

MARYLAND REGISTER

Proposed Action on Regulations

Comparison to Federal Standards Submission and Response

Name: Marsha Kennedy
Agency: Department of the Environment
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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 Radiation Protection

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:

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

TO BE COMPLETED BY DBED

- Agree

-Disagree

Comments:

The Department does not have subject matter expertise in this matter but believes MDE does and trusts their assertion that the regulation is not more restrictive or stringent than the corresponding federal standard.

Name: Sandy Popp

Date: 1/6/2015

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

Comments:

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee 02/25/2015	TO BE COMPLETE D BY DSD Date Filed with Division of State Documents Document Number Date of Publication in MD Register

Title 26
DEPARTMENT OF THE ENVIRONMENT
Subtitle 12 RADIATION MANAGEMENT

26.12.01 Radiation Protection

Authority: Environment Article, §§8-106, 8-301, and 8-304, 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. This is a re-proposal of a regulation previously proposed in 41 :22 Md. R. 1336-1337 (October 31, 2014).

1. Desired date of publication in Maryland Register: 3/20/2015

2. COMAR Codification

Title	Subtitle	Chapter	Regulation
26	12	01	01 Radiation Protection

3. Name of Promulgating Authority

Department of the Environment

4. Name of Regulations Coordinator Marsha Kennedy	Telephone Number 410-537-4079
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Mailing Address

1800 Washington Blvd

City	State	Zip Code
Baltimore	MD	21230

Statement of Purpose

The purpose of this action is to update COMAR 26.12.01.01, Incorporation by Reference, to include (a) one U.S. Nuclear Regulatory Commission regulation regarding requirements for distribution of byproduct material, (b) requirements for personnel monitoring and training for

Email
marsha.kennedy@maryland.gov

**5. Name of Person to Call
About this Document**
Michael D. Kurman

**Telephone
No.**
410-537-
3208

Email Address
michael.kurman@maryland.gov

6. Check applicable items:

- New Regulations
- Amendments to Existing Regulations
Date when existing text was downloaded
from COMAR online: August 21, 2014.
- Repeal of Existing Regulations
- Recodification
- Incorporation by Reference of Documents
Requiring DSD Approval
- Reproposal of Substantively Different Text:

41:	22	Md. 1336-	10-
		R 1337	31-
			2014
(vol.)	(issue)	(page nos)	(date)

Under Maryland Register docket no.: 14-320-P.

**7. Is there emergency text which is identical
to this proposal:**

Yes No

8. Incorporation by Reference

Check if applicable: Incorporation by Reference (IBR) approval form(s) attached and 18 copies of documents proposed for incorporation submitted to DSD. (Submit 18 paper copies of IBR document to DSD and one copy to AELR.)

9. Public Body - Open Meeting

OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

registered radiation machine service providers, (c) requirements for disposal of radioactive material sources unused for three years, and (d) miscellaneous corrections.

**Comparison to Federal
Standards**

There is a corresponding federal standard to this proposed action, but the proposed action is not more restrictive or stringent.

Estimate of Economic Impact

The proposed action has no economic impact.

**Economic Impact on Small
Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with
Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public
Comment**

Comments may be sent to Michael D. Kurman, Regulations Coordinator, Radiological Health Program, Air and Radiation Management Administration, Maryland Department of the Environment, 1800 Washington Boulevard, Suite 750, Baltimore, Maryland 21230, or call 410-537-3208, or email to michael.kurman@maryland.gov,

_ 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 December 5, 2014. A written copy of the approval is on file at this agency.

Name of Authorized Officer

Robert M. Summers

Title

Secretary of the Environment

Telephone No.

410-537-3084

Date

December 15, 2014

or fax to 410-537-3198. Comments will be accepted through March 23, 2015. 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 or 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 any businesses.

G. Small Business Worksheet:

Attached Document:

26.12.01.01 downloaded August 21, 2014

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.