

Executive Summary

Amendment to 25 Pa. Code, Chapter 215

Security Rule for Radioactive Material

The Department of Environmental Protection (Department) recommends an amendment to Chapter 215 (relating to general provisions) for consideration by the Environmental Quality Board (Board).

Summary and Purpose of the Final Rulemaking

The Department incorporates by reference selected regulations from Title 10, Chapter I, of the U.S. Nuclear Regulatory Commission (NRC) Code of Federal Regulations (CFR) relating to radiation protection and control of radioactive materials. Recently NRC implemented new security-related regulations, known as 10 CFR Part 37, which Pennsylvania is required to adopt by March 2016. The purpose of this amendment is to reference the new Part 37 except for those subsections which only apply to the NRC.

Pennsylvania licensees had been following security orders issued by the NRC on November 14, 2005, following the terrorist attacks of September 11, 2001. The NRC orders address enhanced security controls, also referred to as Increased Controls (IC), for high-activity licensees who have large quantities of radioactive materials. The orders require licensees to secure, from unauthorized removal or access, licensed materials that are stored in controlled or unrestricted areas, as well as control and maintain constant surveillance of licensed material that is in a controlled or unrestricted area and that is not in storage. The orders also impose fingerprinting and criminal history records check requirements for unescorted access to certain radioactive material. Pennsylvania re-issued the orders in March 2008 after becoming an Agreement State.

The NRC developed Part 37 based on the security orders and codified it in March 2014. The DEP orders will remain in place until compatible Pennsylvania regulations are issued. Pennsylvania is obligated by these federal regulations, published at 78 FR 16922, to have 10 CFR Part 37 equivalent requirements in effect by March 19, 2016.

Affected Parties

This regulation will affect high-activity licenses as described above. No new entities will be affected by this regulation. All Pennsylvania IC licensees will be required to comply with these proposed regulations and are already doing so under the security orders. Presently, the Department has 680 specific licensees, of which 66 are considered IC licensees. A series of three workshops were held in September 2014 to discuss these regulations with potentially affected parties.

Advisory Groups

The Department discussed the need for regulatory revisions with its Radiation Protection Advisory Committee (RPAC) at its March 6, 2014, meeting. At its June 12, 2014, meeting,

RPAC endorsed moving forward with the proposed rulemaking, and on June 4, 2015, RPAC endorsed the final rulemaking.

Public Comments

The proposed rulemaking was approved by the EQB on October 21, 2014, and published in the *Pennsylvania Bulletin* on March 21, 2015, with a 30-day public comment period. No public meetings or hearings were held. The Board did not receive any comments on the proposed rulemaking. The Independent Regulatory Review Commission reviewed the proposed rulemaking and did not have any objections, comments, or recommendations.