

Regulatory Analysis Form (Completed by Promulgating Agency) (All Comments submitted on this regulation will appear on IRRC's website)		INDEPENDENT REGULATORY REVIEW COMMISSION RECEIVED Independent Regulatory Review Commission September 17, 2026	
(1) Agency: Department of Environmental Protection		IRRC Number: 3499	
(2) Agency Number: 7 Identification Number: 591			
(3) PA Code Cite: 25 Pa. Code Chapters 218 and 240			
(4) Short Title: Radiological Health and Radon Certification Fees			
(5) Agency Contacts (List Telephone Number and Email Address): Primary Contact: Laura Griffin, 717-772-3277, laurgriffi@pa.gov Secondary Contact: Lauren Imgrund, 717-783-8727, limgrund@pa.gov			
(6) Type of Rulemaking (check applicable box): ☒ Proposed Regulation ☐ Final Regulation ☐ Final Omitted Regulation		☐ Emergency Certification Regulation; ☐ Certification by the Governor ☐ Certification by the Attorney General	
(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less) This regulation proposes to increase fees to ensure there is adequate funding for the Department of Environmental Protection's (Department) Radiation Protection Program (Program) to continue to provide oversight of radiation safety-related activities, meet the requirements of the Radiation Protection Act and Radon Certification Act, and maintain Pennsylvania's status as a United States Nuclear Regulatory Commission (NRC) Agreement State. This proposed rulemaking includes gradual increases over 5 years to fees associated with radiation-producing machine registrations, vendor registrations, accelerator licenses, radioactive materials licenses, and radon certifications. The regulation proposes to add license amendment fees, increase the professional hourly rate fee for accelerator and radioactive materials licenses, and simplify the radon certification fee schedule. A professional fee would be added for any licensee required to provide financial assurance for decommissioning.			
(8) State the statutory authority for the regulation. Include <u>specific</u> statutory citation. This proposed rulemaking is authorized under sections 301, 302 and 401 of the Radiation Protection Act (35 P.S. §§ 7110.301, 7110.302 and 7110.401), which directs the Environmental Quality Board (Board) to establish fees in amounts at least sufficient to cover the costs of the Department's radiation protection programs mandated by the Radiation Protection Act and review of those fees every 3 years; section 8 of the Radon Certification Act (63 P.S. § 2008), which requires the Department to establish fees to cover the costs of the radon certification program; and section 1920-A of The Administrative Code of 1929 (71 P.S. § 510-20), which authorizes the Board to promulgate rules and regulations necessary for the performance of the work of the Department.			

(9) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as, any deadlines for action.

Yes, section 401 of the Radiation Protection Act (35 P.S. § 7110.401) requires the Board to establish annual registration and license fees “in an amount at least sufficient to cover the Department’s costs of administering the programs.” Likewise, Section 8 of the Radon Certification Act (63 P.S. § 2008) requires the Department to “establish a fee schedule to cover the costs of the certification programs.” These fee increases are needed to meet these statutory requirements. Section 302 of the Radiation Protection Act (35 P.S. § 7110.302) requires the Board to review the fee structure every three years.

(10) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

These regulations are needed to ensure there is adequate funding for the Department’s Program to provide oversight of radiation safety-related activities, maintain Pennsylvania’s status as an NRC Agreement State, and meet the requirements of the Radiation Protection Act and Radon Certification Act. The Program is required to be supported by the revenue collected for license, registration, and certifications fees. When revenue is insufficient to meet expenditures, the Radiation Protection Act and Radon Certification Act require an increase in fees, so the projected revenues cover the cost of the administration of the Program.

The proposed rulemaking is necessary to help ensure the fiscal integrity of the Program and allow it to carry out its mission. If fees for radiation-producing machines are not increased, oversight of radiation safety-related activities may be diminished, and the replacement of obsolete survey equipment may be delayed, reducing the assurance that regulated activities are being conducted safely. The amendments to the fees for radioactive material licenses are necessary to ensure adequate funding is available for the Commonwealth to carry out its required duties under the NRC Agreement State Program. If the Commonwealth ceded its authority to regulate radioactive materials back to the NRC, the NRC would impose higher fees on the regulated community. Without a fee increase for radon certification fees, it would be difficult to provide effective quality assurance for the Statewide radon program. Pennsylvania has a wide geographic distribution of radon occurrence and, with a population of 13 million people, has great potential for radon exposure. Pennsylvania residents are at particular risk since the radon levels in this Commonwealth are much more significant than most other parts of the country.

Based on the Department’s projections, if the current fees remain in place, the projected revenue will be insufficient to cover the Program’s costs by FY 2027-2028. By the end of FY 2026-2027, the overall remaining balance in the Radiation Protection Fund is estimated to be -\$670,000.

Consequently, gradual fee increases for registration, licensing, and certification fees are proposed in this regulation to cover the Program’s costs through FY 2031-2032.

The new fee structure is projected to produce the following:

In FY 2027-2028, the Program’s total revenue is estimated to be \$14,352,000 with projected expenses of \$13,650,000.

In FY 2028-2029, the Program's total revenue is estimated to be \$14,741,000 with projected expenses of \$14,249,000.

In FY 2029-2030, the Program's total revenue is estimated to be \$15,141,000 with projected expenses of \$14,874,000.

In FY 2030-2031, the Program's total revenue is estimated to be \$15,553,000 with projected expenses of \$15,545,000.

In FY 2031-2032, the Program's total revenue is estimated to be \$15,997,000 with projected expenses of \$16,362,000.

The proposed rulemaking would add a requirement for a fee to accompany an amendment request for radioactive materials and accelerator licenses. Particle accelerator license amendments or radioactive material license amendments for Transfer of Control are \$500. Other radioactive material license amendments are categorized by complexity of the license (low, medium, high) and are included in Chapter 218 Appendix A for each license fee category. Numerous amendments are submitted requiring hours of work, many of which get withdrawn after the Program's review and work is completed, and this fee is proposed to cover those costs.

The proposed regulation would add language to clarify the fee that is submitted with an initial license application is a non-refundable fee. The proposal would change the two small business fee categories for radioactive material licenses from flat rates to percentages of the amount specified for that material in Appendix A, and add a \$5,000 professional fee for any licensee that submits a decommissioning cost estimate as part of their required financial assurance to cover the Department's review activities. These estimates are a detailed evaluation of work and associated costs that must be reviewed thoroughly and effectively to make sure adequate funding exists in the event of the licensee's inability or unwillingness to return the site to radiological conditions suitable for unrestricted future use. The decommissioning cost estimates are reviewed against the extensive and detailed Federal guidance as required by the NRC. These evaluations require a significant amount of staff time to review, comment, and work with licensees to make sure the regulatory requirements are met, and the long-term radiological safety and environmental impacts are financially protected. Additionally, the financial assurances that are required to be maintained include legal reviews that are otherwise not recovered in the standard license fees.

The proposed rulemaking would require the radon certification fees to be paid annually instead of every 2 years. The renewal for certification is proposed to be changed from 2 years to 5 years. The proposed regulation would eliminate the Testing Employee, Primary Testing Device Listing, Course Provider, and Late Application Renewal fees, combine the Testing Individual, Mitigation Individual, and Laboratory Individual into one category, and combine the Testing Firm, Mitigation Firm, and Laboratory Firm into one category. The Late 45-Day Reporting fee category is proposed to be changed to Late Reporting fee category because reporting deadlines vary in the Program's regulations.

The fee increases in this proposed regulation would enable the Department to meet its operating expenses and prevent further deficits from accruing. The proposed rulemaking would benefit every resident of this Commonwealth by ensuring the Department can continue to carry out its mission of protection of the public and the environment. This enables the Program to continue ensuring radioactive materials and radiation-producing machines are used properly, preventing unnecessary radiation exposure to the public, workers, and environment. It also enables the Program to ensure radon testing,

mitigation, and laboratory work is done by individuals and firms qualified to perform those services, and to continue to provide some outreach regarding indoor radon.

(11) 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 regulations.

No provisions are more stringent than the federal standards.

(12) How does this regulation compare with those of the other states? How will this affect Pennsylvania's ability to compete with other states?

Radiation-producing machine registration and radioactive materials license fees vary from state to state.

There are several different fee structures for radiation-producing machines across the country. Pennsylvania assesses an annual fee while some other states charge biennial fees. Some states charge a base registration fee plus an inspection fee, have independent contractors perform work and direct-bill registrants, or have other supplemental fees. Some states fold all their radiation-producing machine expenses into a single facility fee, where others (including Pennsylvania) charge a smaller base facility fee and add a "per tube" fee for radiation-producing machines. Some states have a large list of registration types while others combine types to have a smaller list of categories. These factors make it impossible to draw clear conclusions regarding whether a given fee is higher or lower in Pennsylvania when compared to another state. As one example, a hypothetical dental intraoral device registrant in Texas could pay either more or less in registration fees than a facility in Pennsylvania depending on the number of tubes associated with their device.

For radioactive materials, the same categories of fees apply to licensees whether they are based in Pennsylvania, some other Agreement State, or a state regulated by the NRC. The NRC's fee category designations have been adopted by the Commonwealth and by other states. In terms of fee categories, no advantage or disadvantage is associated with business location. The fees are set to cover the Department's costs of implementing the programs as required by the Radiation Protection Act and are substantially lower than the NRC's fees since the NRC charges a licensee for each fee category. In contrast, the Department only charges one fee for the highest category. For example, an NRC broad scope medical licensee that has three different modalities under its license would be billed for all three, such as: Human Use Broad Scope \$57,400 + Human Use Teletherapy \$40,600 + Self Shielded Irradiator \$13,200, for a total cost of \$111,200. The same licensee regulated by the Commonwealth would be billed for only Human Use Broad Scope for a total cost of \$51,840, which is a savings of nearly 60%. The professional hourly rate fee identified by the asterisk in Chapter 218, Appendix A, of the proposed regulation would increase from \$275 per hour to \$310 per hour—below the NRC's current fiscal year 2026 hourly rate of \$337 per hour. Reduced radioactive materials fees are available for small businesses. (See question 24).

Similarly, the increase to the radon certification fees in Chapter 240 is not expected to affect Pennsylvania's ability to compete with other states. Radon is a geographically specific issue, and competition with other states is not a factor. Elevated indoor radon is a serious public health threat, and levels above the United States Environmental Protection Agency's 4 pCi/L "action level" have been detected in all 67 counties.

Therefore, the fee increases in this proposed rulemaking would not negatively impact Pennsylvania relative to other states.

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

No other regulations of the Board, the Department or other state agency would be affected.

(14) Describe the communications with and solicitation of input from the public, any advisory council/group, small businesses and groups representing small businesses in the development and drafting of the regulation. List the specific persons and/or groups who were involved. ("Small business" is defined in Section 3 of the Regulatory Review Act, Act 76 of 2012.)

The proposed amendments to the radiological health and radon certification fee regulations in Chapters 218 and 240 were reviewed by the Radiation Protection Advisory Committee (RPAC). The committee represents various stakeholders, including radiation-producing machine registrants and licensees, radioactive materials licensees and radon service providers, as well as the public. Some of the stakeholders represent or own small businesses. The Department presented the draft proposed regulation to RPAC on February 4, 2026. RPAC asked the Department for clarifications to the accelerator amendment language and the professional fee that is added as a requirement for licensees that submit a decommissioning cost estimate as part of their financial assurance obligation. The Department added clarifying language to the proposed regulation. RPAC endorsed moving forward with the proposed rulemaking.

(15) Identify the types and number of persons, businesses, small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012) and organizations which will be affected by the regulation. How are they affected?

All radiation-producing machine registrants, vendor registrants, accelerator licensees, radioactive material licensees, and radon service providers in the Commonwealth would be affected by the increased annual fees. This includes approximately 10,150 radiation-producing machine registrants, 340 vendor registrants, 140 accelerator licensees, 710 specific, general and reciprocity radioactive material licensees, and approximately 580 certified radon service providers.

Radiation-Producing Machines, Accelerators, and Vendors

A 20% increase in fees is proposed for radiation-producing machines registrants, accelerator licensees, and service providers in the first year and a 3% percent increase in each of the next four years. Small businesses covered by the radiological health provisions for radiation-producing machines, accelerators, and vendors in this proposed rulemaking include dentist offices and private medical practices. While the Department does not collect information regarding the size of each business that is an X-ray registrant, licensee, or service provider, the Department considers the vast majority of the radiation-producing machine registrants, vendor registrants, and accelerators to be small businesses for the purpose of this rulemaking.

