

MARYLAND REGISTER

Proposed Action on Regulations

Comparison to Federal Standards Submission and Response

Name: Carolyn A Jones
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.Radiation Protection

Corresponding Federal Standard:

Required Agreement State adoption of U.S. Nuclear Regulatory Commission regulations: (1) Regulation Amendments Tracking System (RATS) ID #2013-2 Effective Date 8/27/2013 published 78 FR 32310 and (2) Regulation Amendments Tracking System (RATS) ID #2012-2 Effective Date 8/10/2012 published 77 FR 34194

Discussion/Justification:

When the U.S. Nuclear Regulatory Commission regulations are updated, the State must also update.

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 proposed regulation is not more restrictive or stringent than corresponding federal standards.

Name: Sandy Popp
 Date: 6/15/2015

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

Comments:

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee 06/15/2015	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

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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 the regulation COMAR 26.12.01.01 Incorporation by Reference, to incorporate Supplement 27, to include (a) two mandatory U.S. Nuclear Regulatory Commission regulations requiring (1) authorization by a specific radioactive material license to initially distribute radioactive source material to persons

1. Desired date of publication in Maryland Register: 8/7/2015

2. COMAR Codification

Title	Subtitle	Chapter	Regulation
26	12	01	Radiation Protection

3. Name of Promulgating Authority

Department of the Environment

4. Name of Regulations Coordinator	Telephone Number
Carolyn A Jones	410-537-4210

Mailing Address

1800 Washington Blvd

City	State	Zip Code
Baltimore	MD	21230

Email
carolyna.jones@maryland.gov

**5. Name of Person to Call
About this Document**
Michael 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: May 29, 2015.
- Repeal of Existing Regulations
- Recodification
- Incorporation by Reference of Documents
Requiring DSD Approval
- Reproposal of Substantively Different Text:
: Md.
 R
(vol.) (issue) (page nos) (date)

Under Maryland Register docket no.: --P.

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

Yes No

8. Incorporation by Reference

X- 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

exempt from the radiation control regulations or to general radioactive material licensees, and new reporting requirements, and (2) advance notification to Native American tribes of transportation of reactor fuel and nuclear wastes within reservations; (b) requirements to operate particle accelerators in compliance with the manufacturer's and the facility's operating, maintenance, and emergency procedures; and (c) miscellaneous clarifications, corrections, and deletions.

**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 Kurman, Regulations

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 James, Assistant Attorney General, (telephone #410-537-3748) on June 3, 2015. A written copy of the approval is on file at this agency.

Name of Authorized Officer

Benjamin H. Grumbles

Title

Secretary of the Environment

Telephone No.

410-537-3084

Date

July 10, 2015

and Enforcement Coordinator, Radiological Health Program, 1800 Washington Blvd, or call 410-537-3208, or email to michael.kurman@maryland.gov, or fax to . Comments will be accepted through September 21, 2015. A public hearing has not been scheduled.

**Economic Impact Statement
Part C**

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)

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 require authorizations by licensees for certain transfers; reporting of certain transfers; notifications of certain transport; and the following of manufacturers' and facility procedures. There is no

economic impact to these requirements, and most are requirements of the Nuclear Regulatory Commission which Maryland must adopt.

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

See response to E. above.

G. Small Business Worksheet:

Attached Document:

Incorporation by Reference
APPROVAL FORM

Date: June 4, 2015
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 27, is approved for incorporation by reference.

Please note the following special instructions: None

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

26.12.01.01 downloaded May 29, 2015

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 [26] 27 are incorporated by reference.