



pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION



Office of Waste, Air, Radiation & Remediation

Final-Omitted Rulemaking: U.S. Nuclear Regulatory Commission (NRC) Consistency (25 Pa. Code 215, 217, 230, and 232)

Environmental Quality Board Meeting

June 19, 2018

Tom Wolf, Governor

Patrick McDonnell, Secretary

Background

- NRC regulations are incorporated by reference in DEP regulations to implement the responsibilities delegated to Pennsylvania under the NRC Agreement State program.
- Certain NRC duties are not delegated to Pennsylvania.

Purpose

The final-omitted rulemaking amends Chapters 215, 217, 230, and 232 to include references to specific sections of Title 10, Chapter 1 (relating to Nuclear Regulatory Commission (NRC)) of the Code of Federal Regulations (CFR) that are not incorporated by reference.

Examples of Provisions to be Excluded

- Definitions of “construction” and “commencement of construction” dealing with national defense.
- Certain industrial devices involving the sale and distribution of radioactive material across state lines.
- Regulating high concentrations of radioactive source material or special nuclear material, such as uranium or plutonium.
- Transportation and distribution of exempt consumer materials.

Final-Omitted Rulemaking Process

- Final-omitted process chosen for this rulemaking. Final-omitted process does not include public comment.
- Public comment is unnecessary for these corrections and contrary to the public interest.

Advisory Committee Review

The Radiation Protection Advisory Committee reviewed and recommended moving forward with the final-omitted rulemaking on October 19, 2017.

Recommendation

DEP recommends the adoption of this final-omitted rulemaking.



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