Radioactive Materials

A 30% increase in fees is proposed for radioactive material licensees in the first year and a 3% increase in each of the next four years. The professional hourly rate is proposed to increase from \$275 to \$310. There are two small business category fees that would change from a flat rate to a percentage of the license category fee, one at 50% of the fee and one at 25% of the fee. Radioactive materials have two specific fees and an application for small businesses. Forty (40) radioactive material licensees qualify as small businesses under the definitions currently in use by the NRC and the Department (see question 24

for further explanation). Examples of radioactive materials licensees include hospitals (license category 7C “Human Use – Specific License”) and possessors of nuclear density gauges (license category 3P “Other Byproduct Material”).

Radon Certification

A 20% increase in fees is proposed for radon service providers in the first year and a 3% increase in each of the next four years. The increases are necessary to keep up with increased personnel and operating costs. The Department estimates that all certified radon service providers are likely to be small businesses.

Radon fees are also proposed to be simplified by eliminating five fee categories and changing the biennial certification fees to be paid annually instead. The certification term is proposed to be extended from two years to five years. This allows the Department to be more efficient with less staff and also reduces the paperwork burden on the regulated community without decreasing the protection of public health and safety as the providers are still reviewed by inspections.

(16) List the persons, groups or entities, including small businesses, that will be required to comply with the regulation. Approximate the number that will be required to comply.

All radiation-producing machine registrants, vendor registrants, accelerator licensees, radioactive material licensees, and radon service providers in the Commonwealth would be required to comply with the regulation. This includes approximately 10,150 radiation-producing machine registrants, 340 vendor registrants, 140 accelerator licensees, 710 specific and general radioactive material licensees, and approximately 580 certified radon service providers. Forty radioactive material licensees qualify as small businesses under the definitions currently in use by the NRC and the Department (see question 24 for further explanation).

See question (15) for additional information.

(17) Identify the financial, economic and social impact of the regulation on individuals, small businesses, businesses and labor communities and other public and private organizations. Evaluate the benefits expected as a result of the regulation.

The proposed regulation would amend the Program’s fees through gradual increases over a 5-year period.

Each year, the Department receives annual fees from approximately 10,150 radiation-producing machine registrants, 340 vendors, and 140 accelerator licensees. The gradual increases for these fees are projected to generate an additional 20% revenue in the first year and 3% revenue in each of the four following years. The Department receives annual fees from approximately 710 radioactive material licensees. The gradual increases for these fees are projected to generate an additional 30% revenue in the first year and 3% revenue in each of the four following years. The professional hourly rate would increase from \$275 to \$310. The Department receives biennial fees from approximately 580 radon service providers. With the revision to annual fees, the gradual increases are projected to generate an additional 20% revenue in the first year and 3% revenue in each of the four following years.

The increase to the fees for radiation-producing machines, accelerators, and radioactive materials programs would allow the Department to continue to implement existing programs under the Radiation Protection Act and assure adequate funding is available for the Commonwealth to carry out its duties

under NRC's Agreement State program. This also enables the Program to ensure radioactive materials and radiation-producing machines are used properly, preventing unnecessary radiation exposure to the public, workers, and environment.

The increased and restructured radon certification fees ensure that the Department would be able to exercise quality assurance over statewide radon data and the effectiveness of radon mitigation services as required by the Radon Certification Act. The increased radon certification fees and radon mitigation system fee would be used to ensure that individuals and firms performing radon testing and remedial work are qualified to perform those services and would support the Department's efforts to perform outreach and to make public service announcements that encourage homeowners to test for and mitigate radon contamination.

(18) Explain how the benefits of the regulation outweigh any cost and adverse effects.

The increased fees would allow the Department to maintain existing radiation-safety programs at current levels of operation. This includes enabling the Department to continue to fund personnel, purchasing survey equipment, obtain training for personnel, ensure radon services for homeowners are performed by trained professionals, radiation-producing machines are functioning and being used properly, radioactive materials are handled and used properly and responsibly, and citizens and workers are not being overexposed to radiation and to continue the effective oversight of radiation protection activities benefitting the health of all Pennsylvanians.

The proposed fee increase would allow the Department to continue to perform the registration, licensing, certification and inspection program as required by the Radiation Protection Act and Radon Certification Act. For radioactive material licensees, Pennsylvania's increased fees would still be below the amount that would have been charged by the NRC had Pennsylvania not become an Agreement State, while ensuring the Department has the necessary funding for the regulation, licensing, and inspection of radioactive material user operations and for termination of radioactive material licenses.

In summary, the benefits of this proposed rulemaking outweigh any cost and adverse effect, because the increase to the fees would allow the Department to continue to implement existing programs required by law and ensure adequate funding is available for the Commonwealth to carry out its duties under NRC's Agreement State program while continuing to protect public health from the harmful effects of overexposure to radiation. Overexposure to radiation can cause a wide range of potential negative health impacts, such as skin burns, radiation sickness, cancer, and death in the most extreme cases.

(19) 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. Explain how the dollar estimates were derived.

Costs to the regulated community associated with this proposed regulation are the increase of the fees for radiation-producing machine and vendor/service provider registrations, accelerator licenses, radioactive material licenses, and radon service provider certifications. If an accelerator or radioactive material licensee submits an amendment request, it would incur an added cost of \$100 to \$500 per request based on the license type.

No other compliance, legal, accounting, or consulting procedure costs or savings are required by this proposed regulation.

As reflected in the response to question 17, the regulated community would incur additional costs as a result of the gradual fee increases and the new amendment fees for accelerators and radioactive material licenses. The number of amendments each year changes continually. The Program could receive 270 requests in one year and 600 requests in the next year. Amendment fees could range from \$45,000 to \$100,000 in added revenue each year.

The total estimated economic impact attributable to the radiation-producing machine fee increases is as follows:

FY 2027-2028:	\$ 1,220,545
FY 2028-2029:	\$ 100,115
FY 2029-2030:	\$ 333,115
FY 2030-2031:	\$ 102,830
<u>FY 2031-2032:</u>	<u>\$ 331,950</u>
TOTAL:	\$ 2,088,555

The total economic impact attributable to the radioactive materials fee increases is as follows:

FY 2027-2028:	\$ 1,349,700
FY 2028-2029:	\$ 165,180
FY 2029-2030:	\$ 170,160
FY 2030-2031:	\$ 175,140
<u>FY 2031-2032:</u>	<u>\$ 181,090</u>
TOTAL:	\$ 2,041,270

The total economic impact attributable to the radon certification fee increases is as follows:

FY 2027-2028:	\$ 216,300
FY 2028-2029:	\$ 6,820
FY 2029-2030:	\$ 6,820
FY 2030-2031:	\$ 6,820
<u>FY 2031-2032:</u>	<u>\$ 6,820</u>
TOTAL:	\$ 243,580

The total estimated economic impact to radiation producing machine and vendor/service provider registrants, accelerator and nuclear material licensees, and radon service certificate holders is \$4,598,405 – 4,873,405. This amount reflects the economic impact that would occur over 5 years, beginning with FY 2027-2028 through and including FY 2031-2032. The range accounts for the possible variation in amendment fees each year.

The radiation-producing machine, accelerator, vendor/service provider, and radioactive material licensing fees vary by type and complexity and were calculated to cover the Department's costs of implementing the programs as required by the Radiation Protection Act. The increase in cost to the radiation-producing machine, accelerator, and vendor/service provider regulated community is approximately 20% the first year and 3% for each of the next four years. The increase in cost to the radioactive material license regulated community is approximately 30% the first year and 3% for each of the next four years. The increase in cost to the radon service provider regulated community is approximately 20% in the first year and 3% for each of the next four years. The overall estimate was

calculated by multiplying the number of entities that would be subject to the increased fees by the dollar amounts of the increased fees.

No compliance, legal, accounting, or consulting procedures are required by this proposed regulation.

(20) Provide a specific estimate of the costs and/or savings to the local governments associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

Fees for local governments that use licensed radioactive material would increase by the amount specified in the proposed rulemaking. Approximately six local governments would experience radioactive material license fee increases. The estimated increase in radioactive material license fees paid by local governments is \$2,135 in FY 2027-2028, \$275 in FY 2028-2029, \$280 in FY 2029-2030, \$285 in FY 2030-2031, and \$315 in FY 2031-2032.

Fees for local governments that have radiation-producing machines would increase by the amount specified in the proposed rulemaking. The estimated increase in radiation-producing machine registration fees paid by local governments is \$20,370 in FY 2027-2028, \$2,910 in FY 2028-2029, \$4,850 in FY 2029-2030, \$2,910 in FY 2030-2031, and \$4,850 in FY 2031-2032. There are 194 registrations (other facilities fee category) held by local government offices and the average number of X-ray tubes or radiation-generating devices on these registrations is one.

The increased radon certification fees do not apply directly to local governments because no local government holds a radon services certificate. However, local governments seeking radon services may be affected if the increased fee is passed on to the local government as a consumer of the service.

No compliance, legal, accounting, or consulting procedures are required by this proposed regulation.

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

Fees for state agencies that use licensed radioactive material would increase by the amount specified in the proposed rulemaking. The estimated increase in radioactive material license fees paid to the Department by state agencies is \$4,165 in FY 2027-2028, \$545 in FY 2028-2029, \$560 in FY 2029-2030, \$575 in FY 2030-2031, and \$595 in FY 2031-2032. The Department multiplied the number of licenses state agencies have (4) that would be subject to the increased fees by the dollar amounts of the increased fees to derive the overall estimate.

Fees for state agencies that have radiation-producing machines would increase by the amount specified in the proposed rulemaking. Approximately six (6) Commonwealth agencies and nine (9) state universities have radiation-producing machine registrations. The estimated increase in radiation-producing machine registration fees paid by state agencies is \$6,345 in FY 2027-2028, \$705 in FY 2028-2029, \$1,645 in FY 2029-2030, \$705 in FY 2030-2031, and \$1,645 in FY 2031-2032. There are 47 registrations (other facilities fee category) held by state agencies and the average number of X-ray tubes or radiation-generating devices on these registrations is three.

The increased radon fees do not apply directly to state agencies because the Commonwealth does not hold any radon services certificate. However, Commonwealth agencies seeking radon services may be affected if the increased fee is passed on to the agency as a consumer of the service.

No compliance, legal, accounting, or consulting procedures are required by this proposed regulation.

(22) For each of the groups and entities identified in items (19)-(21) above, submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.

The proposed regulation does not require additional recordkeeping or reporting requirements.

(22a) Are forms required for implementation of the regulation?

No, forms are not required for implementation of this regulation.

(22b) If forms are required for implementation of the regulation, attach copies of the forms here. If your agency uses electronic forms, provide links to each form or a detailed description of the information required to be reported. Failure to attach forms, provide links, or provide a detailed description of the information to be reported will constitute a faulty delivery of the regulation.

There are no forms required to implement the regulation.

(23) 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 2026/2027	FY +1 2027/2028	FY +2 2028/2029	FY +3 2029/2030	FY +4 2030/2031	FY +5 2031/2032
SAVINGS:	\$	\$	\$	\$	\$	\$
Regulated Community	0	0	0	0	0	0
Local Government	0	0	0	0	0	0
State Government	0	0	0	0	0	0
Total Savings	0	0	0	0	0	0
COSTS:						
Regulated Community	0	2,831,545 – 2,886,545	317,115 – 372,115	555,095 – 610,095	329,790 – 384,790	564,860 – 619,860
Local Government	0	22,505	3,185	5,130	3,195	5,165
State Government	0	10,510	1,250	2,205	1,280	2,240
Total Costs	0	2,864,560 – 2,919,560	321,550 – 376,550	562,430 – 617,430	334,265 – 389,265	572,265 – 627,265
REVENUE LOSSES:						
Regulated Community	0	0	0	0	0	0

- Small Governmental Jurisdiction 20,000 to 50,000 Population
Less than 20,000 Population
- Small Education Institution 35 to 500 Employees
Less than 35 Employees

As an example, a recent Certification of Small Entity Status form submitted by a radiographic laboratory would have qualified under both the SBA's definition of a small business and the Department's definition. This particular lab would qualify under the SBA's definition because its annual gross income was less than \$15,000,000 (see 13 CFR § 121.201 (NAICS Code 541380)) and qualified under the Department's definition because its average gross income over its last 3 years was between \$350,000 and \$5,000,000.

