Regulatory Analysis Form

(Completed by Promulgating Agency)

(All Comments submitted on this regulation will appear on IRRC's website)

INDEPENDENT REGULATORY REVIEW COMMISSION

(1) **Agency:**

Department of Environmental Protection

(2) **Agency Number:** 7

Identification Number: 591

IRRC Number**:**

(3) **PA Code Cite:** 25 Pa. Code Chapters 218 and 240

(4) **Short Title:** Radiological Health and Radon Certification Fees

(5) **Agency Contacts (List Telephone Number and Email Address):**

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(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)**

This regulation proposes to increase fees to ensure there is adequate funding for the Department of Environmental Protection's (Department) Radiation Protection Program (Program) to continue to provide oversight of radiation safety-related activities, meet the requirements of the Radiation Protection Act and Radon Certification Act, and maintain Pennsylvania's status as a United States Nuclear Regulatory Commission (NRC) Agreement State. This proposed rulemaking includes gradual increases over 5 years to fees associated with radiation-producing machine registrations, vendor registrations, accelerator licenses, radioactive materials licenses, and radon certifications. The regulation proposes to add license amendment fees, increase the professional hourly rate fee for accelerator and radioactive materials licenses, and simplify the radon certification fee schedule. A professional fee would be added for any licensee required to provide financial assurance for decommissioning.

(8) **State the statutory authority for the regulation. Include specific statutory citation.**

This proposed rulemaking is authorized under sections 301, 302 and 401 of the Radiation Protection Act (35 P.S. §§ 7110.301, 7110.302 and 7110.401), which directs the Environmental Quality Board (Board) to establish fees in amounts at least sufficient to cover the costs of the Department's radiation protection programs mandated by the Radiation Protection Act and review of those fees every 3 years; section 8 of the Radon Certification Act (63 P.S. § 2008), which requires the Department to establish fees to cover the costs of the radon certification program; and section 1920-A of The Administrative Code of 1929 (71 P.S. § 510-20), which authorizes the Board to promulgate rules and regulations necessary for the performance of the work of the Department.

(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.**

Yes, section 401 of the Radiation Protection Act (35 P.S. § 7110.401) requires the Board to establish annual registration and license fees "in an amount at least sufficient to cover the Department's costs of administering the programs." Likewise, Section 8 of the Radon Certification Act (63 P.S. § 2008) requires the Department to "establish a fee schedule to cover the costs of the certification programs." These fee increases are needed to meet these statutory requirements. Section 302 of the Radiation Protection Act (35 P.S. § 7110.302) requires the Board to review the fee structure every three years.

(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.**

These regulations are needed to ensure there is adequate funding for the Department's Program to provide oversight of radiation safety-related activities, maintain Pennsylvania's status as an NRC Agreement State, and meet the requirements of the Radiation Protection Act and Radon Certification Act. The Program is required to be supported by the revenue collected for license, registration, and certifications fees. When revenue is insufficient to meet expenditures, the Radiation Protection Act and Radon Certification Act require an increase in fees, so the projected revenues cover the cost of the administration of the Program.

The proposed rulemaking is necessary to help ensure the fiscal integrity of the Program and allow it to carry out its mission. If fees for radiation-producing machines are not increased, oversight of radiation safety-related activities may be diminished, and the replacement of obsolete survey equipment may be delayed, reducing the assurance that regulated activities are being conducted safely. The amendments to the fees for radioactive material licenses are necessary to ensure adequate funding is available for the Commonwealth to carry out its required duties under the NRC Agreement State Program. If the Commonwealth ceded its authority to regulate radioactive materials back to the NRC, the NRC would impose higher fees on the regulated community. Without a fee increase for radon certification fees, it would be difficult to provide effective quality assurance for the Statewide radon program. Pennsylvania has a wide geographic distribution of radon occurrence and, with a population of 13 million people, has great potential for radon exposure. Pennsylvania residents are at particular risk since the radon levels in this Commonwealth are much more significant than most other parts of the country.

