

Regulatory Analysis Form		This space for use by IRRC	
(1) Agency Pennsylvania Emergency Management Agency		99 FEB -2 PM 2:48 INDEPENDENT REGULATORY REVIEW COMMISSION	
(2) I.D. Number (Governor's Office Use) 30-50 R&H		Cocodrilli IRRC Number: #1955	
(3) Short Title Radiation Transportation Emergency Response Fund			
(4) PA Code Cite 4 Pa. Code Chapter 117		(5) Agency Contacts & Telephone Numbers Primary Contact: Mark Goodwin 717-651-2010 Secondary Contact:	
(6) Type of Rulemaking (Check One) <input checked="" type="checkbox"/> Proposed Rulemaking <input type="checkbox"/> Final Order Adopting Regulation <input type="checkbox"/> Final Order, Proposed Rulemaking Omitted		(7) Is a 120-Day Emergency Certification Attached? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes: By the Attorney General <input type="checkbox"/> Yes: By the Governor	
(8) Briefly explain the regulation in clear and non-technical language. This regulation establishes the guidelines for the administration and operation of the Radiation Transportation Emergency Response Fund which provides grants to counties, municipalities, volunteer organizations and state agencies that participate in the Commonwealth's Radiation Transportation Emergency Response Program.			
(9) State the statutory authority for the regulation and any relevant state or federal court decisions. The Radiation Protection Act, 35 P.S. §§ 7110.101 - 7110.703			

Regulatory Analysis Form

(10) Is the regulation mandated by any federal or state law or court order, or federal regulation? If yes, cite the specific law, case or regulation, and any deadlines for action.

Radiation Protection Act.

(11) Explain the compelling public interest that justifies the regulation. What is the problem it addresses?

This regulation is intended to promote the public's health, safety and welfare by providing financial assistance to counties, municipalities, volunteer organizations and state agencies to procure essential equipment and conduct training programs to deal with potential spent nuclear fuel accidents or incidents on Pennsylvania's approved Nuclear Regulatory Commission/Commonwealth of Pennsylvania routes for the shipment of spent nuclear fuel.

(12) State the public health, safety, environmental or general welfare risks associated with non-regulation.

As stated in 1 i above, this regulation helps to protect the general public from the dangers associated with spent nuclear fuel accidents or emergencies on certain approved Pennsylvania highways.

(13) Describe who will benefit from the regulation. (Quantify the benefits as completely as possible and approximate the number of people who will benefit.)

The Radiation Transportation Emergency Response Fund provides financial assistance to all Pennsylvania counties that have within 5 miles of their jurisdictional borders an approved Nuclear Regulatory Commission/Commonwealth of Pennsylvania route for the shipment of spent nuclear fuel.

Regulatory Analysis Form

(14) Describe who will be adversely affected by the regulation. (Quantify the adverse effects as completely as possible and approximate the number of people who will be adversely affected.)

This regulation does not adversely affect any people, parties, or groups of people.

(15) List the persons, groups or entities that will be required to comply with the regulation. (Approximate the number of people who will be required to comply.)

The requirements of this regulation apply primarily to county emergency management agencies, their municipalities and a few state agencies.

(16) Describe the communications with and input from the public in the development and drafting of the regulation. List the persons and/or groups who were involved, if applicable.

PEMA advised several impacted counties that it planned to amend the regulations in order to eliminate the Pennsylvania Emergency Management Council's role in the grant approval process. These proposed changes were favorably received by the counties.

(17) Provide a specific estimate of the costs and/or savings to the regulated community associated with compliance, including any legal, accounting or consulting procedures which may be required.

The proposed regulation will reduce the administrative time to approve and process grant payments to the counties by several months.

Regulatory Analysis Form

(18) Provide a specific estimate of the costs and/or savings to local governments associated with compliance, including any legal, accounting or consulting procedures which may be required.

County and local governments that participate in the Radiation Transportation Emergency Response Program will have their grant review time reduced by 50% as a result of this regulation.

(19) Provide a specific estimate of the costs and/or savings to state government associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required.

State agencies that participate in the Radiation Transportation Emergency Response Program will have their grant review time reduced by 50% as a result of this regulation.

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(20) 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 Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
SAVINGS:	\$	\$	\$	\$	\$	\$
Regulated Community						
Local Government	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00
State Government						
Total Savings	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00
COSTS:						
Regulated Community						
Local Government						
State Government						
Total Costs						
REVENUE LOSSES:						
Regulated Community						
Local Government						
State Government						
Total Revenue Losses						

(20a) Explain how the cost estimates listed above were derived.