Based upon the Department's definitions, 40 radioactive material licensees in Pennsylvania qualify as small businesses. The proposed rulemaking is not expected to adversely impact small businesses, beyond the increased fees discussed in the response to question 15.

The Department does not collect information on the size and annual revenues of radon service providers. However, the Department considers all certified radon service providers to be small businesses for purposes of this rulemaking.

(b) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record.

The proposed regulation does not require additional reporting, recordkeeping or other administrative costs for small business compliance.

(c) A statement of probable effect on impacted small businesses.

The Department considers nearly 78% of its X-ray registrant, licensee, vendors and radon service providers to be small businesses for the purpose of fee rulemakings. Therefore, the Department does not believe that the proposed regulation would have an adverse impact on small businesses.

(d) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.

There are no less intrusive or less costly methods of achieving the purpose of the regulation.

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

Reduced fees for radioactive materials licensees are already available for small businesses that would be affected by the increased fees in the proposed regulation, as reflected in the SB1 and SB2 fee categories at the bottom of Appendix A (Fees for Radioactive Material Licenses). For all other fees, the Department considers most radiation-producing machine registrants and all radon certification holders to be small businesses when developing the amendments. Therefore, no additional special provisions were developed for this proposed rulemaking.

(26) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

No alternative regulatory provisions have been considered or rejected because the Radiation Protection Act (35 P.S. § 7110.401) and Radon Certification Act (63 P.S. § 2008) require that fees be established to cover the Department's Program costs. The fee increases are necessary to ensure the fiscal integrity of the Program, comply with the requirements of the Radiation Protection Act and Radon Certification Act, and ensure the Department continues to protect the public, workers, and environment from overexposure to radiation.

(27) In conducting a regulatory flexibility analysis, explain whether regulatory methods were considered that will minimize any adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), including:

a) The establishment of less stringent compliance or reporting requirements for small businesses;

Less stringent compliance and reporting requirements are not necessary because the compliance requirements in the proposed regulation are minimal.

b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;

The regulation proposes to reduce the frequency of radon certification renewals from every 2 years to every 5 years, which alleviates the need for full application requirements every 2 years. The Department estimates that all certified radon service providers are likely to be small businesses.

c) The consolidation or simplification of compliance or reporting requirements for small businesses;

The regulation proposes to combine or eliminate fee categories for radon certification, which would further help small business radon service providers by simplifying the fees they pay and may reduce the amount some providers are currently paying.

d) The establishment of performance standards for small businesses to replace design or operational standards required in the regulation; and

The proposed regulation does not require design or operation standards.

e) The exemption of small businesses from all or any part of the requirements contained in the regulation.

Reduced fees for radioactive material licensees are already available for small businesses that would be affected by the increased fees in the proposed rulemaking. For all other fees, the Department considers most radiation-producing machine registrants and all radon certification holders to be small businesses when developing the amendments.

(28) If data is the basis for this regulation, please provide a description of the data, explain in detail how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. Please submit data or supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a searchable electronic format or provide a list of citations and internet links that, where possible, can be accessed in a searchable format in lieu of the actual material. If other data was considered but not used, please explain why that data was determined not to be acceptable.

Data is the basis for this proposed rulemaking. The Department prepared the “Three-Year Regulatory Fee and Program Cost Analysis Report” (Report) to summarize the Department’s fee collections and Program costs by functional area for the past three fiscal years and the next five projected years. The functional areas for purposes of this proposed rulemaking are grouped into three categories: radiation-producing machines (accelerator, X-ray, and vendors/service providers); radioactive materials and decommissioning; and radon. The conclusion of the Report is that all three program areas (Chapter 218 and 240 fees) require an increase to cover Program costs. A copy of the report is available on the Board’s website under the December 9, 2025, meeting materials

(https://files.dep.state.pa.us/PublicParticipation/Public%20Participation%20Center/PubPartCenterPortalFiles/Environmental%20Quality%20Board/2025/Dec_9_2025/Rad%20Pro%20Fees_2025%20Report_Final.pdf).

(29) Include a schedule for review of the regulation including:

- | | |
|---|-------------------------|
| A. The length of the public comment period: | <u>30 days</u> |
| B. The date or dates on which any public meetings or hearings will be held: | <u>None scheduled</u> |
| C. The expected date of delivery of the final-form regulation: | <u>Quarter 2, 2027</u> |
| D. The expected effective date of the final-form regulation: | <u>Upon publication</u> |
| E. The expected date by which compliance with the final-form regulation will be required: | <u>Upon publication</u> |
| F. The expected date by which required permits, licenses or other approvals must be obtained: | <u>Not applicable</u> |

(30) Describe the plan developed for evaluating the continuing effectiveness of the regulations after its implementation.

The Board is not establishing a sunset date for these regulations, since they are needed for the Department to carry out its statutory authority. The Department will continue to closely monitor these regulations for their effectiveness and recommend updates to the Board as necessary. Since the Radiation Protection Act and the Department’s regulations in § 218.11(l) and Chapter 240 Appendix A require review of the Program’s fees at least once every 3 years, a schedule for review is inherently established.



Allegheny
Health Network

Radiation Physics/Safety
320 East North Ave 18th
Floor South Tower
Pittsburgh PA 15212

February 4, 2026

Dwight Shearer
Director, Bureau of Radiation Protection
Department of Environmental Protection
Rachel Carson State Office Building
400 Market Street
Harrisburg, PA 17101

RE: RPAC Approval of BRP Proposed Rulemaking Amendment-Revenue Packages

Dear Dwight,

At the February 4, 2026, Radiation Protection Advisory Committee meeting, you and BRP staff presented the proposed BRP Revenue Packages:

Draft Annex A Title 25. Environmental Protection, Part I, Department of Environmental Protection, Subpart D. Environmental Health and Safety, Article V. Radiological Health, Chapters 218. Fees-Payment of Fees and 240. Radon Certification, Appendix A Radon Certification Fee Schedule.

The Radiation Protection Advisory Committee voted unanimously to present the proposed rulemaking amendment to the Environmental Quality Board for consideration for adoption and publication as a proposed rulemaking for public comment.

Thank you.

Sincerely,

Margaret S. Blackwood, MS, DABR
Chair

c: John Chipppo, PA DEP, RPAC Liaison

**FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE
BUREAU**

(Pursuant to Commonwealth Documents Law)

RECEIVED

Independent Regulatory
Review Commission

September 17, 2026

DO NOT WRITE IN THIS SPACE

Copy below is hereby approved as to form and legality.
Attorney General

By:

Amy M. Elliott
(Deputy Attorney General)

9/10/2026

DATE OF APPROVAL

☒ Check if applicable
Copy not approved. Objections attached.

Copy below is hereby certified to be true and
correct copy of a document issued, prescribed or
promulgated by:

**DEPARTMENT OF ENVIRONMENTAL
PROTECTION
ENVIRONMENTAL QUALITY BOARD**

(AGENCY)

DOCUMENT/FISCAL NOTE NO. 7-591

DATE OF ADOPTION August 11, 2026

By

Jessica L Shirley
TITLE **JESSICA SHIRLEY
CHAIRPERSON**

EXECUTIVE OFFICER CHAIRPERSON OR SECRETARY

Copy below is hereby approved as to form and legality
Executive or Independent Agencies

BY

Cynthia K. Montz

8/12/2026

DATE OF APPROVAL

(Deputy General Counsel)

~~Chief Counsel - Independent Agency~~
(Strike inapplicable title)

☒ Check if applicable. No Attorney General Approval
or objection within 30 days after submission.

NOTICE OF PROPOSED RULEMAKING

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
ENVIRONMENTAL QUALITY BOARD**

Radiological Health and Radon Certification Fees

25 Pa. Code Chapters 218 and 240

**PROPOSED RULEMAKING
ENVIRONMENTAL QUALITY BOARD
(25 Pa. Code, Chapters 218 and 240)**

Radiological Health and Radon Certification Fees

The Environmental Quality Board (Board) proposes to amend Chapter 218 (relating to fees) and Chapter 240 (relating to radon certification) to read as set forth in Annex A. The proposed amendments in Chapter 218 would increase the annual fees for radiation-producing machine and vendor registrations, accelerator licenses and radioactive material licenses, add license amendment fees, add a financial assurance professional fee and increase the hourly rate professional fee associated with accelerators and certain full cost recovery licenses. The proposed amendments in Chapter 240 would increase the certification fees for radon service providers, amend them from biennial to annual fees, increase certifications from 2 years to 5 years and eliminate several radon certification fees.

This proposed rulemaking was adopted by the Board at its meeting of August 11, 2026.

A. Effective Date

This proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin*.

B. Contact Persons

For further information, contact John Chipppo, Chief, Division of Radiation Control, P.O. Box 8469, Rachel Carson State Office Building, Harrisburg, PA 17105-8469, (717) 783-9730, or Lindsay Williamson, Assistant Counsel, Bureau of Regulatory Counsel, P.O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 783-8075. Information regarding submitting comments on this proposal appears in Section J of this preamble. Persons with a disability may use the Pennsylvania Hamilton Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposed rulemaking is available on the Department of Environmental Protection's (Department) website at <https://www.pa.gov/agencies/dep.html> (select "Public Participation," then "Environmental Quality Board" and navigate to the Board meeting of August 11, 2026).

C. Statutory Authority

This proposed rulemaking is authorized under sections 301, 302 and 401 of the Radiation Protection Act (RPA) (35 P.S. §§ 7110.301, 7110.302 and 7110.401), which direct the Board to establish fees in amounts at least sufficient to cover the costs of the Department's radiation protection programs mandated by the RPA and review of those fees every 3 years; section 8 of the Radon Certification Act (63 P.S. § 2008), which requires the Department to establish fees to cover the costs of the radon certification program, and section 1920-A of The Administrative Code of 1929 (71 P.S. § 510-20), which authorizes the Board to promulgate rules and regulations necessary for the performance of the work of the Department.

D. Background and Purpose

The Department's Radiation Protection Program was established to carry out the comprehensive program of radiation protection in this Commonwealth as required by the RPA (35 P.S. §§ 7110.101—7110.703). Section 401 of the RPA and section 8 of the Radon Certification Act require that fees be established to cover the Department's Radiation Protection Program costs. Section 302(b) of the RPA (35 P.S. § 7110.302(b)) requires the Board to review the radiation protection fee structure every 3 years.

On December 9, 2025, the Department presented its "Three-Year Regulatory Fee and Program Cost Analysis Report" (fee report) to the Board, in accordance with § 218.11(l) (relating to registration, renewal of registration and license fees) and Chapter 240, Appendix A (relating to radon certification fee schedule). The fee report covered the period of 2022-2025 and analyzed costs for three Radiation Protection Program areas: accelerator, radiation-producing machines, and service providers; radioactive materials and decommissioning; and radon.

Accelerator, radiation-producing machines, and vendors and service providers analysis

The Radiation Protection Program's Radiation Control Division, with staff in the Department's central office and its field divisions, administers the radiation-producing machine registration and inspection program, the Mammography Quality Standards Act program, the particle accelerator licensing and inspection program, and the vendor registration program.

The Radiation Control Division is responsible for the registration and inspection of over 10,000 facilities possessing about 33,000 X-ray units. These facilities include hospitals, clinics, and medical and dental offices. Users of radiation-producing machines are required to register with the Radiation Control Division, indicate the number and type of units possessed and designate an individual responsible for radiation safety. Users pay annual registration fees based on the type of facility and the number of X-ray units they have. The fee amounts are listed in § 218.11(a).

The Federal Mammography Quality Standards Act (MQSA) (42 U.S.C. § 263b) was signed into law on October 27, 1992, to ensure that women and men receive high-quality mammography services for early breast cancer detection through the establishment of a Federal certification and inspection program. The MQSA authorizes the United States Food and Drug Administration (FDA) to obtain state and local assistance for inspections and enforcement of the MQSA requirements. The Department, under an approximately \$680,000 reimbursement contract with the FDA, conducts inspections of each of this Commonwealth's more than 300 facilities which perform mammographic X-ray procedures.

The Radiation Control Division licenses and inspects all particle accelerators within this Commonwealth for industrial use, research or medical purposes. An application for a license must be submitted within 30 days after the initial order is issued to obtain any or all parts of the accelerator. Annual fees for licensed particle accelerators are listed in § 218.11(d). About 140 facilities have approximately 245 licensed accelerators within this Commonwealth.

