



**INDEPENDENT REGULATORY REVIEW COMMISSION
COMMONWEALTH OF PENNSYLVANIA
333 MARKET STREET
14TH FLOOR
HARRISBURG, PA 17101**

**(717) 783-5417
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August 20, 1998

**Charles F. Wynne, Director
Pennsylvania Emergency Management Agency
2605 Interstate Drive
P. O. Box 3321
Harrisburg, PA 17105**

**Re: IRRC Regulation #30-49 (#1954)
Pennsylvania Emergency Management Agency
Radiation Emergency Response Fund**

Dear Director Wynne:

Enclosed are our comments on your proposed regulation #30-49. These comments outline areas of concern raised by the Commission. The comments also offer suggestions for your consideration when you prepare the final version of this regulation. These comments should not, however, be viewed as a formal approval or disapproval of the proposed version of this regulation.

If you or your staff have any questions on these comments or desire to meet to discuss them in greater detail, please contact John Jewett at 783-5475. He has been assigned to review this regulation.

Sincerely,

A handwritten signature in black ink that reads "Robert E. Nyce".

**Robert E. Nyce
Executive Director**

**REN:kgg
Enclosure
cc: Mark Goodwin
Office of General Counsel
Office of Attorney General
Pete Tartline**

COMMENTS OF THE INDEPENDENT REGULATORY REVIEW COMMISSION

ON

PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY REGULATION NO. 30-49

RADIATION EMERGENCY RESPONSE FUND

AUGUST 20, 1998

We have reviewed this proposed regulation from the Pennsylvania Emergency Management Agency (PEMA) and submit for your consideration the following objections and recommendations. Subsections 5.1(h) and 5.1(i) of the Regulatory Review Act (71 P.S. §§ 745.5a(h) and (i)) specify the criteria the Commission must employ to determine whether a regulation is in the public interest. In applying these criteria, our Comments address issues that relate to clarity. We recommend that these Comments be carefully considered as you prepare the final-form regulation.

1. Section 116.4. Allocation of funds. - Clarity.

This section uses the terms "eligible state agencies" and "eligible risk and support counties." The definitions for the terms "state agency," "risk county" and "support county" are included in Section 116.1. However, there is no definition that includes the term "eligible." Program requirements and eligible expenditures are set forth in Section 116.5. Subsection 116.5(a)(1) reads:

In order to maintain eligibility for funding, each county, risk municipality, school district, volunteer organization, and State Agency shall meet the requirements of the Agency's [PEMA] Radiation Emergency Response Program.

Subsection 116.5(a)(2) sets forth the requirements of PEMA's Radiation Emergency Response Program. We recommend that Section 116.4 include a reference to Section 116.5 to provide the reader with information concerning the requirements for eligibility.

2. Section 116.6. Application and review procedures for funding. - Clarity.

The proposed regulation deletes language in Subsection 116.6(c) that states PEMA will provide application forms and includes a four-part list of information to be included in the application forms. The language is being deleted because the list is out-dated and is constantly being updated or revised. However, PEMA will continue to provide applicants with these forms.

We recommend that the regulation retain a sentence that states the requisite application forms will be provided by PEMA. This eliminates the problem of maintaining an accurate list of application information in the regulation while notifying readers that PEMA will provide them with the necessary forms.

INDEPENDENT REGULATORY REVIEW COMMISSION

To: Donna Zack
Agency: Pennsylvania Emergency Management Agency
Phone: 651-2007
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From: Kristine M. Shomper
Deputy Director for Administration
Company: Independent Regulatory Review Commission
Phone: (717) 783-5419 or (717) 783-5417
Fax: (717) 783-2664

Date: August 20, 1998
of Pages: 3

Comments: We are submitting the Independent Regulatory Review Commission's comments on the Pennsylvania Emergency Management Agency's regulation #30-49. Upon receipt, please sign below and return to me immediately at our fax number 783-2664. We have sent the original through interdepartmental mail. You should expect delivery in a few days. Thank you.

Accepted by: Colin L Snyder Date: 8/20/98