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

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(717) 783-5417
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October 29, 2003

Honorable Kathleen A. McGinty, Chairperson
Environmental Quality Board
Rachel Carson State Office Building
400 Market Street, 15th Floor
Harrisburg, PA 17105

Re: Regulation #7-387 (IRRC #2352)
Environmental Quality Board
Radiological Health

Dear Chairperson McGinty:

Enclosed are the Commission's comments for consideration when you prepare the final version of this regulation. These comments are not a formal approval or disapproval of the regulation. However, they specify the regulatory review criteria that have not been met.

The comments will be available on our website at www.irrc.state.pa.us. If you would like to discuss them, please contact my office at 783-5417.

Sincerely,

Robert E. Nyce
Executive Director

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Enclosure

cc: Honorable Mary Jo White, Chairman, Senate Environmental Resources and Energy Committee
Honorable Raphael J. Musto, Minority Chairman, Senate Environmental Resources and Energy Committee
Honorable William F. Adolph, Jr., Majority Chairman, House Environmental Resources and Energy Committee
Honorable Camille George, Democratic Chairman, House Environmental Resources and Energy Committee

Comments of the Independent Regulatory Review Commission

on

Environmental Quality Board Regulation No. 7-387

Radiological Health

October 29, 2003

We submit for your consideration the following comments that include references to the criteria in the Regulatory Review Act (71 P.S. § 745.5b) which have not been met. The Environmental Quality Board must respond to these comments when it submits the final-form regulation. The public comment period for this regulation closed on September 29, 2003. If the final-form regulation is not delivered within two years of the close of the public comment period, the regulation will be deemed withdrawn.

Section 215.24. Human use. – Reasonableness; Consistency with other Regulations; Clarity.

Subsection (b) states:

Only auxiliary personnel who have met the applicable radiologic requirements of 49 Pa. Code, Part I, **Subpart A** (relating to professional and occupational affairs) may use radiation sources in the healing arts when employed by a licensed practitioner of the healing arts....” (Emphasis added.)

Subpart A of Title 49 Pa. Code contains over 30 chapters for various professions from accountancy, landscape architecture, physical therapy and veterinary medicine. The existing definition of a “licensed practitioner of the healing arts” at 25 Pa. Code § 215.2 covers only six professional areas: “medicine, surgery, dentistry, osteopathy, podiatry and chiropractic.” Rather than refer the reader to Subpart A in its entirety, Section 215.24(b) should reference the specific chapters that set forth the procedures and requirements for auxiliary personnel.

Facsimile Cover Sheet

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INDEPENDENT REGULATORY REVIEW COMMISSION
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To: Shirley Wright
Agency: Department of Environmental Protection
Phone: 7-2814
Fax: 705-4980
Date: October 29, 2003
Pages: 3

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INDEPENDENT REGULATORY REVIEW COMMISSION

Comments: We are submitting the Independent Regulatory Review Commission's comments on the Environmental Quality Board's regulation #7-387 (IRRC #2352). Upon receipt, please sign below and return to me immediately at our fax number 783-2664. We have sent the original through interdepartmental mail. You should expect delivery in a few days. Thank you.

Accepted by: Shirley A. Wright Date: 10/29/03