State agencies will be able to process their grant requests and payments in a more timely manner due to this regulatory change. As a result, they will save administrative costs which have been estimated above.

Regulatory Analysis Form

(20b) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY - 3	FY - 2	FY - 1	Current FY
		Prior to 1995/1996 \$9,850.13	1995/1996 \$9,910.45	1996/1997 \$0.00

(21) Using the cost-benefit information provided above, explain how the benefits of the regulation outweigh the adverse effects and costs.

Not applicable - there are no adverse effects or costs.

(22) Describe the non-regulatory alternatives considered and the costs associated with those alternatives. Provide the reasons for their dismissal.

There are no non-regulatory alternatives available.

(23) Describe alternative regulatory schemes considered and the costs associated with those schemes. Provide the reasons for their dismissal.

The only alternative regulatory scheme would be to keep the regulations as currently written. This alternative was dismissed because PEMA wants to reduce the review and approval time associated with the administration of this grant program.

Regulatory Analysis Form

(24) 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 regulation.

No.

(25) How does this regulation compare with those of other states? Will the regulation put Pennsylvania at a competitive disadvantage with other states?

PEMA is not aware of any similar regulations in any other states. This regulation does not put Pennsylvania at a competitive disadvantage with any other states.

(26) Will the regulation affect existing or proposed regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

Yes. This proposed regulation would amend PEMA's current regulations found at 4 Pa. Code Chapter 117.

(27) Will any public hearings or informational meetings be scheduled? Please provide the dates, times, and locations, if available.

No.

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(28) Will the regulation change existing reporting, record keeping, or other paperwork requirements? Describe the changes and attach copies of forms or reports which will be required as a result of implementation, if available.

Yes. The need to submit grant recommendation reports to the Pennsylvania Emergency Management Council will be eliminated.

(29) Please list any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, elderly, small businesses, and farmers.

No special provisions are applicable to this regulatory change.

(30) What is the anticipated effective date of the regulation; the date by which compliance with the regulation will be required; and the date by which any required permits, licenses or other approvals must be obtained?

To Be Determined.

(31) Provide the schedule for continual review of the regulation.

PEMA will review this regulation on an annual basis at the conclusion of each funding year (June 30).

FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU
(Pursuant to Commonwealth Documents Law)

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99 FEB -2 PM 2:48

INDEPENDENT REGULATORY
REVIEW COMMISSION

DO NOT WRITE IN THIS SPACE

<p>Copy below is hereby approved as to form and legality. Attorney General</p> <p>BY: _____ (DEPUTY ATTORNEY GENERAL)</p> <p>_____ DATE OF APPROVAL</p> <p><input type="checkbox"/> Check if applicable Copy not approved. Objections attached.</p>	<p>Copy below is hereby certified to be a true and correct copy of a document issued, prescribed or promulgated by:</p> <p>PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY (AGENCY)</p> <p>DOCUMENT/FISCAL NOTE NO. <u>30-50</u></p> <p>DATE OF ADOPTION: _____</p> <p>BY: <u><i>Charles F. Wynne</i></u> DIRECTOR</p> <p>TITLE: _____ (EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)</p>	<p>Copy below is hereby approved as to form and legality. Executive or Independent Agencies.</p> <p>BY: <u><i>R. E. Grimaldi</i></u></p> <p><u>11/4/98</u> DATE OF APPROVAL</p> <p>(Deputy General Counsel) (Chief Counsel, Independent Agency) (Strike inapplicable title)</p> <p><input type="checkbox"/> Check if applicable. No Attorney General approval or objection within 30 days after submission.</p>
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Notice of

Final Rulemaking

Pennsylvania Emergency Management Agency

4 Pa. Code Chapter 117

Radiation Transportation Emergency Response Fund

PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY

4 Pa. Code Chapter 117

Radiation Transportation Emergency Response Fund

A. Statutory Authority

The Pennsylvania Emergency Management Agency (PEMA), under the authority contained in 35 Pa. C. S. § 7313 (relating to powers and duties) amends Chapter 117 as set forth in Annex A. These amendments were previously published as proposed regulations in 28 Pa. B.2822 on June 20, 1998.

B. Effective Date

The amendment will be effective upon publication in the Pennsylvania Bulletin.

