December 23, 2008

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

Dear Mr. Fletcher:

We have reviewed the final revisions to the State of Maryland regulations Maryland Radiological Health Rules COMAR 26.12.01.01, “Regulations for the Control of Ionization Radiation (1994)”, received by our office on November 20, 2008. These regulations were reviewed by comparison to the equivalent Nuclear Regulatory Commission (NRC) rules in 10 CFR Parts 20, 30, 32, and 35 and the requirements of the three amendments identified in the enclosed State Regulation Status (SRS) Data Sheet. We discussed our review of the regulations with Ray Manley on December 22, 2008.

As a result of our review, we have no comments. Please note that we have limited our review to regulations required for compatibility and/or health and safety. We have determined that the regulations, as adopted, meet the compatibility and health and safety categories established in the Office of Federal and State Materials and Environmental Management Programs (FSME) Procedure SA-200.

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 FSME website: http://nrc-stp.ornl.gov/nrc/rulemaking.htm.

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 Kathleen Schneider, State Regulation Review Coordinator at 301-415-2320 (kathleen.schneider@nrc.gov) or Solomon Sahle at 301-415-3781 (solomon.sahle@nrc.gov).

Sincerely,

/RA/

Terrence Reis, Deputy Director
Division of Materials Safety and State Agreements
Office of Federal and State Materials and Environmental Management Programs

Enclosures:
As stated
Dear Mr. Fletcher:

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Sincerely,

/RA/

Terrence Reis, Deputy Director
Division of Materials Safety and State Agreements
Office of Federal and State Materials and Environmental Management Programs

