

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION SUBPART D. ENVIRONMENTAL HEALTH AND SAFETY ARTICLE V. RADIOLOGICAL HEALTH

CHAPTER 215. GENERAL PROVISIONS GENERAL PROVISIONS

§ 215.1. Purpose and scope.

(a) This article establishes requirements for the protection of public health and safety as related to radiation sources and implements the requirements of the act.

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(e) Title 10 Chapter I (Nuclear Regulatory Commission) Parts 19, 20, 30, 31, 32, 33, 34, 35, 36, 37, 39, 40, 70, 71 and §§ 150.1, 150.2, 150.3, 150.11 and 150.20 of the CFR are incorporated by reference with the exceptions set forth in paragraphs ~~[(1)—(14)]~~ (1)—(15). Notwithstanding the requirements incorporated by reference, nothing in this article relieves or limits a person from complying with the laws of the Commonwealth, including the act and the Low-Level Radioactive Waste Disposal Act (35 P.S. §§ 7130.101—7130.905).

(1) Sections 19.4, 19.5, 19.8, 19.11(b) and (e), 19.14(a), 19.30 and 19.40 are not incorporated.

(2) Sections 20.1006, 20.1009, 20.1406(b), 20.1905(g), 20.2203(c) and (d), 20.2206(a)(1), (3), (4) and (5), 20.2401 and 20.2402 are not incorporated.

(3) Sections 30.5, 30.6, 30.8, 30.21(c), 30.34(d) and (e)(1) and (3), 30.41(b)(6), 30.55, 30.63 and 30.64 are not incorporated. Paragraph 2 of the definition of “commencement of construction” and paragraph 9(ii) of the definition of “construction” in section 30.4 are not incorporated.

(4) Sections 31.4 and 31.14 are not incorporated.

(5) Sections 32.1(c)(1), 32.8, 32.11, 32.12, 32.14, 32.15, 32.16, 32.18, 32.19, 32.20, 32.21, 32.21a, 32.22, 32.23, 32.25, 32.26, 32.27, 32.28, 32.29, 32.30, 32.31, 32.32 and 32.40 are not incorporated.

(6) Sections 33.8, 33.21 and 33.23 are not incorporated.

(7) Sections 34.5, 34.8, 34.121 and 34.123 are not incorporated.

(8) Sections 35.8, 35.11(c), 35.13(a)(1), 35.4001 and 35.4002 are not incorporated.

(9) Sections 36.5, 36.8, 36.91 and 36.93 are not incorporated. Paragraph 2 of the definition of “commencement of construction” and paragraph 9(ii) of the definition of “construction” in section 36.2 are not incorporated.

(10) Sections 37.3(b)(2), 37.13, 37.73(d) and (e), 37.107 and 37.109 are not incorporated.

(11) Sections 39.5, 39.8, 39.101 and 39.103 are not incorporated.

(12) Sections 40.6, 40.8, 40.12(b), 40.13(c)(5)(iv), 40.23, 40.27, 40.28, **40.31(k) and (i)** **40.31(j)—(m)**, 40.32(d), (e) and (g), 40.33, 40.38, 40.41(d), (e)(1) and (3) and (g), 40.51(b)(6), 40.52, 40.53, **40.56**, 40.64, 40.66, 40.67, 40.81, 40.82 and 10 CFR Part 40 Appendix A Criterion 11 A—F and Criterion 12 are not incorporated. Paragraph 2 of the definition of “commencement of construction” and paragraph 9(ii) of the **definition** **definitions** of “construction”, **“foreign obligations”** and **“reconciliation”** in section 40.4 are not incorporated.

