 CFR 40.54.</p>
26	C.21.F(3)	40.55(c)	2013-2	B	<p>Conditions of licenses to initially transfer source material for use under the ‘small quantities of source material’ general license: Quality control, labeling, safety instructions, and records and reports</p> <p>Maine needs to add “NRC or” before “Agreement State” in C.21.F(3) and (3)(i).</p> <p>Maine needs to make the above changes in order to meet the Compatibility Category B designation assigned to 10 CFR 40.55(c).</p>
27	C.21.F(4)	40.55(d)	2013-2	B	<p>Conditions of licenses to initially transfer source material for use under the ‘small quantities of source material’ general license: Quality control, labeling, safety</p>

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					<p>instructions, and records and reports</p> <p>Maine needs to add a reference to the NRC in each location that also mentions Agreement States in C.21.F(4). For example, in C.21.F(4)(i)(b), Maine needs to add “NRC or” before Agreement State provisions.”</p> <p>Maine needs to make the above changes in order to meet the Compatibility Category B designation assigned to 10 CFR 40.55(d).</p>
28	C.21.F(5)	40.55(e)	2013-2	C	<p>Conditions of licenses to initially transfer source material for use under the ‘small quantities of source material’ general license: Quality control, labeling, safety instructions, and records and reports</p> <p>Maine needs to revise the end of C.21.F(5) to read, “...in a report to the Agency, the NRC, or an Agreement State.”</p> <p>Maine needs to make the above change in order to meet the Compatibility Category C designation assigned to 10 CFR 40.55(e).</p>
29	N/A	70.50	2015-1	C	<p>Reporting requirements</p> <p>Maine cites D.2201.B in its crosswalk as an equivalent regulation to 10 CFR 70.50(c)(2), however overall D.2201 is not an equivalent section to 10 CFR 70.50.</p> <p>Maine needs to add a regulation equivalent to 10 CFR 70.50 in order to meet the Compatibility Category C designation assigned to 10 CFR 70.50.</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
30	G.2	35.2	2018-1	B	<p>Definitions</p> <p>Maine needs to replace “the Commission or an Agreement State” with “the Agency, the NRC, or an Agreement State” in (2)(a) for the definition of Associate Radiation Safety Officer.</p> <p>Maine needs to replace “the Commission or an Agreement State” with “the Agency, the NRC, or an Agreement State” in (2)(a) and replace “a Commission or Agreement State” with “an Agency, Commission, or Agreement State” in (2)(b) for the definition of Ophthalmic Physicist.</p> <p>Maine needs to make the above changes in order to meet the Compatibility Category B designation assigned to the definitions of Associate Radiation Safety Officer and Ophthalmic Physicist in 10 CFR 35.2.</p>
31	G.50	35.50	2018-1	B	<p>Training for radiation safety officer and associate radiation safety officer</p> <p>1) Maine needs to remove the reference to paragraph “E” from G.50.A.</p> <p>2) Maine needs to replace “a Commission or an Agreement State license” with “an Agency, NRC, or Agreement State license” in G.50.B(1)(b).</p> <p>3) Maine needs to replace “on on [sic] a NRC or an Agreement State license” with “on an Agency, NRC, or Agreement State license” in G.50.C(2). Maine also needs to replace “a permit issued by a NRC or an Agreement State licensee” with “a</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					<p>permit issued by an Agency, NRC, or Agreement State licensee” in G.50.C(2).</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>
32	G.51	35.51	2018-1	B	<p>Training for an authorized medical physicist</p> <p>1) Maine needs to replace “the NRC or an Agreement State” with “the Agency, the NRC, or an Agreement State” in two locations in G.51.A.</p> <p>2) Maine deletes the words, “the Agency” from G.51.A.(2)(a), however those words should remain. Maine needs to restore those words.</p> <p>3) Maine needs to change the word “certification” to “attestation” in the second sentence of G.51.B(2) so that it reads, “The written attestation must be signed...”</p> <p>Maine needs to make the above changes in order to meet the Compatibility Category B designation assigned to 10 CFR 35.51.</p>
33	G.55	35.55	2018-1	B	<p>Training for an authorized nuclear pharmacist</p> <p>Maine needs to add “the Agency” in two locations in G.55.A. Specifically, Maine needs to replace “the Nuclear Regulatory Commission, or an Agreement State” with “the Agency, the NRC, or an Agreement State” in G.55.A. Maine also needs to replace “the NRC or an Agreement State” with “the Agency, the NRC, or an Agreement State” in G.55.A.</p>

