

DRAFT - COMMENT RESOLUTION ON CONNECTICUT REVISED LEGISLATION

From NRC letter dated January 22, 2021/ML21006A409

STATE SECTION	STATE SUGGESTED LEGISLATION SECTION	SUBJECT and COMMENTS	STATE RESPONSE	
1		Section 2	<p>Declaration of Policy</p> <p>Connecticut omits the term “sources of ionizing and nonionizing radiation”</p>	<p>Resolved in 02-21</p>
2		Section 3	<p>Purpose</p> <p>Connecticut omits the term “sources of radiation”</p>	<p>Resolved in 02-21</p>
3		Section 4	<p>Definitions Byproduct Material</p>	<p>Resolved in 02-21</p>
4		Section 4	<p>Definitions Civil Penalty</p> <p>COMMENT RESOLVED</p>	
5		Section 4	<p>Definitions Closure or Site Closure</p> <p>COMMENT RESOLVED</p>	
6		Section 4	<p>Definitions Decommissioning</p> <p>COMMENT RESOLVED</p>	
7		Section 4	<p>Definitions Disposal of low-level radioactive waste</p> <p>COMMENT RESOLVED</p>	
8		Section	<p>Definitions High-level radioactive</p>	

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		4	waste COMMENT RESOLVED	
9		Section 4	Definitions General license COMMENT RESOLVED	
10		Section 4	Definitions Specific license COMMENT RESOLVED	
11		Section 4	Definitions Low-level radioactive waste COMMENT RESOLVED	
12	Definitions will be adopted through regulation with authority provided through legislative proposal sec. 2 Section 16a-101	Section 4	Definitions Person Connecticut states that the definitions are not included in the proposed legislation but will be adopted in regulation. However, this definition was omitted from the list. Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information. Connecticut said: 1. The term "person" is defined in existing statutes 22a-151(5). Connecticut states: "...other than the United States Nuclear [Atomic Energy] Regulatory Commission or any successor thereto, and other than agencies of the government of the United States licensed by the United States Nuclear [Atomic Energy] Regulatory Commission or	<ol style="list-style-type: none"> 1. Legal research on this may provide the answer 2. Then revision is necessary because it is narrowly tailored to this section. MINOR REVISION MINOR REVISION INCLUDED PENDING legal research

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		<p>any successor thereto;"</p> <p>NOTE: wording in brackets is to be deleted.</p> <p>COMMENT MODIFIED</p> <p>Connecticut needs to change the definition of person to delete the following language: "... other than the United States Atomic Energy Commission or any successor thereto, and other than agencies of the government of the United States licensed by the United States Atomic Energy Commission or any successor thereto" and insert "but not including federal government agencies."</p>	
13	Section 4	<p>Definitions Radiation</p> <p>COMMENT RESOLVED</p>	
14	Section 4	<p>Definitions Ionizing radiation</p> <p>COMMENT RESOLVED</p>	
15	Section 4	<p>Definitions Nonionizing radiation</p> <p>COMMENT RESOLVED</p>	
16	Section 4	<p>Definitions Radiation generating equipment</p> <p>COMMENT RESOLVED</p>	
17	Section 4	<p>Definitions Radioactive material</p> <p>COMMENT RESOLVED</p>	

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18	Section 4	<p>Definitions Registration</p> <p>COMMENT RESOLVED contingent on section 22a-148 includes registration of GLs.</p>	<p>1. Do general licenses have to register.</p> <p>2. Yes. 22a-148 does apply to general licenses</p> <p>PENDING AG LETTER</p>
19	Section 4	<p>Definitions Source material</p> <p>Source Material is defined in accordance with 42 US Code 2014. The wording is not exact but is open ended with the statement "...in such concentration as the Commission may by regulation determine from time to time. This code defines "Commission" as Atomic Energy Commission rather than U.S. Nuclear Regulatory Commission.</p> <p>Connecticut needs to delete the statement indicated above and correct the definition of "Commission" to read, "U.S. Nuclear Regulatory Commission."</p> <p>Connecticut said: 1. The term "source material" is defined in existing statutes 22a-151(7). 2. The proposed substitute language amends the existing definition to remove the reference to the AEC.</p> <p>Connecticut states: (7) "Source material" means [material as defined in Section 11z of Public Law 85-256 (Act of September 2, 1957) and Public Law 89-645 (Act of October 13, 1966), as amended or as interpreted or modified by duly promulgated regulations of the United States Atomic Energy Commission pursuant thereto]</p>	<p>1. Minor revision to change language</p> <p>DONE</p>

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		<p>"Source material" as defined by the Atomic Energy Act, as codified in 42 U.S.C. 2014, as may be amended from time to time.;</p> <p>COMMENT MODIFIED Connecticut cannot meet this requirement by citing the AEA's definition of source material because "Commission" refers to the NRC in the definition. Also, the provision doesn't allow the State to pick up new source materials if they are added by the NRC in the future. Connecticut could use the Vermont definition below.</p> <p>VT §1651 (10) "Source material" means each of the following:</p> <p>(A) uranium, thorium, or any combination of those elements, in any physical or chemical form;</p> <p>(B) any other material that the Governor declares by order to be source material after the NRC has determined the material to be source material; or</p> <p>(C) ores that contain uranium, thorium, or any combination of those elements in a concentration by weight of 0.05 percent or more or in such lower concentration as the Governor declares by order to be source material after the NRC has determined the material in such concentration to be source material.</p>	
20	Section 4	<p>Definitions Source material mill tailings</p> <p>COMMENT RESOLVED</p>	

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21		Section 4	Definitions Source material milling COMMENT RESOLVED	
22		Section 4	Definitions Sources of radiation COMMENT RESOLVED	
23	Definitions will be adopted through regulation with authority provided through legislative proposal sec. 2 Section 16a-101	Section 4	Definitions Special nuclear material Connecticut's definition of special nuclear fuel includes a reference to the Atomic Energy Commission and does not include the phrase, "does not include source material; or any material artificially enriched by any of the foregoing, but does not include source material." Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information. Connecticut said: 1. The definition of "special nuclear material" appears in 22a-151(8) and 16-101(4). 2. Both definitions have been amended in the proposed legislation, sections 1 and 8 respectively to be consistent and CT said: incorporate by reference the U.S.C. definition. Connecticut states: (8) "Special nuclear material" means [material as defined in Section 11aa of Public Law 85-256 (Act of September 2, 1957) and Public Law 89-645 (Act of October 13, 1966), as amended or as interpreted or modified by duly promulgated regulations of the	1. Minor revision use CT language DONE

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		<p>United States Atomic Energy Commission pursuant thereto] "Special Nuclear Material" as defined by the Atomic Energy Act, as codified in 42 U.S.C. 2014, as may be amended from time to time.</p> <p>COMMENT MODIFIED Connecticut cannot meet this requirement by citing the AEA's definition of special nuclear material because "Commission" refers to the NRC in the definition. Also, the provision doesn't allow the State to pick up new special nuclear materials if they are added by the NRC in the future. Connecticut could use the Vermont definition below.</p> <p>VT - 18 VSA §1651 (11) "Special nuclear material" means:</p> <p>(A) plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235, and any other material that the Governor declares by order to be special nuclear material after the NRC has determined the material to be such special nuclear material, but does not include source material; or</p> <p>(B) any material artificially enriched by any elements, isotopes, or materials listed in subdivision (A) of this subdivision (11), but does not include source material. (Added 1967, No. 27, § 1; amended 1977, No. 83, § 1; 2015, No. 82 (Adj. Sess.), § 1.)</p>	
24	Section 4	<p>Definitions Spent nuclear fuel</p> <p>COMMENT RESOLVED</p>	

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25		Section 4	Definitions Transuranic waste COMMENT RESOLVED	
26	22a-5	Section 5	State Radiation Control Agency COMMENT RESOLVED	
27	22a-5	Section 5	State Radiation Control Agency COMMENT RESOLVED	
28	22a-153(c)	Section 5	State Radiation Control Agency Connecticut omits Section 5 (d) Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information. Connecticut said: With respect to (d) (1) through (d)(4), (d) (6), (d) (7), and (d) (9) Existing Authorities to Coordinate Atomic Activity 1. See existing section 22a-153(c) providing the power of the Commissioner to adopt regulations for non-ionizing sources of radiation. 2. See existing section 16a-102 which gives authority to the Commissioner to coordinate atomic activities in the state. 3. See section Proposed Authorities to Coordinate Atomic Activity 4. See section 2 of the proposed legislation which provides authority to adopt regulation concerning those powers necessary in 5 (d) including: Development of program, training of staff, adoption of regulations for licensure and registration, maintain records, etc.,	1. Additional research needed 2. 16a-102 could be amended

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		<p>as required by this section. 5. Please cross reference line 55 authorities to require, retain and use records. With respect to (d) (5) Issuance of Orders 6. See 22a-7. Authority for cease and desist orders, injunctions. 7. See 22a-6(3) Powers of the Commissioner include that ability to “(3) initiate and receive complaints as to any actual or suspected violation of any statute, regulation, permit or order administered, adopted or issued by him. The commissioner shall have the power to hold hearings, administer oaths, take testimony and subpoena witnesses and evidence, enter orders and institute legal proceedings including, but not limited to, suits for injunctions, for the enforcement of any statute, regulation, order or permit administered, adopted or issued by him;” 8. Specific Authority 9. See 22a-158a regarding authority to issue cease and desist orders. 10. See 22a-158b regarding ability to seek court orders and injunctions. With respect to (d) (8) 11. See 16a-102(a)(4) and 16a-103 regarding the ability to conduct studies.</p> <p>COMMENT MODIFIED: Discuss with Connecticut whether the proposed legislation for the State Radiation Control Agency provides authority for all of the provisions in Section 5(d)(1)-(9). Development of program, training of staff, adoption of regulations for licensure and registration, maintain records, etc. in Sec. 16a-102</p>	

