

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF WASTE, AIR, RADIATION AND REMEDIATION
BUREAU OF RADIATION PROTECTION
HARRISBURG, PA 17101

July 12, 2016

BRP INFORMATION NOTICE 2016-03

PROPOSED RULEMAKING NOTICE:
CHAPTER 218 FEE INCREASE

ADDRESSEES

All Pennsylvania Department of Environmental Protection (DEP) Radioactive Material Licenses.

PURPOSE

DEP is issuing this Information Notice (IN) to notify PA licensees regarding the proposed rulemaking to increase the Chapter 218 annual fees for radioactive material licenses and increase in the hourly rate professional fee associated with certain full cost recovery licenses.

DISCUSSION

In March 2008, then-Governor Ed Rendell signed an agreement with the Chairperson of the United States Nuclear Regulatory Commission (NRC) for the Commonwealth to become an Agreement State. This allows the Commonwealth to oversee and regulate licensure of radioactive materials for Pennsylvania entities. These duties are entirely funded through the Chapter 218 license fees and include registration and inspection of X-ray facilities, licensing and inspection of accelerators, registration of radiation-producing machine service providers, and licensing and inspection of radioactive material users.

On August 19, 2014, as part of the Radiation Protection Act requirement, the Department presented its Three-Year Regulatory Fee and Program Cost Analysis Report (Report) to the Environmental Quality Board. The Report indicates that, despite substantial increases in personnel and program costs, the Chapter 218 fees, which support the licensing and inspection of radioactive materials has 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. Based on the findings of the Report, with one exception, the Board is proposing to increase fees for radioactive material licenses by 50% to assure adequate funding is available for the Commonwealth to carry out its duties under the Agreement State program. The exception is for license category 2A(2)(c) - Source Material - metal extraction, which is proposed to be reduced by 50%. There are currently no licensees in this Commonwealth in that Source Material category, and expected regulatory oversight required for this license activity is significantly less than anticipated at the time this fee was established.

The proposed Chapter 218 fees for radioactive material licenses are also necessary to ensure that adequate funding is available for the Commonwealth to carry out its duties under the Agreement State

program and the Radiation Protection Act. It is anticipated this fee proposal will provide sufficient revenue through 2020-21. If the Commonwealth were forced to cede its authority to regulate radioactive materials back to the NRC, the regulated community would be subject to higher NRC fees. Radioactive material controls under the Agreement State program guard against the potential for unnecessary public radiation exposure from the use of radioactive material.

The proposed rulemaking was published in the *Pennsylvania Bulletin* on July 2. See <http://www.pabulletin.com/secure/data/vol46/46-27/1129.html>.

It is important to note that the increased fees are only proposed and are not yet effective. A 60-day public comment period opened on July 2. DEP will consider all comments received before proceeding with a final rulemaking.

CONTACT

Interested persons are invited to submit written comments, suggestions, support or objections regarding the proposed rulemaking to the Environmental Quality Board (Board). Comments, suggestions, support or objections must be received by the Board by August 30, 2016. In addition to the submission of comments, interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by the Board by August 30, 2016. The one-page summary will be distributed to the Board and available publicly prior to the meeting when the final-form rulemaking will be considered.

Comments including the submission of a one-page summary of comments may be submitted to the Board online, by e-mail, by mail or express mail as follows. Comments may be submitted to the Board by accessing eComment at <http://www.ahs.dep.pa.gov/eComment>. Comments may be submitted to the Board by e-mail at RegComments@pa.gov. A subject heading of the proposed rulemaking and a return name and address must be included in each transmission. If an acknowledgement of comments submitted online or by e-mail is not received by the sender within 2 working days, the comments should be re-transmitted to the Board to ensure receipt. Comments submitted by facsimile will not be accepted. Written comments should be mailed to the Environmental Quality Board, P.O. Box 8477, Harrisburg, PA 17105-8477. Express mail should be sent to the Environmental Quality Board, Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17101-2301.

If you have any questions about the information in this notice, please contact the Radiation Control Division at 717-787-3720.

Issued By:
David J. Allard, CHP, Director
Bureau of Radiation Protection