

MARYLAND REGISTER

## Proposed Action on Regulations

<b>Transmittal Sheet</b>  <b>PROPOSED OR REPROPOSED</b>  <b>Actions on Regulations</b>	<b>Date Filed with AELR Committee</b>	<b>TO BE COMPLETED BY DSD</b>
	05/20/2016	Date Filed with Division of State Documents
		Document Number
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1. **Desired date of publication in Maryland Register: 6/24/2016**

2. **COMAR Codification**

**Title Subtitle Chapter Regulation**

26 12 03 02 — .04

3. **Name of Promulgating Authority**

Department of the Environment

4. **Name of Regulations Coordinator**

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

**26.12.03 State Radiation Control Fund**

Authority: §§8-301(b)(1)(iii), 8-301(c), 8-304(c), and 8-306, Annotated Code of Maryland

**Notice of Proposed Action**

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The Secretary of the Environment proposes to amend Regulations .02 — .04 under COMAR 26.12.03 State Radiation Control Fund.

**Statement of Purpose**

The purpose of this action is to amend the regulations to include reductions in the annual fee for general radioactive material licenses, veterinary dental radiation machines and portable lead paint analyzers. There is also a fee exemption for temporary pro bono dental clinics.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

**I. Summary of Economic Impact.**

This action will result in reductions in annual fees for certain radiation machines and certain radioactive materials.

<b>II. Types of Economic Impact.</b>	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	(R-)	Minimal
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+)	Magnitude
	Cost (-)	
D. On regulated industries or trade groups:	(+)	Minimal

E. On other industries or trade groups: NONE

F. Direct and indirect effects on public: NONE

**III. Assumptions.** (Identified by Impact Letter and Number from Section II.)

A. Revenues to the Department of the Environment will be decreased as a result of certain annual fee reductions and a fee exemption for pro bono temporary dental clinics. The expected annual lost revenue is approximately \$38,000.

D. Expenditures by certain stakeholders will decrease as a result of decreased annual fees. Based on current calculations for CY 2016, the total economic benefit for all businesses is approximately \$38,000.

**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 Coordinator, Radiological Health Program, Department of the Environment, 1800 Washington Boulevard, Baltimore, Maryland 21230-1720, or call 410-537-3208, or email to michael.kurman@maryland.gov, or fax to 410-537-3198. Comments will be accepted through July 25, 2016. A public hearing has not been scheduled.

**Economic Impact Statement Part C**

A. Fiscal Year in which regulations will become effective: FY 2017

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:

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

Expenditures by certain stakeholders will decrease as a result of decreased annual fees. Based on current calculations for CY 2016, the total economic benefit for all businesses is approximately \$38,000.

G. Small Business Worksheet:

Attached Document:

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## Title 26 DEPARTMENT OF THE ENVIRONMENT

### Subtitle 12 RADIATION MANAGEMENT

#### Chapter 03 State Radiation Control Fund

Authority: Environment Article §§8-301(b)(1)(iii), 8-301(c), 8-304(c), and 8-306, Annotated Code of Maryland

##### .01 Definitions. (text unchanged)

##### .02 Fee Required.

A. Exemptions. This regulation does not apply to persons using the following sources of radiation:

(1) – (3) (text unchanged)

(4) *Temporary dental clinics that:*

(a) *hold a permit under Title 4 of the Health Occupations Article;*

(b) *provide all services on a pro bono basis; and*

(c) *operate fewer than 100 hours per year.*

B. – I. (text unchanged)

J. Annual General License Fees. Each person as defined in §A.2 of the Regulations for the Control of Ionizing Radiation who possesses radioactive material under the provisions of a general license in §C.22(a), (d), and (e) of [the Regulations for the Control of Ionizing Radiation] *COMAR 26.12.01.01* shall pay a calendar year [2011] *2016* base annual fee of [\$100] *\$50* as adjusted each *calendar* year in accordance with the Consumer Price Index as provided in Regulation .04 of this chapter.

##### .03 Fee Schedule.

A. Table I – Past Due Fees for Unregistered Facilities.

Machine Type	Past Due Fee CY 2011 Base (Per Tube, Per Year Without Registration*)
Group 1** or Group 2 (Accelerator)	\$4,000
Group 3 (Hospital)	1,000
Group 4 (General Medical)	1,000
Group 5 (Other Medical and Industrial)	1,000
Group 6 (Dental)	80
Group 7 (Veterinary <i>Stationary</i> )	1,000
Group 8 (Mammography)	1,000
<i>Group 9 (Veterinary Dental)</i>	<i>80</i>

\*The term "year without registration" means any year or fraction of a year that a facility was in operation in

violation of Section B.5 of the Regulations for the Control of Ionizing Radiation.

