

Regulatory Analysis Form (Completed by Promulgating Agency) (All Comments submitted on this regulation will appear on IRRC's website)		INDEPENDENT REGULATORY REVIEW COMMISSION RECEIVED Independent Regulatory Review Commission September 11, 2025	
(1) Agency: Environmental Protection		IRRC Number: 3456	
(2) Agency Number: 7 Identification Number: 590			
(3) PA Code Cite: 25 Pa. Code Chapters 215, 217, 219, 220, and 230			
(4) Short Title: U.S. Nuclear Regulatory Commission Consistency Rule – Incorporation by Reference			
(5) Agency Contacts (List Telephone Number and Email Address): Primary Contact: Laura Griffin, 717-772-3277, laurgriffi@pa.gov Secondary Contact: Lauren Imgrund, 717-783-8727, limgrund@pa.gov			
(6) Type of Rulemaking (check applicable box): ☐ Proposed Regulation ☐ Final Regulation ☒ Final Omitted Regulation		☐ Emergency Certification Regulation; ☐ Certification by the Governor ☐ Certification by the Attorney General	
(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less) The Commonwealth and the United States Nuclear Regulatory Commission (NRC) entered into an agreement in 2008 in which the Commonwealth agreed to oversee and regulate most types of radioactive materials used in Pennsylvania. As part of that agreement, the Department of Environmental Protection's (Department) radioactive materials program must remain compatible with the NRC's radioactive materials program. The Commonwealth meets this requirement by incorporating the applicable NRC regulations by reference in the Department's regulations. The NRC recently identified provisions of the Federal regulations that should be excluded from the Department's regulations because the regulations can only be implemented by the NRC.			
(8) State the statutory authority for the regulation. Include <u>specific</u> statutory citation. This final-omitted rulemaking authorized under Section 301 of the Radiation Protection Act (RPA) (35 P.S. § 7110.301), which designates the Department as the agency of the Commonwealth responsible for regulation and control of radiation; Section 302 of the RPA (35 P.S. § 7110.302), which grants the Environmental Quality Board (Board) the authority to adopt rules and regulations to accomplish the purposes and carry out the provisions of the RPA; and Section 1920-A of the Administrative Code of 1929 (71 P.S. § 510-20), which grants the Board the authority to adopt rules and regulations for the proper performance of the work of the Department. Notice of proposed rulemaking is omitted under section 204 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1102—1208), referred to as the Commonwealth Documents Law (CDL) (45 P.S. §§ 1204). Under section 204(3) of the CDL (45 P.S. § 1204(3)), an agency may omit the notice of			

proposed rulemaking if “the agency for good cause finds...that the [public notice and comment] procedures specified in sections 201 and 202 are in the circumstances impracticable, unnecessary, or contrary to the public interest.”

The amendments in this final-omitted rulemaking are necessary to exclude Federal provisions that the Department’s radioactive materials regulations categorically incorporate by reference, but the Department does not have the legal authority to enforce. The specific provisions that this final-omitted rulemaking addresses have never been enforced by the Department because the enforcement authority resides with the NRC. Review and consideration of public comments on the amendments are unnecessary and contrary to the public interest because public comments would delay the required clarification of the Department’s proper authority under Federal law. It is in the public interest to ensure that the Commonwealth’s regulations accurately reflect the Department’s authority in an expeditious manner so persons holding radioactive material licenses in this Commonwealth can clearly identify which agency, the Department or the NRC, has enforcement authority for specific radioactive materials regulations. Public comments could not alter the need for these amendments or the content of the amendments.

(9) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as any deadlines for action.

This final-omitted rulemaking is mandated by Federal law. Under 42 U.S.C. § 2021(d)(2) (regarding cooperation with States), the Commonwealth’s radioactive materials program is required to remain compatible with the NRC’s radioactive materials program.

(10) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

The amendments in this final-omitted rulemaking are necessary for the Commonwealth’s radioactive materials program to remain compatible with the NRC’s program, because the citations to the Federal regulations that the Board is excluding can only be implemented by the NRC. If these amendments are not adopted, the Commonwealth will be at risk of losing the authority it assumed under a 2008 agreement with the NRC for the Department to regulate most types of radioactive materials used in the Commonwealth.

In 2008, the Commonwealth and the NRC entered into an agreement, in which the Commonwealth agreed to oversee and regulate most types of radioactive materials used in the Commonwealth. This agreement gave the Commonwealth status as an “Agreement State.” As part of that agreement, the Commonwealth’s radioactive materials program must remain compatible with the NRC’s radioactive materials program, under 42 U.S.C. § 2021(d)(2). The Commonwealth meets this requirement by incorporating the appropriate NRC regulations in Title 10 of the Code of Federal Regulations (10 CFR) by reference in 25 Pa. Code Part I, Subpart D, Article V (relating to radiological health). The NRC recently identified provisions of 10 CFR that should be excluded from the Commonwealth’s incorporation-by-reference in Chapters 215, 217, 219, 220, and 230.

These sections should have been excluded from the Commonwealth’s incorporation-by-reference of select Federal regulations in the 2008 rulemaking (38 Pa.B. 2243, May 17, 2008), which was promulgated to support the 2008 agreement with the NRC. A few examples of these regulations whose implementation is exclusive to the NRC are 10 CFR 19.14 (relating to presence of representatives of

licensees and regulated entities, and workers during inspections), 10 CFR 20.2203 (relating to reports of exposures, radiation levels, and concentrations of radioactive material exceeding the constraints or limits) and 10 CFR 70.82 (relating to suspension and operation in war or national emergency). The Department does not have the authority under the Agreement State program to implement these sections and has never enforced them. These amendments clarify the proper authority of the Department and the NRC under their respective regulations.

