

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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State: MD
Zip: 21230
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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.R
radiation Protection

Corresponding Federal Standard:

Required Agreement
State adoption of U.S.
Nuclear Regulatory
Commission (NRC)
regulation: Regulation
Amendments Tracking

System (RATS) ID #2013-1 Effective Date
3/19/2013 published 78
FR 16922.

Discussion/Justification
:

Required Agreement
State adoption of U.S.
Nuclear Regulatory
Commission (NRC)
regulation: Regulation
Amendments Tracking
System (RATS) ID #2013-1 Effective Date
3/19/2013 published 78
FR 16922.

**TO BE COMPLETED BY
DBED**

- Agree

-Disagree

Comments:

DBED does not have the appropriate subject matter expertise to make this determination. However, we believe MDE and trusts their assertion that the regulation is not more restrictive/stringent than corresponding federal standards.

Name: Sandy Popp

Date: 3/24/2015

-Submit to Governor's
Office

**Governor's Office
Response**

Comments:

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**Title 26
DEPARTMENT OF THE
ENVIRONMENT
Subtitle 12 RADIATION MANAGEMENT**

Sheet PROPOSED OR REPROPOSED Actions on Regulations	h A E L R C o m m i t t e e 03/ 27/ 201 5	ED BY DS D
		Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 5/15/2015

2. COMAR Codification

Ti tl e	Su btit le	Ch apt er	Reg ulat ion
2 6	12	01	Radi ation

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.

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 establishing additional security requirements for use and transport of risk significant quantities of radioactive material, (b) prohibition of use of a radiation machine prior to facility registration, and (c) 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 , , , or call , or email to , or fax to . Comments will be accepted through . A public hearing will be held, Comments may be sent to Michael D. Kurman, Regulations Coordinator, Radiological Health Program, 1800

Protection

Washington Boulevard, Suite 750, Baltimore, Maryland 21230, or e-mail to michael.kurman@maryland.gov, or call 410-537-3208, or fax to 410-537-3198. Comments will be accepted through June 15, 2015. A public hearing has not been scheduled.

3. Name of Promulgating Authority

Department of the Environment

The proposed regulation may be viewed on the MDE Website at

http://www.mde.state.md.us/programs/Air/RadiologicalHealth/RegulationsforControlofIonizingRadiation/Pages/Programs/AirPrograms/Radiological_Health/Regulations/index.aspx, or at official depository libraries throughout the State. A listing of these depository libraries is available at <http://www.dsd.state.md.us/Depositories.aspx> or call 410-974-2486 or 800-633-9657.

4. Name of Regulations Coordinator

Marsha Kennedy

Telephone Number
410-537-4079

Economic Impact Statement Part C

Mailing Address

1800 Washington Blvd

City Baltimore
State MD
Zip Code 21230

A. Fiscal Year in which regulations will become effective: FY 2016

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)

Email
marsha.kennedy@maryland.gov

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

5. Name of Person to Call About this Document

Michael D. Kurman

Telephone No.
410-537-3208

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.

Email Address
michael.kurman@maryland.gov

These regulations have no economic impact on any businesses.

G. Small Business Worksheet:

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:

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 R

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) ue) no te)
 s)

Under Maryland Register docket no.: --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.

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 February 27, 2015. A written copy of the approval is on file at this agency.

Name of Authorized Officer

Benjamin
H.
Grumbles

Title	Telephone No.
Secretary of the Environment	410-537-3084

Date

March 20, 2015

Attached Document:

26.12.01.01 downloaded 2/27/15

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 [25] 26 are incorporated by reference.