C. Background and Purpose

The amendments are intended to streamline and improve the ability of PEMA to administer and operate the Radiation Transportation Emergency Response Fund (RTERF) and to carry out the many goals and objectives of the Radiation Transportation Emergency Response Program which was established to protect the health and welfare of all Pennsylvania residents living within the vicinity of a Pennsylvania highway used for the shipment of spent nuclear fuel. PEMA has found that the role of the Pennsylvania Emergency Management Council in approving the RTERF grant applications has become an increasingly proforma or perfunctory administrative exercise over the past several years. During that time, the Council has always, without debate, accepted and approved PEMA's recommendations concerning the amounts of the RTERF grants and the intended purposes for those grants. Due to scheduling problems, however, it has been difficult for the Council to meet in a timely manner to approve PEMA's grant recommendations. As a result, delays have occurred in the distribution of grant payments to the counties. This has hindered the counties' ability to perform certain functions under their Radiation Transportation Emergency Response Programs. For these reasons, the amendments remove the Council from its supervisory role in the grant program and replaces it with PEMA which has been the actual program administrator and implementing agency for this grant program since its inception in 1985.

D. Comments

Written comments, suggestions and objections were solicited within a 30-day period after the proposed regulations were published. No public comments were received.

The Independent Regulatory Review Commission recommended that because the term "eligible" was not defined in the regulations that Section 117.4 include a reference to Section 117.5 to provide any reader with information concerning eligibility for the grant program. IIRC

also recommended that Section 117.6 include a sentence that PEMA will provide the requisite grant application forms to all eligible grant applicants. PEMA agrees with these two comments and has made the necessary changes to the regulations in order to incorporate the above-mentioned comments. IRRC had no other comments on these regulations.

E. Affected Persons

These amendments will have a favorable impact on all State agencies, counties, municipalities and volunteer organizations that apply for grants from the Radiation Transportation Emergency Response Fund because it will allow them to receive their grant moneys in a more timely manner.

F. Paperwork Requirements

The proposed amendments will not change the amount of paperwork that State agencies, counties, municipalities and volunteer organizations submit to PEMA in order to receive a grant from the Radiation Transportation Emergency Response Fund.

G. Sunset Requirement

PEMA has not set a sunset date for this regulation because the Radiation Transportation Emergency Response Fund operates on a continuing basis. PEMA continues to monitor the operation of this Fund and will propose improvements such as this amendment when required.

H. Regulatory Review

Under Section 5(a) of the Regulatory Review Act, the Act of June 30, 1989 (P.L. 73, No. 19), 71 P.S. §§745.1-745.15) the agency submitted a copy of the Notice of Proposed Rulemaking, published at 28 Pa. B.2822 on June 8, 1998, to IRRC and the Chairmen of the Senate State Government Committee and the House Veterans Affairs and Emergency Preparedness Committee for review and comment. In compliance with Section 5(b.1) of the Regulatory Review Act, the agency also provided the commission and the committees with copies of all comments received, as well as other documentation.

In preparing these final form regulations, the Agency has considered all comments received from the Commission, the committees and the public.

These final form regulations were deemed approved by the House Committee on _____, 1998 and deemed approved by the Senate Committee on _____, 1998. The Independent Regulatory Review Commission met on _____, 1998, and approved the amendments in accordance with section 5(c) of the Regulatory Review Act.

I. Contact Person

Questions regarding these regulations may be directed to Mark Goodwin, Chief Counsel, Pennsylvania Emergency Management Agency, P.O. Box 3321, Harrisburg, Pennsylvania 17108

J. Findings

The Pennsylvania Emergency Management Agency finds that:

(1) Public notice of proposed rulemaking was given under Section 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. § 1201 and 1202) and the regulations promulgated thereunder at 1 Pa. Code §§7.1 and 7.2.

(2) A public comment period was provided as required by law and all comments were considered.

(3) This amendment is necessary and appropriate for the administration and enforcement of the Radiation Protection Act and the Emergency Management Services Code.

K. Order

The Pennsylvania Emergency Management Agency, acting under the Radiation Protection Act and the Emergency Management Services Code, order that:

(a) The regulations of the Pennsylvania Emergency Management Agency, 4 Pa. Code Chapter 117, are amended as set forth in Annex A.

(b) The Pennsylvania Emergency Management Agency shall submit this Order and Annex A to the Office of General Counsel and the Office of Attorney General for approval as to legality and form as required by law.

(c) The Pennsylvania Emergency Management Agency shall certify this Order and Annex A and shall deposit them with the Legislative Reference Bureau as required by law.

(d) This Order shall take effect immediately upon publication in the Pennsylvania Bulletin.

