



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
WASHINGTON, D.C. 20555-0001

May 7, 2015

Mr. Roland G. Fletcher, Program Manager IV
Radiological Health Program
Air and Radiation Management Administration
Maryland Department of the Environment
1800 Washington Boulevard
Baltimore, MD 21230

Dear Mr. Fletcher:

We have reviewed the final revision to the Maryland regulations Maryland Radiological Health Rules COMAR 26.12.01.01 title, "Regulations for the Control of Ionizing Radiation (1994)", received by our office on March 16, 2015. These regulations were reviewed by comparison to the equivalent U.S. Nuclear Regulatory Commission (NRC) rules and the requirements of the four amendments identified in the enclosed State Regulation Status (SRS) Data Sheet. We discussed our review of the regulations with Raymond Manley on May 7, 2015.

As a result of our review, we have one comment that has been identified in the enclosure. Please note that we have limited our review to regulations required for compatibility and/or health and safety. We have determined that if these regulations are revised, incorporating our comment and without other significant change, they would meet the compatibility and health and safety categories established in the Office of Nuclear Material Safety and Safeguards (NMSS) Procedure SA-200, "Compatibility Categories and Health and Safety Identification for NRC Regulations and Other Program Elements."

We request that when you revise your regulations to address our comment, a copy of the "as published" regulations be provided to us for review. As requested in NMSS Procedure SA-201, "Review of State Regulatory Requirements," please highlight the location of any changes made by Maryland, in response to our comments, and provide a copy to Division of Material Safety, State, Tribal, and Rulemaking Programs, NMSS. The SRS Data Sheet summarizes our knowledge of the status of other Maryland regulations, as indicated. Please let us know if you note any inaccuracies, or have any comments on the information contained in the SRS Data Sheet. This letter, including the SRS Data Sheet, is posted on the NMSS Web site:

<http://nrc-stp.ornl.gov/rulemaking.html>.

R. Fletcher

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If you have any questions regarding the review results, the compatibility and health and safety categories, or any of the NRC regulations used in the review, please contact Michelle Beardsley, State Regulation Review Coordinator, at (610) 337-6942 (Michelle.Beardsley@nrc.gov) or Donna Janda at (610) 337-5371 (Donna.Janda@nrc.gov).

Sincerely,

/RA/

CEinberg for PHenderson

Pamela J. Henderson, Deputy Director
Division of Material Safety, State, Tribal,
and Rulemaking Programs
Office of Nuclear Material Safety
and Safeguards

Enclosures:

1. Compatibility Comments
2. Maryland SRS Data Sheet

R. Fletcher

-2-

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Sincerely,

Pamela J. Henderson, Deputy Director
Division of Material Safety, State, Tribal,
and Rulemaking Programs
Office of Nuclear Material Safety
and Safeguards

Enclosures:

1. Compatibility Comments
2. Maryland SRS Data Sheet

DISTRIBUTION: SP[05]
DIR RF 15-19
Donna Janda, RSAO
Maryland File

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|--------|----------|------------|-------------|-----------|----------------------------|
| OFFICE | RI DNMS | ASPB | OGC | ASPB:BC | MSTR:DD |
| NAME | DJanda | MBeardsley | MCarpentier | CEinberg | CEinberg for PHenderson |
| DATE | 5/7/2015 | 5/7/2015 | 5/7/2015 | 5/07/2015 | 5/07/2015 |

ML15099A306

OFFICIAL RECORD COPY

Package ML15077A026

COMPATIBILITY COMMENTS ON MARYLAND FINAL REGULATIONS

| STATE SECTION | | NRC SECTION | RATS ID | CATEGORY | SUBJECT and COMMENTS |
|---------------|------------|----------------------------------|---------|----------|--|
| 1 | C.29(d)(2) | 30.35(e) 40.36(d) 70.25(e) | 2011-1 | H&S | <p>Financial assurance and recordkeeping for decommissioning</p> <p>In Section C.29(d)(2), Maryland requires that decommissioning funding plans must be resubmitted at intervals not to exceed 42 months. This interval exceeds the interval of 3 years (36 months) contained in 10 CFR 30.35(e), 40.36(d), and 70.25(e). Maryland's interval of 42 months is less restrictive than the NRC's interval, and it does not meet the essential health and safety objectives of the regulations in 10 CFR 30.35(e), 40.36(d), and 70.25(e).</p> <p>Maryland needs to adopt the essential objectives of the requirements for the resubmittal of decommissioning funding plans to meet the Category H&S designation assigned to 10 CFR 30.35(e), 40.36(d), and 70.25(e).</p> |

