

**Maryland General Assembly  
Department of Legislative Services**

**Proposed Regulation  
Department of the Environment  
(DLS Control No. 16-158)**

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**Overview and Legal and Fiscal Impact**

This regulation incorporates by reference Supplement 28 to the Maryland Regulations for the Control of Ionizing Radiation (1994), which includes substantive changes and technical corrections to make the regulation consistent with federal law.

The regulation presents no legal issues 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

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**Legal Analysis**

**Background**

The Radiological Health Program (RHP) within the 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 and certification 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 incorporates by reference Supplement 28 to the Maryland Regulations for the Control of Ionizing Radiation (1994). Among other things, the supplement incorporates federal requirements for physical protection reporting, shipments of category 1 quantities of radioactive material, and transportation safety. The supplement also alters the time interval, from 3 to 6 months, for radiation survey instrument calibration and for radiographer and radiographer assistant performance observation. The supplement requires the on/off mechanism and indicator on devices

containing sealed sources be tested at specified intervals. Additionally, the supplement alters various definitions and makes miscellaneous corrections.

### **Legal Issues**

The regulation presents no legal issues of concern.

### **Statutory Authority and Legislative Intent**

The department cites §§ 8-106, 8-301, and 8-304 of the Environment Article as statutory authority for the regulation. Section 8-106 authorizes the Secretary of the Environment 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.

### **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 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.

### **Contact Information**

**Legal Analysis:** Cristen C. Flynn – (410) 946/(301) 970-5350

**Fiscal Analysis:** Kathleen P. Kennedy – (410) 946/(301) 970-5510