Based on the Department's projections, if the current fees remain in place, the projected revenue will be insufficient to cover the Program's costs by FY 2027-2028. By the end of FY 2026-2027, the overall remaining balance in the Radiation Protection Fund is estimated to be -$670,000.

Consequently, gradual fee increases for registration, licensing, and certification fees are proposed in this regulation to cover the Program's costs through FY 2031-2032.

The new fee structure is projected to produce the following:

In FY 2027-2028, the Program's total revenue is estimated to be $14,352,000 with projected expenses of $13,650,000.

In FY 2028-2029, the Program's total revenue is estimated to be $14,741,000 with projected expenses of $14,249,000.

In FY 2029-2030, the Program's total revenue is estimated to be $15,141,000 with projected expenses of $14,874,000.

In FY 2030-2031, the Program's total revenue is estimated to be $15,553,000 with projected expenses of $15,545,000.

In FY 2031-2032, the Program's total revenue is estimated to be $15,997,000 with projected expenses of $16,362,000.

The proposed rulemaking would add a requirement for a fee to accompany an amendment request for radioactive materials and accelerator licenses. Particle accelerator license amendments or radioactive material license amendments for Transfer of Control are $500. Other radioactive material license amendments are categorized by complexity of the license (low, medium, high) and are included in Chapter 218 Appendix A for each license fee category. Numerous amendments are submitted requiring hours of work, many of which get withdrawn after the Program's review and work is completed, and this fee is proposed to cover those costs.

The proposed regulation would add language to clarify the fee that is submitted with an initial license application is a non-refundable fee. The proposal would change the two small business fee categories for radioactive material licenses from flat rates to percentages of the amount specified for that material in Appendix A, and add a $5,000 professional fee for any licensee that submits a decommissioning cost estimate as part of their required financial assurance to cover the Department's review activities. These estimates are a detailed evaluation of work and associated costs that must be reviewed thoroughly and effectively to make sure adequate funding exists in the event of the licensee's inability or unwillingness to return the site to radiological conditions suitable for unrestricted future use. The decommissioning cost estimates are reviewed against the extensive and detailed Federal guidance as required by the NRC. These evaluations require a significant amount of staff time to review, comment, and work with licensees to make sure the regulatory requirements are met, and the long-term radiological safety and environmental impacts are financially protected. Additionally, the financial assurances that are required to be maintained include legal reviews that are otherwise not recovered in the standard license fees.

The proposed rulemaking would require the radon certification fees to be paid annually instead of every 2 years. The renewal for certification is proposed to be changed from 2 years to 5 years. The proposed regulation would eliminate the Testing Employee, Primary Testing Device Listing, Course Provider, and Late Application Renewal fees, combine the Testing Individual, Mitigation Individual, and Laboratory Individual into one category, and combine the Testing Firm, Mitigation Firm, and Laboratory Firm into one category. The Late 45-Day Reporting fee category is proposed to be changed to Late Reporting fee category because reporting deadlines vary in the Program's regulations.

The fee increases in this proposed regulation would enable the Department to meet its operating expenses and prevent further deficits from accruing. The proposed rulemaking would benefit every resident of this Commonwealth by ensuring the Department can continue to carry out its mission of protection of the public and the environment. This enables the Program to continue ensuring radioactive materials and radiation-producing machines are used properly, preventing unnecessary radiation exposure to the public, workers, and environment. It also enables the Program to ensure radon testing,

mitigation, and laboratory work is done by individuals and firms qualified to perform those services, and to continue to provide some outreach regarding indoor radon.

(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.**

No provisions are more stringent than the federal standards.

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

Radiation-producing machine registration and radioactive materials license fees vary from state to state.

There are several different fee structures for radiation-producing machines across the country. Pennsylvania assesses an annual fee while some other states charge biennial fees. Some states charge a base registration fee plus an inspection fee, have independent contractors perform work and direct-bill registrants, or have other supplemental fees. Some states fold all their radiation-producing machine expenses into a single facility fee, where others (including Pennsylvania) charge a smaller base facility fee and add a "per tube" fee for radiation-producing machines. Some states have a large list of registration types while others combine types to have a smaller list of categories. These factors make it impossible to draw clear conclusions regarding whether a given fee is higher or lower in Pennsylvania when compared to another state. As one example, a hypothetical dental intraoral device registrant in Texas could pay either more or less in registration fees than a facility in Pennsylvania depending on the number of tubes associated with their device.