Finalizing these amendments without public notice and comment is in the public interest because it ensures that the Commonwealth's regulations accurately reflect the Department's authority in an expeditious manner. Likewise, finalizing these amendments without public notice and comment is in the interest of those holding radioactive material licenses in the Commonwealth because the amendments clarify the proper authority of the Department and the NRC under the agencies' respective radioactive materials programs. There are approximately 661 licensees in this Commonwealth.

The fundamental benefit of this final-omitted rulemaking is to ensure that the Commonwealth's regulations do not exceed the Department's authority and that they meet the requirements of the NRC's Agreement State program as required by Federal law. *See* 42 U.S.C. § 2021(d)(2).

(11) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulations.

There are no provisions in this final-omitted rulemaking more stringent than the Federal standards. This action aligns the Commonwealth's regulations with the Federal program.

(12) How does this regulation compare with those of the other states? How will this affect Pennsylvania's ability to compete with other states?

All Agreement States' radioactive materials programs are required to be compatible with the Federal standards, under 42 U.S.C. § 2021(d)(2). This final-omitted rulemaking allows the Commonwealth to maintain this fundamental and essential compatibility. Therefore, this regulation will not put the Commonwealth nor the radioactive materials licensees in this Commonwealth at a competitive disadvantage.

(13) Will the regulation affect any other regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

No other regulations will be affected.

(14) Describe the communications with and solicitation of input from the public, any advisory council/group, small businesses and groups representing small businesses in the development and drafting of the regulation. List the specific persons and/or groups who were involved. ("Small business" is defined in Section 3 of the Regulatory Review Act, Act 76 of 2012.)

The Department presented the draft final-omitted regulation to the Radiation Protection Advisory Committee (RPAC) at its April 30, 2025, meeting. At that meeting, the RPAC supported the Department's recommendation to move forward with this final-omitted rulemaking.

(15) Identify the types and number of persons, businesses, small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012) and organizations which will be affected by the regulation. How are they affected?

None of the 661 radioactive materials licensees will be affected by this final-omitted rulemaking, except perhaps to provide clarity regarding the proper Department and NRC legal authority under the agencies' respective radioactive materials programs.

(16) List the persons, groups or entities, including small businesses, that will be required to comply with the regulation. Approximate the number that will be required to comply.

All radioactive materials licensees must comply with the Federal regulations incorporated by reference in Chapters 215-236. However, this final-omitted rulemaking does not add requirements. It clarifies the list of Federal regulations excluded from incorporation-by-reference because the Commonwealth does not have the authority to implement those regulations.

(17) Identify the financial, economic and social impact of the regulation on individuals, small businesses, businesses and labor communities and other public and private organizations. Evaluate the benefits expected as a result of the regulation.

There are no financial, economic, or social impacts associated with this final-omitted rulemaking.

(18) Explain how the benefits of the regulation outweigh any cost and adverse effects.

The fundamental benefit of this final-omitted rulemaking is ensuring that the Commonwealth's regulations meet the requirements of the NRC's Agreement State program as required by federal law. See 42 U.S.C. § 2021(d)(2). The Commonwealth will be at risk of losing the authority it assumed under the 2008 agreement to regulate most types of radioactive materials used in the Commonwealth if these amendments are not adopted. Noncompliance could result in suspension or termination of the Department's authority over radioactive materials. Licensees will gain the benefit of clarity regarding the proper Department and NRC legal authority under the agencies' respective radioactive materials programs.

There are no cost or adverse effects associated with this final-omitted rulemaking.

(19) Provide a specific estimate of the costs and/or savings to the *regulated community* associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

There are no costs or savings to the regulated community associated with compliance with this final-omitted rulemaking.

(20) Provide a specific estimate of the costs and/or savings to the *local governments* associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

There are no costs or savings to local governments associated with compliance with this final-omitted rulemaking.

(21) Provide a specific estimate of the costs and/or savings to the *state government* associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required. Explain how the dollar estimates were derived.

There are no costs or savings to state government associated with implementation of this final-omitted rulemaking.

(22) For each of the groups and entities identified in items (19)-(21) above, submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.

There are no legal, accounting, consulting, reporting, recordkeeping, or paperwork requirements needed to implement this regulation.

(22a) Are forms required for implementation of the regulation?

No forms are required.

(22b) If forms are required for implementation of the regulation, *attach copies of the forms here*. If your agency uses electronic forms, provide links to each form or a detailed description of the information required to be reported. *Failure to attach forms, provide links, or provide a detailed description of the information to be reported will constitute a faulty delivery of the regulation.*

No forms are required.

(23) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
SAVINGS:	\$	\$	\$	\$	\$	\$
Regulated Community	0	0	0	0	0	0
Local Government	0	0	0	0	0	0
State Government	0	0	0	0	0	0
Total Savings	0	0	0	0	0	0
COSTS:						
Regulated Community	0	0	0	0	0	0
Local Government	0	0	0	0	0	0
State Government	0	0	0	0	0	0
Total Costs	0	0	0	0	0	0
REVENUE LOSSES:						
Regulated Community	0	0	0	0	0	0

Local Government	0	0	0	0	0	0
State Government	0	0	0	0	0	0
Total Revenue Losses	0	0	0	0	0	0

(23a) Provide the past three year expenditure history for programs affected by the regulation.

This final-omitted rulemaking will have no effect on program expenditures.

Program	FY -3 2021/22	FY -2 2022/23	FY -1 2023/24	Current FY 2024/25
Radiation Protection Fund	\$12,140,000	\$12,460,000	\$14,917,000	\$15,278,000

(24) For any regulation that may have an adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), provide an economic impact statement that includes the following:

- (a) An identification and estimate of the number of small businesses subject to the regulation.**
- (b) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record.**
- (c) A statement of probable effect on impacted small businesses.**
- (d) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.**

Not applicable. This final-omitted rulemaking will have no adverse impact on small businesses. No licensees, including small business licensees, will be affected by this final-omitted rulemaking, except by gaining the benefit of clarity regarding the proper Department and NRC legal authority under the agencies' respective radioactive materials programs. No reporting, recordkeeping or other administrative costs are associated with this final-omitted rulemaking. No less intrusive or less costly alternatives exist to achieve the purpose of this final-omitted rulemaking.