The Radiation Control Division also administers a registration program for vendors who sell, lease, install or service radiation-producing machines. The Department's regulations require that each vendor doing business within this Commonwealth must be registered prior to providing

these services. To register, the vendor must complete a registration application and return that application with the associated fee to the Department. The registration is renewable for 12-month periods following submission of the applicable fee as listed in § 218.11(k).

In analyzing the annual costs and revenue associated with the accelerator, radiation-producing machines and vendors fee categories, the Department found that with the existing reserves and current fees, the fund balance will be negative in fiscal year (FY) 2027-2028 for accelerators, radiation-producing machines and vendors categories. The number of licenses and registrations have remained consistent over the years, and the amount of work required for registering and inspecting has not changed. However, operational costs and personnel costs have increased more than anticipated since the Department initiated the previous rulemaking in 2022 to increase fees. These cost increases will require an increase in annual fees or the Department will be required to curtail spending on needed equipment, infrastructure upgrades, and training and hiring of qualified personnel.

Radioactive materials and decommissioning analysis

The Radiation Protection Program's Radiation Control Division is also responsible for the regulation, licensing and inspection of radioactive material user operations and, along with the Decommissioning Section of the Decommissioning and Environmental Surveillance Division, is responsible for termination of radioactive material licenses (such as for by-product, source and special nuclear material).

Users of all by-product, source and special nuclear material are required to obtain a license from the Department prior to obtaining those radioactive materials. This material is used in hospitals, colleges and industries for medical, research and industrial purposes. The Department issues specific, general and reciprocity licenses for the use of radioactive material in this Commonwealth. The objective of the licensing program is to ensure radioactive material is used safely, disposed of properly and facilities are free from contamination when licensed operations are terminated. Annual license fees for radioactive material are listed in Chapter 218, Appendix A (relating to fees for radioactive material licenses).

The Decommissioning Section performs technical reviews of decontamination and decommissioning activities for radioactive materials licensees and non-licensed radiologically contaminated sites in accordance with appropriate Commonwealth regulations. Typical reviews include site characterization plans, health and safety plans, decommissioning plans, survey reports and the evaluation of decommissioning funding plans and financial assurance mechanisms. The Decommissioning Section also performs on-site reviews and inspections of decontamination and decommissioning activities for occupational, public and environmental radiation protection concerns. These activities include performing confirmatory surveys and sampling to ensure the cleanup levels established for the site have been met.

Fee collections for radioactive material licensing have been trending down since the National economic recession of 2008. Universities and industries that use radioactive material have been consolidating or finding other operational methods that do not require a license. Many licensees have applied to be licensed under a small business fee category at a lower cost, which is specified in Chapter 218, Appendix A. The consolidation of licenses does not decrease the

Department's workload. Each location must still be inspected and the information filed with the license or amendment requires the same review by location. Operational and personnel costs have continued to increase since the Department initiated the previous rulemaking in 2022 to increase fees.

The Department's fiscal analysis showed that with existing reserve funds and current fees, the fund balance will be negative in FY 2027-2028 for the radioactive materials and decommissioning area.

Radon analysis

This Commonwealth has some of the highest indoor air radon levels in the country. According to the National Academy of Sciences and the United States Environmental Protection Agency (EPA), radon is the second leading cause of lung cancer. The Department's radon program is one of the most robust in the Nation and provides a variety of regulatory and public service activities. These activities include implementing the EPA State Indoor Radon Grant (SIRG); certifying radon laboratories, mitigators and testers; performing inspections of mitigation installations, mitigation offices, testing and laboratory facilities; assisting homeowners and mitigators with difficult to remediate buildings; providing free confirmatory testing to homeowners who have installed active mitigation systems and to homes with radon levels greater than 100 picocuries per liter (pCi/L); and providing a wide variety of public information services to increase radon awareness and encouraging testing and mitigation.

The Department receives funding for its radon program through a certification fee on radon laboratories, mitigators and testers, and fees for mitigation system installations. Additionally, grant funding from the EPA SIRG provided a percentage of revenue to offset administrative costs. SIRG funds have been about \$425,000 annually in recent years, which is used mainly for staff training, public service announcements, equipment and supplies, home shows and some support of salaries and benefits. The SIRG funds can be discontinued at any time. For example, in 2025 the proposed Federal budget would have discontinued this grant's funding. This would further decrease the funding of the radon program.

The Board last revised fees for the radon certification program in 2016. The Department's fiscal analysis has indicated that there is not sufficient revenue to maintain the radon program and a fee increase is necessary.

Summary of Radiation Protection Program Funding Needs

Based on the findings of the fee report, the Board proposes this rulemaking to address the discrepancy between anticipated fees and needed revenue for the accelerator, radiation-producing machines, and vendors and service providers program area; the radioactive materials and decommissioning program area; and the radon program area.

The program is attempting to decrease costs through several measures. Recent staff vacancies are not being filled with the workloads being shifted to other staff. A new billing and inspection platform is being created through the Administration's modernization efforts, which will help the program to continue to evaluate staffing levels as the need for staff to send out invoices and process payments is reduced. The program is exploring GPS capabilities to maximize inspections

by coordinating multiple inspections in a single trip, which may also lessen the cost for vehicle usage. Outsourced printing jobs have been brought back in-house, including invoices, certificates, licenses, radon literature and overdue notices. A 5-year equipment calibration and service contract has been implemented to prevent annual cost increases, which have averaged 4.5% in the past few years.

In March 2008, the Commonwealth 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 Department to oversee and regulate licensure of radioactive materials for entities in this Commonwealth. These duties are funded through Chapter 218 fees. As part of the agreement, the Commonwealth committed to implementing a radiation protection program comparable to the NRC's program and ensured that Department regulations would be compatible with NRC regulations.

The proposed amendments to fees for radiation-producing machines, vendors, and accelerators are necessary to ensure adequate funding is available for the Commonwealth to carry out its duties under the RPA. The proposed amendments to fees for radioactive material licenses and decommissioning are necessary to ensure adequate funding is available for the Commonwealth to carry out its duties under the Agreement State program. If the Commonwealth ceded its authority to regulate radioactive materials back to the NRC, the regulated community would experience higher costs under the NRC's fee regulations.

The proposed amendments to Chapter 240 fees are necessary to ensure adequate funding is available for the Commonwealth to carry out its duties under the Radon Certification Act. Without continued adequate resources, it will be difficult to exercise effective quality assurance over the Statewide radon program, data reporting and the quality of radon testing and mitigation services being provided to the public. There are about 580 certified radon service providers that pay the required certification fees and associated late penalties. The proposed increases in certification fees and the radon mitigation system fee would help ensure the quality of all radon services.

To ensure there is adequate funding for these program areas and for the Commonwealth to maintain its status as an NRC Agreement State, the Board proposes a graduated increase to all annual fees each year for 5 years, an increase to the hourly rate for accelerator license reviews and inspections that exceed the license annual fee, radioactive material license and decommissioning full-cost recovery professional hourly rate, and an increase to the radon mitigation system fee.

Outreach

The Department presented the proposed amendments to fees for radiation-producing machines, vendors, accelerators, radioactive materials and decommissioning, and radon to the Radiation Protection Advisory Committee (RPAC). RPAC represents various stakeholders, including radiation-producing machine registrants, radioactive materials licensees and radon service providers, as well as the public. The Department presented its fee report to RPAC on October 15, 2025. The Department also discussed the need for fee revisions and presented the draft proposed amendments to Chapters 218 and 240 with RPAC on February 4, 2026. At that meeting, RPAC

asked the Department for clarifications to the accelerator amendment language and the professional fee that is added as a requirement for licensees that submit a decommissioning cost estimate as part of their financial assurance obligation. The Department added clarifying language to the proposed regulation. RPAC endorsed moving forward with this proposed rulemaking.

E. Summary of Regulatory Requirements

§ 218.11. Registration, renewal of registration and license fees.

In subsection (a), the annual administrative fees and annual fees per X-ray tube or radiation generating device for radiation-producing machines are proposed to be increased by approximately 20% the first year and an average of an additional 3% each year for the following 4 years to provide adequate funding to support the oversight of radiation-producing machines in hospitals, dental offices, chiropractors offices, podiatrists offices, veterinary clinics and other facilities.

In subsection (c), paragraph (3) is proposed to be added to require a \$500 amendment fee for radioactive material license transfer of control amendment requests. This additional fee is proposed due to the amount of time required to vet large corporations before the Department can issue approval to take over control of a radioactive materials license. This process requires an extensive legal background check, regardless of license size or modality. This change is also proposed because many licensees who submit for a transfer of control then withdraw or change the request after the Department has used its resources to complete the vetting process. This fee would help recover those costs. All other radioactive material license amendment fees are added to Appendix A (relating to fee for radioactive material licenses).

Subsection (d) is proposed to be amended. In paragraph (1), the annual administrative and additional unit fee amounts for accelerators below 50 megaelectron volts (MeV) are proposed to be increased by approximately 20% in the first year and an additional 3% each year for the following 4 years. Paragraph (2) is proposed to be deleted because accelerators used for ion implementation still require the same licensing and inspection as other accelerators and, therefore, the exception for ion implantation is proposed to be deleted from paragraph (1). In paragraph (3), the annual administrative and additional unit fee amounts for accelerators 50 MeV and above are proposed to be increased by approximately 20% in the first year and an additional 3% each year for the following 4 years. The hourly rate for the full cost of staff time is proposed to be increased to \$310 to match the radioactive material license and decommissioning hourly rate increase. Paragraph (4) is proposed to be added to require a \$500 fee for particle accelerator license amendment requests except for requests for storage-only, unit removals, license terminations, mailing address change and name changes that are not due to a change in ownership. All other accelerator amendments are complex and require a significant amount of time to review. This amendment fee would help the Department recover the costs of the resources used for these amendments.

Subsection (e) is proposed to be amended to state the payment submitted with an initial application is non-refundable. This is existing practice that is now being codified.

In subsection (i), the annual and additional unit fee amounts for electronic brachytherapy devices are proposed to be increased by approximately 20% in the first year and an additional 3% each year for the following 4 years.

In subsection (k), the annual registration fee for radiation-producing machine service providers is proposed to be increased by approximately 20% the first year, and an additional 3% each year for the following 4 years.

Chapter 218, Appendix A. Fees for radioactive material licenses

This proposed rulemaking would increase 39 different fee categories for radioactive material licenses by 30% in the first year and approximately 3% for each of the following 4 years based on the findings of the fee report to ensure adequate funding is available for the Commonwealth to carry out its duties under the Agreement State Program. An amendment fee is also proposed for each license category. Amendments for a license can be an involved process, and many amendments are withdrawn after the review has been started. These fees would help to recover the cost of those resources used. Radioactive material license amendments are categorized by complexity of the license type (low, medium, high), and the proposed fees reflect that categorization.

The professional hourly rate fee for full cost recovery, identified by the asterisk in the footnotes of Appendix A, is proposed to be increased from \$275 to \$310 per hour, which is less than the NRC's current FY 2026 hourly rate of \$337 per hour. This hourly rate applies to fee categories 4A (waste storage, processing or disposal), 5B (well logging field flood tracer studies) and 14 (decontamination, decommissioning, reclamation or site restoration). This professional hourly rate is used when a non-licensee possesses radioactive material requiring decontamination and decommissioning activities and therefore has not paid a license fee to the Department, or when a licensee requests termination of their license and conversion to a decommissioning-only license. In the latter case, the Department would charge only the hourly rate if program staff had completed enough work to exceed the annual fee paid by the licensee. This allows the Department to recover the full cost of staff time spent on work that is not included to the program's revenue projections.

Footnote 5 is proposed to be amended to change the structure of the small business category, SB1, from a flat rate of \$3,795, to 50% of the fee amount specified for the category of use of that radioactive material. The amendment fee would be the specified amendment fee for the category of use of that radioactive material.

Footnote 6 is proposed to be amended to change the structure of the small business category, SB2, from a flat rate of \$825, to 25% of the fee amount specified for the category of use of that radioactive material. The amendment fee would be the specified amendment fee for the category of use of that radioactive material.

Footnote 8 is proposed to be added for licensees who submit a decommissioning cost estimate as part of their required financial assurance. These licensees would be required to provide a \$5,000 professional fee to ensure adequate funding for the Department's staff time and activities for review and approval. These estimates are a detailed evaluation of work and associated costs that

must be reviewed thoroughly and effectively to make sure adequate funding exists in the event of the licensee's inability or unwillingness to return the site to radiological conditions suitable for unrestricted future use. The decommissioning cost estimates are reviewed against the extensive and detailed Federal guidance as required by the NRC. These evaluations require a significant amount of staff time to review, comment and work with licensees to make sure the regulatory requirements are met, and the long-term radiological safety and environmental impacts are financially protected. Additionally, the financial assurances that are required to be maintained include legal reviews that are otherwise not recovered in the standard license fees. Therefore, the existing fees have not covered the entire cost of these facilities' licensing. This fee is also required for any future amendments and renewals of the decommissioning cost estimate.

