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

§ 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.

(b) This article, except as otherwise specifically provided in the act, applies to persons who use, manufacture, produce, transport, transfer, receive, acquire, possess, own or dispose of a radiation source.

(c) A person who, when required, fails to register or obtain a license for radiation sources in the possession or control of the person, shall comply with the act or with this article.

(d) This article does not apply to the extent the person is subject to regulation by the NRC.

(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)**.** 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, 19.30 and 19.40 are not incorporated.

(2) Sections 20.1006, 20.1009, 20.2206(a)(1), (3), (4) and (5), 20.2401 and 20.2402 are not incorporated.

(3) Sections **30.4,** 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.

(4) Sections 31.4 and 31.14 are not incorporated.

(5) Sections **32.1(c)(1),** 32.8, 32.14, 32.15, 32.16, 32.18, 32.19, 32.20, 32.21, 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, 35.4001 and 35.4002 are not incorporated.

(9) Sections **36.2,** 36.5, 36.8, 36.91 and 36.93 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 **40.4,** 40.6, 40.8, 40.12(b), **40.13(c)(5)(iv),** 40.23, 40.27, 40.28, 40.31(k) and (i), 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,** 40.64, 40.66, 40.67, 40.81**,[and]** 40.82 **and 10 CFR Part 40 Appendix A Criterion—11 A-F and Criterion—12** are not incorporated.

(13) Sections 70.1(c), (d) and (e), **70.4,** 70.5, 70.6, 70.8, 70.13, 70.13a, 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, 70.51(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, 70.62, 70.71**[and],** 70.72**, 70.74, and 10 CFR Part 70 Appendix A** are not incorporated.

(14) Sections 71.2, 71.6, 71.14(b), **71.17,** 71.19, **71.21,** 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(a), (b) and (c), 71.91(c) and (d),** 71.99, 71.100, 71.101**(a), (b) and** (c)(**1) and (**2), (d) and (e), **71.103(a), 71.106,** 71.107, 71.109, 71.111, 71.113, 71.115, 71.117, 71.119, 71.121, 71.123**[and],** 71.125 **and 71.135** are not incorporated.

(f) If a provision of the CFR incorporated by reference in this article includes a section which is inconsistent with this title, this title controls to the extent Federal law does not preempt Commonwealth law. If a provision of the CFR incorporated by reference in this article is beyond the scope of authority granted the Department under statute, or is in excess of the statutory authority, the provisions shall be and remain effective only to the extent authorized by the Pennsylvania law.

(g) Appropriate parts of 10 CFR (relating to energy) may be obtained from the following:

(1) The United States Government Printing Office, Book Store, Room 118, Federal Building, 1000 Liberty Avenue, Pittsburgh, Pennsylvania 15222, (412) 664-2721.

(2) The United States Government Printing Office, Book Store, 100 North 17th Street, Robert Morris Building, Philadelphia, Pennsylvania 19103, (215) 597-0677.

(3) The United States Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402, (202) 783-3238.

(h) To reconcile differences between this chapter and the incorporated sections of Federal regulations and to effectuate their joint enforcement, the following words and phrases shall be substituted for the language of the Federal regulations:

(1) A reference to ‘‘NRC’’ or ‘‘Commission’’ means Department.

(2) A reference to ‘‘NRC or agreement state’’ means Department, NRC or agreement state.

(3) The definition of ‘‘sealed source’’ includes NARM.

(4) A reference to ‘‘byproduct material’’ includes NARM.

(5) Notifications, reports and correspondence referenced in the incorporated parts of 10 CFR shall be directed to the Department, except as noted in 10 CFR 37.27 (relating to requirements for criminal history records checks of individuals granted unescorted access to category 1 or category 2 quantities of radioactive material).

CHAPTER 217. LICENSING OF RADIOACTIVE MATERIAL

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§ 217.131. Incorporation by reference.

(a) Except as provided in this subchapter, the requirements of 10 CFR Part 30 (relating to rules of general applicability to domestic licensing of byproduct material) are incorporated by reference.

(b) Notwithstanding the requirements incorporated by reference, 10 CFR **30.4,** 30.5, 30.6, 30.8, 30.21(c), 30.34(d), (e)(1) and (3), 30.41(a)(6), 30.55, 30.63 and 30.64 are not incorporated by reference.

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§ 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, 32.14, 32.15, 32.16, 32.18, 32.19, 32.20, 32.21, 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.

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§ 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 **40.4,** 40.6, 40.8, 40.12(b), **40.13(c)(5)(iv),** 40.23, 40.27, 40.28, 40.31(k) and (i), 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,** 40.64, 40.66, 40.67, 40.81 and 40.82 are not incorporated by reference.

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§ 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), **70.4,** 70.5, 70.6, 70.8, 70.13, 70.13a, 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, 70.51(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, 70.62, 70.71**,[and]** 70.72**, 70.74 and 10 CFR Part 70 Appendix A** are not incorporated by reference.

CHAPTER 230. PACKAGING AND TRANSPORTATION OF RADIOACTIVE MATERIAL

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§ 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, 71.14(b), **71.17,** 71.19, **71.21,** 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(a), (b) and (c), 71.91(c) and (d),** 71.99, 71.100, 71.101**(a), (b),** (c)**(1) and** (2), (d) and (e), **71.103(a), 71.106,** 71.107, 71.109, 71.111, 71.113, 71.115, 71.117, 71.119, 71.121, 71.123**,[and]** 71.125 **and 71.135** are not incorporated by reference.

CHAPTER 232. LICENSES AND RADIATION SAFETY REQUIREMENTS FOR IRRADIATORS

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§ 232.2. Incorporation by reference.

(a) Except as provided in this chapter, the requirements of 10 CFR Part 36 (relating to licenses and radiation safety requirements for irradiators) are incorporated by reference.

(b) Notwithstanding the requirements incorporated by reference, §§ **36.2,** 36.5, 36.8, 36.91 and 36.93 are not incorporated by reference.