(25) List any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, the elderly, small businesses, and farmers.

No special provisions are needed.

(26) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

No alternative regulatory provisions have been considered or rejected because the regulatory changes are required for the Commonwealth to maintain its Agreement State status.

(27) In conducting a regulatory flexibility analysis, explain whether regulatory methods were considered that will minimize any adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), including:

- a) The establishment of less stringent compliance or reporting requirements for small businesses.
- b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses.
- c) The consolidation or simplification of compliance or reporting requirements for small businesses.
- d) The establishment of performance standards for small businesses to replace design or operational standards required in the regulation.
- e) The exemption of small businesses from all or any part of the requirements contained in the regulation.

This final-omitted rulemaking will not have any adverse impact on small businesses.

(28) If data is the basis for this regulation, please provide a description of the data, explain in detail how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. Please submit data or supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a searchable electronic format or provide a list of citations and internet links that, where possible, can be accessed in a searchable format in lieu of the actual material. If other data was considered but not used, please explain why that data was determined not to be acceptable.

Data is not the basis for this regulation.

(29) Include a schedule for review of the regulation including:

- | | |
|---|--|
| A. The length of the public comment period: | <u>Not Applicable</u> |
| B. The date or dates on which any public meetings or hearings will be held: | <u>Not Applicable</u> |
| C. The expected date of delivery of the final-form regulation: | <u>Quarter 3, 2025</u> |
| D. The expected effective date of the final-form regulation: | <u>Upon publication in the Pennsylvania Bulletin</u> |
| E. The expected date by which compliance with the final-form regulation will be required: | <u>Not Applicable</u> |
| F. The expected date by which required permits, licenses or other approvals must be obtained: | <u>Not Applicable</u> |

(30) Describe the plan developed for evaluating the continuing effectiveness of the regulations after its implementation.

An implementation and evaluation plan for this rulemaking is not necessary, as no change will occur once this rulemaking is effective. These amendments are needed for the Department to meet its obligations under Federal law.

**FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE
BUREAU**

(Pursuant to Commonwealth Documents Law)

RECEIVED

Independent Regulatory
Review Commission

September 11, 2025

DO NOT WRITE IN THIS SPACE

Copy below is hereby approved as to form and legality.
Attorney General

By: _____
(Deputy Attorney General)

DATE OF APPROVAL

☐ Check if applicable
Copy not approved. Objections attached.

Copy below is hereby certified to be true and
correct copy of a document issued, prescribed or
promulgated by:

DEPARTMENT OF ENVIRONMENTAL
PROTECTION
ENVIRONMENTAL QUALITY BOARD

(AGENCY)

DOCUMENT/FISCAL NOTE NO. 7-590

DATE OF ADOPTION September 9, 2025

BY

Jessica L Shirley
TITLE JESSICA SHIRLEY
CHAIRPERSON

EXECUTIVE OFFICER CHAIRPERSON OR SECRETARY

Copy below is hereby approved as to form and legality
Executive or Independent Agencies

BY

9/10/2025
DATE OF APPROVAL

(Deputy General Counsel)
(Chief Counsel - Independent Agency)
(Strike inapplicable title)

☒ Check if applicable. No Attorney General Approval
or objection within 30 days after submission.

NOTICE OF FINAL-OMITTED RULEMAKING

DEPARTMENT OF ENVIRONMENTAL PROTECTION
ENVIRONMENTAL QUALITY BOARD

U.S. Nuclear Regulatory Commission Consistency Rule – Incorporation by Reference

25 Pa. Code Chapters 215, 217, 219, 220 and 230

**FINAL-OMITTED RULEMAKING
ENVIRONMENTAL QUALITY BOARD
(25 Pa. Code Chapters 215, 217, 219, 220 and 230)**

U.S. Nuclear Regulatory Commission Consistency Rule – Incorporation by Reference

The Environmental Quality Board (Board) amends Chapters 215, 217, 219, 220 and 230 to exclude specific provisions of the Code of Federal Regulations (CFR) in Title 10, Section I (relating to Nuclear Regulatory Commission) from incorporation by reference as set forth in Annex A. The amendments in this final-omitted rulemaking are necessary to exclude Federal provisions that the Department of Environmental Protection's (Department) radioactive materials regulations categorically incorporate by reference, but the Department does not have the legal authority to enforce. The specific provisions that this final-omitted rulemaking addresses have never been enforced by the Department because the enforcement authority resides with the United States Nuclear Regulatory Commission (NRC). The NRC has informed the Department that these amendments are necessary for the Commonwealth to retain its authority to regulate radioactive materials in this Commonwealth.

Omission of Proposed Rulemaking

Notice of proposed rulemaking is omitted under section 204 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1102—1208), referred to as the Commonwealth Documents Law (CDL) (45 P.S. §§ 1204). Under section 204(3) of the CDL (45 P.S. § 1204(3)), an agency may omit the notice of proposed rulemaking if “the agency for good cause finds...that the [public notice and comment] procedures specified in sections 201 and 202 are in the circumstances impracticable, unnecessary, or contrary to the public interest.”

Review and consideration of public comments on the amendments are unnecessary and contrary to the public interest because public comments would delay the required clarification of the Department's proper authority under Federal law. It is in the public interest to ensure that the Commonwealth's regulations accurately reflect the Department's authority in an expeditious manner. This will allow radioactive material licensees in this Commonwealth to clearly identify which agency, the Department or the NRC, has enforcement authority for specific radioactive materials. Public comments could not alter the need for these amendments or the content of the amendments. No changes to radioactive material licenses will result from this final-omitted rulemaking.

This final-omitted rulemaking was adopted by the Board at its meeting of September 9, 2025.

A. Effective Date

This final-omitted rulemaking will be effective upon publication in the *Pennsylvania Bulletin*.

