

PROPOSED RULEMAKING
Annex A
TITLE 25. ENVIRONMENTAL PROTECTION
PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION
Subpart D. ENVIRONMENTAL HEALTH AND SAFETY
ARTICLE V. RADIOLOGICAL HEALTH
CHAPTER 218. FEES

APPENDIX A
Fees for Radioactive Material Licenses

<i>Fee Category^{5,6}</i>	<i>Description</i>	<i>Annual Fee (\$)^{1,2,3,4,7}</i>
1C	Special Nuclear Material Sealed Source Gauges (X-Ray Fluorescence)	[2,100] <u>3,150</u>
1D	Special Nuclear Material—Other	[5,800] <u>8,700</u>
2A(2)(c)	Source Material—metal extraction	[90,200] <u>45,100</u>
2A5	Removal of Radioactive Contaminants from Drinking Water	[11,200] <u>16,800</u>
2B	Source Material as Shielding	[750] <u>1,125</u>
2C	Source Material—Other (not 11e2)	[13,400] <u>20,100</u>
3A	Manufacturing & Distribution Commercial Broad Scope—10 CFR 30, 33	[29,100] <u>43,650</u>
3B	Manufacturing, Refurbishing & Distribution Commercial Specific License—10 CFR 30	[8,300] <u>12,450</u>
3C	Manufacturing & Distribution Pharmaceuticals—10 CFR 32.72—32.74	[11,900] <u>17,850</u>
3D	Pharmaceuticals— Distribution Only—10 CFR 32.7x	[6,800] <u>10,200</u>
3E	Irradiator—Shielded Source	[4,200] <u>6,300</u>
3F	Irradiator—Unshielded < 10kCi	[7,800] <u>11,700</u>
3G	Irradiator—Unshielded >= 10kCi	[31,200] <u>46,800</u>

3I	Distribution As Exempt—No Review of Device	[10,700] <u>16,050</u>
3J	Distribution—SSD Devices to Part 31 GLs	[2,500] <u>3,750</u>
3K	Distribution—No Review-Exempt Sealed Source	[1,900] <u>2,850</u>
3L	Research & Development Broad Scope	[15,100] <u>22,650</u>
3M	Research & Development	[5,600] <u>8,400</u>
3N	Services other than Leak Testing, Waste Disposal or Calibration	[8,500] <u>12,750</u>
3O	Radiography	[14,100] <u>21,150</u>
3P	Other Byproduct Material	[2,700] <u>4,050</u>
3Q	Generally licensed devices under § 217.143 (relating to certain measuring, gauging or controlling devices)	[320] <u>480</u>
3R1	Greater than the General License Limits in 10 CFR 31.12(a)(3), (4) or (5) but not more than ten times those Limits	[2,100] <u>3,150</u>
3R2	Greater than ten times the General License Limits in 10 CFR 31.12(a)(3), (4) or (5)	[2,700] <u>4,050</u>
3S	Manufacturing & Distribution Pharmaceuticals—Accelerator Produced Only	[11,800] <u>17,700</u>
4A	Waste Storage, Processing or Disposal	Full Cost *
4B	Waste Packaging or Repackaging	[12,000] <u>18,000</u>
4C	Waste Receipt of Prepackaged for Disposal	[9,200] <u>13,800</u>
5A	Well Logging & Non Field Flood Tracers	[4,400] <u>6,600</u>
5B	Well Logging Field Flood Tracer Studies	Full Cost *
6A	Nuclear Laundry	[28,800] <u>43,200</u>
7A	Human Use—Teletherapy	[13,700] <u>20,550</u>
7B	Human Use—Broad Scope (except Teletherapy)	[29,000] <u>36,250</u>

7C	Human Use—Specific License (except Teletherapy)	[4,900] <u>7,350</u>
8A	Specifically licensed sources used in static eliminators, nonexempt smoke detectors, fixed gauges, dew pointers, calibration sources, civil defense uses or in temporary (2 years or less) storage	[2,100] <u>3,150</u>
14	Decontamination, Decommissioning, Reclamation or Site Restoration	Full Cost *
16	Reciprocity (180 days/year)	[1,500] <u>2,250</u>
SB1 ⁵	Small Business— Category 1	[2,300] <u>3,450</u>
SB2 ⁶	Small Business— Category 2	[500] <u>750</u>

¹ A license may include as many as four noncontiguous sites at the base fee. Sites that are within 5 miles of the main radiation safety office where the license records are kept will be considered contiguous. An additional fee of 25% of the base fee will be added for each noncontiguous site above four.

