

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

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Authority

The provisions of this Chapter 117 issued under the Emergency Management Services Code, 35 Pa.C.S. §§ 7101—7707, unless otherwise noted.

Source

The provisions of this Chapter 117 adopted August 2, 1985, effective August 3, 1985, 15 Pa.B. 2802, unless otherwise noted.

§ 117.1. Definitions.

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

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

Agency—The Pennsylvania Emergency Management Agency.

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

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

EOP—The Emergency Operation Plan of the Commonwealth.

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

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

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

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

Source

The provisions of this § 171.1 adopted August 2, 1985, effective August 3, 1985, 15 Pa.B. 2802; amended May 15, 1992, effective May 16, 1992, 22 Pa.B. 2532; amended June 25, 1999, effective June 26, 1999, 29 Pa.B. 3205. Immediately preceding text appears at serial pages (229879) to (229880).

§ 117.2. Purpose.

The purpose of this chapter is to accomplish the following:

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

Source

The provisions of this § 117.2 adopted August 2, 1985, effective August 3, 1985, 15 Pa.B. 2802; amended May 15, 1992, effective May 16, 1992, 22 Pa.B. 2532; amended June 25, 1999, effective June 26, 1999, 29 Pa.B. 3205. Immediately preceding text appears at serial page (229880).

§ 117.3. Operation of the RTERF.

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

Source

The provisions of this § 117.3 adopted August 2, 1985, effective August 3, 1985, 15 Pa.B. 2802.

§ 117.4. Allocation of funds.

- (a) Because the number of spent nuclear fuel shipments and the resulting revenue fees generated from those shipments will vary from year to year, no pre-determined annual fund amount can be established for the RTERF.
- (b) An application from an eligible county or State agency will be processed by the Agency on an individual basis in the order that the application is received

during a funding year—July 1 to June 30. The eligibility of an applicant, whether a county or State agency, is determined by the requirements in § 117.5 (relating to eligible expenditures).

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

(d) The RTERF will not contain funds for discretionary use by an eligible applicant. Funding allocations will only be for the approved eligible expenditures.

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

Source

The provisions of this § 117.4 adopted August 2, 1985, effective August 3, 1985, 15 Pa.B. 2802; amended May 15, 1992, effective May 16, 1992, 22 Pa.B. 2532; amended June 25, 1999, effective June 26, 1999, 29 Pa.B. 3205. Immediately preceding text appears at serial pages (229880) to (229881).

§ 117.5. Eligible expenditures.

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

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

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

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

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

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

or instructions will state the specific areas of education and training emphasis or the specific items of response equipment that will be eligible for a payment.

Source

The provisions of this § 117.5 adopted August 2, 1985, effective August 3, 1985, 15 Pa.B. 2802; amended May 15, 1992, effective May 16, 1992, 22 Pa.B. 2532. Immediately preceding text appears at serial page (100403).

Cross References

This section cited in 4 Pa. Code § 117.4 (relating to allocation of funds).

§ 117.6. Application and review procedures for funding.

(a) The application procedures in this section apply to eligible applicants that seek funding from the RTERF. The Agency will provide each applicant with the requisite application form.

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

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

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

- (1) The expenditure will be incurred during the applicable funding year—July 1 to June 30.
- (2) The expenditure was not previously recouped or reimbursed from other sources.
- (3) The expenditure will be required as a direct result of the applicant's participation in a radiation transportation emergency response program.

(4) The expenditure will be required for the payment of education, management and training or for the purchase of protective supplies and equipment needed to respond to a potential accident involving the shipment of spent nuclear fuel.

(5) The expenditure shall be verifiable.

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

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

Source

The provisions of this § 117.6 adopted August 2, 1985, effective August 3, 1985, 15 Pa.B. 2802; amended May 15, 1992, effective May 16, 1992, 22 Pa.B. 2532; amended June 25, 1999, effective June 26, 1999, 29 Pa.B. 3205. Immediately preceding text appears at serial pages (229882) to (229883).

Cross References

This section cited in 4 Pa. Code § 117.4 (relating to allocation of funds).

§ 117.7. [Reserved].

Source

The provisions of this § 117.7 adopted August 2, 1985, effective August 3, 1985, 15 Pa.B. 2802; amended May 15, 1992, effective May 16, 1992, 22 Pa.B. 2532; reserved June 25, 1999, effective June 26, 1999, 29 Pa.B. 3205. Immediately preceding text appears at serial page (229883).

§ 117.8. Retention of records for audit.

(a) Records and supporting documents—that is, receipts, invoices, vouchers, and the like—related to grant funds shall be retained for 3 years. The retention period starts at the end of the funding year—June 30—in which the funding allocation was made.

(b) A county and State agency shall make the records described in subsection (a) available for audit by Commonwealth and Agency officials within 10 days after receiving a written request that those records be made available for audit. The audit request may be made at any time during the 3 year record retention period.

Source

The provisions of this § 117.8 adopted August 2, 1985, effective August 3, 1985, 15 Pa.B. 2802; amended May 15, 1992, effective May 16, 1992, 22 Pa.B. 2532; amended June 25, 1999, effective June 26, 1999, 29 Pa.B. 3205. Immediately preceding text appears at serial pages (229883) to (229884).

§ 117.9. Agency report.

On September 1 of a year, the Agency will submit a report on its operation of the RTERF for the preceding fiscal year to the Governor, the General Assembly and the Pennsylvania Emergency Management Council. The report will include a summary of the activities of the Radiation Transportation Emergency Response Program. The report will include a list of the applications received and the amounts allocated to eligible applicants. An analysis of the adequacy of the fee established for the shipment of spent nuclear fuel will also be included in the report.

Source

The provisions of this § 117.9 adopted August 2, 1985, effective August 3, 1985, 15 Pa.B. 2802; amended June 25, 1999, effective June 26, 1999, 29 Pa.B. 3205. Immediately preceding text appears at serial page (229884).

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