B. Contact Persons and Information

For further information contact John Chipppo, Program Manager, Division of Radiation Control, Bureau of Radiation Protection, P.O. Box 8469, Rachel Carson State Office Building, Harrisburg, PA 17105-8469, (717) 787-2480, or Lindsay Williamson, Assistant Counsel, Bureau

of Regulatory Counsel, 400 Market Street, Rachel Carson State Office Building, Harrisburg, PA 17105, (717) 787-7196. Persons with a disability may use the Pennsylvania Hamilton Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This final-omitted rulemaking is available on the Department's website at <https://www.pa.gov/agencies/dep.html> (select "Public Participation," then "Environmental Quality Board" and then navigate to the Board meeting of September 9, 2025).

C. Statutory Authority

This final-omitted rulemaking is authorized under section 301 of the Radiation Protection Act (RPA) (35 P.S. § 7110.301), which designates the Department as the agency of the Commonwealth responsible for regulation and control of radiation; section 302 of the RPA (35 P.S. § 7110.302), which grants the Board the authority to adopt rules and regulations to accomplish the purposes and carry out the provisions of the RPA; and section 1920-A of The Administrative Code of 1929 (71 P.S. § 510-20), which grants the Board the authority to adopt rules and regulations for the proper performance of the work of the Department.

D. Background and Purpose

The Commonwealth and the NRC entered into an agreement in 2008 in which the Commonwealth agreed to oversee and regulate most types of radioactive materials used in this Commonwealth. This agreement gave the Commonwealth status as an "Agreement State." As part of that agreement, the Commonwealth's radioactive materials program must remain compatible with the NRC's radioactive materials program, under 42 U.S.C. § 2021(d)(2) (relating to cooperation with states). The Commonwealth meets this requirement by incorporating the appropriate NRC regulations by reference in 25 Pa. Code Part I, Subpart D, Article V (relating to radiological health).

During its periodic review for Agreement States' program compatibility, the NRC identified provisions of 10 CFR that should be excluded from the Commonwealth's incorporation-by-reference in Chapters 215, 217, 219, 220 and 230. This procedure, titled "Compatibility Categories and Health and Safety Identification for NRC Regulations and Other Program Elements, Interim State Agreement (SA) Procedure SA-200," informs Agreement States which NRC regulations are compatible with the Agreement State and which regulations are under exclusive NRC authority, meaning they are not compatible with Agreement State programs. The amendments in this final-omitted rulemaking are necessary for the Commonwealth's radioactive materials program to remain compatible with NRC's program because the citations to 10 CFR that the Board is excluding may only be implemented by the NRC.

The failure to exclude these sections from the Commonwealth's incorporation-by-reference of select Federal regulations was an oversight in the final-form rulemaking published at 38 Pa.B. 2243 (May 17, 2008), which was promulgated to support the 2008 agreement with the NRC. A few examples of these regulations whose implementation is exclusive to the NRC are 10 CFR 19.14 (relating to presence of representatives of licensees and regulated entities, and workers during inspections), 10 CFR 20.2203 (relating to reports of exposures, radiation levels, and concentrations of radioactive material exceeding the constraints or limits) and 10 CFR 70.82 (relating to suspension and operation in war or national emergency). Regulations under the

NRC’s exclusive authority cannot be incorporated by the Commonwealth. The Department does not have the authority under the 2008 agreement to implement these sections and has never enforced them. These amendments clarify the proper authority of the Department and the NRC under their respective regulations.

The Department presented the draft final-omitted regulation to the Radiation Protection Advisory Committee (RPAC) at its April 30, 2025, meeting. At that meeting, the RPAC supported the Department’s recommendation to move forward with this final-omitted rulemaking.

E. Summary of the Final-Omitted Rulemaking

References to the sections of Title 10 of the CFR that are added to Chapters 215, 217, 219, 220 and 230 to clarify that those specific Federal requirements are not incorporated by reference in the Department’s regulations are outlined, by section, in the table as follows:

25 Pa. Code Section Amended	10 CFR Provision Excluded from Incorporation-by-Reference
§§ 215.1(e)(15) and 217.201	The “foreign obligations” definition in § 150.3 is excluded from incorporation-by-reference as that is an exclusive NRC designation.
§§ 215.1(e)(1) and 220.9(b)	Sections 19.11(b) and (e) and 19.14(a) are excluded because they refer to Parts 50 and 52, which apply to nuclear power reactors that are regulated by the NRC.
§ 215.1(e)(2)	Sections 20.1406(b), 20.1905(g), and 20.2203(c) and (d) are excluded because they refer to Parts 50 and 52, which apply to nuclear power reactors that are regulated by the NRC.
§§ 215.1(e)(5) and 217.151(b)	Sections 32.11, 32.12 and 32.21a are excluded because they relate to exempt concentrations into products or materials and transfer of ownership or possession, which is category NRC designation.
§ 215.1(e)(8)	Sections 35.11(c) and 35.13(a)(1) are excluded because these provisions refer to a Federal government agency or Federally recognized Indian tribe.
§§ 215.1(e)(12) and 217.171(b)	Paragraphs (j), (l), and (m) of section 40.31 are added to the list of exceptions because they relate to uranium enrichment facilities, which is not part of the Agreement State program. Section 40.56 is added to the exceptions to incorporation by reference because it relates to restrictions on the use of Australian-obligated source materials, that is, “foreign obligations.” In addition, this final-omitted rulemaking amends §§ 215.1(e)(12) and 217.171(b) to delete the exception for subsection (i) of 10 CFR 40.31 (relating to application for specific licenses) from incorporation by reference because it is designated as “Category

	H&S” (health and safety), which is part of the Commonwealth’s Agreement State program and must be enforceable by the Department.
§§ 215.1(e)(13) and 217.181(b)	Section 70.14 is excluded because it relates to foreign military aircraft. Section 70.50(d) is excluded because it relates to nuclear power reactors regulated by the NRC. Sections 70.60, 70.61, 70.64, 70.65, 70.66, 70.73, 70.76 and 70.82 are excluded because they relate to licensees authorized to possess greater than a critical mass of special nuclear material, which is not part of the Agreement State program.
§§ 215.1(e)(14) and 230.3(b)	Sections 71.11, 71.70, 71.85 and 71.91(b) are excluded because they regard packaging and transportation of radioactive materials, which is under exclusive NRC control.
§ 219.5(b)	Sections 20.1406(b), 20.1905(g), 20.2203(c) and (d) are excluded because they refer to Parts 50 and 52, which apply to nuclear power reactors that are regulated by the NRC.

