



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

**(717) 783-5417  
Fax (717) 783-2664**

August 20, 1998

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

Re: IRRC Regulation #30-50 (#1955)  
Pennsylvania Emergency Management Agency  
Radiation Transportation Emergency Response Fund

Dear Director Wynne:

Enclosed are our comments on your proposed regulation #30-50. 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:kcg

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. 30-50**  
**RADIATION TRANSPORTATION 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 117.4. Allocation of funds. - Clarity.**

This section uses the terms “eligible state agency,” “eligible applicant” and “eligible county.” The definitions for “state agency,” “applicant” and “county” are included in Section 117.1. However, there is no definition that includes the term “eligible.” Eligible expenditures are set forth in Section 117.5. We suggest that Section 117.4 include a reference to Section 117.5 to provide the reader with information concerning eligibility.

**2. Section 117.6. Application and review procedures for funding. - Clarity.**

The proposed regulation deletes language in Subsection 117.6(c) that states PEMA will provide application forms and includes short descriptions of the forms. PEMA indicates that the language is being deleted because the forms are subject to change. 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 with updating descriptions of the forms 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  
**Fax:** 651-2040

**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 #30-50. 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: Robin L. Snyder Date: 8/20/98