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					Maine needs to make the above changes in order to meet the Compatibility Category B designation assigned to 10 CFR 35.55.
34	G.57	35.57	2018-1	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 needs to add “the Agency” in line with each instance of “Nuclear Regulatory Commission or an Agreement State” throughout G.57.</p> <p>Maine needs to make the above changes in order to meet the Compatibility Category B designation assigned to 10 CFR 35.57.</p>
35	G.190	35.190	2018-1	B	<p>Training for uptake, dilution, and excretion studies.</p> <p>1) Maine needs to delete “and who meets the requirements in “G.190.C(2)” from G.190.A.</p> <p>2) Maine needs to replace “or equivalent Agreement State requirements” with “or equivalent NRC or Agreement State requirements” in G.190.C(2)(i) & (ii).</p> <p>3) Maine needs to remove “paragraph (c)(1)” from G.190.C.(2)(ii) and replace it with “G.190(C)(1)”.</p> <p>Maine needs to make the above changes in order to meet the Compatibility Category B designation assigned to 10 CFR 35.190.</p>
36	G.290	35.290	2018-1	B	Training for imaging and localization studies

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					<p>Maine needs to add “NRC or” between “or equivalent” and “Agreement State requirements” in G.290.C(2)(i) and in G.290(C)(2)(ii).</p> <p>Maine needs to make the above changes in order to meet the Compatibility Category B designation assigned to 10 CFR 35.290.</p>
37	G.390	35.390	2018-1	B	<p>Training for use of unsealed byproduct material for which a written directive is required</p> <p>1) Maine needs to remove “and G.390.B(2)” from G.390.A.</p> <p>2) Maine needs to add “NRC or” between “or equivalent” and “Agreement State” in G.390.B(2)(a) & (b).</p> <p>3) Maine needs to replace “paragraph (b)(1)” with “G.390.B(1)” in G.390.B(2)(b).</p> <p>Maine needs to make the above changes in order to meet the Compatibility Category B designation assigned to 10 CFR 35.390.</p>
38	G.392	35.392	2018-1	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 needs to add “NRC or” between “or equivalent” and “Agreement State” in G.392.C(3)(a) & (b).</p> <p>Maine needs to make the above changes in order to meet the Compatibility Category B designation assigned to 10 CFR 35.392.</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
39	G.394	35.394	2018-1	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 add “NRC or” between “or equivalent” and “Agreement State” in G.394.C(3)(a) & (b).</p> <p>Maine needs to make the above changes in order to meet the Compatibility Category B designation assigned to 10 CFR 35.394.</p>
40	G.396	35.396	2018-1	B	<p>Training for the parenteral administration of unsealed byproduct material requiring a written directive</p> <p>Maine needs to add “NRC or” between “or equivalent” and “Agreement State” in G.396.B(2), (3)(a), & (3)(b).</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>
41	G.433	35.433	2018-1	<p>B: 35.433(a) (The Compatibility Category for 35.433(a) has changed from H&S to B).</p> <p>H&S: 35.433(b), (b)(1) and (b)(2)</p> <p>D: 35.433(c)</p>	<p>Strontium-90 sources for ophthalmic treatments</p> <p>Maine needs to change “paragraph (b)” to “paragraph (B)” in G.433.A.</p> <p>Maine needs to add “the Agency” between the two instances of “Commission” and “or Agreement State” in G.433.A(2)(a).</p> <p>Maine needs to make the above changes in order to meet the Compatibility Category designations assigned to 10 CFR 35.433.</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
42	G.490	35.490	2018-1	B	<p>Training for use of manual brachytherapy sources</p> <p>Maine needs to add “NRC or” between “or equivalent” and “Agreement State” in G.490.B(3)(i) & (ii).</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>
43	G.491	35.491	2018-1	B	<p>Training for ophthalmic use of strontium-90</p> <p>Maine needs to delete “who meets the definition of an authorized user in Part A.2 for the same uses or” from G.491.B(3).</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>
44	G.590	35.590	2018-1	B	<p>Training for use of sealed sources and medical devices for diagnosis</p> <p>Maine needs to add “NRC or” between “or equivalent” and “Agreement State” in G.590.B.</p> <p>Maine needs to make the above change in order to meet the Compatibility Category B designation assigned to 10 CFR 35.590.</p>
45	G.690	35.690	2018-1	B	<p>Training for use of remote afterloader units, teletherapy units, and gamma stereotactic radiosurgery units</p> <p>Maine needs to add “NRC or” between “or equivalent” and “Agreement State” in G.690.B(3)(i) & (ii).</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					Maine needs to make the above changes in order to meet the Compatibility Category B designation assigned to 10 CFR 35.690.

STATE REGULATION STATUS

State: Maine

Tracking Ticket Number: 19-42

Date: 09/30/2019

[# amendment(s) reviewed identified by a * at the beginning of the equivalent NRC requirement.]

