

MARYLAND REGISTER

## Proposed Action on Regulations

### Comparison to Federal Standards Submission and Response

**Name:** Marsha Kennedy  
**Agency:** Department of the Environment  
**Address:** 1800 Washington Blvd  
**State:** MD  
**Zip:** 21230  
**Phone:** 410-537-4079  
**Email:** marsha.kennedy@maryland.gov

In accordance with Executive Order 01.01.1996.03 and memo dated July 26, 1996, the attached document is submitted to the Department of Business and Economic Development for review.

The Proposed Action is not more restrictive or stringent than corresponding federal standards.

**COMAR Codification:** 26.12.01.01

**COMAR Codification:** 26.12.02.03

**Corresponding Federal Standard:**

Required Agreement State adoption of U.S. Nuclear Regulatory Commission regulation: Regulation Amendments Tracking System (RATS) ID #2012-4 Effective Date 10/23/2012 published 77 FR 43666

**Discussion/Justification:**

Required Agreement

### TO BE COMPLETED BY DBED

- Agree

- Disagree

**Comments:**

I do not have the subject matter expertise in the control of ionizing radiation. My agreement is based on my belief that MDE has the subject matter expertise in this area and that they are truthful in their assertion that the proposed State regulations are not more restrictive/stringent than the corresponding federal standards.

Name: Sandy Popp

Date: 9/5/2014

\_ -Submit to Governor's Office  
**Governor's Office Response**

**Comments:**

<b>Transmittal Sheet</b>  <b>PROPOSED OR REPROPOSED</b>  <b>Actions on Regulations</b>	<b>Date Filed with AELR Committee</b> 09/16/2014	<b>TO BE COMPLETE D BY DSD</b>  Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

**1. Desired date of publication in Maryland Register: 11/14/2014**

**2. COMAR Codification**

Title	Subtitle	Chapter	Regulation
26	12	01	01
26	12	02	03

**3. Name of Promulgating Authority**

Department of the Environment

**4. Name of Regulations Coordinator**

Marsha Kennedy

**Telephone Number**

410-537-4079

**Mailing Address**

1800 Washington Blvd

## Title 26 DEPARTMENT OF THE ENVIRONMENT

### Subtitle 12 RADIATION MANAGEMENT

#### 26.12.01 Radiation Protection

#### Subtitle 12 RADIATION MANAGEMENT

#### 26.12.02 Inspection and Certification

Authority: 26.12.01  
Environment Article, §§8-106,  
8-301, and 8-304, Annotated  
Code of Maryland 26.12.02  
Environment Article, §§8-  
104(a), 8-106, 8-301, 8-304, and  
8-306, Annotated Code of  
Maryland

#### Notice of Proposed Action

□

The Secretary of the Environment proposes to amend Regulation .01 under COMAR 26.12.01 Radiation Protection and Regulation .03 under COMAR 26.12.02 Inspection and Certification.

#### Statement of Purpose



506(c), Annotated Code of Maryland.

\_ OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting.

**10. Children's Environmental Health and Protection**

\_ Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council.

**11. Certificate of Authorized Officer**

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by Roberta R. James, Assistant Attorney General, (telephone #410-537-3748) on August 19, 2014. A written copy of the approval is on file at this agency.

**Name of Authorized Officer**

Robert M. Summers,  
Ph.D.

**Title**

Secretary of the  
Environment

**Telephone No.**

410-537-3084

**Date**

August 28, 2014

**Opportunity for Public  
Comment**

Comments may be sent to Michael Kurman, Regulations and Enforcement Coordinator, Radiological Health Program Maryland Department of the Environment, 1800 Washington Boulevard Baltimore, MD 21230, or call 410-537-3208, or email to michael.kurman@maryland.gov, or fax to 410-537-3198.

Comments will be accepted through WORDING EMAILED TO GAIL AT DSD. A public hearing has not been scheduled.

**Economic Impact Statement  
Part C**

A. Fiscal Year in which regulations will become effective: FY 2015

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

Yes

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

Special Funds (State Radiation Control Fund)

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

E. If these regulations have no economic impact under Part A, indicate reason briefly:

These regulations have no economic impact because they do not require additional expenditure by stakeholders of provide additional revenue to the State.

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

These regulations have no economic impact on and businesses.

G. Small Business Worksheet:

Attached Document:

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STATE OF MARYLAND  
EXECUTIVE DEPARTMENT

**OFFICE OF THE SECRETARY OF STATE  
DIVISION OF STATE DOCUMENTS**

**MARTIN O'MALLEY**

Governor

**ANTHONY G. BROWN**

Lt.

Governor

**JOHN P. MCDONOUGH**

Secretary of State

**Maryland Register**

**Code of Maryland Regulations  
(COMAR)**

Incorporation by Reference  
APPROVAL FORM

Date: August 21, 2014  
COMAR: 26.12.01.01

Michael D. Kurman  
Department of the Environment  
Radiological Health Program  
1800 Washington Boulevard  
Baltimore, MD 21230

Dear Mike:

The document entitled Regulations for the Control of Ionizing Radiation (1994) Supplement 25 is approved for incorporation by reference.

Please note the following special instructions: The page numbers/supplement numbers on pages C-42, C-53, and D-39 bumped to the next page. Please make this correction.

Attach a copy of this approval form when submitting an emergency or proposed regulation to the AELR Committee and when submitting a proposed regulation to DSD for publication in the Maryland Register. If submitting through ELF, include as part of the attachment.

Any future changes to the incorporated documents do not automatically become part of the regulation. If there are subsequent changes to the incorporated documents, and the agency wishes those changes to become a part of its regulations, the agency must amend the regulation incorporating the documents.

Please call us if you have any questions.

Sincerely,  
Gail S. Klakring  
Senior Editor

Office of the Secretary of State, Division of State Documents, State House, Annapolis, MD 21401  
410-974-2486; 800-633-9657; fax 410-280-5647; email: [statedocs@sos.state.md.us](mailto:statedocs@sos.state.md.us)

# **Title 26 DEPARTMENT OF THE ENVIRONMENT**

## **Subtitle 12 RADIATION MANAGEMENT**

### **Chapter 01 Radiation Protection**

Authority: Environment Article, §§8-106, 8-301, and 8-304, Annotated Code of Maryland

26.12.01.01

#### **.01 Incorporation by Reference.**

All provisions of the “Regulations for the Control of Ionizing Radiation (1994)” as amended by Supplement 1 through Supplement [24] 25 are incorporated by reference.

26.12.02.03 Downloaded August 15, 2014

# **Title 26 DEPARTMENT OF THE ENVIRONMENT**

## **Subtitle 12 RADIATION MANAGEMENT**

### **Chapter 02 Inspection and Certification**

Authority: Environment Article, §§8-104(a), 8-106, 8-301, 8-304, and 8-306, Annotated Code of Maryland

#### **.03 Licensing of Inspectors.**

- A. (text unchanged)
- B. (text unchanged)
  - (1) (text unchanged)
    - (a) (text unchanged)
    - (b) Has a financial arrangement with any business entity offering commercial sales or servicing of radiation machines[, and that arrangement could lead to a conflict of interest as provided in State Government Article, Title 15, Subtitle 5, Annotated Code of Maryland].
  - (2) – (3) (text unchanged)
- C. (text unchanged)
  - (1) Has a financial arrangement with any business entity offering commercial sales or servicing of radiation machines[, and that the arrangement could lead to a conflict of interest as provided in State Government Article, Title 15, Subtitle 5, Annotated Code of Maryland];
  - (2) – (7) (text unchanged)
- D. – E. (text unchanged)

