



August 28, 2017

Ms. Pamela J. Henderson, Deputy Director
Division Material Safety, State, Tribal, and Rulemaking Programs
Office of Nuclear Material Safety and Safeguards
U.S. Nuclear Regulatory Commission
T8-E18
Washington, DC 20555-0001

Dear Ms. Henderson:

In response to a number of RATS notifications, Pennsylvania wishes to formally notify the Nuclear Regulatory Commission (NRC) that we achieved compatibility through incorporation by reference of the relevant chapters of Title 10 Code of Federal Regulations (CFR). Chapters are incorporated in their entirety with the sections not being incorporated specified. Also important to note is that incorporation is not tied to any specific date so that as changes occur in the referenced NRC regulations, they are automatically incorporated into the Pa. Code. The only exception to this was the recent regulation we promogated to incorporate the new Part 37. That regulation was transmitted to the NRC in our RATS 2013-1/2016 letter.

All NRC regulations that are incorporated by reference are listed in Title 25 Pa. Code, Chapter 215. This chapter contains general provisions that apply to all chapters in Article V, relating to Radiological Health. However, for convenience of the licensee, all chapters of the Pa. Code also contain the CFR references to incorporation which correspond to that particular chapter; for example, reference to Part 20 is repeated in Chapter 219, Standards For Protection Against Radiation.

The following RATS IDs are referenced in Pa. Code Title 25 § 215.1, General Provisions, Purpose and Scope:

<u>RATS ID</u>	<u>Title</u>
2009-1	Medical Use of Byproduct Material – Authorized User Clarification Part 35 74 FR 33901
2011-1	Decommissioning Planning Parts 20, 30, 40, and 70 76 FR 35512
2011-2	Licenses, Certifications, and Approvals for Materials Licensees Part 30, 36, 39, 40, 70, and 150 76 FR 56951

<u>RATS ID</u>	<u>Title</u>
2012-1	Changes of Compatibility of 10 CFR 31.5 and 31.6 77 FR 3640
2012-2	Advanced Notification to Native American Tribes of Transportation of Certain Types of Nuclear Waste Part 71 77 FR 34194
2012-3	Technical Corrections Parts 30, 34, 40, and 71 77 FR 39899
2012-4	Requirements for Distribution of Byproduct Material Part 30, 31, 32, 40, and 70 77 FR 43666
2013-2	Distribution of Source Material to Exempt Persons and to General Licensees and Revision of General License and Exemptions Parts 30, 40, and 70 78 FR 32310
2015-1	Domestic Licensing of Special Nuclear Material – Written Reports and Clarifying Amendments Part 70 79 FR 57721 80 FR 143
2015-2	Safeguards Information – Modified Handling Categorization, Change for Materials Facilities Parts 30, 37, 73, and 150 79 FR 58664, 80 FR 3865
2015-3	Revisions to Transportation Safety Requirements and Harmonization with International Atomic Energy Agency Transportation Requirements Part 71 80 FR 33987
2015-4	Miscellaneous Corrections Part 37 and 40 80 FR 45841
2015-5	Miscellaneous Corrections Parts 19, 20, 30, 32, 37, 40, 61, 70, 71, and 150 80 FR 74974

Ms. Pamela J. Henderson

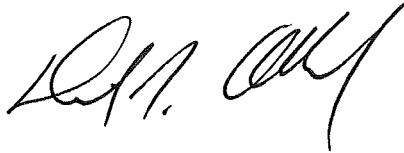
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We believe that incorporation by reference of CFR in Pennsylvania regulations satisfies the compatibility and health and safety categories established in the Office of Nuclear Material Safety and Safeguard (NMSS) Procedure SA-200.

If you have any questions, please contact Joseph Melnic, Radiation Control Division Manager, 717.783.9730 or email at jmelnic@pa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Allard", written over a light blue horizontal line.

David J. Allard, CHP
Director
Bureau of Radiation Protection

cc: Joseph Melnic, DEP
Monica Ford, NRC