

October 13, 2000

Mr. Roland G. Fletcher, Manager  
Radiological Health Program  
Air and Radiation Management Administration  
Maryland Department of the Environment  
2500 Broening Highway  
Baltimore, MD 21224

Dear Mr. Fletcher:

As requested, we have reviewed the proposed amendments to the Maryland regulations (Supplement 7) enclosed in your August 17, 2000 letter. The proposed regulations are in response to the three amendments identified in the enclosed Regulation Assessment Tracking System (RATS) Data Sheet. The regulations were reviewed by comparison to the equivalent NRC regulations in 10 CFR Parts 20, 30, 34, and 35. We also discussed our review of the regulations with Ray Manley on September 22, 2000.

As a result of our review we have two comments that have been identified in the enclosure. Please note that we have limited our review to regulations required for compatibility and/or health and safety. Under our current procedure, a finding that a State regulation meets the compatibility and health and safety categories of the equivalent NRC regulation may only be made based on a review of the final State regulation. However, we have determined that if your proposed regulations were adopted incorporating the comments and without other significant change, they would meet the compatibility and health and safety categories established in the Office of State and Tribal Programs (STP) Procedure SA-200.

We request that when the proposed regulations are adopted and published as final regulations, a copy of the "as published" regulations be provided to us for review. As requested in STP Procedure SA-201, *Review of State Regulations*, please highlight the final changes and send one copy in a computer readable format, if possible.

We have also summarized on the RATS Data Sheet our knowledge of the status of other Maryland regulations. Please let us know if you note any inaccuracies or have any comments on the information contained in the RATS Data Sheet.

If you have any questions regarding the comments, the compatibility and health and safety categories, or any of the NRC regulations used in the review, please contact me or Duncan White at (610) 337-5042 or [adw@nrc.gov](mailto:adw@nrc.gov).

Sincerely,

**/RA/**

Frederick C. Combs, Deputy Director  
Office of State and Tribal Programs

Enclosures:  
As stated

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STP-AG-14

**COMMENTS ON PROPOSED MARYLAND REGULATIONS  
AGAINST COMPATIBILITY AND HEALTH AND SAFETY CATEGORIES**

| <b>State Regulation</b> | <b>NRC Regulation</b> | <b>RATS ID</b> | <b>Category</b> | <b>Subject and Comments</b>                                                                                                                                                                                                                                                                          |
|-------------------------|-----------------------|----------------|-----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Sec. A.2                | 20.1003               | 1997-6         | C               | <p>Definitions</p> <p>The definition of "Decommissioning" did not include the release of the property under restricted conditions and termination of the license.</p> <p>Unless the omitted portion of the definition is incorporated, the regulation would not meet the compatibility category.</p> |
| Sec. A.2                | 20.1003               | 1997-6         | B               | <p>Definitions</p> <p>The definition of "Residual Radioactivity" was omitted.</p> <p>Unless the omitted definition is adopted, the regulation would not meet the compatibility category.</p>                                                                                                         |

**REGULATION ASSESSMENT TRACKING SYSTEM**  
**RATS DATA SHEET**

**State:** Maryland

[Three proposed amendments (August 17, 2000) reviewed are identified by a ★ at the beginning of each equivalent NRC regulation.]

