

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulation
Department of the Environment
(DLS Control No. 15-019)**

Overview and Legal and Fiscal Impact

This regulation incorporates by reference changes to Supplement 25 to the Maryland Regulations for the Control of Ionizing Radiation (1994).

The regulation presents no legal issue of concern.

There is no fiscal impact on State or local agencies.

Regulation of COMAR Affected

Department of the Environment:

Radiation Management: Radiation Protection: COMAR 26.12.01.01

Legal Analysis

Background

The Radiological Health Program (RHP) within the Maryland Department of the Environment is responsible for controlling the use of radiation, protecting public health and safety, and protecting the environment from inadvertent and unnecessary radiation exposure. This is accomplished through registration of radiation machines, licensing of radioactive materials, inspections, and enforcement actions to ensure regulatory compliance. RHP regulates the use of both radiation machines and radioactive materials. With respect to radioactive materials, Maryland must adopt regulations that conform to federal Nuclear Regulatory Commission (NRC) requirements.

Summary of Regulation

The regulation makes changes to Supplement 25 to the Maryland Regulations for the Control of Ionizing Radiation (1994). Generally, Supplement 25 includes (1) a new NRC requirement for the distribution of byproduct material; (2) new requirements for personnel monitoring and training for registered radiation machine service providers; (3) new requirements for disposal of radioactive material sources unused for three years; and (4) technical and clarifying changes to existing regulations. This proposal removes a provision from Supplement 25 regarding service providers and financial arrangements with a licensed private inspector and makes corresponding technical changes.

Legal Issue

The regulation presents no legal issue of concern.

Statutory Authority and Legislative Intent

The department cites §§ 8-106, 8-301, and 8-304 of the Environment Article as authority for the regulation. Section 8-106 authorizes the Secretary to adopt regulations for controlling sources of radiation and requires these regulations to conform to relevant standards set by NRC. Sections 8-301 and 8-304 authorize the Secretary to adopt regulations for licenses related to the use of radiation sources and the inspection of radiation machines, respectively.

This authority is correct and complete. The regulation complies with the legislative intent of the law.

Special Notes and Technical Corrections

The department adopted a similar regulation in December 2014, which was published for final adoption in the *Maryland Register* on January 9, 2015. That regulation incorporated by reference Supplement 25 to the Maryland Regulations for the Control of Ionizing Radiation (1994). Therefore, this proposal contains redundant language that will be removed by the Division of State Documents. As submitted, the only relevant changes contained in the proposal are changes to Supplement 25.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The department advises that the regulation has no fiscal impact on State or local governments. The Department of Legislative Services concurs.

Impact on Budget

There is no impact on the State operating or capital budget.

Agency Estimate of Projected Small Business Impact

The department advises that the regulation has minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

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