² All fees will be effective upon publication of the final rules in the *Pennsylvania Bulletin*. Existing NARM licenses will be changed to the corresponding category of byproduct material license in Appendix A upon publication of the final rule.

³ Annual fees for categories of NRC licenses that are not included in this table will be calculated as follows: PA Fee = (NRC Annual Fee + 0.10 NRC Application or Renewal fee).

⁴ Annual fees charged to holders of transferred NRC licenses with multiple sites will not exceed the fees charged by the NRC for the same licenses that are in effect in the year of transfer, provided the number of noncontiguous sites does not increase.

⁵ Small Businesses Not Engaged in Manufacturing, and Small Not-For-Profit Organizations with Gross Annual Receipts of more than \$350,000 and less than \$5 million; Manufacturing Entities that have an average of 35—500 employees with Gross Annual Receipts of more than \$350,000 and less than \$5 million; Small Government Jurisdictions (including publicly supported, nonmedical educational institutions) with a population between 20,000 and 50,000; and nonmedical Educational Institutions that are not state or publicly supported and have 35—500 employees.

⁶ Small Businesses Not Engaged in Manufacturing, and Small Not-For-Profit Organizations with Gross Annual Receipts of less than \$350,000; Manufacturing Entities that have an average of less than 35 employees and less than \$350,000 in Gross Annual Receipts; Small Government Jurisdictions (including publicly supported nonmedical educational institutions) with a

population less than 20,000; and nonmedical Educational Institutions that are not state or publicly supported and have less than 35 employees.

⁷ Full cost recovery licensees and licensees required to provide financial assurance for decommissioning are not eligible for reduced fees under category SB1 or SB2.

* Full cost recovery consists of a professional fee, to cover the activities and support of Department personnel, and any other additional incidental charges incurred, such as related contracted services or laboratory costs. The professional fee component (Hourly Rate) is [**\$150**] **\$225** per hour. Other costs are recovered at 100% of actual cost. Invoices shall be issued by the Department at regular intervals but at least quarterly when net costs are incurred.

CHAPTER 240. RADON CERTIFICATION

Subchapter A. GENERAL PROVISIONS

§ 240.3. Definitions.

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Active radon mitigation system—A radon mitigation system with an electric vent fan.

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Passive radon mitigation system—A radon mitigation system without an electric vent fan.

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Subchapter D. OPERATION REQUIREMENTS

Sec.

240.301. Advertising.

240.302. Notice to clients.

240.303. Reporting of information.

240.304. Quality assurance program.

240.305. Health and safety program.

240.306. Continuing education program.

240.307. EPA Radon Measurement Proficiency Program.

240.308. Testing and mitigation protocols.

240.309. Pennsylvania Radon Mitigation System Tag.

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§ 240.303 Reporting of information

(a) Within 45 days after testing, mitigation or other radon-related service is provided, the person providing the service shall submit to the Department in a format approved by the Department the results of testing, including screening measurements, follow-up measurements, premitigation measurements, postmitigation measurements and the method used to mitigate against radon contamination. If no testing, mitigation or radon-related service has been provided during this 45-day period, that person shall inform the Department of same in writing. Anyone required to provide this 45-day reporting who does not report within 90 days of the completion of the activity will be subject to the Late 45-Day Reporting Fee as set forth in Appendix A (relating to radon certification fee schedule). At a minimum, these results will be retained for 2 years. The information must include:

- (1) The name of the person providing service.
- (2) The name and address of the owner or occupant of the building involved.
- (3) The address and location of the building involved, including street and number, post office, full zip code and county.
- (4) The end date of each measurement was taken, or the mitigation performed.
- (5) The type of house or building, the types of measurements, location within the building of specific measurements, and the results in picocuries per liter or in working levels.
- (6) The type and price of mitigation system installed.
- (7) The serial number of the Pennsylvania Radon Mitigation System Tag installed on the system.**

(b) * * *

(c) * * *

§ 240.309. Pennsylvania Radon Mitigation System Tag

(a) Upon activation of a new active radon mitigation system located in this Commonwealth or upon activation of a passive radon mitigation system located in this Commonwealth, the person conducting radon mitigation shall place a Pennsylvania Radon Mitigation System Tag on the vent pipe next to the manometer. If there is no visible vent pipe, the person conducting radon mitigation shall place the tag on the electric utility panel. The person conducting radon mitigation shall record the following information on the Pennsylvania Radon Mitigation System Tag:

- (1) The name, phone number, and certification number of the individual who is certified to mitigate. If the radon mitigation is conducted by a firm, the name, phone number, and certification number of the individual who is certified to mitigate radon and who is in responsible charge of the firm's mitigation activities shall be recorded.**

(2) The date of the radon mitigation system activation.

(b) Upon postmitigation testing of an active radon mitigation system, the person conducting the postmitigation radon testing shall record the end date of the postmitigation test on the Pennsylvania Radon Mitigation System Tag.

(c) A Pennsylvania Radon Mitigation System Tag must be purchased from the Department as set forth in Appendix A (relating to radon certification fee schedule).

(1) Only an individual who is certified to mitigate radon may purchase a Pennsylvania Radon Mitigation System Tag from the Department.

(2) A Pennsylvania Radon Mitigation System Tag may only be transferred with prior written approval from the Department.

(d) The Department will assign each Pennsylvania Radon Mitigation System Tag a unique serial number.

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APPENDIX A

Radon Certification Fee Schedule

Testing Individual	[\$350] <u>\$525</u> every 2 years
Testing Employee	[\$100] <u>\$150</u> every 2 years
Testing Firm	[\$700] <u>\$1050</u> every 2 years
Mitigation Individual	[\$300] <u>\$450</u> every 2 years
Mitigation Firm	[\$700] <u>\$1050</u> every 2 years
Laboratory Individual	[\$400] <u>\$600</u> every 2 years
Laboratory Firm	[\$750] <u>\$1125</u> every 2 years
Primary Testing Device Listing	[\$100] <u>\$150</u> every 2 years (1)
Course Provider	[\$375] <u>\$565</u> every 2 years (2)
Late Application Renewal	[\$100] <u>\$150</u>
Late 45-Day Reporting	[\$100] <u>\$150</u> (3)
<u>Pennsylvania Radon Mitigation System Tag</u>	<u>\$50 per tag</u> (4)

The Department will review the adequacy of the fees established in this schedule at least once every 3 years and provide a written report to the EQB. The report must identify any disparity between the amount of program income generated by the fees and the costs to administer these

programs, and must contain recommendations to increase fees to eliminate the disparity, including recommendations for regulatory amendments to increase program fees.

(1) Primary radon testers shall submit the Primary Testing Device Fee as specified in the Radon Certification Fee Schedule for each device they read or analyze, or both.

(2) A person approved by the Department to provide initial or continuing, or both, education courses shall submit the Course Provider Fee as specified in this appendix.

(3) Anyone not submitting the required 45-day testing or mitigation, or both, reporting within 90 days of the completion of the testing or mitigation, or both, activity (or if no activities have been performed during this period of informing the Department of same in writing) will be subject to the Late 45-Day Reporting Fee as specified in this appendix.

(4) Pennsylvania Radon Mitigation System Tags must be purchased in amounts of 5 or more per transaction. The Department will waive the fee for a local government employee or school employee who installs an active radon mitigation system in a school or local government building or activates a passive radon mitigation system in a school or local government building if the employee installs or activates the system pursuant to his official duties and the employee is not compensated for this service except through the employee's salary.