For radioactive materials, the same categories of fees apply to licensees whether they are based in Pennsylvania, some other Agreement State, or a state regulated by the NRC. The NRC's fee category designations have been adopted by the Commonwealth and by other states. In terms of fee categories, no advantage or disadvantage is associated with business location. The fees are set to cover the Department's costs of implementing the programs as required by the Radiation Protection Act and are substantially lower than the NRC's fees since the NRC charges a licensee for each fee category. In contrast, the Department only charges one fee for the highest category. For example, an NRC broad scope medical licensee that has three different modalities under its license would be billed for all three, such as: Human Use Broad Scope $57,400 + Human Use Teletherapy $40,600 + Self Shielded Irradiator $13,200, for a total cost of $111,200. The same licensee regulated by the Commonwealth would be billed for only Human Use Broad Scope for a total cost of $51,840, which is a savings of nearly 60%. The professional hourly rate fee identified by the asterisk in Chapter 218, Appendix A, of the proposed regulation would increase from $275 per hour to $310 per hour—below the NRC's current fiscal year 2026 hourly rate of $337 per hour. Reduced radioactive materials fees are available for small businesses. (See question 24).

Similarly, the increase to the radon certification fees in Chapter 240 is not expected to affect Pennsylvania's ability to compete with other states. Radon is a geographically specific issue, and competition with other states is not a factor. Elevated indoor radon is a serious public health threat, and levels above the United States Environmental Protection Agency's 4 pCi/L "action level" have been detected in all 67 counties.

Therefore, the fee increases in this proposed rulemaking would not negatively impact Pennsylvania relative to other states.

(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 of the Board, the Department or other state agency would 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 proposed amendments to the radiological health and radon certification fee regulations in Chapters 218 and 240 were reviewed by the Radiation Protection Advisory Committee (RPAC). The committee represents various stakeholders, including radiation-producing machine registrants and licensees, radioactive materials licensees and radon service providers, as well as the public. Some of the stakeholders represent or own small businesses. The Department presented the draft proposed regulation to RPAC on February 4, 2026. RPAC asked the Department for clarifications to the accelerator amendment language and the professional fee that is added as a requirement for licensees that submit a decommissioning cost estimate as part of their financial assurance obligation. The Department added clarifying language to the proposed regulation. RPAC endorsed moving forward with the proposed 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?**

All radiation-producing machine registrants, vendor registrants, accelerator licensees, radioactive material licensees, and radon service providers in the Commonwealth would be affected by the increased annual fees. This includes approximately 10,150 radiation-producing machine registrants, 340 vendor registrants, 140 accelerator licensees, 710 specific, general and reciprocity radioactive material licensees, and approximately 580 certified radon service providers.

Radiation-Producing Machines, Accelerators, and Vendors

A 20% increase in fees is proposed for radiation-producing machines registrants, accelerator licensees, and service providers in the first year and a 3% percent increase in each of the next four years. Small businesses covered by the radiological health provisions for radiation-producing machines, accelerators, and vendors in this proposed rulemaking include dentist offices and private medical practices. While the Department does not collect information regarding the size of each business that is an X-ray registrant, licensee, or service provider, the Department considers the vast majority of the radiation-producing machine registrants, vendor registrants, and accelerators to be small businesses for the purpose of this rulemaking.

Radioactive Materials

A 30% increase in fees is proposed for radioactive material licensees in the first year and a 3% increase in each of the next four years. The professional hourly rate is proposed to increase from $275 to $310. There are two small business category fees that would change from a flat rate to a percentage of the license category fee, one at 50% of the fee and one at 25% of the fee. Radioactive materials have two specific fees and an application for small businesses. Forty (40) radioactive material licensees qualify as small businesses under the definitions currently in use by the NRC and the Department (see question 24

for further explanation). Examples of radioactive materials licensees include hospitals (license category 7C "Human Use – Specific License") and possessors of nuclear density gauges (license category 3P "Other Byproduct Material").