Charles F. Wynne
Director

Ch. 117 RADIATION TRANS. EMERG. RESPONSE FUND 4 § 117.1

**CHAPTER 117. RADIATION TRANSPORTATION EMERGENCY
RESPONSE FUND**

Sec.

- 117.1. Definitions.
- 117.2. Purpose.
- 117.3. Operation of the RTERF.
- 117.4. Allocation of funds.
- 117.5. Eligible expenditures.
- 117.6. Application and review procedures for funding.
- [117.7. Disbursement of funds.]
- 117.[8.]7. Retention of records for audit.
- 117.[9.]8. Agency report.

§ 117.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Act - The Radiation Protection Act (35 P. S. §§ 7110.101 - 7110.703).

Agency—The Pennsylvania Emergency Management Agency.

Applicant - An all inclusive term that refers to all counties, municipalities, volunteer organizations and state agencies that are eligible to apply for funds from the RTERF.

[*Council*—The Pennsylvania Emergency Management Council.]

County—A county that has within 5 miles of its jurisdictional borders an approved Nuclear Regulatory Commission/Commonwealth of Pennsylvania route for the shipment of spent nuclear fuel.

EOP—The Emergency Operation Plan of the Commonwealth.

Municipality—A city, town or borough that has within 5 miles of its jurisdictional borders an approved Nuclear Regulatory Commission/Commonwealth of Pennsylvania route for the shipment of spent nuclear fuel.

RADIATION TRANSPORTATION EMERG. RESPONSE FUND

RTERF—Radiation Transportation Emergency Response Fund—A restricted account created in the General Fund of the Commonwealth for the deposit of fees received from the shipment of spent nuclear fuel to, within, through or across the boundaries of this Commonwealth.

State agency—A department or agency of the Commonwealth that has a health, safety or emergency response function or mission assigned to it by statute or by the EOP, Hazardous Materials Annex F.

Volunteer organization—An emergency services organization that has an emergency response mission assigned to it by either its articles of incorporation or by the EOP, Hazardous Materials Annex F.

§ 117.2. Purpose.

The purpose of this chapter is to accomplish the following:

- (1) Establish within the Agency a program for administering the RTERF under section 604 (b) of the act (35 P. S. § 7110.604(b)).
- (2) Establish within the Agency a financial assistance program that will provide for the payment of [expenses] costs incurred by an eligible [county, municipality, volunteer organization and State agency] applicant for the procurement of equipment and the training and employment of personnel as a result of direct participation in the development and implementation, or both, of the EOP, Hazardous Materials Annex F. Information about the Plan may be obtained from the Agency or the county emergency management office.

RADIATION TRANSPORTATION EMERG. RESPONSE FUND

§ 117.3. Operation of the RTERF.

(a) The RTERF is a restricted account that is created within the General Fund of the Commonwealth.

(b) The RTERF shall consist of fees paid to the Agency by shippers of spent nuclear fuel to, within, through or across the boundaries of this Commonwealth who shall pay to the Agency a fee of \$1,000 per shipment, payable prior to the proposed date of the shipment.

§ 117.4. Allocation of funds.

(a) Because the number of spent nuclear fuel shipments and the resulting revenue fees generated from those shipments will vary from year to year, no predetermined annual fund amount can be established for the RTERF.

(b) [As a result,] [a]An application from an eligible county[, municipality, volunteer organization] or State agency will be processed by the Agency on an individual basis in the order that the application is received during a funding year—July 1 to June 30. The eligibility of an applicant, whether a county or state agency, is determined by the requirements contained in §117.5 (relating to eligible expenditures).

(c) The allocation of funds to an eligible applicant will be determined as the result of the application review process described in § 117.6 (relating to application and review procedures for funding) and by the availability of funds being present in the RTERF at the time of the intended disbursement.

RADIATION TRANSPORTATION EMERG. RESPONSE FUND

(d) The RTERF will not contain funds for discretionary use by an eligible applicant.

Funding allocations will only be for the approved eligible expenditures.

(e) Funds that remain in the RTERF at the termination of the funding year—June 30—will be automatically placed in the RTERF of the succeeding funding year. That sum will be applied to only those funding requests submitted during that succeeding funding year.

§ 117.5. Eligible expenditures.

(a) To be eligible for payment, an expenditure made by an eligible county, municipality, volunteer organization and State agency shall contribute to the development of a radiation transportation emergency response capability that is in compliance with the standards and criteria established by the EOP, Hazardous Materials Annex F and appropriate county Hazardous Materials Program.