F. Benefits, Costs and Compliance

Benefits

The fundamental benefit of this final-omitted rulemaking is ensuring that the Commonwealth’s regulations meet the requirements of NRC’s Agreement State program, as required by Federal law under 42 U.S.C. § 2021(d)(2). If these amendments are not adopted, the Commonwealth risks losing the authority it assumed as an Agreement State under the 2008 agreement to regulate most types of radioactive materials used in this Commonwealth.

Compliance costs

The amendments will create no compliance costs. No additional financial, economic or social impact will result from these amendments.

Compliance assistance plan

No compliance assistance is necessary for implementation of this final-omitted rulemaking because the regulated community remains subject to the requirements excluded from the Commonwealth’s regulations at the Federal level.

Paperwork requirements

This final-omitted rulemaking will not revise paperwork requirements.

G. Pollution Prevention

The Pollution Prevention Act of 1990, 42 U.S.C. §§ 13101—13109, established a National policy that promotes pollution prevention as the preferred means for achieving state environmental protection goals. The Department encourages pollution prevention, which is the reduction or elimination of pollution at its source, through the substitution of environmentally friendly materials, more efficient use of raw materials, or the incorporation of energy efficiency strategies. Pollution prevention practices can provide greater environmental protection with greater efficiency because they can result in significant cost savings to facilities that permanently achieve or move beyond compliance.

Although this final-omitted rulemaking is administrative in nature, finalizing these amendments will allow those holding radioactive material licenses in the Commonwealth to clarify the proper authority of the Department and the NRC under the agencies' respective radioactive materials programs, which will result in greater operational efficiency.

H. Sunset Review

The Board is not establishing a sunset date for these regulations, since they are needed for the Department to carry out its statutory authority. The Department will continue to closely monitor these regulations for their effectiveness and recommend updates to the Board as necessary.

I. Regulatory Review

Under section 5.1(c) of the Regulatory Review Act (RRA) (71 P.S. § 745.5a(c)), on September 11, 2025, the Department submitted a copy of this final-omitted rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the chairpersons of the Environmental Resources and Energy Committee of the Senate and the Environmental and Natural Resource Protection Committee of the House of Representatives. On the same date, the Department submitted a copy of the final-omitted rulemaking to the Office of Attorney General under section 204(b) of the Commonwealth Attorneys Act (71 P.S. § 732-204(b)). A copy of this material is available to the public upon request.

Under section 5.1(j.2) of the RRA, on [REDACTED], this final-omitted rulemaking was (deemed) approved by the House and Senate Committees. Under section 5.1(e) of the RRA, IRRC met on [REDACTED], and approved this final-omitted rulemaking.

J. Findings of the Board

The Board finds that:

- (1) The amendments as set forth in Annex A are appropriate to implement the requirements of the NRC's Agreement State program.
- (2) Use of the omission of notice of proposed rulemaking procedure is appropriate because the notice of proposed rulemaking procedure specified in sections 201 and 202 of the CDL (45 P.S. §§ 1201 and 1202) is, in this instance, "impracticable, unnecessary, or contrary to the public interest."

(3) The use of the notice of proposed rulemaking procedures is, in this instance, impracticable, unnecessary and contrary to the public interest because the amendments are required by the NRC for the Commonwealth to retain its Agreement State authority and no radioactive licensees are affected by this final-omitted rulemaking.

(4) These amendments are necessary and appropriate for administration and enforcement of the authorizing acts identified in Section C of this preamble and in the public interest.

K. Order of the Board

The Board, acting under the authorizing statutes, orders that:

(a) The regulations of the Department, 25 Pa. Code, Chapters 215, 217, 219, 220 and 230, are amended by amending §§ 215.1, 217.151, 217.171, 217.181, 217.201, 219.5, 220.9 and 230.3 to read as set forth in Annex A.

(b) The Chairperson of the Board shall submit this final-omitted rulemaking to the Office of General Counsel and the Office of Attorney General for review and approval as to legality and form, as required by law.

(c) The Chairperson of the Board shall submit this final-omitted rulemaking to IRRC, the Environmental Resources and Energy Committee of the Senate and the Environmental and Natural Resource Protection Committee of the House of Representatives, as required by the RRA (71 P.S. §§ 745.1—745.14).

(d) The Chairperson of the Board shall certify this final-omitted rulemaking and deposit it with the Legislative Reference Bureau, as required by law.

(e) This order shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

JESSICA SHIRLEY,
Chairperson

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 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.

* * * * *

(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)]~~ (1)—(15). 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, 19.11(b) and (e), 19.14(a), 19.30 and 19.40 are not incorporated.

(2) Sections 20.1006, 20.1009, 20.1406(b), 20.1905(g), 20.2203(c) and (d), 20.2206(a)(1), (3), (4) and (5), 20.2401 and 20.2402 are not incorporated.

(3) Sections 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. Paragraph 2 of the definition of “commencement of construction” and paragraph 9(ii) of the definition of “construction” in section 30.4 are not incorporated.

(4) Sections 31.4 and 31.14 are not incorporated.

(5) Sections 32.1(c)(1), 32.8, 32.11, 32.12, 32.14, 32.15, 32.16, 32.18, 32.19, 32.20, 32.21, 32.21a, 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, 35.11(c), 35.13(a)(1), 35.4001 and 35.4002 are not incorporated.