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
1991-1	Safety Requirements for Radiographic Equipment Part 34 55 FR 843 (Superceded 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 (Superceded 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 and 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 (Superceded 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 and 35 57 FR 45566	none	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 Letter	Outgoing Package	Notes
1993-1	Decommissioning Recordkeeping and License Termination: Documentation Additions [Restricted areas and spill sites] Parts 30 and 40 58 FR 39628	10/25/1996	Final ML012710492	No Comments 12/11/2001 ML013520336	
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 and 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 and 70 59 FR 36026	08/15/1997	Final ML012710492	No Comments 12/11/2001 ML013520336	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
1995-1	Preparation, Transfer for Commercial Distribution, and Use of Byproduct Material for Medical Use Parts 30, 32 and 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 and 61 60 FR 15649; 60 FR 25983	03/01/1998	Final ML021830034 ML021990480	No Comments 08/27/2002 ML022400454	
1995-4	Performance Requirements for Radiography Equipment Part 34 60 FR 28323 (Superseded 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 and 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 and 70 60 FR 38235	11/24/1998	Final ML021830034 ML021990480	No Comments 08/27/2002 ML022400454	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
1995-7	Medical Administration of Radiation and Radioactive Materials Parts 20 and 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 and 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 and 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	
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	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
1997-3	Criteria for the Release of Individuals Administered Radioactive Material Parts 20 and 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 and 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 and 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 and 150 63 FR 1890; 63 FR 13773	02/12/2001	Final ML021830034 ML021990480	No Comments 8/27/02 ML022400454	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
1998-2	Self-Guarantee of Decommissioning Funding by Nonprofit and Non-Bond-Issuing Licensees Parts 30, 40 and 70 63 FR 29535	07/01/2001	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility.
1998-3	License Term for Medical Use Licenses Part 35 63 FR 31604 (Superseded 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, 32, 35, 36 and 39 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.