§ 240.102. Prerequisites for radon testing certification.

In subsection (b)(4), subparagraph (i) is proposed to be deleted because the fee for testing firm employees is proposed to be deleted from Chapter 240, Appendix A.

§ 240.202. Terms of certification.

In subsection (a), the timeframe for a radon certification is proposed to be changed from 2 years to 5 years. This allows the Department to be more efficient with fewer staff while reducing the burden on the regulated industry by alleviating the full application requirements every 2 years. This does not decrease the protection of public health and safety as the requirements remain the same and are reviewed during an inspection.

Chapter 240, Appendix A - Radon Certification Fee Schedule

This proposed rulemaking would increase radon certification fees based on the findings of the fee report to ensure that fee revenue covers the Department's radon program costs. The radon certification fees would be simplified by combining some categories and eliminating others. Currently, there are separate fee categories for a testing individual, testing firm, mitigation individual, mitigation firm, laboratory individual and laboratory firm. This proposed rulemaking would restructure these fees by combining them into two categories, individual and firm, and to delete the testing employee fee, the primary testing device listing fee and the course provider fee.

This proposed rulemaking would amend these fees to be paid annually instead of every 2 years and restructure the fees to one fee for a certified individual and one fee for a certified firm. The late application renewal fee is proposed to be deleted because the certification's validity would also be changed to every 5 years, and the late 45-day reporting fee is proposed to be changed to late reporting because the reporting day limits are specified in the regulations at § 240.303 (relating to reporting of information).

After combining and eliminating categories and changing to annual fees, the proposed amendments would increase fees by an average of 20% in the first year and approximately 3% in each of the following 4 years. The radon mitigation system fee would increase from \$50 to \$75 per each system installed or activated. The late reporting fee also is proposed to be increased from \$150 to \$300. Reporting is an important part of the Radon Certification Act, so the late fee was added in 2009 to ensure compliance in securing these reports. The increase is consistent with

other inflation drivers. These late reports require additional resources to process outside normal operating procedures.

Paragraphs (1) and (2) are proposed to be deleted as they refer to the primary testing device and course provider fees that are proposed to be eliminated. Paragraph (3) is proposed to be amended to remove the 45-day deadline for reporting, because reporting day limits vary and are specified in the regulations.

F. Benefits, Costs and Compliance

Benefits

The proposed Chapter 218 fees for radioactive material licenses are necessary to ensure that adequate funding is available for the Commonwealth to carry out its duties under the Agreement State program and the RPA. If the Commonwealth would cede its authority to regulate radioactive materials back to the NRC, the regulated community would be subject to higher NRC fees. The NRC charges its licensees for all fee categories that apply to a license, while the Commonwealth only charges one fee category (whichever is the highest). 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 Chapter 218 fees for registration of X-ray facilities, licensing of accelerators, and registration of vendors are necessary to ensure that adequate funding is available for the Commonwealth to carry out its duties under the RPA. If fees for radiation-producing machines are not increased, oversight of radiation safety-related activities may be diminished, and the replacement of obsolete survey equipment may be delayed, reducing the assurance that regulated activities are being conducted safely.

The proposed Chapter 240 fees for radon certification and mitigation system fees are necessary to ensure that adequate funding is available for the Commonwealth to carry out its duties under the Radon Certification Act. The radon program ensures that the public receives services from qualified individuals when dealing with radon, the largest controllable source of unnecessary radiation exposure in this Commonwealth. The proposed fee increases provide the Department with funding to carry out its duties and maintain a comprehensive database of radon levels in the Commonwealth. Without a fee increase for radon certification fees, it will be difficult to provide effective quality assurance for the Statewide radon program and the effectiveness of radon mitigation services.

Compliance costs

There would be graduated increases in fees for all registrants, licensees and certified service providers. Other than the fee increases, there is no additional cost for maintaining compliance with the proposed regulations.

Compliance assistance plan

The Department will notify the regulated community to expect higher fees by informing the RPAC, issuing an Information Notice to relevant registrants, licensees and certified service

providers, and publication in the *Pennsylvania Bulletin*. The radioactive materials license categories also have provisions for reduced materials fees for small businesses.

Paperwork requirements

The proposed rulemaking does not require additional recordkeeping or reporting requirements. Current applications and invoices will need to be updated with the proposed new fees.

G. Pollution Prevention

The Pollution Prevention Act of 1990 (42 U.S.C. §§ 13101—13109) established a National policy that promotes pollution prevention as the preferred means for achieving state environmental protection goals. The Department encourages pollution prevention, which is the reduction or elimination of pollution at its source, through the substitution of environmentally friendly materials, more efficient use of raw materials and the incorporation of energy efficiency strategies. Pollution prevention practices can provide greater environmental protection with greater efficiency because they can result in significant cost savings to facilities that permanently achieve or move beyond compliance.

This proposed rulemaking is designed to support the safe and effective use of radiation-producing machines and licensed radioactive materials and promote proper radon testing and mitigation procedures to protect the health and safety of this Commonwealth's residents. Failure to increase fees may have a direct effect on the Department's ability to implement radiological pollution prevention.

H. Sunset Review

The Board is not establishing a sunset date for these proposed regulations because they are needed for the Department to carry out its statutory authority. As required by section 401 of the RPA, the Department will evaluate the adequacy of the Radiation Protection Program fees at least every 3 years and, when necessary, recommend regulatory changes to the Board to adjust the fees accordingly.

I. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on September 17, 2026, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the chairpersons of the Environmental Resources and Energy Committee of the Senate and the Environmental and Natural Resource Protection Committee of the House of Representatives. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations, or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b) which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Department, the General Assembly and the Governor.

J. Public Comments

Interested persons are invited to submit to the Board written comments, suggestions, support or objections regarding this proposed rulemaking. Comments, suggestions, support or objections must be received by the Board by November 9, 2026.

Comments may be submitted to the Board online, by email, by mail or express mail as follows. Comments submitted by facsimile will not be accepted.

Comments may be submitted online by accessing eComment at <http://www.ahs.dep.pa.gov/eComment>.

Comments may also be submitted by email at RegComments@pa.gov. A subject heading of this proposed rulemaking and a return name and address must be included in each transmission.

If an acknowledgement of comments submitted online or by email is not received by the sender within 2 working days, the comments should be retransmitted to the Board to ensure receipt.

Comments may also be submitted to the Board by mail or express mail. 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.

JESSICA SHIRLEY,
Chairperson

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart D. ENVIRONMENTAL HEALTH AND SAFETY

ARTICLE V. RADIOLOGICAL HEALTH

CHAPTER 218. FEES

PAYMENT OF FEES

§ 218.11. Registration, renewal of registration and license fees.

(a) Annual registration fees for radiation-producing machines are the sum of an annual administrative fee and an annual fee for each X-ray tube or radiation generating device and shall be paid as follows:

[Type Facility	Annual Administrative Fee	Annual Fee per X-ray Tube or Radiation Generating Device
Chiropractors, dentists, podiatrists, veterinarians	\$130	\$65
Hospitals	\$940	\$65
Other Facilities	\$455	\$65]

<u>Facility Type</u>	<u>Fee Type</u>	<u>Effective July 1, 2027</u>	<u>Effective July 1, 2028</u>	<u>Effective July 1, 2029</u>	<u>Effective July 1, 2030</u>	<u>Effective July 1, 2031</u>
<u>Chiropractors, Dentists, Podiatrists, Veterinarians</u>	<u>Annual Administrative Fee</u>	<u>\$155</u>	<u>\$160</u>	<u>\$165</u>	<u>\$170</u>	<u>\$175</u>
	<u>Annual Fee per X-ray Tube or Radiation Generating Device</u>	<u>\$80</u>	<u>\$80</u>	<u>\$85</u>	<u>\$85</u>	<u>\$90</u>
<u>Hospitals</u>	<u>Annual Administrative Fee</u>	<u>\$1,130</u>	<u>\$1,160</u>	<u>\$1,195</u>	<u>\$1,235</u>	<u>\$1,270</u>

	<u>Annual Fee per X-ray Tube or Radiation Generating Device</u>	<u>\$80</u>	<u>\$80</u>	<u>\$85</u>	<u>\$85</u>	<u>\$90</u>
	<u>Annual Administrative Fee</u>	<u>\$545</u>	<u>\$560</u>	<u>\$580</u>	<u>\$595</u>	<u>\$615</u>
<u>Other Facilities</u>	<u>Annual Fee per X-ray Tube or Radiation Generating Device</u>	<u>\$80</u>	<u>\$80</u>	<u>\$85</u>	<u>\$85</u>	<u>\$90</u>

* * * * *

(c) Annual license fees for radioactive material shall be paid as set forth in Appendix A (relating to fees for radioactive material licenses).

(1) No refund will be made for termination of a license.

(2) If, by amendment or otherwise, a license changes to another fee category, the fee for the new category will take effect on the anniversary date of the license.

(3) A \$500 fee shall be submitted with a radioactive materials license transfer of control amendment request. All other amendment fees shall be paid as set forth in Appendix A (relating to fees for radioactive material licenses).

(d) Particle accelerators are licensed under Chapter 228 (relating to radiation safety requirements for particle accelerators). Annual fees are as **[follows:] set forth in this subsection.**

(1) Accelerators, below 50 MeV[, other than for ion implantation—\$2,730 for the first accelerator at the facility plus \$910 for each additional unit at that facility.]—**annual administrative and additional unit fees shall be paid as follows:**

<u><i>Facility Type</i></u>	<u><i>Fee Type</i></u>	<u><i>Effective July 1, 2027</i></u>	<u><i>Effective July 1, 2028</i></u>	<u><i>Effective July 1, 2029</i></u>	<u><i>Effective July 1, 2030</i></u>	<u><i>Effective July 1, 2031</i></u>
<u><i>Accelerators, below 50 MeV</i></u>	<u><i>Annual administrative fee for the first accelerator at a facility</i></u>	<u><i>\$3,275</i></u>	<u><i>\$3,375</i></u>	<u><i>\$3,475</i></u>	<u><i>\$3,580</i></u>	<u><i>\$3,685</i></u>
	<u><i>Each additional unit at the same facility</i></u>	<u><i>\$1,090</i></u>	<u><i>\$1,125</i></u>	<u><i>\$1,160</i></u>	<u><i>\$1,195</i></u>	<u><i>\$1,230</i></u>

(2) [Accelerators used for ion implantation—\$910 plus \$90 for each additional unit at the same facility.] {Reserved}.

(3) Accelerators 50 MeV and above—[full cost of staff time to review license applications and conduct inspections as needed. (Hourly rate is \$195 per hour). For the purpose of anticipating costs and compliance with subsections (e) and (f), a minimum annual fee of \$2,730 for the first accelerator at the facility plus \$910 for each additional unit is established. Additional invoices will be issued by the Department at regular intervals at least quarterly when net costs are incurred above the minimum annual fee.] a minimum annual administrative fee for the first accelerator at a facility and a fee for each additional unit shall be paid. Additional invoices for full cost of staff time to review license applications and conduct inspections (hourly rate is \$310 per hour) will be issued by the Department at regular intervals at least quarterly when net costs are incurred above the minimum annual fee. Minimum annual administrative fees and additional unit fees shall be paid as follows:

<u><i>Facility Type</i></u>	<u><i>Fee Type</i></u>	<u><i>Effective July 1, 2027</i></u>	<u><i>Effective July 1, 2028</i></u>	<u><i>Effective July 1, 2029</i></u>	<u><i>Effective July 1, 2030</i></u>	<u><i>Effective July 1, 2031</i></u>
<u>Accelerators 50 MeV and above</u>	<u>Minimum annual administrative fee for first accelerator at the facility</u>	<u>\$3,275</u>	<u>\$3,375</u>	<u>\$3,475</u>	<u>\$3,580</u>	<u>\$3,685</u>
	<u>Each additional unit at the same facility</u>	<u>\$1,090</u>	<u>\$1,125</u>	<u>\$1,160</u>	<u>\$1,195</u>	<u>\$1,230</u>

(4) Amendment request—A \$500 fee shall be submitted with a particle accelerator license amendment request except for those amendment requests that are exempt. Amendments that are exempt from the \$500 fee are requests for storage-only, unit removal, terminations of license, change of mailing address, or name change that is not due to a change of ownership.