Radon Certification

A 20% increase in fees is proposed for radon service providers in the first year and a 3% increase in each of the next four years. The increases are necessary to keep up with increased personnel and operating costs. The Department estimates that all certified radon service providers are likely to be small businesses.

Radon fees are also proposed to be simplified by eliminating five fee categories and changing the biennial certification fees to be paid annually instead. The certification term is proposed to be extended from two years to five years. This allows the Department to be more efficient with less staff and also reduces the paperwork burden on the regulated community without decreasing the protection of public health and safety as the providers are still reviewed by inspections.

(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 radiation-producing machine registrants, vendor registrants, accelerator licensees, radioactive material licensees, and radon service providers in the Commonwealth would be required to comply with the regulation. This includes approximately 10,150 radiation-producing machine registrants, 340 vendor registrants, 140 accelerator licensees, 710 specific and general radioactive material licensees, and approximately 580 certified radon service providers. Forty radioactive material licensees qualify as small businesses under the definitions currently in use by the NRC and the Department (see question 24 for further explanation).

See question (15) for additional information.

(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.**

The proposed regulation would amend the Program's fees through gradual increases over a 5-year period.

Each year, the Department receives annual fees from approximately 10,150 radiation-producing machine registrants, 340 vendors, and 140 accelerator licensees. The gradual increases for these fees are projected to generate an additional 20% revenue in the first year and 3% revenue in each of the four following years. The Department receives annual fees from approximately 710 radioactive material licensees. The gradual increases for these fees are projected to generate an additional 30% revenue in the first year and 3% revenue in each of the four following years. The professional hourly rate would increase from $275 to $310. The Department receives biennial fees from approximately 580 radon service providers. With the revision to annual fees, the gradual increases are projected to generate an additional 20% revenue in the first year and 3% revenue in each of the four following years.

The increase to the fees for radiation-producing machines, accelerators, and radioactive materials programs would allow the Department to continue to implement existing programs under the Radiation Protection Act and assure adequate funding is available for the Commonwealth to carry out its duties

under NRC's Agreement State program. This also enables the Program to ensure radioactive materials and radiation-producing machines are used properly, preventing unnecessary radiation exposure to the public, workers, and environment.

The increased and restructured radon certification fees ensure that the Department would be able to exercise quality assurance over statewide radon data and the effectiveness of radon mitigation services as required by the Radon Certification Act. The increased radon certification fees and radon mitigation system fee would be used to ensure that individuals and firms performing radon testing and remedial work are qualified to perform those services and would support the Department's efforts to perform outreach and to make public service announcements that encourage homeowners to test for and mitigate radon contamination.

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

The increased fees would allow the Department to maintain existing radiation-safety programs at current levels of operation. This includes enabling the Department to continue to fund personnel, purchasing survey equipment, obtain training for personnel, ensure radon services for homeowners are performed by trained professionals, radiation-producing machines are functioning and being used properly, radioactive materials are handled and used properly and responsibly, and citizens and workers are not being overexposed to radiation and to continue the effective oversight of radiation protection activities benefitting the health of all Pennsylvanians.

The proposed fee increase would allow the Department to continue to perform the registration, licensing, certification and inspection program as required by the Radiation Protection Act and Radon Certification Act. For radioactive material licensees, Pennsylvania's increased fees would still be below the amount that would have been charged by the NRC had Pennsylvania not become an Agreement State, while ensuring the Department has the necessary funding for the regulation, licensing, and inspection of radioactive material user operations and for termination of radioactive material licenses.

In summary, the benefits of this proposed rulemaking outweigh any cost and adverse effect, because the increase to the fees would allow the Department to continue to implement existing programs required by law and ensure adequate funding is available for the Commonwealth to carry out its duties under NRC's Agreement State program while continuing to protect public health from the harmful effects of overexposure to radiation. Overexposure to radiation can cause a wide range of potential negative health impacts, such as skin burns, radiation sickness, cancer, and death in the most extreme cases.