STATE REGULATION STATUS

State: Maryland

Tracking Ticket Number: 15-19

Date: 05/07/2015

[4 amendment(s) reviewed identified by a * at the beginning of the equivalent NRC requirement.]

| RATS ID | NRC Chronology Identification | Date Due for State Adoption | Incoming Letter | Outgoing Package | Notes |
|---------|--|-----------------------------|-----------------|---------------------------|--|
| 1991-1 | Safety Requirements for Radiographic Equipment Part 34 55 FR 843 (Superceded by 1997-5) | 01/10/1994 | Final | No Comments 09/09/1995 | Maryland has adopted Final Regulations equivalent to RATS ID: 1997-5. |
| 1991-2 | ASNT Certification of Radiographers Part 34 56 FR 11504 (Superceded by 1997-5) | none | Final | No Comments 09/09/1995 | Maryland has adopted Final Regulations equivalent to RATS ID: 1997-5. |
| 1991-3 | Standards for Protection Against Radiation Part 20 56 FR 23360; 56 FR 61352; 57 FR 38588; 57 FR 57877; 58 FR 67657; 59 FR 41641; 60 FR 20183 | 01/01/1994 | Final | No Comments 02/28/1997 | |
| 1991-4 | Notification of Incidents Parts 20, 30, 31, 34, 39, 40, 70 56 FR 64980 | 10/15/1994 | Final | No Comments 04/15/1998 | |
| 1992-1 | Quality Management Program and Misadministrations Part 35 56 FR 34104 (Superceded by 2002-2) | 01/27/1995 | Final | No Comments 09/09/1995 | Maryland has not yet adopted Final Regulations equivalent to RATS ID: 2002-2. |
| 1992-2 | Eliminating the Recordkeeping Requirements for Departures from Manufacturer's Instructions Parts 30, 35 57 FR 45566 | none | Not Required | Not Required | These regulation changes are not required to be adopted for purposes of Compatibility. |

| RATS ID | NRC Chronology Identification | Date Due for State Adoption | Incoming Letter | Outgoing Package | Notes |
|---------|---|-----------------------------|-----------------------------|---------------------------|--|
| 1993-1 | Decommissioning Recordkeeping and License Termination: Documentation Additions [Restricted areas and spill sites] Parts 30, 40 58 FR 39628 | 10/25/1996 | Final | No Comments 10/19/1995 | |
| 1993-2 | Licensing and Radiation Safety Requirements for Irradiators Part 36 58 FR 7715 | 07/01/1996 | Final | No Comments 03/20/1997 | |
| 1993-3 | Definition of Land Disposal and Waste Site QA Program Part 61 58 FR 33886 | 07/22/1996 | Not Applicable ¹ | Not Applicable | Maryland does not have any licensees subject to these regulations. (See SECY-95-112) |
| 1994-1 | Self-Guarantee as an Additional Financial Mechanism Parts 30, 40, 70 58 FR 68726; 59 FR 1618 | none | Not Required | Not Required | These regulation changes are not required to be adopted for purposes of Compatibility. |
| 1994-2 | Uranium Mill Tailings Regulations: Conforming NRC Requirements to EPA Standards Part 40 59 FR 28220 | 07/01/1997 | Not Applicable | Not Applicable | Maryland does not have authority to regulate this material under its Agreement. |
| 1994-3 | Timeliness in Decommissioning Material Facilities Parts 30, 40, 70 59 FR 36026 | 08/15/1997 | Final | No Comments 08/08/2000 | |
| 1995-1 | Preparation, Transfer for Commercial Distribution, and Use of Byproduct Material for Medical Use Parts 30, 32, 35 59 FR 61767; 59 FR 65243; 60 FR 322 | 01/01/1998 | Final | No Comments 08/08/2000 | |