(9) Sections 36.5, 36.8, 36.91 and 36.93 are not incorporated. Paragraph 2 of the definition of “commencement of construction” and paragraph 9(ii) of the definition of “construction” in section 36.2 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 40.6, 40.8, 40.12(b), 40.13(c)(5)(iv), 40.23, 40.27, 40.28, **40.31(k) and (i)** **40.31(j)—(m)**, 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, **40.56**, 40.64, 40.66, 40.67, 40.81, 40.82 and 10 CFR Part 40 Appendix A Criterion 11 A—F and Criterion 12 are not incorporated. Paragraph 2 of the definition of “commencement of construction” and paragraph 9(ii) of the **[definition] definitions** of “construction”, **“foreign obligations” and “reconciliation”** in section 40.4 are not incorporated.

(13) Sections 70.1(c), (d) and (e), 70.5, 70.6, 70.8, 70.13, 70.13a, **70.14**, 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, **70.50(d)**, 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, **70.60, 70.61**, 70.62, **70.64, 70.65, 70.66**, 70.71, 70.72, **70.73**, 70.74, **70.76, 70.82** and 10 CFR Part 70 Appendix A are not incorporated. Paragraph 2 of the definition of “commencement of construction” and paragraph 9(ii) of the definition of “construction” in section 70.4 are not incorporated.

(14) Sections 71.2, 71.6, **71.11**, 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, **71.70**, 71.71, 71.73, 71.74, 71.75, 71.77, **71.85, 71.91(b)**, 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 are not incorporated. The definitions of “certificate holder” and “certificate of compliance (CoC)” in section 71.4 are not incorporated. The term “applicant” when used in 10 CFR Part 71 is not incorporated.

(15) The definition of “foreign obligations” in section 150.3 is not incorporated.

* * * * *

CHAPTER 217. LICENSING OF RADIOACTIVE MATERIAL

Subchapter D. SPECIFIC LICENSES TO MANUFACTURE OR TRANSFER CERTAIN ITEMS CONTAINING RADIOACTIVE MATERIAL

§ 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, **32.11, 32.12**, 32.14, 32.15, 32.16, 32.18, 32.19, 32.20, 32.21, **32.21a**, 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.

Subchapter G. LICENSING OF SOURCE MATERIAL

§ 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 40.6, 40.8, 40.12(b), 40.13(c)(5)(iv), 40.23, 40.27, 40.28, **[40.31(k) and (i)] 40.31(j), (k), (l) and (m)**, 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, **40.56**, 40.64, 40.66, 40.67, 40.81, 40.82 are not incorporated by reference. Paragraph 2 of the definition of “commencement of construction”, **[and]** paragraph 9(ii) of the definition of “construction”, **“foreign obligations” and “reconciliation”** in section 40.4 are not incorporated.

Subchapter H. LICENSING OF SPECIAL NUCLEAR MATERIAL

§ 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), 70.5, 70.6, 70.8, 70.13, 70.13a, **70.14**, 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, **70.50(d)**, 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, **70.60, 70.61**, 70.62, **70.64, 70.65, 70.66**, 70.71, 70.72, **70.73**, 70.74, **70.76, 70.82** and 10 CFR Part 70 Appendix A are not incorporated by reference. Paragraph 2 of the definition of “commencement of construction” and paragraph 9(ii) of the definition of “construction” in section 70.4 are not incorporated.

Subchapter J. RECIPROCITY

§ 217.201. Incorporation by reference.

Except as provided in this subchapter, the requirements of 10 CFR 150.1, 150.2, 150.3, 150.11 and 150.20 are incorporated by reference. **The definition of “foreign obligations” in section 150.3 is not incorporated.**

CHAPTER 219. STANDARDS FOR PROTECTION AGAINST RADIATION

Subchapter A. GENERAL PROVISIONS

§ 219.5. Incorporation by reference.

(a) Except as provided in this chapter, the requirements of 10 CFR Part 20 (relating to standards for protection against radiation) are incorporated by reference.

(b) Notwithstanding the requirements incorporated by reference, **10 CFR 20.1006, 20.1009, 20.1406(b), 20.1905(g), 20.2203(c) and (d), 20.2206(a)(1), (3), (4) and (5), 20.2401 and 20.2402** are not incorporated by reference.

CHAPTER 220. NOTICES, INSTRUCTIONS AND REPORTS TO WORKERS; INSPECTIONS AND INVESTIGATIONS

§ 220.9. Incorporation by reference.

(a) Except as provided in this chapter, the requirements of 10 CFR Part 19 (relating to notices, instructions and reports to workers; inspections and investigations) are incorporated by reference.

(b) Notwithstanding the requirements incorporated by reference, 10 CFR 19.4, 19.5, 19.8, **19.11(b) and (e), 19.14(a),** 19.30 and 19.40 are not incorporated by reference.

CHAPTER 230. PACKAGING AND TRANSPORTATION OF RADIOACTIVE MATERIAL

Subchapter A. SCOPE AND DEFINITIONS

§ 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, **71.11, 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, 71.70, 71.71, 71.73, 71.74, 71.75, 71.77, 71.85, 71.91(b), 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** are not incorporated by reference. The definitions of “certificate holder” and “certificate of compliance (CoC)” in section 71.4 are not incorporated. The term “applicant” when used in 10 CFR Part 71 is not incorporated.



Pennsylvania
Department of
Environmental Protection

September 11, 2025

David Sumner
Executive Director
Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, PA 17120

Re: Final-Omitted Rulemaking: U.S. Nuclear Regulatory Commission Consistency Rule –
Incorporation by Reference (#7-590)

Dear Mr. Sumner:

Pursuant to Section 5.1(c) of the Regulatory Review Act (RRA), please find enclosed the U.S. Nuclear Regulatory Commission (NRC) Consistency Rule – Incorporation by Reference final-omitted rulemaking for review by the Independent Regulatory Review Commission (IRRC). The Environmental Quality Board (Board) adopted this rulemaking on September 9, 2025.