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

Costs to the regulated community associated with this proposed regulation are the increase of the fees for radiation-producing machine and vendor/service provider registrations, accelerator licenses, radioactive material licenses, and radon service provider certifications. If an accelerator or radioactive material licensee submits an amendment request, it would incur an added cost of $100 to $500 per request based on the license type.

No other compliance, legal, accounting, or consulting procedure costs or savings are required by this proposed regulation.

As reflected in the response to question 17, the regulated community would incur additional costs as a result of the gradual fee increases and the new amendment fees for accelerators and radioactive material licenses. The number of amendments each year changes continually. The Program could receive 270 requests in one year and 600 requests in the next year. Amendment fees could range from $45,000 to $100,000 in added revenue each year.

The total estimated economic impact attributable to the radiation-producing machine fee increases is as follows:

FY 2027-2028: $ 1,220,545
FY 2028-2029: $ 100,115
FY 2029-2030: $ 333,115
FY 2030-2031: $ 102,830
FY 2031-2032: $ 331,950
TOTAL: $ 2,088,555

The total economic impact attributable to the radioactive materials fee increases is as follows:

FY 2027-2028: $ 1,349,700
FY 2028-2029: $ 165,180
FY 2029-2030: $ 170,160
FY 2030-2031: $ 175,140
FY 2031-2032: $ 181,090
TOTAL: $ 2,041,270

The total economic impact attributable to the radon certification fee increases is as follows:

FY 2027-2028: $ 216,300
FY 2028-2029: $ 6,820
FY 2029-2030: $ 6,820
FY 2030-2031: $ 6,820
FY 2031-2032: $ 6,820
TOTAL: $ 243,580

The total estimated economic impact to radiation producing machine and vendor/service provider registrants, accelerator and nuclear material licensees, and radon service certificate holders is $4,598,405 – 4,873,405. This amount reflects the economic impact that would occur over 5 years, beginning with FY 2027-2028 through and including FY 2031-2032. The range accounts for the possible variation in amendment fees each year.

The radiation-producing machine, accelerator, vendor/service provider, and radioactive material licensing fees vary by type and complexity and were calculated to cover the Department's costs of implementing the programs as required by the Radiation Protection Act. The increase in cost to the radiation-producing machine, accelerator, and vendor/service provider regulated community is approximately 20% the first year and 3% for each of the next four years. The increase in cost to the radioactive material license regulated community is approximately 30% the first year and 3% for each of the next four years. The increase in cost to the radon service provider regulated community is approximately 20% in the first year and 3% for each of the next four years. The overall estimate was

calculated by multiplying the number of entities that would be subject to the increased fees by the dollar amounts of the increased fees.

No compliance, legal, accounting, or consulting procedures are required by this proposed regulation.

(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.**

Fees for local governments that use licensed radioactive material would increase by the amount specified in the proposed rulemaking. Approximately six local governments would experience radioactive material license fee increases. The estimated increase in radioactive material license fees paid by local governments is $2,135 in FY 2027-2028, $275 in FY 2028-2029, $280 in FY 2029-2030, $285 in FY 2030-2031, and $315 in FY 2031-2032.

Fees for local governments that have radiation-producing machines would increase by the amount specified in the proposed rulemaking. The estimated increase in radiation-producing machine registration fees paid by local governments is $20,370 in FY 2027-2028, $2,910 in FY 2028-2029, $4,850 in FY 2029-2030, $2,910 in FY 2030-2031, and $4,850 in FY 2031-2032. There are 194 registrations (other facilities fee category) held by local government offices and the average number of X-ray tubes or radiation-generating devices on these registrations is one.

The increased radon certification fees do not apply directly to local governments because no local government holds a radon services certificate. However, local governments seeking radon services may be affected if the increased fee is passed on to the local government as a consumer of the service.

No compliance, legal, accounting, or consulting procedures are required by this proposed regulation.

(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.**

Fees for state agencies that use licensed radioactive material would increase by the amount specified in the proposed rulemaking. The estimated increase in radioactive material license fees paid to the Department by state agencies is $4,165 in FY 2027-2028, $545 in FY 2028-2029, $560 in FY 2029-2030, $575 in FY 2030-2031, and $595 in FY 2031-2032. The Department multiplied the number of licenses state agencies have (4) that would be subject to the increased fees by the dollar amounts of the increased fees to derive the overall estimate.