(e) An initial application for a license or reciprocity shall be accompanied by a **non-refundable** payment to the Department in accordance with the fee schedules in subsections (c) and (d).

Thereafter, the Department will issue an annual fee invoice in accordance with the appropriate fee schedule at least 2 months prior to the license expiration. Fees shall be paid by the last day of the license expiration month as shown on the license fee invoice. This provision is not applicable to full cost recovery licenses specified in Appendix A.

* * * * *

(i) Electronic brachytherapy devices are licensed under Chapter 221 (relating to X-rays in the healing arts). **[The annual fee is \$1,300 for the first unit (controller) at the facility plus \$130**

for each additional unit at that facility.] Annual administrative and additional unit fees shall be paid as follows:

<u><i>Facility Type</i></u>	<u><i>Fee Type</i></u>	<u><i>Effective July 1, 2027</i></u>	<u><i>Effective July 1, 2028</i></u>	<u><i>Effective July 1, 2029</i></u>	<u><i>Effective July 1, 2030</i></u>	<u><i>Effective July 1, 2031</i></u>
<u>Electronic Brachytherapy Device</u>	<u>Annual administrative fee for the first unit at the facility</u>	<u>\$1,560</u>	<u>\$1,605</u>	<u>\$1,655</u>	<u>\$1,705</u>	<u>\$1,755</u>
	<u>Each additional unit at the same facility</u>	<u>\$155</u>	<u>\$160</u>	<u>\$165</u>	<u>\$170</u>	<u>\$175</u>

(j) Emerging technology devices require Department safety review and approval prior to use.

The registrant shall pay a fee equal to the full cost of Department staff time, as specified in Appendix A, for the review and approval process.

(k) A radiation-producing machine service provider shall pay an annual registration fee

[of \$180] as follows:

<u><i>Fee Type</i></u>	<u><i>Effective July 1, 2027</i></u>	<u><i>Effective July 1, 2028</i></u>	<u><i>Effective July 1, 2029</i></u>	<u><i>Effective July 1, 2030</i></u>	<u><i>Effective July 1, 2031</i></u>
<u>Annual registration fee</u>	<u>\$215</u>	<u>\$220</u>	<u>\$230</u>	<u>\$235</u>	<u>\$240</u>

(l) The Department will review the adequacy of the fees established in this section at least once every 3 years and provide a written report to the EQB. The report must identify any disparity between the amount of program income generated by the fees and the costs to administer these programs, and must contain recommendations to increase fees to eliminate the disparity, including recommendations for regulatory amendments to increase program fees.

APPENDIX A

Fees for Radioactive Material Licenses

[Fee Category^{5,6}	Description	<i>Annual Fee (\$)^{1,2,3,4,7}</i>
1C	Special Nuclear Material Sealed Source Gauges (X-Ray Fluorescence)	3,465
1D	Special Nuclear Material—Other	9,570
2A(2)(c)	Source Material—Metal Extraction	49,610
2A5	Removal of Radioactive Contaminants from Drinking Water	18,480
2B	Source Material as Shielding	1,240
2C	Source Material—Other (not 11e2)	22,110
3A	Manufacturing & Distribution Commercial Broad Scope—10 CFR 30, 33	48,015
3B	Manufacturing, Refurbishing & Distribution Commercial Specific License— 10 CFR 30	13,695
3C	Manufacturing & Distribution Pharmaceuticals—10 CFR 32.72— 32.74	19,635
3D	Pharmaceuticals—Distribution Only—10 CFR 32.7x	11,220
3E	Irradiator—Shielded Source	6,930
3F	Irradiator—Unshielded < 10kCi	12,870
3G	Irradiator—Unshielded >= 10kCi	51,480
3I	Distribution As Exempt—No Review of Device	17,655
3J	Distribution—SSD Devices to Part 31 GLs	4,125
3K	Distribution—No Review-Exempt Sealed Source	3,135
3L	Research & Development Broad Scope	24,915
3M	Research & Development	9,240
3N	Services other than Leak Testing, Waste Disposal or Calibration	14,025
3O	Radiography	23,265
3P	Other Byproduct Material	4,455
3Q	Generally licensed devices under § 217.143 (relating to certain measuring, gauging or controlling devices)	530
3R1	Greater than the General License Limits in 10 CFR 31.12(a)(3), (4) or (5) but not more than ten times those Limits	3,465
3R2	Greater than ten times the General License Limits in 10 CFR 31.12(a)(3), (4) or (5)	4,455
3S	Manufacturing & Distribution Pharmaceuticals—Accelerator Produced Only	19,470
4A	Waste Storage, Processing or Disposal	Full Cost *
4B	Waste Packaging or Repackaging	19,800

4C	Waste Receipt of Prepackaged for Disposal	15,180
5A	Well Logging & Non Field Flood Tracers	7,260
5B	Well Logging Field Flood Tracer Studies	Full Cost *
6A	Nuclear Laundry	43,200
7A	Human Use—Teletherapy	22,605
7B	Human Use—Broad Scope (except Teletherapy)	39,875
7C	Human Use (except Teletherapy)	8,085
8A	Specifically licensed sources used in static eliminators, nonexempt smoke detectors, fixed gauges, dew pointers, calibration sources, civil defense uses or in temporary (2 years or less) storage	3,465
14	Decontamination, Decommissioning, Reclamation or Site Restoration	Full Cost *
16	Reciprocity (180 days/year)	2,475
SB1 ⁵	Small Business—Category 1	3,795
SB2 ⁶	Small Business—Category 2	825]

<u>Fee Category</u> ^{5,6}	<u>Description</u>	<u>Amendment Fee (\$)</u> ⁸	<u>Annual Fee (\$)</u> ^{1,2,3,4,7}				
			<u>Effective July 1, 2027</u>	<u>Effective July 1, 2028</u>	<u>Effective July 1, 2029</u>	<u>Effective July 1, 2030</u>	<u>Effective July 1, 2031</u>
<u>1C</u>	<u>Special Nuclear Material Sealed Source Gauges (X-Ray Fluorescence)</u>	<u>100</u>	<u>4,505</u>	<u>4,640</u>	<u>4,780</u>	<u>4,925</u>	<u>5,075</u>
<u>1D</u>	<u>Special Nuclear Material—Other</u>	<u>250</u>	<u>12,440</u>	<u>12,815</u>	<u>13,200</u>	<u>13,595</u>	<u>14,005</u>
<u>2A(2)(c)</u>	<u>Source Material—Metal Extraction</u>	<u>500</u>	<u>64,495</u>	<u>66,430</u>	<u>68,425</u>	<u>70,480</u>	<u>72,595</u>
<u>2A5</u>	<u>Removal of Radioactive Contaminants from Drinking Water</u>	<u>250</u>	<u>24,025</u>	<u>24,745</u>	<u>25,485</u>	<u>26,250</u>	<u>27,040</u>
<u>2B</u>	<u>Source Material as Shielding</u>	<u>100</u>	<u>1,610</u>	<u>1,660</u>	<u>1,710</u>	<u>1,760</u>	<u>1,815</u>
<u>2C</u>	<u>Source Material—Other (not 11e2)</u>	<u>500</u>	<u>28,745</u>	<u>29,605</u>	<u>30,495</u>	<u>31,410</u>	<u>32,350</u>

<u>3A</u>	<u>Manufacturing & Distribution Commercial Broad Scope—10 CFR 30, 33</u>	<u>500</u>	<u>62,420</u>	<u>64,295</u>	<u>66,225</u>	<u>68,210</u>	<u>70,255</u>
<u>3B</u>	<u>Manufacturing, Refurbishing & Distribution Commercial Specific License—10 CFR 30</u>	<u>250</u>	<u>17,805</u>	<u>18,340</u>	<u>18,890</u>	<u>19,455</u>	<u>20,040</u>
<u>3C</u>	<u>Manufacturing & Distribution Pharmaceuticals—10 CFR 32.72—32.74</u>	<u>500</u>	<u>25,525</u>	<u>26,290</u>	<u>27,080</u>	<u>27,890</u>	<u>28,725</u>
<u>3D</u>	<u>Pharmaceuticals—Distribution Only—10 CFR 32.7x</u>	<u>250</u>	<u>14,585</u>	<u>15,025</u>	<u>15,475</u>	<u>15,940</u>	<u>16,420</u>
<u>3E</u>	<u>Irradiator—Shielded Source</u>	<u>100</u>	<u>9,010</u>	<u>9,280</u>	<u>9,560</u>	<u>9,845</u>	<u>10,140</u>
<u>3F</u>	<u>Irradiator—Unshielded < 10kCi</u>	<u>250</u>	<u>16,730</u>	<u>17,230</u>	<u>17,745</u>	<u>18,275</u>	<u>18,825</u>
<u>3G</u>	<u>Irradiator—Unshielded >= 10kCi</u>	<u>500</u>	<u>66,925</u>	<u>68,935</u>	<u>71,005</u>	<u>73,135</u>	<u>75,330</u>
<u>3I</u>	<u>Distribution As Exempt—No Review of Device</u>	<u>N/A</u>	<u>22,950</u>	<u>23,640</u>	<u>24,350</u>	<u>25,080</u>	<u>25,830</u>
<u>3J</u>	<u>Distribution—SSD Devices to Part 31 GLs</u>	<u>100</u>	<u>5,365</u>	<u>5,525</u>	<u>5,690</u>	<u>5,860</u>	<u>6,035</u>
<u>3K</u>	<u>Distribution—No Review-Exempt Sealed Source</u>	<u>N/A</u>	<u>4,075</u>	<u>4,195</u>	<u>4,320</u>	<u>4,450</u>	<u>4,585</u>

<u>3L</u>	<u>Research & Development Broad Scope</u>	<u>500</u>	<u>32,390</u>	<u>33,360</u>	<u>34,360</u>	<u>35,390</u>	<u>36,450</u>
<u>3M</u>	<u>Research & Development</u>	<u>250</u>	<u>12,010</u>	<u>12,370</u>	<u>12,740</u>	<u>13,120</u>	<u>13,515</u>
<u>3N</u>	<u>Services other than Leak Testing, Waste Disposal or Calibration</u>	<u>500</u>	<u>18,235</u>	<u>18,780</u>	<u>19,345</u>	<u>19,925</u>	<u>20,525</u>
<u>3O</u>	<u>Radiography</u>	<u>500</u>	<u>30,245</u>	<u>31,150</u>	<u>32,085</u>	<u>33,050</u>	<u>34,040</u>
<u>3P</u>	<u>Other Byproduct Material</u>	<u>100</u>	<u>5,790</u>	<u>5,965</u>	<u>6,145</u>	<u>6,330</u>	<u>6,520</u>
<u>3Q</u>	<u>Generally licensed devices under § 217.143 (relating to certain measuring, gauging or controlling devices)</u>	<u>100</u>	<u>690</u>	<u>710</u>	<u>730</u>	<u>750</u>	<u>775</u>
<u>3R1</u>	<u>Greater than the General License Limits in 10 CFR 31.12(a)(3), (4) or (5) but not more than ten times those Limits</u>	<u>250</u>	<u>4,505</u>	<u>4,640</u>	<u>4,780</u>	<u>4,925</u>	<u>5,075</u>
<u>3R2</u>	<u>Greater than ten times the General License Limits in 10 CFR 31.12(a)(3), (4) or (5)</u>	<u>250</u>	<u>5,790</u>	<u>5,965</u>	<u>6,145</u>	<u>6,330</u>	<u>6,520</u>
<u>3S</u>	<u>Manufacturing & Distribution Pharmaceuticals—Accelerator Produced Only</u>	<u>500</u>	<u>25,310</u>	<u>26,070</u>	<u>26,850</u>	<u>27,655</u>	<u>28,485</u>
<u>4A</u>	<u>Waste Storage, Processing or Disposal</u>	<u>Full Cost *</u>	<u>Full Cost</u> * —	<u>Full Cost</u> * —	<u>Full Cost</u> * —	<u>Full Cost</u> * —	<u>Full Cost</u> * —