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
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	
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 and 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 and 32 65 FR 79162	02/16/2004	Final ML031500588 Revised Final ML15175A312	Comments 08/31/2006 ML062370173 No Comments 07/14/2015 ML15175A306	
2002-1	Revision of the Skin Dose Limit Part 20 67 FR 16298	04/05/2005	Final ML031500588	No Comments 10/31/2003 ML033040387	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
2002-2	Medical Use of Byproduct Material Parts 20, 32 and 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 and 70 68 FR 57327	12/03/2006	Final ML100192011 Revised Final ML19170A349 Revised Final ML19210D830	Comments 06/18/2010 ML101200008 No Comments 06/27/2019 ML19170A344 No Comments 08/02/2019 ML19210D817	
2004-1	Compatibility With IAEA Transportation Safety Standards and Other Transportation Safety Amendments Part 71 69 FR 3697	10/01/2007	Final ML100192011 Revised Final ML19170A349 Revised Final ML19210D830	Comments 06/18/2010 ML101200008 No Comments 06/27/2019 ML19170A344 No Comments 08/02/2019 ML19210D817	
2005-1	Security Requirements for Portable Gauges Containing Byproduct Material Part 30 70 FR 2001	07/11/2008	Final ML100192011	No Comments 06/18/2010 ML101200008	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	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	Final ML100192011 Revised Final ML19170A349 Revised Final ML19210D830	Comments 06/18/2010 ML101200008 No Comments 06/27/2019 ML19170A344 No Comments 08/02/2019 ML19210D817	
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	Final ML100192011 Revised Final ML19170A349 Revised Final ML19210D830	Comments 06/18/2010 ML101200008 No Comments 06/27/2019 ML19170A344 No Comments 08/02/2019 ML19210D817	
2006-2	National Source Tracking System - Serialization Requirements Part 32 with reference to Part 20 Appendix E 71 FR 65685	02/06/2007	Final ML100192011	No Comments 06/18/2010 ML101200008	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
2006-3	National Source Tracking System Part 20 71 FR 65685, 72 FR 59162	01/31/2009	Final ML100192011 License Condition ML083220254	No Comments 06/18/2010 ML101200008 No Comments 12/05/2008 ML083290277	
2007-1	Medical Use of Byproduct Material - Minor Corrections and Clarifications Parts 32 and 35 72 FR 45147, 54207	10/29/2010	Final ML100192011 Revised Final ML19170A349 Revised Final ML19210D830	Comments 06/18/2010 ML101200008 No Comments 06/27/2019 ML19170A344 No Comments 08/02/2019 ML19210D817	
2007-2	Exemptions From Licensing, General Licenses, and Distribution of Byproduct Material: Licensing and Reporting Requirements Parts 30, 31, 32 and 150 72 FR 58473	12/17/2010	Final ML100192011 Revised Final ML19170A349 Revised Final ML19210D830	Comments 06/18/2010 ML101200008 No Comments 06/27/2019 ML19170A344 No Comments 08/02/2019 ML19210D817	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
2007-3	Requirements for Expanded Definition of Byproduct Material Parts 20, 30, 31, 32, 33, 35, 61 and 150 72 FR 55864	11/30/2010	Final ML100192011 Revised Final ML19170A349 Revised Final ML19210D830	Comments 06/18/2010 ML101200008 Comment 06/27/2019 ML19170A344 Comment 08/02/2019 ML19210D817	
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	Final ML100192011 License Condition ML081230585	No Comments 06/18/2010 ML101200008 No Comments 05/06/2008 ML081260717	
2008-1	Occupational Dose Records, Labeling Containers, and Total Effective Dose Equivalent Parts 19 and 20 72 FR 68043	02/15/2011	Final ML100192011 Revised Final ML19170A349 Revised Final ML19210D830	Comments 06/18/2010 ML101200008 No Comments 06/27/2019 ML19170A344 No Comments 08/02/2019 ML19210D817	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
2009-1	Medical Use of Byproduct Material – Authorized User Clarification Part 35 74 FR 33901	09/28/2012	Final ML100192011 Revised Final ML19170A349 Revised Final ML19210D830	Comments 06/18/2010 ML101200008 No Comments 06/27/2019 ML19170A344 No Comments 08/02/2019 ML19210D817	
*2011-1	Decommissioning Planning Parts 20, 30, 40 and 70 76 FR 35512	12/17/2015	Proposed ML19218A082	Comments 09/30/2019 ML19218A076	
2011-2	Licenses, Certifications, and Approvals for Materials Licensees Parts 30, 36, 39, 40, 70 and 150 76 FR 56951	11/14/2014	Final ML15175A312	No Comments 07/14/2015 ML15175A306	
2012-1	Change of Compatibility of 10 CFR 31.5 and 31.6 (See RATS ID: 2001-1 for Rule text) 77 FR 3640	01/25/2015	Final ML15175A312 Revised Final ML19170A349 Revised Final ML19210D830	Comments 07/14/2015 ML15175A306 Comment 06/27/2019 ML19170A344 No Comments 08/02/2019 ML19210D817	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
*2012-2	Advance Notification to Native American Tribes of Transportation of Certain Types of Nuclear Waste Part 71 77 FR 34194	08/10/2015	Proposed ML19218A082	Comments 09/30/2019 ML19218A076	
*2012-3	Technical Corrections Parts 30, 34, 40 and 71 77 FR 39899	08/06/2015	Proposed ML19218A082	Comments 09/30/2019 ML19218A076	
*2012-4	Requirements for Distribution of Byproduct Material Parts 30, 31, 32, 40 and 70 77 FR 43666	10/23/2015	Proposed ML19218A082	Comments 09/30/2019 ML19218A076	
*2013-1	Physical Protection of Byproduct Material Parts 20, 30, 32, 33, 34, 35, 36, 37, 39 and 71 78 FR 16922	03/19/2016	License Condition ML16054A817 Proposed ML19218A082	No Comments 03/01/2016 ML16054A808 Comments 09/30/2019 ML19218A076	Part 37 only
*2013-2	Distribution of Source Material to Exempt Persons and to General Licensees and Revision of General License and Exemptions Parts 30, 40 and 70 78 FR 32310	08/27/2016	Proposed ML19218A082	Comments 09/30/2019 ML19218A076	
*2015-1	Domestic Licensing of Special Nuclear Material – Written Reports and Clarifying Amendments Part 70 79 FR 57721, 80 FR 143	01/26/2018	Proposed ML19218A082	Comments 09/30/2019 ML19218A076	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
*2015-2	Safeguards Information - Modified Handling Categorization, Change for Materials Facilities Parts 30, 37, 73 and 150 79 FR 58664, 80 FR 3865	01/28/2018	Proposed ML19218A082	Comments 09/30/2019 ML19218A076	
*2015-3	Revisions to Transportation Safety Requirements and Harmonization with International Atomic Energy Agency Transportation Requirements Part 71 80 FR 33987	07/13/2018 *extended to 08/15/2020 See STC 17-060	Proposed ML19218A082	Comments 09/30/2019 ML19218A076	
*2015-4	Miscellaneous Corrections Parts 37 and 40 80 FR 45841	09/02/2018	Proposed ML19218A082	Comments 09/30/2019 ML19218A076	
*2015-5	Miscellaneous Corrections Parts 19, 20, 30, 32, 37, 40, 61, 70, 71 and 150 80 FR 74974	12/31/2018	Proposed ML19218A082	Comments 09/30/2019 ML19218A076	
*2018-1	Medical Use of Byproduct Material – Medical Event Definitions, Training and Experience, and Clarifying Amendments, Parts 30, 32 and 35	01/14/2022	Proposed ML19218A082	Comments 09/30/2019 ML19218A076	
*2018-2	Miscellaneous Corrections – Organizational Changes Parts 37, 40, 70 and 71	12/21/2021	Proposed ML19218A082	Comments 09/30/2019 ML19218A076	

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