\*\*The term "group" refers to the classification established by COMAR 26.12.02.02B.

B. Table 2 – Radiation Machine Fees.

Machine Type	CY 2011 Base	
	Biennial Fee Per Tube	Annual Installment
Group 1 or Group 2 (Accelerator)	\$1,600	\$800
Group 3 (Hospital)	400	200
Group 4 (General Medical)	400	200
Group 5 (Other Medical and Industrial)	400	200
Group 6 (Dental)	–	80
Group 7 (Veterinary <i>Stationary</i> )	400	200
Group 8 (Mammography)	400	200
<i>Group 9 (Veterinary Dental)</i>	–	80

C. Table 3 – Fees for Specific Radioactive Material Licenses and Reciprocity.

Code*	CY 2011 Base Annual Fee	Definition
01100	\$2,600	Academic Type A Broad
01120	1,600	Academic Type C Broad
01200	1,600	Academic Other
02110	2,600	Medical Institution Broad
02120	1,600	Medical Institution Other-Group
02200	1,600	Medical Private Practice-Group, Quality Mgt Plan Req'd.
02201	1,600	Medical Private Practice-Group, No Quality Management Plan Req'd.
02220	2,300	Mobile Medical Van
02300	1,600	Teletherapy
02301	800	Brachytherapy
02302	1,600	Remote Afterloader
02304	2,300	Gamma Knife
02305	14,100	Manufacturing and Distribution, Sealed Sources, Irradiators and Human Use
02306	5,000	Manufacturing and Distribution, Sealed Sources, Human Use Only
02400	1,600	Veterinary-Nonhuman
02410	900	In Vitro Testing Lab, Specific License
02500	2,300	Nuclear Pharmacy
02513	5,000	Distribution, Medical Sources and Devices
03110	2,300	Well Logging
03120	1,000	Measuring Systems, Fixed Gauges

03121	1,600	Measuring Systems, Portable Gauges
03122	1,000	Measuring Systems, Analytical Gauges
03123	1,000	Measuring Systems, Gas Chromatograph
03124	1,000	Measuring Systems, Other
03125	1,000	Lixiscope
03126	[750] 500**	Portable Lead Paint Analyzers
03214	700	Manufacture and Distribution (Exempt 10 CFR §30.15)
03220	1,600	Leak Test Services Only
03221	1,600	Instrument Calibration Services Only
03223	1,600	Leak Test and Calibration
03225	1,600	Other Health Physics Services
03232	3,600	Waste Disposal Services, Prepackaged
03235	3,600	Incinerator, Noncommercial
03240	1,600	General License Distribution, Devices
03244	1,600	General License Distribution, In Vitro Materials
03245	1,600	Specific License Distribution-Non-Medical
03250	700	Exempt Concentration Distribution
03255	700	Exempt Distribution, Gas and Aerosol Detectors
03310	2,300	Industrial Radiography, Fixed
03320	2,800	Industrial Radiography, Temp. Job Sites
03510	1,600	Irradiators, Self-Shielded
03511	1,600	Irradiators, Other
03512	1,600	Irradiated Material
03520	2,200	Irradiators, Self-Shielded >10,000 curies
03521	3,600	Irradiators, Other >10,000 curies, Pool Type
03620	1,600	Research and Development
03710	700	Civil Defense
11210	1,600	Source Material, Shielding
11220	1,600	Source Material, Military Testing
22120	1,600	SNM Plutonium, Neutron Source
22130	2,300	Power Sources, SNM and/or Rad Material
22160	700	Pacemaker
26000	700	Radium

\*Code refers to the classification used by Maryland to identify a specific area of radioactive material use.

\*\*Revised fee [amount] is a CY [2015] 2016 base fee [and is effective January 1, 2015].

D. (text unchanged)

**.04 Consumer Price Index Adjustment.**

A. Beginning January 1, 2012, the annual fees set forth in this chapter, with the exception of Group 6 dental facilities and Group 9 veterinary dental machines, shall be increased each year by the percentage, if any, by which the Consumer Price Index for the most recent calendar year exceeds the Consumer Price Index for the previous calendar year.

B. – C. (text unchanged)