<u>4B</u>	<u>Waste Packaging or Repackaging</u>	<u>500</u>	<u>25,740</u>	<u>26,510</u>	<u>27,305</u>	<u>28,125</u>	<u>28,970</u>
<u>4C</u>	<u>Waste Receipt of Prepackaged for Disposal</u>	<u>250</u>	<u>19,735</u>	<u>20,325</u>	<u>20,935</u>	<u>21,565</u>	<u>22,210</u>
<u>5A</u>	<u>Well Logging & Non Field Flood Tracers</u>	<u>250</u>	<u>9,440</u>	<u>9,725</u>	<u>10,015</u>	<u>10,315</u>	<u>10,625</u>
<u>5B</u>	<u>Well Logging Field Flood Tracer Studies</u>	<u>Full Cost *</u>	<u>Full Cost *</u> <u>-</u>	<u>Full Cost *</u> <u>-</u>	<u>Full Cost *</u> <u>-</u>	<u>Full Cost *</u> <u>-</u>	<u>Full Cost *</u> <u>-</u>
<u>6A</u>	<u>Nuclear Laundry</u>	<u>500</u>	<u>56,160</u>	<u>57,845</u>	<u>59,580</u>	<u>61,365</u>	<u>63,205</u>
<u>7A</u>	<u>Human Use—Teletherapy</u>	<u>250</u>	<u>29,385</u>	<u>30,265</u>	<u>31,175</u>	<u>32,110</u>	<u>33,075</u>
<u>7B</u>	<u>Human Use—Broad Scope (except Teletherapy)</u>	<u>500</u>	<u>51,840</u>	<u>53,395</u>	<u>54,995</u>	<u>56,645</u>	<u>58,345</u>
<u>7C</u>	<u>Human Use (except Teletherapy)</u>	<u>100</u>	<u>10,510</u>	<u>10,825</u>	<u>11,150</u>	<u>11,485</u>	<u>11,830</u>
<u>8A</u>	<u>Specifically licensed sources used in static eliminators, nonexempt smoke detectors, fixed gauges, dew pointers, calibration sources, civil defense uses or in temporary (2 years or less) storage</u>	<u>100</u>	<u>4,505</u>	<u>4,640</u>	<u>4,780</u>	<u>4,925</u>	<u>5,075</u>
<u>14</u>	<u>Decontamination, Decommissioning, Reclamation or Site Restoration</u>	<u>Full Cost *</u>	<u>Full Cost *</u> <u>-</u>	<u>Full Cost *</u> <u>-</u>	<u>Full Cost *</u> <u>-</u>	<u>Full Cost *</u> <u>-</u>	<u>Full Cost *</u> <u>-</u>
<u>16</u>	<u>Reciprocity (180 days/year)</u>	<u>100</u>	<u>3,220</u>	<u>3,315</u>	<u>3,415</u>	<u>3,515</u>	<u>3,620</u>
<u>SB1⁵</u>	<u>Small Business—Category 1</u>	<u>See ⁵</u>	<u>See ⁵</u>	<u>See ⁵</u>	<u>See ⁵</u>	<u>See ⁵</u>	<u>See ⁵</u>

<u>SB2⁶</u>	<u>Small Business— Category 2</u>	<u>See ⁶</u>	<u>See ⁶</u>	<u>See ⁶</u>	<u>See ⁶</u>	<u>See ⁶</u>	<u>See ⁶</u>
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¹ A license may include as many as four noncontiguous sites at the base fee. Sites that are within 5 miles of the main radiation safety office where the license records are kept will be considered contiguous. An additional fee of 25% of the base fee will be added for each noncontiguous site above four.

² All fees will be effective upon publication of the final rules in the *Pennsylvania Bulletin*. Existing NARM licenses will be changed to the corresponding category of byproduct material license in Appendix A upon publication of the final rule.

³ Annual fees for categories of NRC licenses that are not included in this table will be calculated as follows: PA Fee = (NRC Annual Fee + 0.10 NRC Application or Renewal fee).

⁴ Annual fees charged to holders of transferred NRC licenses with multiple sites will not exceed the fees charged by the NRC for the same licenses that are in effect in the year of transfer, provided the number of noncontiguous sites does not increase.

⁵ Small Businesses Not Engaged in Manufacturing, and Small Not-For-Profit Organizations with Gross Annual Receipts of more than \$350,000 and less than \$5 million; Manufacturing Entities that have an average of 35—500 employees with Gross Annual Receipts of more than \$350,000 and less than \$5 million; Small Government Jurisdictions (including publicly supported, nonmedical educational institutions) with a population between 20,000 and 50,000; and nonmedical Educational Institutions that are not state or publicly supported and have 35—500 employees **shall pay a total license fee of 50% of the amount specified for that use of radioactive material in Appendix A. The amendment fee will be the specified amendment fee for that use of radioactive material in Appendix A.**

⁶ Small Businesses Not Engaged in Manufacturing, and Small Not-For-Profit Organizations with Gross Annual Receipts of less than \$350,000; Manufacturing Entities that have an average of less than 35 employees and less than \$350,000 in Gross Annual Receipts; Small Government Jurisdictions (including publicly supported nonmedical educational institutions) with a population less than 20,000; and nonmedical Educational Institutions that are not state or publicly supported and have less than 35 employees **shall pay a total license fee of 25% of the amount specified for that use of radioactive material in Appendix A. The amendment fee will be the specified amendment fee for that use of radioactive material in Appendix A.**

⁷ Full cost recovery licensees and licensees required to provide financial assurance for decommissioning are not eligible for reduced fees under category SB1 or SB2.

⁸ **If a licensee submits a Decommissioning Cost Estimate (DCE) as part of their required financial assurance obligation to decommissioning, an additional \$5,000 professional fee is required for processing. Subsequently, all future amendments to or renewals of the DCE will also require the \$5,000 professional fee to be included with the documentation provided to the Department for approval. The \$5,000 professional fee replaces any applicable amendment fees in the table above for this request.**

* Full cost recovery consists of a professional fee, to cover the activities and support of Department personnel, and any other additional incidental charges incurred, such as related contracted services or laboratory costs. The professional fee component (Hourly Rate) is [**\$275**] **\$310** per hour. Other costs are recovered at 100% of actual cost. Invoices shall be issued by the Department at regular intervals but at least quarterly when net costs are incurred.

CHAPTER 240. RADON CERTIFICATION

Subchapter B. CERTIFICATION

§ 240.102. Prerequisites for radon testing certification.

* * * * *

(b) *Firm certification for radon testing.* If the applicant for testing certification is a firm, it shall employ at least one individual who is certified to test and who is in responsible charge of the firm's testing activities.

* * * * *

(4) Each testing firm employee applicant shall submit all of the following:

(i) [A nonrefundable fee as set forth in Appendix A (relating to radon certification fee schedule).] {Reserved}.

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Subchapter C. CERTIFICATION REVIEW PROCEDURES AND STANDARDS

§ 240.202. Terms of certification.

(a) A certification will be valid for [2] 5 years following issuance.

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APPENDIX A

Radon Certification Fee Schedule

[Testing Individual	\$525 every 2 years
Testing Employee	\$150 every 2 years
Testing Firm	\$1,050 every 2 years
Mitigation Individual	\$450 every 2 years
Mitigation Firm	\$1,050 every 2 years
Laboratory Individual	\$600 every 2 years

Laboratory Firm	\$1,125 every 2 years
Primary Testing Device Listing	\$150 every 2 years (1)
Course Provider	\$565 every 2 years (2)
Late Application Renewal	\$150
Late 45-Day Reporting	\$150 (3)
Radon Mitigation System Fee	\$50 for each radon mitigation system installed or activated (4)]

<u>Fee Type</u>	<u>Effective July 1, 2027</u>	<u>Effective July 1, 2028</u>	<u>Effective July 1, 2029</u>	<u>Effective July 1, 2030</u>	<u>Effective July 1, 2031</u>
<u>Testing, Mitigation, and Laboratory Individual</u>	<u>\$300 annual</u>	<u>\$310 annual</u>	<u>\$320 annual</u>	<u>\$330 annual</u>	<u>\$340 annual</u>
<u>Testing, Mitigation, and Laboratory Firm</u>	<u>\$700 annual</u>	<u>\$720 annual</u>	<u>\$740 annual</u>	<u>\$760 annual</u>	<u>\$780 annual</u>
<u>Late Reporting (See paragraph (3))</u>	<u>\$300</u>	<u>\$300</u>	<u>\$300</u>	<u>\$300</u>	<u>\$300</u>
<u>Radon Mitigation System Fee (See paragraph (4))</u>	<u>\$75 for each radon mitigation system installed or activated</u>	<u>\$75 for each radon mitigation system installed or activated</u>	<u>\$75 for each radon mitigation system installed or activated</u>	<u>\$75 for each radon mitigation system installed or activated</u>	<u>\$75 for each radon mitigation system installed or activated</u>

The Department will review the adequacy of the fees established in this schedule at least once every 3 years and provide a written report to the EQB. The report must identify any disparity between the amount of program income generated by the fees and the costs to administer these programs, and must contain recommendations to increase fees to eliminate the disparity, including recommendations for regulatory amendments to increase program fees.

(1) [Primary radon testers shall submit the Primary Testing Device Fee as specified in the Radon Certification Fee Schedule for each device they read or analyze, or both.]
{Reserved}.

(2) [A person approved by the Department to provide initial or continuing, or both, education courses shall submit the Course Provider Fee as specified in this appendix.]

{Reserved}.

(3) Anyone not submitting the required [45-day] testing or mitigation, or both, reporting within 90 days of the completion of the testing or mitigation, or both, activity (or if no activities have been performed during this period of informing the Department of same in writing) will be subject to the Late [45-Day] Reporting Fee as specified in this appendix.

(4) The Department will waive the Radon Mitigation System Fee for a local government employee or school employee who installs an active radon mitigation system in a school or local government building or activates a passive radon mitigation system in a school or local government building if the employee installs or activates the system pursuant to the employee's official duties and the employee is not compensated for this service except through the employee's salary.



Pennsylvania
Department of
Environmental Protection

September 17, 2026

David Sumner
Executive Director
Independent Regulatory Review Commission
555 Walnut Street, Suite 804
Harrisburg, PA 17101

Re: Proposed Rulemaking: Radiological Health and Radon Certification Fees (#7-591)

Dear Mr. Sumner:

Pursuant to Section 5(a) of the Regulatory Review Act, please find enclosed a copy of the Radiological Health and Radon Certification Fees proposed rulemaking for review by the Independent Regulatory Review Commission (Commission). The Environmental Quality Board adopted this rulemaking on August 11, 2026. This proposal is scheduled for publication in the *Pennsylvania Bulletin* on October 10, 2026, with a 30-day public comment period ending on November 9, 2026.

The Radiation Protection Act and the Radon Certification Act require the Environmental Quality Board and Department of Environmental Protection (Department) to establish fees in amounts sufficient to cover the costs of the Radiation Protection Program. This proposed rulemaking will increase the fees to adequately fund the licensing, registration, and certification activities regulated by the Radiation Protection Program. The rulemaking proposes a 20% increase in fees for radiation-producing machine registrants, accelerator licensees, vendors and radon service providers in the first year and a 3% percent increase in each of the next four years, as well as a 30% increase in fees for radioactive material licensees in the first year and a 3% increase in each of the next four years. Fees for radon service providers are also proposed to be simplified by combining individual and firm categories and eliminating several other fees.

As set forth in the Regulatory Review Act, the Department will consider any comments and recommendations made by the Commission, as well as the House Environmental and Natural Resource Protection Committee, the Senate Environmental Resources and Energy Committee and the public, prior to final adoption of the enclosed rulemaking.

Please contact me by email at laurgriffi@pa.gov or by telephone at 717.772.3277 if you have any questions or need additional information.

Sincerely,

A handwritten signature in blue ink that reads "Laura E. Griffin".

Laura Griffin
Regulatory Coordinator

Enclosures

From: [Bulletin](#)
To: [Griffin, Laura](#)
Cc: [Imgrund, Lauren](#); [Campbell, Laura](#); [Reiley, Robert A.](#); [Alyssa M. Burns](#); [Adeline E. Gaydosh](#)
Subject: [External] RE: Delivery of Proposed Rulemaking - Radiological Health and Radon Certification Fees (7-591)
Date: Thursday, September 17, 2026 11:49:31 AM
Attachments: [image001.jpg](#)

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Good morning,

Thank you for submitting this proposed rulemaking. As previously discussed, it will be published in the October 10, 2026, issue of the *Pennsylvania Bulletin*.

Have a great day!