**Tracking Ticket Number:** 0-202

**Date:** October 13, 2000

| <b>NRC Chronology Identification</b>                                                                                           | <b>FR Notice<br/>(State Due<br/>Date)</b>                                                                         | <b>RATS<br/>ID</b> | <b>Proposed/<br/>Final-<br/>Comment<br/>(Y/N)<sup>1</sup></b> | <b>NRC<br/>Review<br/>Date</b> | <b>Final State<br/>Regulation<sup>2</sup><br/>(Effective<br/>Date)</b> |
|--------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|--------------------|---------------------------------------------------------------|--------------------------------|------------------------------------------------------------------------|
| Standards for Protection Against Radiation-Part 20                                                                             | 56 FR 23360<br>56 FR 61352<br>57 FR 38588<br>57 FR 57877<br>58 FR 67657<br>59 FR 41641<br>60 FR 20183<br>(1/1/94) | 1991-3             | F-N                                                           | 2/28/97                        | 10/9/95                                                                |
| Safety Requirements for Radiographic Equipment-Part 34                                                                         | 55 FR 843<br>(1/10/94)                                                                                            | 1991-1             | F-N                                                           | 9/9/95                         | 10/95                                                                  |
| ASNT Certification of Radiographers-Part 34                                                                                    | 56 FR 11504<br>(none)                                                                                             | 1991-2             |                                                               |                                | Not required <sup>3</sup>                                              |
| Notification of Incidents-Parts 20, 30, 31, 34, 39, 40, 70                                                                     | 56 FR 64980<br>(10/15/94)                                                                                         | 1991-4             | F-N                                                           | 4/15/98                        | 10/95                                                                  |
| Quality Management Program and Misadministrations -Part 35                                                                     | 56 FR 34104<br>(1/27/95)                                                                                          | 1992-1             | F-N                                                           | 9/9/95                         | 10/95                                                                  |
| Eliminating the Recordkeeping Requirements for Departures from Manufacturer's Instructions-Parts 30,35                         | 57 FR 45566<br>(none)                                                                                             | 1992-2             |                                                               |                                | Not required <sup>3</sup>                                              |
| Licensing and Radiation Safety Requirements for Irradiators-Part 36                                                            | 58 FR 7715<br>(7/1/96)                                                                                            | 1993-2             | F-N                                                           | 3/20/97                        | 12/96                                                                  |
| Definition of Land Disposal and Waste Site QA Program-Part 61                                                                  | 58 FR 33886<br>(7/22/96)                                                                                          | 1993-3             |                                                               |                                | Not applicable<br>SECY-95-112 <sup>4</sup>                             |
| Decommissioning Recordkeeping and License Termination: Documentation Additions [Restricted areas and spill sites]-Parts 30, 40 | 58 FR 39628<br>(10/25/96)                                                                                         | 1993-1             | F-N                                                           | 10/19/95                       |                                                                        |
| Self-Guarantee as an Additional Financial Mechanism- Parts 30, 40, 70                                                          | 58 FR 68726<br>59 FR 1618<br>(none)                                                                               | 1994-1             |                                                               |                                | Not required <sup>3</sup>                                              |
| Uranium Mill Tailings Regulations: Conforming NRC Requirements to EPA Standards-Part 40                                        | 59 FR 28220<br>(7/1/97)                                                                                           | 1994-2             |                                                               |                                | Not applicable<br>to MD                                                |
| Timeliness in Decommissioning Material Facilities-Parts 30, 40, 70                                                             | 59 FR 36026<br>(8/15/97)                                                                                          | 1994-3             | F-N                                                           | 8/8/00                         | 6/98                                                                   |
| Preparation, Transfer for Commercial Distribution, and Use of Byproduct Material for Medical Use-Parts 30, 32, 35              | 59 FR 61767<br>59 FR 65243<br>60 FR 322<br>(1/1/98)                                                               | 1995-1             | F-N                                                           | 8/8/00                         | 11/98                                                                  |
| Frequency of Medical Examinations for Use of Respiratory Protection Equipment-Part 20                                          | 60 FR 7900<br>(3/13/98)                                                                                           | 1995-2             | F-N                                                           | 11/3/97                        | 11/97                                                                  |

| <b>NRC Chronology Identification</b>                                                                                               | <b>FR Notice<br/>(State Due<br/>Date)</b> | <b>RATS<br/>ID</b> | <b>Proposed/<br/>Final-<br/>Comment<br/>(Y/N)<sup>1</sup></b> | <b>NRC<br/>Review<br/>Date</b> | <b>Final State<br/>Regulation<sup>2</sup><br/>(Effective<br/>Date)</b> |
|------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|--------------------|---------------------------------------------------------------|--------------------------------|------------------------------------------------------------------------|
| Low-Level Waste Shipment Manifest Information and Reporting-Parts 20, 61                                                           | 60 FR 15649<br>60 FR 25983<br>(3/1/98)    | 1995-3             | F-N                                                           | 12/28/97                       | 11/98                                                                  |
| Performance Requirements for Radiography Equipment- Part 34                                                                        | 60 FR 28323<br>(6/30/98)                  | 1995-4             | F-N                                                           | 8/8/00                         | 6/14/99                                                                |
| Radiation Protection Requirements: Amended Definitions and Criteria-Parts 19, 20                                                   | 60 FR 36038<br>(8/14/98)                  | 1995-5             | F-N                                                           | 8/8/00                         | 6/14/99                                                                |
| Clarification of Decommissioning Funding Requirements-Parts 30, 40, 70                                                             | 60 FR 38235<br>(11/24/98)                 | 1995-6             | F-N                                                           | 8/8/00                         | 6/14/99                                                                |
| Medical Administration of Radiation and Radioactive Materials-Parts 20, 35                                                         | 60 FR 48623<br>(10/20/98)                 | 1995-7             | F-N                                                           | 8/8/00                         | 6/14/99                                                                |
| 10 CFR Part 71: Compatibility with the International Atomic Energy Agency-Part 71                                                  | 60 FR 50248<br>61 FR 28724<br>(4/1/99)    | 1996-1             | F-N                                                           | 8/8/00                         | 2/7/00                                                                 |
| One Time Extension of Certain Byproduct, Source and Special Nuclear Materials Licenses-Parts 30, 40, 70                            | 61 FR 1109<br>(none)                      | 1996-2             |                                                               |                                | Not required <sup>3</sup>                                              |
| Termination or Transfer of Licensed Activities: Recordkeeping Requirements-Parts 20, 30, 40, 61, 70                                | 61 FR 24669<br>(6/17/99)                  | 1996-3             | F-N                                                           | 8/8/00                         | 2/7/00                                                                 |
| Resolution of Dual Regulation of Airborne Effluents of Radioactive Materials; Clean Air Act-Part 20                                | 61 FR 65119<br>(1/9/00)                   | 1997-1             |                                                               |                                |                                                                        |
| Fissile Material Shipments and Exemptions-Part 71                                                                                  | 62 FR 5907<br>(none)                      | 1997-4             |                                                               |                                | Not required <sup>3</sup>                                              |
| Recognition of Agreement State Licenses in Areas Under Exclusive Federal Jurisdiction Within an Agreement State-Part 150           | 62 FR 1662<br>(2/27/00)                   | 1997-2             |                                                               |                                |                                                                        |
| ★Criteria for the Release of Individuals Administered Radioactive Material-Parts 20, 35                                            | 62 FR 4120<br>(5/29/00)                   | 1997-3             | P-N                                                           | 10/13/00                       |                                                                        |
| ★Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiography Operations-Parts 30, 34, 71, 150 | 62 FR 28948<br>(6/27/00)                  | 1997-5             | F-N<br>P-N                                                    | 8/8/00<br>10/13/00             | 6/14/99                                                                |
| ★Radiological Criteria for License Termination-Parts 20, 30, 40, 70                                                                | 62 FR 39057<br>(8/20/00)                  | 1997-6             | P-Y                                                           | 10/13/00                       |                                                                        |
| Exempt Distribution of a Radioactive Drug Containing One Microcurie of Carbon-14 Urea-Part 30                                      | 62 FR 63634<br>(1/02/01)                  | 1997-7             |                                                               |                                |                                                                        |
| Deliberate Misconduct by Unlicensed Persons- Parts 30, 40, 61, 70, 150                                                             | 63 FR 1890<br>63 FR 13773<br>(2/12/01)    | 1998-1             |                                                               |                                |                                                                        |
| Self-Guarantee of Decommissioning Funding by Nonprofit and Non-Bond-Issuing Licensees-Parts 30, 40, 70                             | 63 FR 29535<br>(none)                     | 1998-2             |                                                               |                                | Not required <sup>3</sup>                                              |
| License Term for Medical Use Licenses- Part 35                                                                                     | 63 FR 31604<br>(none)                     | 1998-3             |                                                               |                                | Not required <sup>3</sup>                                              |

