

MARYLAND REGISTER

## Proposed Action on Regulations

### Comparison to Federal Standards Submission and Response

**Name:** Carolyn A Jones  
**Agency:** Department of the Environment  
**Address:** 1800 Washington Blvd  
**State:** MD  
**Zip:** 21230  
**Phone:** 410-537-4210  
**Email:** carolyna.jones@maryland.gov

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

**Corresponding Federal Standard:**

Required Agreement State adoption of U.S. Nuclear Regulatory Commission regulations: - Regulation Amendments Tracking System (RATS) ID #2015-1 Effective Date 1/26/2015 published 79 FR 57721 - Regulation Amendments Tracking System (RATS) ID #2015-2 Effective Date 1/28/2015 published 79 FR 58664 - Regulation Amendments Tracking System (RATS) ID #2015-3 Effective Date 7/13/2015 published 80 FR 33987 - Regulation Amendments Tracking System (RATS) ID #2015-4 Effective Date 9/2/2015 published 80 FR 45841 - Regulation Amendments Tracking System (RATS) ID #2015-5 Effective Date 12/31/2015 published 80 FR 74974

**Discussion/Justification:**

As our Agreement states, when the U.S. Nuclear Regulatory Commission regulations are updated, the State must also update it's regulations.

### TO BE COMPLETED BY DBED

- Agree

-Disagree

**Comments:**

The Department of Commerce does not have necessary expertise in this area. Commerce feels that the Department of the Environment does have the necessary expertise and therefore trusts their assertion that the proposal is not more restrictive or stringent than corresponding federal standards.

Name: Jennifer Cox

Date: 7/13/2016

\_Submit to Governor's Office  
**Governor's Office Response**

**Comments:**

<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>
		Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

**1. Desired date of publication in Maryland Register: 9/2/2016**

**2. COMAR Codification**

**Title Subtitle Chapter Regulation**

26 12 01 01

**3. Name of Promulgating Authority**

Department of the Environment

**4. Name of Regulations Coordinator**

Carolyn A Jones

**Telephone Number**

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: June 14, 2016.

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**

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 General Provisions Article, §3-302(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 #410-547-3035) on 6/22/16. 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**

7/7/16

**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 COMAR 26.12.01.01, Incorporation by Reference, to incorporate Supplement 28, to include (a) five mandatory U.S. Nuclear Regulatory Commission regulations which include clarifications to radioactive material physical protection reporting requirements, requirements for shipments of category 1 quantities of radioactive material, harmonization of transportation safety requirements with International Atomic Energy Agency requirements, and miscellaneous corrections; (b) clarification of meaning of “annual,” (c) change in frequency of required radiation survey instrument calibration and radiographer audit; (d) clarification of definition of “individual monitoring device;” (e) requirement for shutter checks for radioactive material specific license sealed sources; and (f) 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 Blvd, or call 410-537-3208, or email to michael.kurman@maryland.gov, or fax to 410-537-3198. Comments will be accepted through October 3, 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:

These regulations have no or minimal impact on stakeholders because they primarily involve clarifications and corrections to existing regulations. There may be a slightly greater cost in shipment of category 1 quantities of radioactive material because a more secure shipping container will be required for safety in transport. There will be a slight reduction in costs of survey meter calibrations and radiographer audits because required frequency is being reduced. There may be a very minor cost for shutter checks for radioactive material specific license sealed sources, which is required to ensure radiation safety. When taken together, any changes in economic impact will be minimal.

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 E. above

G. Small Business Worksheet:

Attached Document:

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Downloaded June 14, 2016

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 [27] 28 are incorporated by reference.

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STATE OF MARYLAND  
EXECUTIVE DEPARTMENT

**OFFICE OF THE SECRETARY OF STATE  
DIVISION OF STATE DOCUMENTS**

**LAWRENCE J. HOGAN, JR.**  
Governor

**BOYD K. RUTHERFORD**  
Lt.  
Governor

**JOHN C. WOBENSMITH**  
Secretary of State

**Maryland Register**

**Code of Maryland Regulations  
(COMAR)**

Incorporation by Reference  
APPROVAL FORM

Date: June 28, 2016  
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 28, 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

Office of the Secretary of State, Division of State Documents, State House, Annapolis, MD 21401  
410-974-2486; 800-633-9657; fax 410-280-5647; email: [statedocs@sos.state.md.us](mailto:statedocs@sos.state.md.us)