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|---------|--|-----------------------------|-----------------|---------------------------|---|
| 1995-2 | Frequency of Medical Examinations for Use of Respiratory Protection Equipment Part 20 60 FR 7900 | 03/13/1998 | Final | No Comments 11/03/1997 | |
| 1995-3 | Low-Level Waste Shipment Manifest Information and Reporting Parts 20, 61 60 FR 15649; 60 FR 25983 | 03/01/1998 | Final | No Comments 12/28/1997 | |
| 1995-4 | Performance Requirements for Radiography Equipment Part 34 60 FR 28323 (Superceded by 1997-5) | 06/30/1998 | Final | No Comments 08/08/2000 | Maryland has adopted Final Regulations equivalent to RATS ID: 1997-5. |
| 1995-5 | Radiation Protection Requirements: Amended Definitions and Criteria Parts 19, 20 60 FR 36038 | 08/14/1998 | Final | No Comments 08/08/2000 | |
| 1995-6 | Clarification of Decommissioning Funding Requirements Parts 30, 40, 70 60 FR 38235 | 11/24/1998 | Final | No Comments 08/08/2000 | |
| 1995-7 | Medical Administration of Radiation and Radioactive Materials Parts 20, 35 60 FR 48623 (Superceded by 2002-2 and 2005-2) | 10/20/1998 | Final | No Comments 08/08/2000 | Maryland has not yet adopted Final Regulations equivalent to RATS IDs: 2002-2 and 2005-2. |
| 1996-1 | Compatibility with the International Atomic Energy Agency Part 71 60 FR 50248; 61 FR 28724 (Superceded by 2004-1) | 04/01/1999 | Final | No Comments 08/08/2000 | Maryland has not yet adopted Final Regulations Equivalent to RATS ID: 2004-1. |

| RATS ID | NRC Chronology Identification | Date Due for State Adoption | Incoming Letter | Outgoing Package | Notes |
|---------|---|-----------------------------|----------------------|--|---|
| 1996-2 | One Time Extension of Certain Byproduct, Source and Special Nuclear Materials Licenses Parts 30, 40, 70 61 FR 1109 | 02/15/1999 | Not Required | Not Required | These regulation changes are not required to be adopted for purposes of Compatibility. |
| 1996-3 | Termination or Transfer of Licensed Activities: Record keeping Requirements Parts 20, 30, 40, 61, 70 61 FR 24669 | 06/17/1999 | Final | No Comments 08/08/2000 | |
| 1997-1 | Resolution of Dual Regulation of Airborne Effluents of Radioactive Materials; Clean Air Act Part 20 61 FR 65120 | 01/9/2000 | Final ML051380408 | No Comments 06/27/2005 ML051800055 | |
| 1997-2 | Recognition of Agreement State Licenses in Areas Under Exclusive Federal Jurisdiction Within an Agreement State Part 150 62 FR 1662 | 02/27/2000 | Final ML051380408 | No Comments 06/27/2005 ML051800055 | |
| 1997-3 | Criteria for the Release of Individuals Administered Radioactive Material Parts 20, 35 62 FR 4120 | 05/29/2000 | Final ML021120426 | No Comments 05/10/2002 ML021340513 | |
| 1997-4 | Fissile Material Shipments and Exemptions Part 71 62 FR 5907 (Superceded by 2004-1) | 02/10/2000 | Not Required | Not Required | These regulation changes are not required to be adopted for purposes of Compatibility. (See STP-97-078) |
| 1997-5 | Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiography Operations Parts 30, 34, 71, 150 62 FR 28947 | 06/27/2000 | Final ML021120426 | No Comments 05/10/2002 ML021340513 | |

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|---------|--|-----------------------------|----------------------|--|---|
| 1997-6 | Radiological Criteria for License Termination Parts 20, 30, 40, 70 62 FR 39057 | 08/20/2000 | Final ML021120426 | No Comments 05/10/2002 ML021340513 | |
| 1997-7 | Exempt Distribution of a Radioactive Drug Containing One Micro curie of Carbon-14 Urea Part 30 62 FR 63634 | 01/02/2001 | Final ML051380408 | No Comments 06/27/2005 ML051800055 | |
| 1998-1 | Deliberate Misconduct by Unlicensed Persons Parts 30, 40, 61, 70, 71, 150 63 FR 1890; 63 FR 13773 | 02/12/2001 | Final ML051380408 | No Comments 06/27/2005 ML051800055 | |
| 1998-2 | Self-Guarantee of Decommissioning Funding by Nonprofit and Non-Bond-Issuing Licensees Parts 30, 40, 70 63 FR 29535 | 07/01/2001 | Not Required | Not Required | These regulation changes are not required to be adopted for purposes of Compatibility. |
| 1998-3 | License Term for Medical Use Licenses Part 35 63 FR 31604 (Superceded by 2002-2) | 07/10/2001 | Not Required | Not Required | These regulation changes are not required to be adopted for purposes of Compatibility. (See STP-98-074) |
| 1998-4 | Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations Part 34 63 FR 37059 | 07/09/2001 | Final ML051100241 | No Comments 05/13/2005 ML051360003 | |
| 1998-5 | Minor Corrections, Clarifying Changes, and a Minor Policy Change Parts 20, 32, 35, 36, 39 63 FR 39477; 63 FR 45393 | 10/26/2001 | Final ML051100241 | No Comments 05/13/2005 ML051360003 | |