| <b>NRC Chronology Identification</b>                                                                                                 | <b>FR Notice<br/>(State Due<br/>Date)</b> | <b>RATS<br/>ID</b> | <b>Proposed/<br/>Final-<br/>Comment<br/>(Y/N)<sup>1</sup></b> | <b>NRC<br/>Review<br/>Date</b> | <b>Final State<br/>Regulation<sup>2</sup><br/>(Effective<br/>Date)</b> |
|--------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|--------------------|---------------------------------------------------------------|--------------------------------|------------------------------------------------------------------------|
| Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations-Part 34                 | 63 FR 37059<br>(7/9/01)                   | 1998-4             |                                                               |                                |                                                                        |
| Minor Corrections, Clarifying Changes, and a Minor Policy Change-Parts 20, 35, 36                                                    | 63 FR 39477<br>63 FR 45393<br>(10/26/01)  | 1998-5             |                                                               |                                |                                                                        |
| Transfer for Disposal and Manifests: Minor Technical Conforming Amendment-Part 20                                                    | 63 FR 50127<br>(11/20/01)                 | 1998-6             |                                                               |                                |                                                                        |
| Radiological Criteria for License Termination of Uranium Recovery Facilities-Part 40                                                 | 64 FR 17506<br>(6/11/02)                  | 1999-1             |                                                               |                                | Not applicable to MD                                                   |
| Requirements for Those Who Possess Certain Industrial Devices Containing Byproduct Material to Provide Requested Information-Part 31 | 64 FR 42269<br>(none)                     | 1999-2             |                                                               |                                | Not required <sup>3</sup>                                              |
| Respiratory Protection and Controls to Restrict Internal Exposure - Part 20                                                          | 64 FR 54543<br>64 FR 55525<br>(2/2/03)    | 1999-3             |                                                               |                                |                                                                        |
| Energy Compensation Sources for Well Logging and Other Regulatory Changes - Part 39                                                  | 65 FR 20337<br>(5/17/03)                  | 2000-1             |                                                               |                                |                                                                        |

1. (Y/N) Y means "Yes," there are comments in the review letter that the State need to address. N means "No," there are no comments in the review letter.
2. Or other generic Legally Binding Requirement.
3. Not required means these regulations are not required for purposes of compatibility.
4. A State need not adopt a specific regulation if the State has no licenses that would be subject to that regulation. See: "Final Policy Statement on Adequacy of Agreement State Programs," III.1. Time Frame for Adoption of Compatible State Regulations, p.6, SECY-95-112, May 3, 1995.