

Executive Summary
25 Pa. Code, Chapters 218 and 240
Radiological Health and Radon Certification Fees; and
Pennsylvania Radon Mitigation System Tag

The Department of Environmental Protection (Department) recommends amendments to Chapter 218 (relating to fees) and Chapter 240 (relating to radon certification) for consideration by the Environmental Quality Board (Board).

Summary of the Proposed Rulemaking

The proposed rulemaking would revise fees associated with the licensing and certification activities regulated by the Department's Radiation Protection Program. The Radiation Protection Act (RPA), 35 P.S. §§ 7110.101-7110.703, requires the Board to establish fees in amounts at least sufficient to cover the costs of the radiation protection programs mandated by the RPA. The Radon Certification Act (RCA), 63 P.S. §§ 2001-2014, requires the Department to establish fees to cover the costs of the certification programs established by the RCA. The proposed rulemaking would also add a requirement for use of a Pennsylvania Radon Mitigation System Tag, with a corresponding fee, for mitigation system installations to help ensure the quality of radon services.

Purpose of the Proposed Rulemaking

With one exception, the proposed rulemaking would increase the Chapter 218 and 240 fees by 50 percent to meet RPA and RCA requirements to adequately fund the licensing and inspection of radioactive materials and the certification of individuals who perform radon-related activities. The exception is for license category 2A(2)(c) – Source Material – metal extraction, which is proposed to be reduced by 50 percent. There is currently no licensee in the Commonwealth of Pennsylvania in the Source Material category.

Despite substantial increases in personnel and program costs, the Chapter 218 fees, which support the licensing and inspection of radioactive materials, and the Chapter 240 radon fees have not been revised since 2009. As a result, the Radiation Protection Fund is decreasing annually in operating reserves. Without a fee increase, the Department will be required to curtail spending for needed equipment, infrastructure upgrades, training and hiring of qualified personnel in Fiscal Year 2018/2019.

The proposed fee increases are independent of the recent nuclear power plant fees increase that was implemented as a result of legislative revisions to the RPA in 2014. Those fees cover the Department's related nuclear safety, radiological emergency response and environmental surveillance program areas.

Affected Parties

All Pennsylvania radioactive material licensees and radon testers and mitigators will be required to comply with this proposed rulemaking. There are approximately 850 specific and general licensees and approximately 720 radon certificate holders.

Advisory Groups

The Department presented its Three-Year Regulatory Fee Program Cost Analysis Report and the proposed Annex A to the Radiation Protection Advisory Committee (RPAC) on October 16, 2014, for discussion. At that meeting, RPAC endorsed moving forward with the proposed rulemaking.

Public Comments

The Department recommends a 60-day public comment period for this proposed rulemaking.