



**pennsylvania**

DEPARTMENT OF ENVIRONMENTAL PROTECTION



Office of Waste, Air, Radiation & Remediation

# **Final-Form Rulemaking: Radiological Health Fees**

Environmental Quality Board Meeting

April 11, 2023

Josh Shapiro, Governor

Richard Negrin, Acting Secretary

# Statutory Requirements

## Radiation Protection Act

- Act 147 of 1984 (as amended in 2007, 2014)
- Requires the EQB to “set reasonable annual fees for the registration of radiation sources and the licensing of radiation source users.”
- Radiation Protection Program supported solely by fees.

# ▶ RP Program Activities Funded by Fees

## Chapter 218: Radiation-Producing Machines & Radioactive Materials Fees

- **Radiation-Producing Machines**
  - X-ray devices, Accelerators, Vendors
  - Fee schedule last revised in 2009
- **Radioactive Materials (RAM)**
  - Specific Licenses, General Licenses, Reciprocity
  - Fee schedule last revised in 2017
- **Decommissioning / Clean-up**
  - Fee schedule last revised in 2017

# Purpose for Fee Rulemaking

- The fees from radiation-producing machine and radioactive material users, radon testers, mitigators and laboratories are the major source of revenue for their respective programs.
- Program and personnel costs have continued to increase since the last fee increases in 2009 and 2017.
- Current fees will be unable to fully support the radiation-producing machines and radioactive materials programs.
- This rulemaking increases fee revenue to sufficiently cover program costs, as directed by Act 147.

# Radiation-Producing Machines Fees

## Examples of Radiation-Producing Machines Fee Categories

<i>Fee Description</i>	<i>Current Fee</i>	<i>New Fee</i>
Dentist, Podiatrists, Veterinarians, Chiropractors	\$100	\$130
tube fee	\$50	\$65
Hospitals	\$725	\$940
tube fee	\$50	\$65
Other	\$350	\$455
tube fee	\$50	\$65
Vendors	\$140	\$180

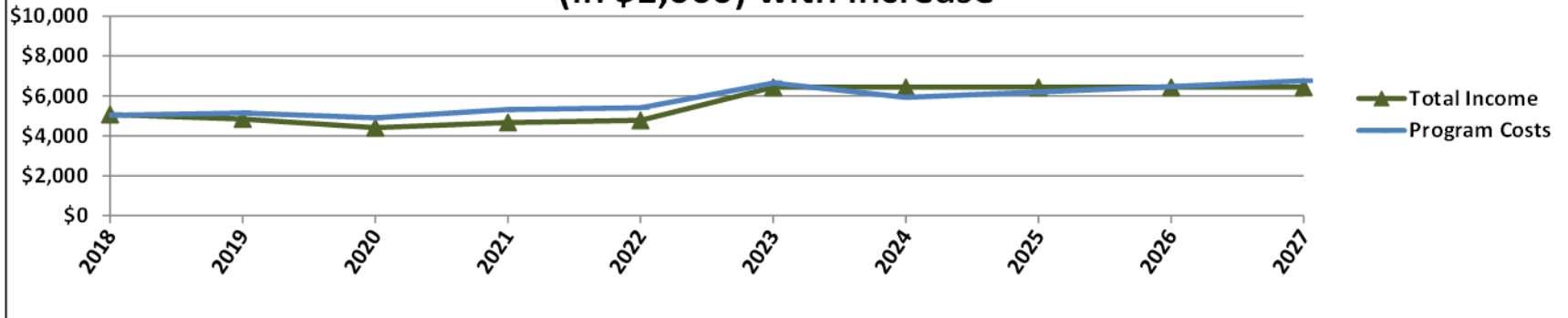
- 30% increase in radiation-producing machine fees needed to sustain the program through 2027
- Chiropractor fees moved from “other” category to dentist, podiatrists, and veterinarians category

# Radioactive Materials Fees

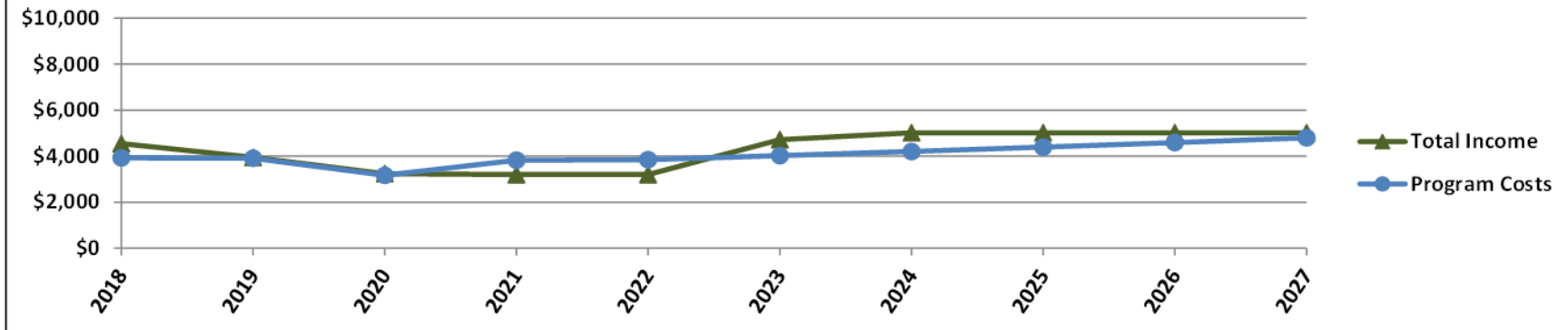
- 10% increase in the radioactive materials fees needed to sustain the program through 2027.
- Approximately 40 radioactive materials license fee categories; including radiography, irradiator-shielded source, and decontamination, decommissioning, reclamation or site restoration.
- Full cost recovery fee increased by 22% (from \$225 to \$275)
  - Hourly professional fee charged for decommissioning/terminating licenses

# Final Fees

## Radiation-Producing Machines – Available Revenue and Expenditures (in \$1,000) with increase



## RAM – Available Revenue and Expenditures (in \$1,000) with increase



# Public Comments

- Published on August 27, 2022, for a 30-day public comment period. Comments from Independent Regulatory Review Commission (IRRC) and two members of the public.
- **Comment:** Whether the nuclear laundry license fee should be increased in comparison to fees paid in other states for this license category.
- **Response:** Complex license with numerous, unique requirements; other states have additional funding sources to administer their programs.



# Summary of Comments Received

- **Comment:** IRRC noted the full cost recovery fee was proposed to be increased by 22%, and asked the Board to explain why the increase was needed and reasonable.
- **Response:** Hourly rate charged for decommissioning and decontamination activities
  - Rarely used – only for non-licensees or when operating license is terminated and converted to decommissioning license, and DEP staff work exceeds annual fee paid previously
  - Salaries and supporting infrastructure costs have increased more than 22% since last fee increase in 2017

# Change from Proposed to Final

- Keeping the current fee for Category 6A (Nuclear Laundry) until the next three-year review
- Throughout the next three-year review, the Department will gather more information on this complex and unique license category.
  - Specialized training requirements
  - Additional environmental monitoring/sampling
  - Potential for groundwater contamination
  - Additional financial assurance requirements

# Final Rule Summary

- Radiation Protection Advisory Committee endorsed draft final rulemaking on December 9, 2022
- Final rulemaking effective 30 days after publication in the *Pennsylvania Bulletin*
- Revised fees applied to all new applications received after the effective date of the rulemaking
- Renewal notices sent after the effective date of the rulemaking will include the revised fees

# Recommendation

The Department recommends the Board adopt the Radiological Health Fees final-form rulemaking.



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