(13) Sections 70.1(c), (d) and (e), 70.5, 70.6, 70.8, 70.13, 70.13a, **70.14**, 70.20a, 70.20b, 70.21(a)(1), (c), (f), (g) and (h), 70.22(b), (c), (f), (g), (h), (i), (j), (k), (l), (m) and (n), 70.23(a)(6), (7), (8), (9), (10), (11) and (12) and (b), 70.23a, 70.24, 70.25(a), 70.31(c), (d) and (e), 70.32(a)(1), (4), (5), (6) and (7), 70.32(b)(1), (3) and (4), (c), (d), (e), (f), (g), (h), (i), (j) and (k), 70.37, 70.40, 70.42(b)(6), 70.44, **70.50(d)**, 70.51(c), (d) and (e), 70.52, 70.53, 70.54, 70.55(c)(1), (2) and (3), 70.56(c) and (d), 70.57, 70.58, 70.59, **70.60**, **70.61**, 70.62, **70.64**, **70.65**, **70.66**, 70.71, 70.72, **70.73**, 70.74, **70.76**, **70.82** and 10 CFR Part 70 Appendix A are not incorporated. Paragraph 2 of the definition of “commencement of construction” and paragraph 9(ii) of the definition of “construction” in section 70.4 are not incorporated.

(14) Sections 71.2, 71.6, **71.11**, 71.14(b), 71.19, 71.31, 71.33, 71.35, 71.37, 71.38, 71.39, 71.41, 71.43, 71.45, 71.51, 71.55, 71.59, 71.61, 71.63, 71.64, 71.65, **71.70**, 71.71, 71.73, 71.74, 71.75, 71.77, **71.85**, **71.91(b)**, 71.99, 71.100, 71.101 (c)(2), (d) and (e), 71.107, 71.109, 71.111, 71.113, 71.115, 71.117, 71.119, 71.121, 71.123 and 71.125 are not incorporated. The definitions of “certificate holder” and “certificate of compliance (CoC)” in section 71.4 are not incorporated. The term “applicant” when used in 10 CFR Part 71 is not incorporated.

(15) The definition of “foreign obligations” in section 150.3 is not incorporated.

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CHAPTER 217. LICENSING OF RADIOACTIVE MATERIAL

Subchapter D. SPECIFIC LICENSES TO MANUFACTURE OR TRANSFER CERTAIN ITEMS CONTAINING RADIOACTIVE MATERIAL

§ 217.151. Incorporation by reference.

(a) Except as provided in this subchapter, the requirements of 10 CFR Part 32 (relating to specific domestic licenses to manufacture or transfer certain items containing byproduct material) are incorporated by reference.

(b) Notwithstanding the requirements incorporated by reference, 10 CFR 32.1(c)(1), 32.8, **32.11, 32.12**, 32.14, 32.15, 32.16, 32.18, 32.19, 32.20, 32.21, **32.21a**, 32.22, 32.23, 32.25, 32.26, 32.27, 32.28, 32.29, 32.30, 32.31, 32.32 and 32.40 are not incorporated by reference.

Subchapter G. LICENSING OF SOURCE MATERIAL

§ 217.171. Incorporation by reference.

(a) Except as provided in this subchapter, the requirements of 10 CFR Part 40 (relating to domestic licensing of source material) are incorporated by reference.

(b) Notwithstanding the requirements incorporated by reference, 10 CFR 40.6, 40.8, 40.12(b), 40.13(c)(5)(iv), 40.23, 40.27, 40.28, **[40.31(k) and (i)] 40.31(j), (k), (l) and (m)**, 40.32(d), (e) and (g), 40.33, 40.38, 40.41(d), (e)(1) and (3) and (g), 40.51(b)(6), 40.52, 40.53, **40.56**, 40.64, 40.66, 40.67, 40.81, 40.82 are not incorporated by reference. Paragraph 2 of the definition of “commencement of construction”, **[and]** paragraph 9(ii) of the definition of “construction”, **“foreign obligations” and “reconciliation”** in section 40.4 are not incorporated.

Subchapter H. LICENSING OF SPECIAL NUCLEAR MATERIAL

§ 217.181. Incorporation by reference.

(a) Except as provided in this subchapter, the requirements of 10 CFR Part 70 (relating to domestic licensing of special nuclear material) are incorporated by reference.

