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**Kathy Cooper**

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**From:** ecomment@pa.gov  
**Sent:** Wednesday, July 27, 2016 4:27 PM  
**To:** Environment-Committee@pasenate.com; IRRC; eregop@pahousegop.com; environmentalcommittee@pahouse.net; gvitali@pahouse.net; regcomments@pa.gov; apankake@pasen.gov  
**Cc:** ra-epmsdevelopment@pa.gov  
**Subject:** Comment received - Proposed Rulemaking: Radiological Health and Radon Certification Fees; Pennsylvania Radon Mitigation System Tag and Fee



**Re: eComment System**

**The Department of Environmental Protection has received the following comments on Proposed Rulemaking: Radiological Health and Radon Certification Fees; Pennsylvania Radon Mitigation System Tag and Fee.**

Commenter Information:

David Foster  
KAKS & Co. ([dfoster@kaksco.com](mailto:dfoster@kaksco.com))  
311 Ruth Road  
Harleysville, PA 19438 US

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IRRC

Comments entered:

To whom it may concern,

We appreciate you taking the time to review our feedback with regards to the proposed rule changes increasing the radioactive materials license rates. Though we appreciate the hard work that the Pennsylvania DEP puts in to enforce the rules and regulations set forth for radioactive materials, we find that the rate increase can have negative effects on the testing and inspection industry. Many of the firms that utilize portable nuclear density gauges are small in nature, and function economically within a small margin. The current fees associated with licensure compose a dollar amount that currently affects many firms. This increase in licensing fees may cause firms to reconsider the use and ownership of gauges, causing a decline in overall revenue, as the financial feasibility of using the gauges becomes overwhelming. As being part of a small DBE firm, it will limit the scope and ability of firms like ours to service the needs of our clients, as we will not have the resources available due to cost.

It is our opinion that the government, like private enterprise needs to work within its budget and procure those things that it has the money for. The BRP information notice quoted the Three-Year Regulatory Fee and Program Cost Analysis Report as saying that the "Radiation Protection Fund is decreasing annually in operating reserves." This suggests that there is are operating reserves on hand. Many smaller firms do not have this luxury given the current financial climate. Yet you propose to take further funds from them. Though we understand the rationale behind a rate increase, thought must be provided to the small businesses that pay these fees, or you will see a significant drop in licensing due to people not being able to afford the cost of doing

business using portable nuclear density gauges. If a rate increase is inevitable, perhaps a sliding scale increase based on number of employees could be put into place to assist the small businesses with the change.

Thank you for your time and consideration.

Sincerely,

David Foster  
Director of Operations  
KAKS & CO.  
311 Ruth Road  
Harleysville, PA 19438

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No attachments were included as part of this comment.

Please contact me if you have any questions.

Sincerely,  
Jessica Shirley

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