(b) The following expenditures are eligible for payments from the RTERF:

(1) The cost of education, program management and training of State, county, municipal and volunteer organization personnel in the proper response techniques and methods to be used in the event of an accident involving the shipment of spent nuclear fuel.

(2) The purchase of protective supplies and equipment needed for response purposes in the event of an accident involving the shipment of spent nuclear fuel.

(c) The proper education and training of response personnel is a primary objective and requirement of the EOP, Hazardous Materials Annex F. For this reason, the payment of response education and training expenditures will be given priority over the payment of response equipment expenditures.

RADIATION TRANSPORTATION EMERG. RESPONSE FUND

(d) To manage and meet the changing policy requirements and technological advancements developed in the areas of radiological response training and equipment, the Agency will periodically issue directives or instructions on the application form concerning the type of training, program management and equipment expenditures that will be eligible for payments from the RTERF. These directives or instructions will state the specific areas of education and training emphasis or the specific items of response equipment that will be eligible for a payment.

§ 117.6. Application and review procedures for funding.

(a) The application procedures in this section apply to [an] eligible [county, municipality, volunteer organization and State agency] applicants that seek[s] funding from the RTERF. The Agency will provide each applicant with the requisite application form.

(b) [An a]Applicants, except for [a] State agenc[y]ies, shall submit a funding [request] application to the appropriate County Emergency Management Agency. [That agency] The County Emergency Management Agency shall review the [request] application in terms of its compliance with and advancement of the county's Radiation Emergency Response Plan. Upon approval by the County Emergency Management Agency, the individual funding [request] application of the eligible [county,] municipality or volunteer organization shall be incorporated into the county's application for funding from the RTERF. [A] State agenc[y]ies shall submit [a] funding [request] applications directly to the Agency. That [request] application shall be submitted under the signature of the State agency's secretary/director or designee.

RADIATION TRANSPORTATION EMERG. RESPONSE FUND

[(c) To be eligible for funding, a county or State agency shall submit its funding application to the Agency. The funding application shall include the following information submitted on forms provided by the Agency:

- (1) Funding application.
- (2) Financial accounting statement.

(d) The financial accounting statement shall contain the following information:

- (1) An itemized list of proposed expenditures.
- (2) The projected date of an expenditure.
- (3) The purpose of the expenditure.
- (4) A copy of the bids, contract or other financial documentation that verifies the proposed expenditure.

(e) A county funding application shall also include the individual funding requests of an eligible municipality, volunteer organization, or both, submitted to that county for review, whether or not those requests were incorporated into the county's financial accounting statement.]

[(c)] It is the obligation of the county to participate in negotiations and revisions concerning its funding application. In particular, the county shall attempt to resolve disputes that arise between the county and its municipalities and volunteer organization, or both, concerning the inclusion of individual funding requests into the county's [financial accounting statement] application. Disputes that cannot be resolved at the county level through negotiations will be resolved by the Agency during its review of the county's funding application. [During this review process, the Agency may request that the Council

RADIATION TRANSPORTATION EMERG. RESPONSE FUND

consider and decide the facts and issues in dispute between the county and its municipalities and volunteer organizations, or both.]

[(f)] (d) Upon receipt of a funding application, the Agency will review the application for accuracy and completeness. The Agency will apply the following standards to its application review process:

- (1) The expenditure will be incurred during the applicable funding year—July 1 to June 30.
- (2) The expenditure was not previously recouped or reimbursed from other sources.
- (3) The expenditure will be required as a direct result of the applicant's participation in a radiation transportation emergency response program.
- (4) The expenditure will be required for the payment of education, management and training or for the purchase of protective supplies and equipment needed to respond to a potential accident involving the shipment of spent nuclear fuel.
- (5) The expenditure shall be verifiable.

[(g)] The Agency's application review process will be completed prior to the scheduled meeting date of the Council. At the Council's meeting, the Agency will make a recommendation to the Council concerning an application received and reviewed since the last meeting of the Council. Based upon that recommendation, the Council will approve a payment for an eligible applicant.

(h) A funding application received after the close of an application review period—2 working days before a scheduled Council meeting—will be reviewed by the Agency and be considered by the Council for a payment at its next scheduled meeting.]

RADIATION TRANSPORTATION EMERG. RESPONSE FUND

(e) Upon the completion of the application review process, the agency will approve a funding allocation for the eligible applicant.

(f) After the Agency's approval of a funding allocation, the Agency will forward the payment to an eligible applicant.

[§ 117.7. Disbursement of funds.]

[(a) After the Council's approval of a payment the Agency will forward the payment to an eligible county, municipality, volunteer organization or State agency.