Fees for state agencies that have radiation-producing machines would increase by the amount specified in the proposed rulemaking. Approximately six (6) Commonwealth agencies and nine (9) state universities have radiation-producing machine registrations. The estimated increase in radiation-producing machine registration fees paid by state agencies is $6,345 in FY 2027-2028, $705 in FY 2028-2029, $1,645 in FY 2029-2030, $705 in FY 2030-2031, and $1,645 in FY 2031-2032. There are 47 registrations (other facilities fee category) held by state agencies and the average number of X-ray tubes or radiation-generating devices on these registrations is three.

The increased radon fees do not apply directly to state agencies because the Commonwealth does not hold any radon services certificate. However, Commonwealth agencies seeking radon services may be affected if the increased fee is passed on to the agency as a consumer of the service.

No compliance, legal, accounting, or consulting procedures are required by this proposed regulation.

(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.**

The proposed regulation does not require additional recordkeeping or reporting requirements.

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

No, forms are not required for implementation of this regulation.

(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.**

There are no forms required to implement the regulation.

(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 2026/2027	FY +1 2027/2028	FY +2 2028/2029	FY +3 2029/2030	FY +4 2030/2031	FY +5 2031/2032
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	2,831,545 – 2,886,545	317,115 – 372,115	555,095 – 610,095	329,790 – 384,790	564,860 – 619,860
Local Government	0	22,505	3,185	5,130	3,195	5,165
State Government	0	10,510	1,250	2,205	1,280	2,240
Total Costs	0	2,864,560 – 2,919,560	321,550 – 376,550	562,430 – 617,430	334,265 – 389,265	572,265 – 627,265
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.**

Program	FY -3 2022/2023	FY -2 2023/2024	FY -1 2024/2025	Current FY 2025/2026
Radiation Protection Fund	$9,879,000	$11,564,000	$12,159,000	$12,406,000

(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.

Small businesses covered by the radiological health provisions for radiation-producing machines, accelerators, and service providers that would be affected by the proposed regulation include, for example, dentist offices and private medical practices. While the Department does not collect information regarding the size of each business that is an X-ray registrant, licensee, or service provider, the Department considered most of the approximately 11,200 entities to be small businesses for the purpose of this rulemaking.

Reduced radioactive material license fees are available for small businesses (see Chapter 218 Appendix A, categories SB1 and SB2). The Department assumes a portion of radioactive material licensees are small businesses, as defined in Section 3 of the Regulatory Review Act, 71 P.S. § 745.3. This definition references the United States Small Business Administration's (SBA) regulations in 13 CFR Part 121, which defines a small business based on the dollar amount of gross annual receipts generated by the business or the number of employees based upon employment. The gross annual receipts or number of employees required to qualify as a small business is different for each type of entity.

In implementing the program, the Department uses a different definition of "small business" than the SBA's definition. Specifically, the Department uses a small business form to collect annual information from licensees to verify whether they qualify for the reduced Chapter 218 fees. The small business form, which was modeled after the NRC's Form 526 (Certification of Small Entity Status), requires the submission of copies of business organization forms and categorizes business as follows:

- Small Business $350,000 to $5,000,000
  Less than $350,000
- Small Manufacturing Industry 35 to 500 Employees
  Less than 35 Employees
- Small Organization $350,000 to $5,000,000
  Less than $350,000
- Small Governmental Jurisdiction 20,000 to 50,000 Population

	Less than 20,000 Population
• Small Education Institution	35 to 500 Employees
	Less than 35 Employees

As an example, a recent Certification of Small Entity Status form submitted by a radiographic laboratory would have qualified under both the SBA's definition of a small business and the Department's definition. This particular lab would qualify under the SBA's definition because its annual gross income was less than $15,000,000 (see 13 CFR § 121.201 (NAICS Code 541380)) and qualified under the Department's definition because its average gross income over its last 3 years was between $350,000 and $5,000,000.

