

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

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 Final Rulemaking

The final rulemaking will 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 final rulemaking will add a \$50 fee for each active radon mitigation system that is installed or passive radon mitigation system that is converted to an active radon mitigation system in the Commonwealth. This is a change from the proposed rulemaking's requirement that implemented this \$50 fee through the use of a Pennsylvania Radon Mitigation System Tag. This change was made based on comments received during the public comment period.

Purpose of the Final Rulemaking

With two exceptions, the final rulemaking will 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. One exception is for license category 2A(2)(c) – Source Material – Metal Extraction, which is proposed to be reduced by 50 percent. No one is currently licensed in the Commonwealth of Pennsylvania in the Source Material category. The second exception is for category 7B—Human Use—Broad Scope (except Teletherapy). Based on feedback from the Radiation Protection Advisory Committee (RPAC), this fee category will only be increased by 25 percent to avoid licensees in this category from “downgrading” their licenses and placing additional administrative burdens on the Department.

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 unable to purchase necessary equipment, unable to fund infrastructure upgrades, and unable to train and hire qualified personnel in Fiscal Year 2018/2019.

Affected Parties

All Pennsylvania radioactive material licensees and radon testers and mitigators will be required to comply with this final rulemaking. The Department regulates approximately 850 specific and general licensees and approximately 720 radon certificate holders.

Advisory Groups

The Department presented the final Annex A to the RPAC on November 17, 2016, for discussion. At that meeting, RPAC endorsed moving forward with the final rulemaking.

Public Comments

The proposed rulemaking was approved by the EQB on April 19, 2016, and published in the *Pennsylvania Bulletin* on July 2, 2016, with a 60-day public comment period. No public meetings or hearings were held. The EQB received comments from 40 commentators during the public comment period and from the Independent Regulatory Review Commission. These comments were considered and are addressed in the comment and response document that accompanies this final rulemaking.