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|----------------|--|------------------------------------|------------------------|--|--|
| 1998-6 | Transfer for Disposal and Manifests: Minor Technical Conforming Amendment Part 20 63 FR 50127 | 11/20/2001 | Final ML051100241 | No Comments 05/13/2005 ML051360003 | |
| 1999-1 | Radiological Criteria for License Termination of Uranium Recovery Facilities Part 40 64 FR 17506 | 06/11/2002 | Not Applicable | Not applicable | Maryland does not have authority to regulate this material under its Agreement. |
| 1999-2 | Requirements for Those Who Possess Certain Industrial Devices Containing Byproduct Material to Provide Requested Information Part 31 64 FR 42269 | 10/04/2002 | Not Required | Not Required | These regulation changes are not required to be adopted for purposes of Compatibility. |
| 1999-3 | Respiratory Protection and Controls to Restrict Internal Exposure Part 20 64 FR 54543; 64 FR 55524 | 02/02/2003 | Final ML051100241 | No Comments 05/13/2005 ML051360003 | |
| 2000-1 | Energy Compensation Sources for Well Logging and Other Regulatory Clarifications Part 39 65 FR 20337 | 05/17/2003 | Final ML051100241 | No Comments 05/13/2005 ML051360003 | |
| 2000-2 | New Dosimetry Technology Parts 34, 36, 39 65 FR 63750 | 01/08/2004 | Final ML071710580 | No Comments 09/04/2007 ML072470495 | |
| 2001-1 | Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material Parts 30, 31, 32 65 FR 79162 | 02/16/2004 | Final ML071980288 | No Comments 08/03/2007 ML072210120 | |

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|----------------|---|------------------------------------|-------------------------------------|--|--------------|
| 2002-1 | Revision of the Skin Dose Limit Part 20 67 FR 16298 | 04/05/2005 | Final ML071710580 | No Comments 09/04/2007 ML072470495 | |
| 2002-2 | Medical Use of Byproduct Material Parts 20, 32, 35 67 FR 20249 | 10/24/2005 | Final ML083290007 | No Comments 12/23/2008 ML083460488 | |
| 2003-1 | Financial Assurance for Materials Licensees Parts 30, 40, 70 68 FR 57327 | 12/03/2006 | Final ML071710580 | No Comments 09/04/2007 ML072470495 | |
| 2004-1 | Compatibility With IAEA Transportation Safety Standards and Other Transportation Safety Amendments Part 71 69 FR 3697 | 10/01/2007 | Final ML093500525 | No Comments 01/27/2010 ML100140061 | |
| 2005-1 | Security Requirements for Portable Gauges Containing Byproduct Material Part 30 70 FR 2001 | 07/11/2008 | Final ML083290007 | No Comments 12/23/2008 ML083460488 | |
| 2005-2 | Medical Use of Byproduct Material - Recognition of Specialty Boards Part 35 70 FR 16336; 71 FR 1926 | 04/29/2008 | Final ML083290007 | No Comments 12/23/2008 ML083460488 | |
| 2005-3 | Increased Controls for Risk-Significant Radioactive Sources (NRC Order EA-05-090) 70 FR 72128 | 12/01/2005 | License Condition ML053040172 | No Comments 11/01/2005 ML053050373 | |
| 2006-1 | Minor Amendments Parts 20, 30, 32, 35, 40 and 70 71 FR 15005 | 03/27/2009 | Final ML093500525 | No Comments 01/27/2010 ML100140061 | |

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|---------|--|-----------------------------|---|--|-------|
| 2006-2 | National Source Tracking System - Serialization Requirements Part 32 with reference to Part 20 Appendix E 71 FR 65685 | 02/06/2007 | Final ML093500525 | No Comments 01/27/2010 ML100140061 | |
| 2006-3 | National Source Tracking System Part 20 71 FR 65685, 72 FR 59162 | 01/31/2009 | Final ML112260004 License Condition ML083390004 | No Comment 09/22/2011 ML112411249 No Comment 12/11/2008 ML083390024 | |
| 2007-1 | Medical Use of Byproduct Material - Minor Corrections and Clarifications Parts 32 and 35 72 FR 45147, 54207 | 10/29/2010 | Final ML093500525 | No Comments 01/27/2010 ML100140061 | |
| 2007-2 | Exemptions From Licensing, General Licenses, and Distribution of Byproduct Material: Licensing and Reporting Requirements Parts 30, 31, 32, 150 72 FR 58473 | 12/17/2010 | Final ML112260004 | No Comment 09/22/2011 ML112411249 | |
| 2007-3 | Requirements for Expanded Definition of Byproduct Material Parts 20, 30, 31, 32, 33, 35, 61, 150 72 FR 55864 | 11/30/2010 | Final ML113310005 | No Comments 01/10/2012 ML113530474 | |
| 2007-4 | Order Imposing Fingerprinting Requirements and Criminal History Records Check Requirements for Unescorted Access to Certain Radioactive Material NRC Order EA-07-305 72 FR 70901 | 06/05/2008 | License Condition ML081160371 | No Comments 05/02/2008 ML081230186 | |

