

DATED: OCTOBER 1, 1996

SIGNED BY: RICHARD L. BANGART

DoraAnne Mills, M.D.
Director, Bureau of Health
Maine Department of Human Services
11 State House Station
151 Capitol Street
Augusta, Maine 04333-0011

Dear Dr. Mills:

This is in response to the letter dated July 23, 1996 from Philip Haines, Acting Director, Bureau of Health which responded to the comments and recommendations from our March 21, 1996 review of the Maine radiation control program. The responses provided detailed information on how the Maine radiation control program has addressed, or is addressing, our recommendations. We appreciate the positive actions that the Maine radiation control program has taken with regard to our comments and recommendations.

However, we believe additional action is needed by the Maine radiation control program to resolve one comment and recommendation. This comment concerns the application of the emergency planning rule requirements to a Maine licensee, Binax. In your response, you indicated that this licensee currently physically possesses material below that requiring submittal of an emergency plan; however, the Binax license authorizes the company to possess amounts of material which require an emergency plan. The amount of radioactive material authorized by the license, not the amount in actual possession by the licensee, should determine whether an emergency plan is required. In light of this, the Maine radiation control program should either request the submittal of an emergency plan by Binax, condition the Binax license to reduce its authorized possession limit, or if justified, formally exempt the licensee from this requirement.

We request a response addressing this issue regarding the emergency planning rule. In addition, we will review the status of other comments and recommendations as a part of our next program review.

Thank you for your support of the Maine program.

Sincerely,

Richard L. Bangart, Director
Office of State Programs

cc: R. Schell, RCP
W. Clough Toppan, State Liaison Officer

DoraAnne Mills, M.D.
 Director, Bureau of Health
 Maine Department of Human Services
 11 State House Station
 151 Capitol Street
 Augusta, Maine 04333-0011

Dear Dr. Mills:

This is in response to the letter dated July 23, 1996 from Philip Haines, Acting Director, Bureau of Health which responded to the comments and recommendations from our March 21, 1996 review of the Maine radiation control program. The responses provided detailed information on how the Maine radiation control program has addressed, or is addressing, our recommendations. We appreciate the positive actions that the Maine radiation control program has taken with regard to our comments and recommendations.

However, we believe additional action is needed by the Maine radiation control program to resolve one comment and recommendation. This comment concerns the application of the emergency planning rule requirements to a Maine licensee, Binax. In your response, you indicated that this licensee currently physically possesses material below that requiring submittal of an emergency plan; however, the Binax license authorizes the company to possess amounts of material which require an emergency plan. The amount of radioactive material authorized by the license, not the amount in actual possession by the licensee, should determine whether an emergency plan is required. In light of this, the Maine radiation control program should either request the submittal of an emergency plan by Binax, condition the Binax license to reduce its authorized possession limit, or if justified, formally exempt the licensee from this requirement.

We request a response addressing this issue regarding the emergency planning rule. In addition, we will review the status of other comments and recommendations as a part of our next program review.

Thank you for your support of the Maine program.

Sincerely,

Richard L. Bangart, Director
 Office of State Programs

cc: R. Schell, RCP
 W. Clough Toppan, State Liaison Officer

Distribution:

DIR RF (6S-193)	RLBangart	PLohaus	DCD (SP01)
SDroggitis	CMaupin	DChawaga	
Maine File	CGordon		

*See previous concurrence.

DOCUMENT NAME: G:\chm\96ackltr.me **E-Mail

To receive a copy of this document, indicate in the box: "C" = Copy without attachment/enclosure "E" = Copy with attachment/enclosure "N" = No copy

OFFICE	RI	RI : DNMS	OSP: SPM	OSP: DD	OSP: D
NAME	CGordon	CHehl	CMaupin	PHLohaus	RLBangart
DATE	08/18/96*	08/18/96**	09/06/96* 09/30/96*	09/06/96*	09/ /96

OSP FILE CODE:

