

## 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 Proposed 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. 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 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 67 are considered IC licensees.

#### **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 regulatory revision process.

#### **Public Comments**

The Department recommends a 30-day public comment period on this proposed rulemaking.