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|---------|---|-----------------------------|---|--|-------|
| 2008-1 | Occupational Dose Records, Labeling Containers, and Total Effective Dose Equivalent Parts 19, 20 72 FR 68043 | 02/15/2011 | Final ML113310005 | No Comments 01/10/2012 ML113530474 | |
| 2009-1 | Medical Use of Byproduct Material – Authorized User Clarification Part 35 74 FR 33901 | 09/28/2012 | Final ML13061A002 | No Comments 03/28/2013 ML13070A113 | |
| *2011-1 | Decommissioning Planning Parts 20, 30, 40, 70 76 FR 35512 | 12/17/2015 | Proposed ML12347A347 Final ML15077A029 | No Comments 01/16/2013 ML13002A081 Comments 05/07/2015 ML15077A026 | |
| *2011-2 | Licenses, Certifications, and Approvals for Materials Licensees Parts 30, 36, 39, 40, 70, and 150 76 FR 56951 | 11/14/2014 | Proposed ML12347A347 Final ML15077A029 | No Comments 01/16/2013 ML13002A081 No Comments 05/07/2015 ML15077A026 | |
| *2012-1 | Change of Compatibility of 10 CFR 31.5 and 31.6 (See RATS ID: 2001-1 for Rule text) 77 FR 3640 | 01/25/2015 | R ² ML13347A977 Revised Final ML15077A977 | Comments 01/17/2014 ML13347A961 No Comments 05/07/2015 ML15077A026 | |

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|---------|---|-----------------------------|---|--|-------|
| 2012-2 | Advance Notification to Native American Tribes of Transportation of Certain Types of Nuclear Waste Part 71 77 FR 34194 | 08/10/2015 | | | |
| *2012-3 | Technical Corrections Part 30, 34, 40 and 71 77 FR 39899 | 08/06/2015 | Proposed ML13347A977 Final ML15077A029 | No Comments 01/17/2014 ML13347A961 No Comments 05/07/2015 ML15077A026 | |
| 2012-4 | Requirements for Distribution of Byproduct Material Parts 30, 31, 32, 40 and 70 77 FR 43666 | 10/23/2015 | Proposed ML14176A138 | Comments 08/19/2014 ML14171A465 | |
| 2013-1 | Physical Protection of Byproduct Material, 10 CFR Parts 20, 30, 32, 33, 34, 35, 36, 37, 39, and 71 78 FR 16922 | 03/19/2016 | Proposed ML14356A521 | Comments 02/09/2015 ML14356A459 | |
| 2013-2 | Distribution of Source Material to Exempt Persons and to General Licensees and Revision of General License and Exemptions, 10 CFR Parts 30, 40, and 70 78 FR 32310 | 08/27/2016 | | | |
| 2015-1 | Domestic Licensing of Special Nuclear Material – Written Reports and Clarifying Amendments Part 70 79 FR 57721, 80 FR 143 | 01/26/2018 | | | |
| 2015-2 | Safeguards Information - Modified Handling Categorization, Change for Materials Facilities Parts 30, 37, 73, and 150 79 FR 58664, 80 FR 3865 | 01/28/2018 | | | |

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|----------------|--|------------------------------------|-------------------------|--|--------------|
| N/A | 10 CFR 20.1301, 32.72, 35.80 and 35.3045 | N/A | Final ML113310005 | No Comments 01/11/2012 ML113530474 | |
| N/A | 10 CFR 31.5, 35.60, 35.63 35.75, and 35.80 | N/A | Final ML13061A002 | No Comments 03/28/2013 ML13070A113 | |
| N/A | 10 CFR 35.61 | N/A | Proposed ML13347A977 | No Comments 01/17/2014 ML13347A961 | |

¹ IMPEP Team: verify that Maryland does not have any licensees subject to these regulations during each review.

² R stands for revision to final rule