(b) A payment will be dependent upon the availability of funds being present in the RTERF at the time of the intended disbursement.]

§ 117.[8.].7. Retention of records for audit.

[(a) A county, municipality, volunteer organization and State agency that has received a payment shall retain financial records, receipts, invoices, vouchers, supporting documents, statistical records and other records that were used to support and document the funding application.

(b) The records described in subsection (a) shall be retained for 3 years. The retention period starts at the end of the funding year—June 30—in which the funding allocation was made.

(c) A county, municipality, volunteer organization and State agency shall make the records described in subsection (a) available for audit by Commonwealth auditors and Agency officials, or both, within 10 days after receiving a written request that those records be made available for audit. An audit request may be made at any time during the 3-year record retention period.]

RADIATION TRANSPORTATION EMERG. RESPONSE FUND

(a) All records and supporting documents (i.e. receipts, invoices, vouchers, etc.) related to grant funds must be retained for a period of three years. The retention period starts at the end of the funding year—June 30—in which the funding allocation was made.

(b) A county and State agency shall make the records described in subsection (a) available for audit by Commonwealth and Agency officials within ten days after receiving a written request that those records be made available for audit. The audit request may be made at any time during the three year record retention period.

§ 117.[9.]8. Agency report.

On September 1 of a year, the Agency will submit a report on its operation of the RTERF for the preceding fiscal year to the Governor, [and] the General Assembly and the Pennsylvania Emergency Management Council. The report will include a summary of the activities of the [EOP, Hazardous Materials Program.] Radiation Transportation Emergency Response Program. The report will [also] include [a proposed operating budget, a financial statement,] a list of the applications received and the amounts [made to the] allocated to eligible [jurisdictions, volunteer organizations and State agencies.] applicants. An analysis of the adequacy of the fee established for the shipment of spent nuclear fuel will also be included in the report.



PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY
BOX 3321
HARRISBURG, PENNSYLVANIA 17105-3321



DATE: October 30, 1998

SUBJECT: Annual Report on the Radiation Protection Act 1984-147

TO: The Honorable Tom Ridge
Governor

The Honorable Mark S. Schweiker
Lieutenant Governor, President of the Senate and
Chairman, Pennsylvania Emergency Management Council

Honorable Robert C. Jubelirer
President Pro Tempore of the Senate

Honorable Matthew J. Ryan
Speaker of the House of Representatives

FROM: Charles F. Wynne
Director

This report, covering 1997-98 activity and 1998-99 proposals, is submitted in accordance with Section 503. (c) of the Radiation Protection Act 1984-147. The regulations implementing this Act were published in the Pennsylvania Bulletin on August 3, 1985, and appear in Title 4 PA Code, Chapters 116 and 117.

CFW/JVL/MEM/dby

Attachment

ACT 1984-147

The Radiation Protection Act

**A REPORT TO THE GOVERNOR
AND THE GENERAL ASSEMBLY**

The Radiation Protection Act 1984-

This annual report is submitted by the Pennsylvania Emergency Management Agency (PEMA) as required by the Radiation Protection Act 1984-147, signed by the Governor on July 10, 1984. The rules and regulations implementing this Act became effective August 3, 1985.

The Act directs that the annual report outline the activities of the Commonwealth's Radiation Emergency Response Fund and the administration of the Radiation Transportation Emergency Response Fund.

Executive Summary

The majority of the 26 eligible risk and support counties submitted their applications for Fiscal Year (FY) 97-98 after the June 1, 1997, suspense. Two State agencies submitted applications. The agency was lenient with late filers and late grant applications were accepted with no penalty involved.

Following review and recommendations of PEMA, the Pennsylvania Emergency Management Council (PEMC) approved 28 applications at its September 19, 1997, meeting.

Training of radiation emergency response personnel at county and local levels continued to be one of the highest priorities. Federally evaluated exercises reflected continued adequacy in the training of volunteers, staff and responders. The Council added specific emphasis to responder training in 1992. Each grant proposal provided an annual plan for locally relevant training, including projected costs of participation in drills and exercises.

ANNUAL REPORT—1997-98

PEMA submits this annual report in accordance with legislative directives addressing the activities of the Commonwealth's Radiation Emergency Response Program and the administration of the Radiation Emergency Response Fund and the Radiation Transportation Emergency Response Fund. These two funds and the Radiation Emergency Response Program were established by the implementation of the Radiation Protection Act 1984-147 (35 P.S. Section 7110.101-7110.703). The Act was signed by the Governor on July 10, 1984, and became effective on July 25, 1984. This report is submitted in accordance with Section 503 (c) of the Act. The rules and regulations implementing this Act were published on August 3, 1985, in the Pennsylvania Bulletin and now appear in Chapters 116 and 117 of Title 4, PA Code.