This final-omitted rulemaking excludes regulations of the NRC that the Department of Environmental Protection's (Department) radioactive materials regulations categorically incorporate by reference, but the Department does not have the legal authority to enforce. The specific provisions that this final-omitted rulemaking addresses have never been enforced by the Department because the enforcement authority resides with the NRC. The NRC has informed the Department that these amendments are necessary for Pennsylvania to retain its authority to regulate radioactive materials in this Commonwealth.

The Department will provide assistance as necessary to facilitate IRRC's review of the enclosed rulemaking under Section 5.1(e) of the RRA.

Please contact me by email at laurgriffi@pa.gov or by telephone at 717.772.3277 if you have any questions or need additional information.

Sincerely,

A handwritten signature in blue ink that reads "Laura E. Griffin".

Laura Griffin
Regulatory Coordinator

Enclosures

September 11, 2025

From: [Eyster, Emily](#)
To: [Griffin, Laura](#); [Osenbach, Matt](#)
Cc: [Campbell, Laura](#); [Reiley, Robert A.](#); [Imgrund, Lauren](#); [Nezat, Taylor](#); [Troutman, Nick](#)
Subject: Re: Delivery of Final-Omitted Rulemaking – U.S. Nuclear Regulatory Commission Consistency Rule – Incorporation by Reference (7-590)
Date: Thursday, September 11, 2025 9:34:26 AM

Received. Thanks Laura!

Emily Eyster

Executive Director, Senate Environmental Resources and Energy Committee

Legislative Director

Office of Senator Carolyn T. Comitta

Cell: (717) 756-4702

Phone: (717) 787-5709

www.pasenate.comitta.com

From: Griffin, Laura <laurgriffi@pa.gov>
Sent: Thursday, September 11, 2025 9:06:44 AM
To: Osenbach, Matt <mosenbach@pasen.gov>; Eyster, Emily <Emily.Eyster@pasenate.com>
Cc: Campbell, Laura <laurcampbe@pa.gov>; Reiley, Robert A. <rreiley@pa.gov>; Imgrund, Lauren <limgrund@pa.gov>; Nezat, Taylor <tnezat@pa.gov>; Troutman, Nick <ntroutman@pasen.gov>
Subject: Delivery of Final-Omitted Rulemaking – U.S. Nuclear Regulatory Commission Consistency Rule – Incorporation by Reference (7-590)

EXTERNAL EMAIL

Good morning,

Pursuant to Section 5.1(c) of the Regulatory Review Act, please find attached the U.S. Nuclear Regulatory Commission Consistency Rule – Incorporation by Reference final-omitted rulemaking (7-590) for review by the Senate Environmental Resources and Energy Committee. The rulemaking documents are attached in a zip folder and the cover letters for Senator Yaw and Senator Comitta are attached separately.

A copy of the transmittal sheet is attached for your records – the House and Senate Committee chairs are receiving the rulemaking electronically.

Please confirm receipt of this rulemaking by replying to all recipients.

Thank you,
Laura

Laura Griffin | Regulatory Coordinator
Department of Environmental Protection | Policy Office

September 11, 2025

From: [Elliott, Amy M.](#)
To: [Griffin, Laura](#)
Cc: [Abelson, Addie](#); [GC, Regulations](#); [Campbell, Laura](#); [Reiley, Robert A.](#); [Imgrund, Lauren](#); [Trotter, Carolyn](#)
Subject: Re: Delivery of Final-Omitted Rulemaking – U.S. Nuclear Regulatory Commission Consistency Rule – Incorporation by Reference (7-590)
Date: Thursday, September 11, 2025 9:07:29 AM

Receipt acknowledged

From: Griffin, Laura <laurgriffi@pa.gov>
Sent: Thursday, September 11, 2025 9:06 AM
To: Elliott, Amy M. <aelliott@attorneygeneral.gov>
Cc: Abelson, Addie <adabelson@pa.gov>; GC, Regulations <RA-GCREGULATIONS@pa.gov>; Campbell, Laura <laurcampbe@pa.gov>; Reiley, Robert A. <rreiley@pa.gov>; Imgrund, Lauren <limgrund@pa.gov>; Trotter, Carolyn <ctrotter@attorneygeneral.gov>
Subject: Delivery of Final-Omitted Rulemaking – U.S. Nuclear Regulatory Commission Consistency Rule – Incorporation by Reference (7-590)

Some people who received this message don't often get email from laurgriffi@pa.gov. [Learn why this is important](#)

Good morning,

Please see the attached rulemaking documents for Final-Omitted Rulemaking: U.S. Nuclear Regulatory Commission Consistency Rule – Incorporation by Reference (#7-590) for your review. Please respond to this email with an acknowledgement of receipt so that I can provide IRRC with proof of delivery. Thank you for your review.

I will drop off a hard copy of the rulemaking to the OAG's offices today.

Kind regards,
Laura

Laura Griffin | Regulatory Coordinator
Department of Environmental Protection | Policy Office
Rachel Carson State Office Building
400 Market Street | Harrisburg, PA 17101
Phone: 717.772.3277 | Fax: 717.783.8926
(she/her/hers) | laurgriffi@pa.gov
www.dep.pa.gov

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September 11, 2025

From: [Marisa Thomas](#)
To: [Griffin, Laura](#); [Franzese, Evan B.](#)
Cc: [Campbell, Laura](#); [Reiley, Robert A.](#); [Imgrund, Lauren](#); [Nezat, Taylor](#); [Shupe, Hayley](#)
Subject: RE: [EXTERNAL]: Delivery of Final-Omitted Rulemaking – U.S. Nuclear Regulatory Commission Consistency Rule – Incorporation by Reference (7-590)
Date: Thursday, September 11, 2025 9:37:17 AM

Confirming recipient.

