

From: Monica Orendi
To: Kathleen Schneider; Patricia McGrady-Finneran
Date: 01/22/2008 4:42:27 PM
Subject: Fwd: RE: Transmittal of License Condition

>>> "Seiber, Benjamin" <bseiber@state.pa.us> 1/22/2008 2:19:39 PM >>>

Kim, Monica, and Kathleen:

Please find attached the part 71 transportation fix PA has prepared. As I have discussed with Kim, PA believes use of these documents will be unnecessary as our rule will likely be in effect prior to the Agreement effective date.

I have not prepared this for mailing via USPS because both Dave Allard and Ray Urciulo are out of the office for the rest of January. If you require a signed paper copy let me know I can hopefully mail it the week of Feb. 4, 2008.

If you have any questions or concerns regarding this issue please feel free to contact me using the contact information below.

Ben Seiber
Department of Environmental Protection
Bureau of Radiation Protection
Rachel Carson State Office Building, 13th Floor
400 Market Street
PO Box 8469, Harrisburg, PA 17105-8469
Direct Line: (717) 783-7702
General Phone Number: (717) 787-2480
Fax: (717) 783-8965
Email: bseiber@state.pa.us

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-----Original Message-----

From: Kim Lukes [mailto:KXK2@nrc.gov]
Sent: Thursday, January 10, 2008 1:13 PM
To: Benjamin Seiber
Cc: Duncan White; Monica Orendi
Subject: Transmittal of License Condition

Ben,

I just spoke to Monica regarding your question about transmitting the license condition. Monica informed me that we would need a letter requesting our review of the license conditions. You can just use one of the template letters provided on our website. You may also just transmit the letter and license conditions via e-mail. If you prefer

this method, please send the e-mail to Monica Orendi (MLO1@nrc.gov) or Kathleen Schneider (KXS@nrc.gov). Also, please address the letter to Robert Lewis, Acting Division Director, Division of Materials Safety and State Agreements.

Also, I spoke a bit more to Duncan this afternoon regarding the signing of the Agreement. As you mentioned, signing the Agreement via correspondence will most definitely be the most efficient way to complete the process. Planning and scheduling a formal signing ceremony prior to the March 31 date may present some challenges. Anyway, please let me know as soon as possible if the Governor strongly prefers to have a formal ceremony.

Thanks!
Kim

Mail Envelope Properties (4796633C.3C3 : 21 : 10192)

Subject: Fwd: RE: Transmittal of License Condition
Creation Date: 01/22/2008 4:42:20 PM
From: Monica Orendi

Created By: MLO1@nrc.gov

Recipients

nrc.gov
TWGWPO01.HQGWDO01
PXM1 (Patricia McGrady-Finneran)

nrc.gov
TWGWPO02.HQGWDO01
KXS (Kathleen Schneider)

Post Office		Route
TWGWP001.HQGWDO01		nrc.gov
TWGWP002.HQGWDO01		nrc.gov
Files	Size	Date & Time
MESSAGE	4982	01/22/2008 4:42:20 PM
Supplementary Sheet 12_11_07.DOC	221696	01/22/2008 4:41:58 PM
Supplementary Sheet Letter12_11_07-Part 71_LRU.DOC	28672	01/22/2008 4:41:58
Part 71 Request to Review Supplementary License Condition.doc	28160	01/22/2008 4:41:58

Options

Expiration Date: None
Priority: Standard
ReplyRequested: No
Return Notification: None

Concealed Subject: No
Security: Standard

Junk Mail Handling Evaluation Results

Message is not eligible for Junk Mail handling
Message is from an internal sender

Junk Mail settings when this message was delivered

Junk Mail handling disabled by User
Junk Mail handling disabled by Administrator
Junk List is not enabled
Junk Mail using personal address books is not enabled
Block List is not enabled

**Rachel Carson State Office Building
P.O. Box 8469
Harrisburg, PA 17105-8469
January 22, 2008**

Bureau of Radiation Protection

717-787-3720
Fax: 717-783-8965

Robert J. Lewis
Acting Director FSME-DMSSA
U.S. Nuclear Regulatory Commission
Two White Flint North
11545 Rockville Pike
Rockville, MD 20852

Re: Request compatibility review of supplementary Part 71 license condition for PA licenses

Dear Mr. Lewis;

The Commonwealth of Pennsylvania has incorporated NRC regulations by reference. However, changes to the numbering of Part 71 regulations effective in 2007 rendered the incorporation by reference incomplete. Pennsylvania instituted rulemaking to correct this. It is expected that the Final Form rule will become effective in the middle to end of March 2008 just prior to the planned time frame for Pennsylvania to become an Agreement State. Until the Final Form rule is effective, Pennsylvania will issue a supplementary condition to all PA licenses that will have the same effect as the Final Rule. An explanatory letter will accompany the mailing of this Supplementary license condition to all PA licensees.

We request that your office review this license condition for adequacy and compatibility before it is imposed on PA licensees.