The Radiation Emergency Response Program

The Radiation Emergency Response Program involves the required development of emergency response plans for areas surrounding each nuclear power plant in the Commonwealth. This includes the training and equipping of emergency response personnel as well as provisions for financial assistance to municipalities, school districts, volunteer organizations and State agencies. The Act also directed PEMA to develop a plan to respond to accidents involving the shipment of spent nuclear fuel in the Commonwealth.

The Radiation Protection Act assesses annual fees of \$100,000 per nuclear power reactor facility to be paid to the Radiation Emergency Response Fund to cover costs of the programs required by the Act. The Radiation Emergency Response Fund received \$500,000 in fees for the 1997-98 fiscal year.

The \$500,000 deposited in the Radiation Emergency Response Fund is disbursed with 85% divided among the Commonwealth's eligible risk and support counties, 10% to PEMA for program administration, and 5% to other eligible State agencies for program maintenance and enhancement. PEMA continues to make a concerted effort to direct the use of funds to preparedness enhancement in response to federal and state legislative and regulatory requirements.

PEMA is in the process of streamlining Chapters 116 and 117 of Title 4, PA Code, Rules and Regulations for the Radiation Emergency Response Fund and Radiation Transportation Emergency Response Fund. PEMA is requesting that the legislature approve funds disbursal once a year with one report due at the end of the grant period. PEMA expects this change to go into effect for the 1999-2000 grant period.

Allocations

The regulations provide for each of the risk and support counties surrounding the five nuclear power facilities located in Pennsylvania to annually submit an application for a grant from fees paid to the Agency. These applications must include a work plan with an estimated annual budget that is based on: \$3,000 for each risk county, \$1,000 for each risk municipality, \$1,000

for each support county, and a per capita allocation to each risk and support county to provide mass care for evacuees. The remaining portion of the Radiation Emergency Response Fund is divided between the eligible risk counties based upon the percentage of the risk county's population located in the ten-mile emergency planning zone as compared to the total population at risk in the Commonwealth.

Funding Guidance, FY 1997-98

The Nuclear Power Plant Safety Grant Application Funding guidance for this reporting period continued our efforts to meet the needs of the 26 risk and support counties through development of more flexible program guidelines. The basic philosophy characterized grant monies as a supplement to on-going county and locally funded emergency management efforts. The guidance was developed to provide priorities and guidelines to enable county coordinators to structure grant requests in a manner that would ease preparation and facilitate review.

Funding Applications, FY 1997-98

The 26 risk and support counties submitted their funding applications as required by published guidance. Two State agency applications were received and approved by the Council along with the 26 county applications. As with previous years, the majority of funds was allocated to equipment and supplies necessary to replace aged components or to meet technological advances. The State agency applications were for the purchase of potassium iodide for the Department of Health and communications and training equipment for the Pennsylvania State Police.

Proposed Budget, FY 1998-99

The majority of the 26 risk and support counties submitted their funding applications with work plans and budget estimates for FY 98-99 after the June 1, 1998, suspense. Late submissions were accepted by the agency. Due to action taken by the Pennsylvania Emergency Management Council at its September 19, 1997 meeting, PEMA was given Grant Application approval authority. PEMA approved all 26 county and four State agency applications on July 6, 1998. The first payment to the counties will be made during October 1998, and the second in February 1999, providing the first six months' work is found to be acceptable. The four State agencies will receive reimbursement for their expenditures upon submittal of appropriate documentation. The FY 98-99 annual grant allocations are shown on the following page.