Alyssa Burns | Legal Assistant
aburns@palrb.us | 717.783.1531
Legislative Reference Bureau
Pennsylvania Code & Bulletin Office
647 Main Capitol Building
Harrisburg, PA 17120

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Independent Regulatory
Review Commission

September 17, 2026

From: Griffin, Laura <laurgriffi@pa.gov>
Sent: Thursday, September 17, 2026 11:32 AM
To: Bulletin <bulletin@palrb.us>; A.J. Mendelsohn <amendelsohn@palrb.us>
Cc: Lauren Imgrund <limgrund@pa.gov>; Laura Campbell <laurcampbe@pa.gov>; Robert A. Reiley <rreiley@pa.gov>; Alyssa M. Burns <aburns@palrb.us>
Subject: Delivery of Proposed Rulemaking - Radiological Health and Radon Certification Fees (7-591)
Importance: High

Good morning,

Pursuant to Section 5(a) of the Regulatory Review Act, please find attached the Radiological Health and Radon Certification Fees proposed rulemaking (7-591). The rulemaking documents are attached in a zip folder. This is the official filing of proposed rulemaking 7-591. Preamble and annex files were provided on September 11, 2026, for initial processing.

A copy of the transmittal sheet is attached for your records – the House and Senate Committee chairs are receiving the rulemaking electronically.

Please confirm receipt of this rulemaking by replying to all recipients.

Thank you,

Laura



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Independent Regulatory
Review Commission

September 17, 2026

Laura Griffin | Regulatory Coordinator | *She/Her/Hers*
Department of Environmental Protection | Policy Office

Rachel Carson State Office Building
400 Market Street | Harrisburg, PA 17101
Phone: 717.772.3277
dep.pa.gov

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From: [Franzese, Evan B.](#)
To: [Griffin, Laura](#); [Marisa Thomas](#)
Cc: [Shupe, Hayley](#); [Imgrund, Lauren](#); [Reiley, Robert A.](#); [Campbell, Laura](#); [Nezat, Taylor](#)
Subject: RE: Delivery of Proposed Rulemaking - Radiological Health and Radon Certification Fees (7-591)
Date: Thursday, September 17, 2026 9:14:08 AM
Attachments: [image001.jpg](#)

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Hi Laura,

September 17, 2026

Confirming receipt. Thank you!

Evan Franzese-Peterson

Executive Director | House Environmental & Natural Resource Protection Committee
(D)

Representative Greg Vitali

Pennsylvania House of Representatives

M: 223-797-7185

O: 717-783-2189

F: 717-780-4780

From: Griffin, Laura <laurgriffi@pa.gov>

Sent: Thursday, September 17, 2026 9:02 AM

To: Franzese, Evan B. <EFranzese@pahouse.net>; Marisa Thomas <mthomas@pahousegop.com>

Cc: Shupe, Hayley <HShupe@pahouse.net>; Imgrund, Lauren <limgrund@pa.gov>; Reiley, Robert A. <rreiley@pa.gov>; Campbell, Laura <laurcampbe@pa.gov>; Nezat, Taylor <tnezat@pa.gov>

Subject: Delivery of Proposed Rulemaking - Radiological Health and Radon Certification Fees (7-591)

Importance: High

Good morning,

Pursuant to Section 5(a) of the Regulatory Review Act, please find attached the Radiological Health and Radon Certification Fees proposed rulemaking (7-591) for review by the House Environmental and Natural Resource Protection Committee. The rulemaking documents are attached in a zip folder and the cover letters for Representative Vitali and Representative Rader are attached separately.

A copy of the transmittal sheet is attached for your records – the House and Senate Committee chairs are receiving the rulemaking electronically.

Please confirm receipt of this rulemaking by replying to all recipients.

Thank you,
Laura



Laura Griffin | Regulatory Coordinator | *She/Her/Hers*

Department of Environmental Protection | Policy Office

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Rachel Carson State Office Building
400 Market Street | Harrisburg, PA 17101
Phone: 717.772.3277
dep.pa.gov

Independent Regulatory
Review Commission
September 17, 2026

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From: [Osenbach, Matt](#)
To: [Griffin, Laura](#)
Cc: [Eyster, Emily](#); [Troutman, Nick](#); [Imgrund, Lauren](#); [Reiley, Robert A.](#); [Nezat, Taylor](#); [Campbell, Laura](#)
Subject: Re: Delivery of Proposed Rulemaking - Radiological Health and Radon Certification Fees (7-591)
Date: Thursday, September 17, 2026 9:08:46 AM
Attachments: [image001.jpg](#)

RECEIVED

Independent Regulatory
Review Commission

September 17, 2026

Message received.

Thanks Laura!

Matt Osenbach
Director, Environmental Resources & Energy Committee
Office of State Senator Gene Yaw (R-23)
362 Main Capitol Building, Senate Box 203023
Harrisburg, PA 17120
T: (717) 787-3280
F: (717) 772-0575
www.SenatorGeneYaw.com



On Sep 17, 2026, at 9:06 AM, Griffin, Laura <laurgriffi@pa.gov> wrote:

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<!--[if !((ie)|(mso))]>

This Message Is From an External Sender

This message came from outside your organization.

<!--[endif]>

Good morning,

Pursuant to Section 5(a) of the Regulatory Review Act, please find attached the Radiological Health and Radon Certification Fees proposed rulemaking (7-591) for review by the Senate Environmental Resources and Energy Committee. The rulemaking documents are attached in a zip folder and the cover letters for Senator Yaw and Senator Comitta are attached separately.

A copy of the transmittal sheet is attached for your records – the House and Senate Committee chairs are receiving the rulemaking electronically.

Please confirm receipt of this rulemaking by replying to all recipients.

Thank you,
Laura

<image001.jpg>

Laura Griffin | Regulatory Coordinator | *She/Her/Hers*
Department of Environmental Protection | Policy Office

Rachel Carson State Office Building
400 Market Street | Harrisburg, PA 17101
Phone: 717.772.3277
dep.pa.gov

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<7-591_Rad Pro Fees 2026_Proposed.zip>
<Transmittal Sheet_7-591_Rad Pro Fees 2026.docx>
<Comitta_7-591_Rad Pro Fees_Proposed.pdf>
<Yaw_7-591_Rad Pro Fees_Proposed.pdf>

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Independent Regulatory
Review Commission

September 17, 2026

From: [Eyster, Emily](#)
To: [Griffin, Laura](#); [Osenbach, Matt](#)
Cc: [Troutman, Nick](#); [Imgrund, Lauren](#); [Reiley, Robert A.](#); [Nezat, Taylor](#); [Campbell, Laura](#)
Subject: Re: Delivery of Proposed Rulemaking - Radiological Health and Radon Certification Fees (7-591)
Date: Thursday, September 17, 2026 11:28:23 AM
Attachments: [image001.jpg](#)

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Independent Regulatory
Review Commission

September 17, 2026

Received. Thank you!

Emily Eyster
Legislative Director, Office of Senator Carolyn T. Comitta
Executive Director, Senate Environmental Resources and Energy Committee
Cell: (717) 756-4702
Phone: (717) 787-5709
www.pasenatorcomitta.com

From: Griffin, Laura <laurgriffi@pa.gov>
Sent: Thursday, 17 September 2026 09:01:56
To: Osenbach, Matt <mosenbach@pasen.gov>; Eyster, Emily <emily.eyster@pasenate.com>
Cc: Troutman, Nick <ntroutman@pasen.gov>; Imgrund, Lauren <limgrund@pa.gov>; Reiley, Robert A. <rreiley@pa.gov>; Nezat, Taylor <tnezat@pa.gov>; Campbell, Laura <laurcampbe@pa.gov>
Subject: Delivery of Proposed Rulemaking - Radiological Health and Radon Certification Fees (7-591)

EXTERNAL EMAIL

Good morning,

Pursuant to Section 5(a) of the Regulatory Review Act, please find attached the Radiological Health and Radon Certification Fees proposed rulemaking (7-591) for review by the Senate Environmental Resources and Energy Committee. The rulemaking documents are attached in a zip folder and the cover letters for Senator Yaw and Senator Comitta are attached separately.

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Please confirm receipt of this rulemaking by replying to all recipients.

Thank you,
Laura



Laura Griffin | Regulatory Coordinator | *She/Her/Hers*
Department of Environmental Protection | Policy Office

Rachel Carson State Office Building
400 Market Street | Harrisburg, PA 17101
Phone: 717.772.3277
dep.pa.gov

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Review Commission

September 17, 2026

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From: [Marisa Thomas](#)
To: [Griffin, Laura](#); [Franzese, Evan B.](#)
Cc: [Shupe, Hayley](#); [Imgrund, Lauren](#); [Reiley, Robert A.](#); [Campbell, Laura](#); [Nezat, Taylor](#)
Subject: RE: [EXTERNAL]: Delivery of Proposed Rulemaking - Radiological Health and Radon Certification Fees (7-591)
Date: Thursday, September 17, 2026 10:34:49 AM
Attachments: [image001.jpg](#)

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Received.

Independent Regulatory
Review Commission

Thank you!

September 17, 2026

Marisa Thomas

Administrative Assistant II

Office of State Representative Brenda Pugh
120th Legislative District
422 Irvis Office Building
Harrisburg, PA 17120-2092
Phone: (717) 787-3798

Office of State Representative Jack Rader
176th Legislative District
423 Irvis Office Building
Harrisburg, PA 17120-2176
Phone: (717) 787-7732

From: Griffin, Laura <laurgriffi@pa.gov>
Sent: Thursday, September 17, 2026 9:02 AM
To: Franzese, Evan B. <efranzese@pahouse.net>; Marisa Thomas <Mthomas@pahousegop.com>
Cc: Shupe, Hayley <hshupe@pahouse.net>; Imgrund, Lauren <limgrund@pa.gov>; Reiley, Robert A. <rreiley@pa.gov>; Campbell, Laura <laurcampbe@pa.gov>; Nezat, Taylor <tnezat@pa.gov>
Subject: [EXTERNAL]: Delivery of Proposed Rulemaking - Radiological Health and Radon Certification Fees (7-591)
Importance: High

Good morning,

Pursuant to Section 5(a) of the Regulatory Review Act, please find attached the Radiological Health and Radon Certification Fees proposed rulemaking (7-591) for review by the House Environmental and Natural Resource Protection Committee. The rulemaking documents are attached in a zip folder and the cover letters for Representative Vitali and Representative Rader are attached separately.

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Thank you,
Laura

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September 17, 2026



Laura Griffin | Regulatory Coordinator | *She/Her/Hers*
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TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE REGULATORY REVIEW ACT

I.D. NUMBER: 7-591

SUBJECT: Radiological Health and Radon Certification Fees

AGENCY: DEPARTMENT OF ENVIRONMENTAL PROTECTION
ENVIRONMENTAL QUALITY BOARD

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TYPE OF REGULATION

Independent Regulatory
Review Commission

| | | |
|---|--|--------------------|
| X | Proposed Regulation | September 17, 2026 |
| | 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

| <u>DATE</u> | <u>SIGNATURE</u> | <u>DESIGNATION</u> | |
|------------------|---|--------------------|---|
| | | | <i>HOUSE COMMITTEE ON ENVIRONMENTAL & NATURAL
RESOURCE PROTECTION</i> |
| <u>9/17/2026</u> | <u>Evan Franzese-Peterson</u>
<i>(via electronic delivery)</i> | MAJORITY CHAIR | <u>Representative Greg Vitali</u> |
| <u>9/17/2026</u> | <u>Marisa Thomas</u>
<i>(via electronic delivery)</i> | MINORITY CHAIR | <u>Representative Jack Rader, Jr.</u> |
| | | | <i>SENATE COMMITTEE ON ENVIRONMENTAL RESOURCES
AND ENERGY</i> |
| <u>9/17/2026</u> | <u>Matt Osenbach</u>
<i>(via electronic delivery)</i> | MAJORITY CHAIR | <u>Senator Gene Yaw</u> |
| <u>9/17/2026</u> | <u>Emily Eyster</u>
<i>(via electronic delivery)</i> | MINORITY CHAIR | <u>Senator Carolyn Comitta</u> |
| | | | <i>INDEPENDENT REGULATORY REVIEW COMMISSION</i> |
| | | EXECUTIVE DIRECTOR | <u>David Sumner</u> |
| | | | <i>ATTORNEY GENERAL (for Final Omitted only)</i> |
| <u>9/17/2026</u> | <u>Alyssa Burns</u>
<i>(via electronic delivery)</i> | | <i>LEGISLATIVE REFERENCE BUREAU (for Proposed only)</i> |