Sincerely,

Louis Ray Urciuolo
Chief, Division of Radiation Control

Attachments:

PA License Supplementary Sheet and
Accompanying Explanatory Letter

**Rachel Carson State Office Building
P.O. Box 8469
Harrisburg, PA 17105-8469
_____, 2008**

Bureau of Radiation Protection

717-787-3720
Fax: 717-783-8965

Licensee

Licensee Address

Anywhere, PA XXXXX-XXXX

Re: Pennsylvania Radioactive Material License No. PA-0XXX

Dear _____

We are enclosing a "SUPPLEMENTARY SHEET" to the referenced license.

Your license authorizes you to transport radioactive material or offer it for transport in accordance with the regulations in 10 CFR Part 71 and the U.S. and PA Department of Transportation as applicable. The "SUPPLEMENTARY SHEET" contains an interim change in the transportation regulations incorporated by reference from 10 CFR Part 71. This change is necessary as the reference to 10 CFR Part 71 displayed in the current regulations of Article V 25 Pa. Code Title 25 is incomplete. This Supplementary Sheet will remain in force until such time as the Final Rule correcting the references to 10 CFR Part 71 is published in the PA Bulletin as effective.

The "SUPPLEMENTARY SHEET" is now one of your license conditions, you are required to keep it as part of your current license.

Please forward the enclosed material appropriately.

If there are any questions regarding this letter I can be contacted at (717) 783-5919.

Thank you for your cooperation.

Sincerely,

Ronald J. Hamm
Chief
Radioactive Material Licensing

Enclosure: "SUPPLEMENTARY SHEET" to PA-_____



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF RADIATION PROTECTION

Page 1 of 1 Pages
License No. PA-_____
Amendment No. _____

RADIOACTIVE MATERIALS LICENSE

SUPPLEMENTARY SHEET

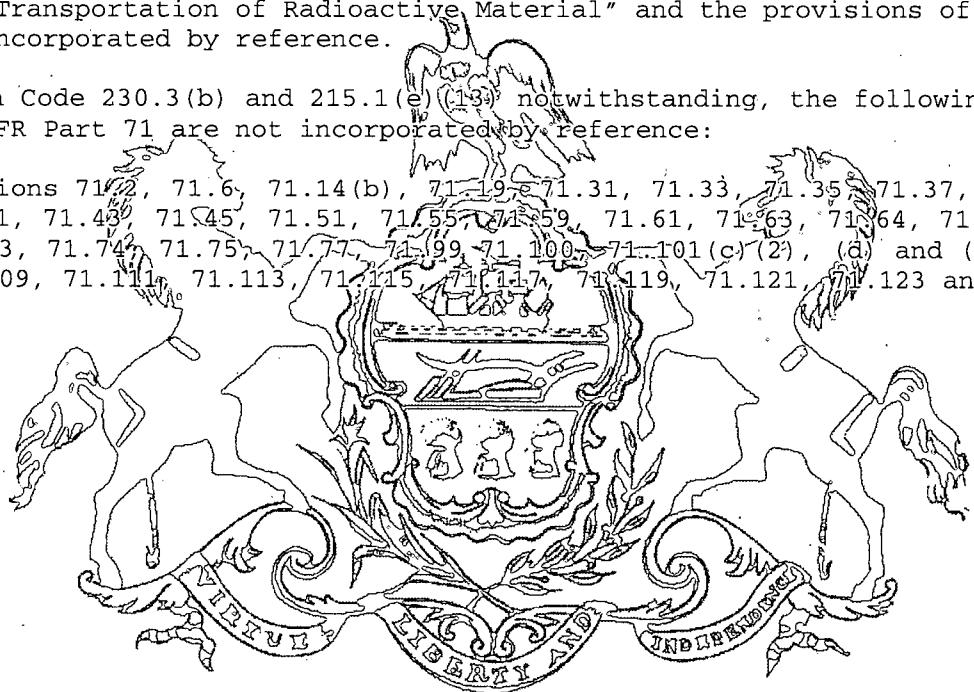
Pursuant to the Radiation Protection Act, the Act of July 10, 1984 (No. 147, P.L. 688) (35 P.S. SS 7110.101 - 7110.703) and Title 25. Rules and Regulations, Article V. Radiological Health of the Pennsylvania Department of Environmental Protection, and in reliance on statements and representations heretofore made by the Licensee, a license is hereby issued authorizing the Licensee to receive, acquire, possess, transfer, and use radioactive material listed below for the purposes and at the places designated below. This license shall be deemed subject to all applicable rules, regulations, or orders of the Pennsylvania Department of Environmental Protection now or hereafter in effect and to any conditions specified below.

1. Licensee :
Licensee Name :
2. Licensee Address :
Anywhere, PA XXXXX-XXXX :
3. License Number: PA-0XXX
4. Expiration date: _____, 20xx

XX. A. The licensee may transport licensed material, or deliver licensed material to a carrier for transport, in accordance with 25 Pa Code Chapter 230. "Packaging and Transportation of Radioactive Material" and the provisions of 10 CFR Part 71 incorporated by reference.

B. 25 Pa Code 230.3(b) and 215.1(e)(13) notwithstanding, the following sections of 10 CFR Part 71 are not incorporated by reference:

Sections 71.22, 71.6, 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, 71.71, 71.73, 71.74, 71.75, 71.77, 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



For the Pennsylvania Department
of Environmental Protection

Date: _____

Ronald J. Hamm
Bureau of Radiation Protection
P. O. Box 8469
Harrisburg, PA 17105-8469