Marisa Thomas

Administrative Assistant II

Office of State Representative Brenda Pugh
120th Legislative District
422 Irvis Office Building
Harrisburg, PA 17120-2092
Phone: (717) 787-3798

Office of State Representative Jack Rader
176th Legislative District
423 Irvis Office Building
Harrisburg, PA 17120-2176
Phone: (717) 787-7732

From: Griffin, Laura <laurgriffi@pa.gov>
Sent: Thursday, September 11, 2025 9:07 AM
To: Franzese, Evan B. <efranzese@pahouse.net>; Marisa Thomas <Mthomas@pahousegop.com>
Cc: Campbell, Laura <laurcampbe@pa.gov>; Reiley, Robert A. <rreiley@pa.gov>; Imgrund, Lauren <limgrund@pa.gov>; Nezat, Taylor <tnezat@pa.gov>; Shupe, Hayley <hshupe@pahouse.net>
Subject: [EXTERNAL]: Delivery of Final-Omitted Rulemaking – U.S. Nuclear Regulatory Commission Consistency Rule – Incorporation by Reference (7-590)
Importance: High

Good morning,

Pursuant to Section 5.1(c) of the Regulatory Review Act, please find attached the U.S. Nuclear Regulatory Commission Consistency Rule – Incorporation by Reference final-omitted rulemaking (7-590) for review by the Senate Environmental Resources and Energy Committee. The rulemaking documents are attached in a zip folder and the cover letters for Senator Yaw and Senator Comitta are attached separately.

A copy of the transmittal sheet is attached for your records – the House and Senate Committee chairs are receiving the rulemaking electronically.

Please confirm receipt of this rulemaking by replying to all recipients.

Thank you,

Laura

Laura Griffin | Regulatory Coordinator
Department of Environmental Protection | Policy Office
Rachel Carson State Office Building
400 Market Street | Harrisburg, PA 17101
Phone: 717.772.3277 | Fax: 717.783.8926
(she/her/hers) | laurgriffi@pa.gov
www.dep.pa.gov

RECEIVED

Independent Regulatory
Review Commission

September 11, 2025

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From: [Franzese, Evan B.](#)
To: [Griffin, Laura](#); [Marisa Thomas](#)
Cc: [Campbell, Laura](#); [Reiley, Robert A.](#); [Imgrund, Lauren](#); [Nezat, Taylor](#); [Shupe, Hayley](#)
Subject: RE: Delivery of Final-Omitted Rulemaking – U.S. Nuclear Regulatory Commission Consistency Rule – Incorporation by Reference (7-590)
Date: Thursday, September 11, 2025 9:33:53 AM

Confirming receipt. Thank you!

Evan Franzese-Peterson

Executive Director | House Environmental & Natural Resource Protection Committee
(D)

Representative Greg Vitali

Pennsylvania House of Representatives

M: 223-797-7185

O: 717-787-7647 x 6359

F: 717-780-4780

From: Griffin, Laura <laurgriffi@pa.gov>
Sent: Thursday, September 11, 2025 9:07 AM
To: Franzese, Evan B. <EFranzese@pahouse.net>; Marisa Thomas <mthomas@pahousegop.com>
Cc: Campbell, Laura <laurcampbe@pa.gov>; Reiley, Robert A. <rreiley@pa.gov>; Imgrund, Lauren <limgrund@pa.gov>; Nezat, Taylor <tnezat@pa.gov>; Shupe, Hayley <HShupe@pahouse.net>
Subject: Delivery of Final-Omitted Rulemaking – U.S. Nuclear Regulatory Commission Consistency Rule – Incorporation by Reference (7-590)
Importance: High

Good morning,

Pursuant to Section 5.1(c) of the Regulatory Review Act, please find attached the U.S. Nuclear Regulatory Commission Consistency Rule – Incorporation by Reference final-omitted rulemaking (7-590) for review by the Senate Environmental Resources and Energy Committee. The rulemaking documents are attached in a zip folder and the cover letters for Senator Yaw and Senator Comitta are attached separately.

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Thank you,
Laura

Laura Griffin | Regulatory Coordinator
Department of Environmental Protection | Policy Office
Rachel Carson State Office Building
400 Market Street | Harrisburg, PA 17101
Phone: 717.772.3277 | Fax: 717.783.8926
(she/her/hers) | laurgriffi@pa.gov

September 11, 2025

From: [Osenbach, Matt](#)
To: [Griffin, Laura](#)
Cc: [Eyster, Emily](#); [Campbell, Laura](#); [Reiley, Robert A.](#); [Imgrund, Lauren](#); [Nezat, Taylor](#); [Troutman, Nick](#)
Subject: Re: Delivery of Final-Omitted Rulemaking – U.S. Nuclear Regulatory Commission Consistency Rule – Incorporation by Reference (7-590)
Date: Thursday, September 11, 2025 9:44:22 AM

Message received. Thank you!

Matt Osenbach
Director, Environmental Resources & Energy Committee
Office of State Senator Gene Yaw (R-23)
362 Main Capitol Building, Senate Box 203023
Harrisburg, PA 17120
T: (717) 787-3280
F: (717) 772-0575
www.SenatorGeneYaw.com



On Sep 11, 2025, at 9:07 AM, Griffin, Laura <laurgriffi@pa.gov> wrote:

CAUTION : External Email

Good morning,

Pursuant to Section 5.1(c) of the Regulatory Review Act, please find attached the U.S. Nuclear Regulatory Commission Consistency Rule – Incorporation by Reference final-omitted rulemaking (7-590) for review by the Senate Environmental Resources and Energy Committee. The rulemaking documents are attached in a zip folder and the cover letters for Senator Yaw and Senator Comitta are attached separately.

A copy of the transmittal sheet is attached for your records – the House and Senate Committee chairs are receiving the rulemaking electronically.

Please confirm receipt of this rulemaking by replying to all recipients.

Thank you,
Laura

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Department of Environmental Protection | Policy Office
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