Based upon the Department's definitions, 40 radioactive material licensees in Pennsylvania qualify as small businesses. The proposed rulemaking is not expected to adversely impact small businesses, beyond the increased fees discussed in the response to question 15.

The Department does not collect information on the size and annual revenues of radon service providers. However, the Department considers all certified radon service providers to be small businesses for purposes of this rulemaking.

(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.

The proposed regulation does not require additional reporting, recordkeeping or other administrative costs for small business compliance.

(c) A statement of probable effect on impacted small businesses.

The Department considers nearly 78% of its X-ray registrant, licensee, vendors and radon service providers to be small businesses for the purpose of fee rulemakings. Therefore, the Department does not believe that the proposed regulation would have an adverse impact on small businesses.

(d) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.

There are no less intrusive or less costly methods of achieving the purpose of the regulation.

(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.**

Reduced fees for radioactive materials licensees are already available for small businesses that would be affected by the increased fees in the proposed regulation, as reflected in the SB1 and SB2 fee categories at the bottom of Appendix A (Fees for Radioactive Material Licenses). For all other fees, the Department considers most radiation-producing machine registrants and all radon certification holders to be small businesses when developing the amendments. Therefore, no additional special provisions were developed for this proposed rulemaking.

(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 Radiation Protection Act (35 P.S. § 7110.401) and Radon Certification Act (63 P.S. § 2008) require that fees be established to cover the Department's Program costs. The fee increases are necessary to ensure the fiscal integrity of the Program, comply with the requirements of the Radiation Protection Act and Radon Certification Act, and ensure the Department continues to protect the public, workers, and environment from overexposure to radiation.

(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;

Less stringent compliance and reporting requirements are not necessary because the compliance requirements in the proposed regulation are minimal.

b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;

The regulation proposes to reduce the frequency of radon certification renewals from every 2 years to every 5 years, which alleviates the need for full application requirements every 2 years. The Department estimates that all certified radon service providers are likely to be small businesses.

c) The consolidation or simplification of compliance or reporting requirements for small businesses;

The regulation proposes to combine or eliminate fee categories for radon certification, which would further help small business radon service providers by simplifying the fees they pay and may reduce the amount some providers are currently paying.

d) The establishment of performance standards for small businesses to replace design or operational standards required in the regulation; and

The proposed regulation does not require design or operation standards.

e) The exemption of small businesses from all or any part of the requirements contained in the regulation.

Reduced fees for radioactive material licensees are already available for small businesses that would be affected by the increased fees in the proposed rulemaking. For all other fees, the Department considers most radiation-producing machine registrants and all radon certification holders to be small businesses when developing the amendments.

(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 the basis for this proposed rulemaking. The Department prepared the "Three-Year Regulatory Fee and Program Cost Analysis Report" (Report) to summarize the Department's fee collections and Program costs by functional area for the past three fiscal years and the next five projected years. The functional areas for purposes of this proposed rulemaking are grouped into three categories: radiation-producing machines (accelerator, X-ray, and vendors/service providers); radioactive materials and decommissioning; and radon. The conclusion of the Report is that all three program areas (Chapter 218 and 240 fees) require an increase to cover Program costs. A copy of the report is available on the Board's website under the December 9, 2025, meeting materials (https://files.dep.state.pa.us/PublicParticipation/Public%20Participation%20Center/PubPartCenterPortalFiles/Environmental%20Quality%20Board/2025/Dec_9_2025/Rad%20Pro%20Fees_2025%20Report_Final.pdf).

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

A. The length of the public comment period:	30 days
B. The date or dates on which any public meetings or hearings will be held:	None scheduled
C. The expected date of delivery of the final-form regulation:	Quarter 2, 2027
D. The expected effective date of the final-form regulation:	Upon publication
E. The expected date by which compliance with the final-form regulation will be required:	Upon publication
F. The expected date by which required permits, licenses or other approvals must be obtained:	Not applicable

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

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. Since the Radiation Protection Act and the Department's regulations in § 218.11(l) and Chapter 240 Appendix A require review of the Program's fees at least once every 3 years, a schedule for review is inherently established.