(b) Notwithstanding the requirements incorporated by reference, 10 CFR 70.1(c), (d) and (e), 70.5, 70.6, 70.8, 70.13, 70.13a, **70.14**, 70.20a, 70.20b, 70.21(a)(1), (c), (f), (g) and (h), 70.22(b), (c), (f), (g), (h), (i), (j), (k), (l), (m) and (n), 70.23(a)(6), (7), (8), (9), (10), (11) and (12) and (b), 70.23a, 70.24, 70.25(a), 70.31(c), (d) and (e), 70.32(a)(1), (4), (5), (6) and (7) and (b)(1), (3) and (4) and (c), (d), (e), (f), (g), (h), (i), (j) and (k), 70.37, 70.40, 70.42(b)(6), 70.44, **70.50(d)**, 70.51(c), (d) and (e), 70.52, 70.53, 70.54, 70.55(c)(1), (2) and (3), 70.56(c) and (d), 70.57, 70.58, 70.59, **70.60, 70.61**, 70.62, **70.64, 70.65, 70.66**, 70.71, 70.72, **70.73**, 70.74, **70.76, 70.82** and 10 CFR Part 70 Appendix A are not incorporated by reference. Paragraph 2 of the definition of “commencement of construction” and paragraph 9(ii) of the definition of “construction” in section 70.4 are not incorporated.

Subchapter J. RECIPROCITY

§ 217.201. Incorporation by reference.

Except as provided in this subchapter, the requirements of 10 CFR 150.1, 150.2, 150.3, 150.11 and 150.20 are incorporated by reference. **The definition of “foreign obligations” in section 150.3 is not incorporated.**

CHAPTER 219. STANDARDS FOR PROTECTION AGAINST RADIATION

Subchapter A. GENERAL PROVISIONS

§ 219.5. Incorporation by reference.

(a) Except as provided in this chapter, the requirements of 10 CFR Part 20 (relating to standards for protection against radiation) are incorporated by reference.

(b) Notwithstanding the requirements incorporated by reference, **10 CFR 20.1006, 20.1009, 20.1406(b), 20.1905(g), 20.2203(c) and (d), 20.2206(a)(1), (3), (4) and (5), 20.2401 and 20.2402** are not incorporated by reference.

CHAPTER 220. NOTICES, INSTRUCTIONS AND REPORTS TO WORKERS; INSPECTIONS AND INVESTIGATIONS

§ 220.9. Incorporation by reference.

(a) Except as provided in this chapter, the requirements of 10 CFR Part 19 (relating to notices, instructions and reports to workers; inspections and investigations) are incorporated by reference.

(b) Notwithstanding the requirements incorporated by reference, 10 CFR 19.4, 19.5, 19.8, **19.11(b) and (e), 19.14(a),** 19.30 and 19.40 are not incorporated by reference.

CHAPTER 230. PACKAGING AND TRANSPORTATION OF RADIOACTIVE MATERIAL

Subchapter A. SCOPE AND DEFINITIONS

§ 230.3. Incorporation by reference.

(a) Except as provided in this chapter, the requirements of 10 CFR Part 71 (relating to packaging and transportation of radioactive material) are incorporated by reference.

(b) Notwithstanding the requirements incorporated by reference, 10 CFR 71.2, 71.6, **71.11, 71.14(b), 71.19, 71.31, 71.33, 71.35, 71.37, 71.38, 71.39, 71.41, 71.43, 71.45, 71.51, 71.55, 71.59, 71.61, 71.63, 71.64, 71.65, 71.70, 71.71, 71.73, 71.74, 71.75, 71.77, 71.85, 71.91(b), 71.99, 71.100, 71.101(c)(2), (d) and (e), 71.107, 71.109, 71.111, 71.113, 71.115, 71.117, 71.119, 71.121, 71.123 and 71.125** are not incorporated by reference. The definitions of “certificate holder” and “certificate of compliance (CoC)” in section 71.4 are not incorporated. The term “applicant” when used in 10 CFR Part 71 is not incorporated.