Enclosures: As stated

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<td>1991-3</td>
<td>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;</td>
<td>01/01/1994</td>
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<td>Eliminating the Recordkeeping Requirements for Departures from Manufacturer's Instructions Parts 30, 35 57 FR 45566</td>
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<td>1993-1</td>
<td>Decommissioning Recordkeeping and License Termination: Documentation Additions [Restricted areas and spill sites] Parts 30, 40 58 FR 39628</td>
<td>10/25/1996</td>
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<td>Licensing and Radiation Safety Requirements for Irradiators Part 36 58 FR 7715</td>
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<td>Definition of Land Disposal and Waste Site QA Program Part 61 58 FR 33886</td>
<td>07/22/1996</td>
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<td>Not Applicable</td>
<td>Maryland does not have any licensees subject to these regulations. (See SE CY-95-112)</td>
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<td>1994-1</td>
<td>Self-Guarantee as an Additional Financial Mechanism Parts 30, 40, 70 58 FR 68726; 59 FR 1618</td>
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<td>These regulation changes are not required to be adopted for purposes of Compatibility.</td>
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<td>Uranium Mill Tailings Regulations: Conforming NRC Requirements to EPA Standards Part 40 59 FR 28220</td>
<td>07/01/1997</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
<td>Maryland does not have authority to regulate this material under its Agreement.</td>
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<td>1995-1</td>
<td>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</td>
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<td>Final</td>
<td>No Comments 08/08/2000</td>
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<td>Low-Level Waste Shipment Manifest Information and Reporting Parts 20, 61 60 FR 15649; 60 FR 25983</td>
<td>03/01/1998</td>
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<td>No Comments 12/28/1997</td>
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<td>Performance Requirements for Radiography Equipment Part 34 60 FR 28323 (Superceded by 1997-5)</td>
<td>06/30/1998</td>
<td>Final</td>
<td>No Comments 08/08/2000</td>
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<td>Compatibility with the International Atomic Energy Agency Part 71 60 FR 50248; 61 FR 28724 (Superceded by 2004-1)</td>
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<td>No Comments 08/08/2000</td>
<td>Maryland has not yet adopted Final Regulations Equivalent to RATS ID: 2004-1.</td>
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<td>One Time Extension of Certain Byproduct, Source and Special Nuclear Materials Licenses Parts 30, 40, 70 61 FR 1109</td>
<td>02/15/1999</td>
<td>Not Required</td>
<td>Not Required</td>
<td>These regulation changes are not required to be adopted for purposes of Compatibility.</td>
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<td>Termination or Transfer of Licensed Activities: Record keeping Requirements Parts 20, 30, 40, 61, 70 61 FR 24669</td>
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<td>Final</td>
<td>No Comments 08/08/2000</td>
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<td>Resolution of Dual Regulation of Airborne Effluents of Radioactive Materials; Clean Air Act Part 20 61 FR 65120</td>
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<td>No Comments 06/27/2005 ML051800055</td>
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<td>Fissile Material Shipments and Exemptions Part 71 62 FR 5907 <em>(Superceded by 2004-1)</em></td>
<td>02/10/2000</td>
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<td>These regulation changes are not required to be adopted for purposes of Compatibility. (See STP-97-078)</td>
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<td>Radiological Criteria for License Termination Parts 20, 30, 40, 70 62 FR 39057</td>
<td>08/20/2000</td>
<td>Final ML021120426</td>
<td>No Comments 05/10/2002 ML021340513</td>
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<td>Exempt Distribution of a Radioactive Drug Containing One Micro curie of Carbon-14 Urea Part 30 62 FR 63634</td>
<td>01/02/2001</td>
<td>Final ML051380408</td>
<td>No Comments 06/27/2005 ML051800055</td>
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<td>1998-1</td>
<td>Deliberate Misconduct by Unlicensed Persons Parts 30, 40, 61, 70, 71, 62 FR 39057</td>
<td>02/12/2001</td>
<td>Final ML051380408</td>
<td>No Comments 06/27/2005 ML051800055</td>
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<td>Self-Guarantee of Decommissioning Funding by Nonprofit and Non-Bond-Issuing Licensees Parts 30, 40, 70 63 FR 29535</td>
<td>07/01/2001</td>
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<td>Not Required</td>
<td>These regulation changes are not required to be adopted for purposes of Compatibility.</td>
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<td>1998-3</td>
<td>License Term for Medical Use Licenses Part 35 63 FR 31604 <em>(Superceded by 2002-2)</em></td>
<td>07/10/2001</td>
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<td>Not Required</td>
<td>These regulation changes are not required to be adopted for purposes of Compatibility. (See STP-98-074)</td>
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<td>1998-5</td>
<td>Minor Corrections, Clarifying Changes, and a Minor Policy Change Parts 20, 35, 36 63 FR 39477; 63 FR 45393</td>
<td>10/26/2001</td>
<td>Final ML051100241</td>
<td>No Comments 05/13/2005 ML051360003</td>
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<td>1999-1</td>
<td>Radiological Criteria for License Termination of Uranium Recovery Facilities Part 40 64 FR 17506</td>
<td>06/11/2002</td>
<td>Not Applicable</td>
<td>Not applicable</td>
<td>Maryland does not have authority to regulate this material under its Agreement.</td>
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<td>1999-2</td>
<td>Requirements for Those Who Possess Certain Industrial Devices Containing Byproduct Material to Provide Requested Information Part 31 64 FR 42269</td>
<td>10/04/2002</td>
<td>Not Required</td>
<td>Not Required</td>
<td>These regulation changes are not required to be adopted for purposes of Compatibility.</td>
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<td>1999-3</td>
<td>Respiratory Protection and Controls to Restrict Internal Exposure Part 20 64 FR 54543; 64 FR 55524</td>
<td>02/02/2003</td>
<td>Final ML051100241</td>
<td>No Comments 05/13/2005 ML051360003</td>
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<td>2000-1</td>
<td>Energy Compensation Sources for Well Logging and Other Regulatory Clarifications Part 39 65 FR 20337</td>
<td>05/17/2003</td>
<td>Final ML051100241</td>
<td>No Comments 05/13/2005 ML051360003</td>
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<td>2000-2</td>
<td>New Dosimetry Technology Parts 34, 36, 39 65 FR 63750</td>
<td>01/08/2004</td>
<td>Final ML071710580</td>
<td>No Comments 09/04/2007 ML072470495</td>
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<td>2001-1</td>
<td>Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct</td>
<td>02/16/2004</td>
<td>Final ML071980288</td>
<td>No Comments 08/03/2007 ML072210120</td>
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<td>2002-1</td>
<td>Revision of the Skin Dose Limit Part 20 67 FR 16298</td>
<td>04/05/2005</td>
<td>Final ML071710580</td>
<td>No Comments 09/04/2007 ML072470495</td>
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<td>Medical Use of Byproduct Material Parts 20, 32, 35 67 FR 20249</td>
<td>10/24/2005</td>
<td>Final ML083290007</td>
<td>No Comments 12/23/2008 ML083460488</td>
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<td>2005-3</td>
<td>Increased Controls for Risk-Significant Radioactive Sources</td>
<td>12/01/2005</td>
<td>License Condition ML053040172</td>
<td>No Comments 11/01/2005 ML053050373</td>
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<td>2006-1</td>
<td>Minor Amendments Parts 20, 30, 32, 35, 40 and 70</td>
<td>03/27/2009</td>
<td>Proposed ML082108398</td>
<td>No Comment 09/03/2008 ML082310168</td>
<td>Maryland responded on 02/16/2007 to FSME-06-110 stating that they currently had no licensees applicable to this rule. ML070460468</td>
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<td>2006-2</td>
<td>National Source Tracking System - Serialization Requirements Part 32 with reference to Part 20 Appendix E 71 FR 65685</td>
<td>02/06/2007</td>
<td>Proposed ML082108398</td>
<td>No Comment 09/03/2008 ML082310168</td>
<td>Maryland responded on 02/16/2007 to FSME-06-110 stating that they currently had no licensees applicable to this rule. ML070460468</td>
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<td>2006-3</td>
<td>National Source Tracking System Part 20 71 FR 65685, 72 FR 59162</td>
<td>01/31/2009</td>
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<td>No Comment 12/11/2008 ML083390024</td>
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<td>2007-1</td>
<td>Medical Use of Byproduct Material - Minor Corrections and Clarifications Parts 32 and 35 72 FR 45147, 54207</td>
<td>10/29/2010</td>
<td>Proposed ML082108398</td>
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<td>Requirements for Expanded Definition of Byproduct Material Parts 20, 30, 31, 32, 33, 35, 61, 150 72 FR 55864</td>
<td>11/30/2010</td>
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<td>2007-4</td>
<td>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</td>
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<td>License Condition ML081160371</td>
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<td>Occupational Dose Records, Labeling Containers, and Total Effective Dose Equivalent Parts 19, 20 72 FR 68043</td>
<td>02/15/2011</td>
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1 IMPEP Team: verify that Maryland does not have any licensees subject to these regulations during each review.