RERF GRANT TOTALS

	<u>TMI***</u>	<u>98-99</u>	<u>Total *</u>
	<u>Fund Final</u>	<u>Allocations</u>	<u>All Years</u>
Adams	91,905.04	\$8,122.00	124,393.34
Allegheny	117,289.10	\$9,488.00	155,241.30
Beaver	615,984.51	\$53,391.00	824,083.29
Berks	245,556.00	\$21,497.00	330,484.84
Bucks	140,528.40	\$12,178.00	189,239.40
Butler	56,092.65	\$4,918.00	75,763.95
Chester	535,115.16	\$44,087.00	707,572.28
Columbia	177,749.01	\$16,132.00	241,122.25
Cumberland	159,560.03	\$14,801.00	218,191.47
Dauphin	859,240.34	\$42,385.00	1,023,307.01
Franklin	73,769.80	\$4,524.00	91,866.00
Lackawanna	35,044.00	\$6,614.00	54,886.25
Lancaster	493,920.52	\$33,698.00	625,966.31
Lawrence	68,202.00	\$5,301.00	89,406.00
Lebanon	114,254.39	\$8,994.00	150,182.73
Lehigh	109,865.65	\$10,446.00	151,651.45
Luzerne	395,366.76	\$34,875.00	531,856.87
Lycoming	45,234.80	\$3,956.00	61,059.40
Montgomery	713,089.10	\$57,475.00	935,682.01
Montour	8,000.00	\$1,000.00	12,000.00
Northumberland	41,822.78	\$1,992.00	49,790.68
Schuylkill	122,921.77	\$8,460.00	156,762.67
Snyder	38,030.43	**	38,030.43
Union	76,926.74	\$3,791.00	92,089.84
Washington	74,666.15	\$7,323.00	103,958.45
Wyoming	31,345.45	\$2,901.00	42,950.35
York	810,916.26	\$42,037.00	975,570.52
TOTAL	\$460,454.50	\$460,386.00	\$8,053,109.09

* Includes 98-99.

** Dauphin and Cumberland Counties identified mass care facilities previously provided by Snyder County.

*** TMI Retroactive/TMI Emergency Response Fund 1984-1989 included in total.

Spent Nuclear Fuel Shipping Fees

Act 1984-147 assesses a fee of \$1,000 for each shipment of spent reactor fuel to, within, through, or across the boundaries of the Commonwealth to be paid to the Radiation Transportation Emergency Response Fund. The Radiation Transportation Emergency Response Fund received \$3,000 in fees during FY 97-98.

These funds may be used by eligible counties, municipalities, volunteer organizations, and State agencies for the training of personnel and the procurement of equipment needed to respond to incidents involving the transportation of spent nuclear fuel. These fees are disbursed in accordance with the program and funding requirements established in 4 PA. Code Chapter 117 (Radiation Transportation Emergency Response Fund). In 1997-98 a total of \$33,125.27 was disbursed to Beaver, Butler, Centre, Columbia, Cumberland, Erie, Jefferson, Lancaster, Lebanon, Schuylkill and York Counties for specific spent fuel route training and equipment costs. The fund balance as of August 3, 1998, was \$115,416.18. The monies deposited in the Radiation Transportation Emergency Response Fund accumulate and carry forward annually.

Adequacy of Fees

Section 503 (c) of the Radiation Protection Act requires that the Agency include in this report an analysis of the adequacy of the fees established under the terms of the Act. Although some Act 147 counties continue to state that they are not receiving sufficient funds under the current fee assessments to cover the unmet needs of their risk municipalities, school districts and volunteer agencies, there have been no specific unmet needs identified. The Act 147 program at the county level is past the point of major acquisition and is in a maintenance mode. Federal exercise reports also have not identified any major deficiencies that cannot be remedied with the funds available at this time.

Increased costs of training, maintenance and service for Pennsylvania counties, municipalities, school districts and emergency support organizations continue to reflect other sectors of the national economy, but the costs appear to be manageable at present.

**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE
REGULATORY REVIEW ACT**

RECEIVED

99 FEB -2 PM 2:48

LD. Number: 30-50
SUBJECT: Radiation Transportation Emergency Response Fund
AGENCY: PA Emergency Management Agency

INDEPENDENT REGULATORY
REVIEW COMMISSION

TYPE OF REGULATION

- Proposed Regulation
- X Final Regulation
- Final Regulation with Notice of Proposed Rulemaking Omitted
- 120-day Emergency Certification of the Attorney General
- 120-day Emergency Certification of the Governor
- Delivery of Tolled Regulation
- a. _____ With Revisions b. _____ Without Revisions

FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
2/2/99	<i>Paula Hand</i>	HOUSE COMMITTEE ON VETERANS AND EMERGENCY PREPAREDNESS
2/2/99	<i>Laurie Koppelman</i>	
2/2/99	<i>J. Anderson</i>	SENATE COMMITTEE ON STATE GOVERNMENT
2/2/99	<i>Valerie Hoover</i>	
2/2/99	<i>Kim C. Stern</i>	INDEPENDENT REGULATORY REVIEW COMMISSION
_____	_____	ATTORNEY GENERAL
_____	_____	LEGISLATIVE REFERENCE BUREAU