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29	16a-102(a)	Section 5	State Radiation Control Agency COMMENT RESOLVED	
30	16a-102(a)	Section 5	State Radiation Control Agency COMMENT RESOLVED	
31		Section 6	Advisory Committee on Radiation COMMENT RESOLVED	
32		Section 6	Advisory Committee on Radiation COMMENT RESOLVED	
33	Sec. 3 of proposed legislation. (Section 22a-154)	Section 7	Licensing and Registration of Sources of Radiation Connecticut omits the phrase "radioactive material not under the authority of the U.S. Nuclear Regulatory Commission" Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information. Connecticut said: 1. General authority is granted for the authority to regulate sources of radioactive material (which may include "radioactive material not under the authority of the U.S. NRC" in several locations of existing and proposed statutes. 2. The authority is granted to regulate this material in 22a-154 of the Connecticut General Statutes 3. The authority is granted in section	1. Minor revision. As suggested. Ready for Review by Jeff

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		<p>2 of the proposed legislation to regulate “sources of ionizing radiation and radioactive materials” which is broad enough to include this material. 4. Similar to the above see section 3 of the proposed legislation regarding sources of radiation.</p> <p>COMMENT MODIFIED to add the phrase “or devices or equipment utilizing such materials” to Section 22a-154 Section 3(a). Connecticut need to add language to clarify the state does not have authority to regulate materials or activities reserved to the NRC.</p> <p>Suggest revising 22a-154 Section 3 (a), based on VT 18 VSA 1653(b)(1), “[T]he commissioner shall adopt regulations, in accordance with the provisions of chapter 54, for the general or specific licensing of sources of ionizing radiation, or devices or equipment utilizing such materials. The commission may issue, deny, renew, modify, suspend or revoke such licenses and may include such terms and conditions in such licenses that the commissioner deems necessary. This section does not confer authority to regulate materials or activities reserved to the NRC under 42 U.S.C. § 2021(c) and 10 C.F.R. Part 150.”</p>	
3 4	Sec. 3 of proposed legislation. (Section 7)	<p>Licensing and Registration of Sources of Radiation</p> <p>Connecticut omits Alternative I Section 7 (b)</p> <p>Connecticut needs to provide an</p>	<ol style="list-style-type: none"> 1. Ask NRC for clarification. 2. 16a-104. Would require an update in the citation to federal agency. 3. Cite to new sections 22-

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	on 22a-154)		<p>explanation or justification as to the reason for the omissions; or supply the missing information.</p> <p>Connecticut said: Existing Authority 1. See section 22a-154 of the Connecticut General Statutes regarding the authority of the Commissioner to adopt regulations for the licensing and registration of sources of radiation. Proposed Authority 1. See section 2(c)(6) and (c)(7) of the proposed regulation for the authority to adopt regulations concerning licensure. 2. See section 3 of the proposed legislation concerning the authority to adopt regulations and “issue, deny, renew, modify, suspend or revoke such licenses.”</p> <p>COMMENT MODIFIED Connecticut needs to clarify how the cited provisions addresses Section 7(b) to include registration of GLs and specific licenses.</p>	148(b and c)
35		Section 7	<p>Licensing and Registration of Sources of Radiation</p> <p>COMMENT RESOLVED</p>	
36		Section 7	<p>Licensing and Registration of Sources of Radiation</p> <p>COMMENT RESOLVED</p>	
37		Section 7	<p>Licensing and Registration of Sources of Radiation</p> <p>COMMENT RESOLVED</p>	

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38		Section 7	Licensing and Registration of Sources of Radiation COMMENT RESOLVED	
39		Section 8	Source Material Processing and Related [Byproduct Material] [Mill Tailings] COMMENT RESOLVED	
40		Section 8	Source Material Processing and Related [Byproduct Material] [Mill Tailings] COMMENT RESOLVED	
41		Section 9	Low-level Radioactive Waste Disposal COMMENT RESOLVED	
42	22a-159	Section 9	Low-level Radioactive Waste Disposal COMMENT RESOLVED	
43		Section 9	Low-level Radioactive Waste Disposal COMMENT RESOLVED	
44		Section 9	Low-level Radioactive Waste Disposal	

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4 5	Sec. 2 and 3 of the proposed legislation.	Section 11	<p>Surety Requirements</p> <p>Connecticut omits Section 11 (a).</p> <p>Connecticut does not have language that specifically states the following: “establish by rule or regulation standards and procedures to ensure that the licensee will provide an adequate surety or other financial arrangement to permit the completion of all requirements established by the agency for the decontamination, closure, decommissioning and reclamation of sites, structures and equipment used in conjunction with such licensed activity, in case the licensee should default for any reason in performing such requirements.”</p> <p>Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.</p> <p>Connecticut said: 1. The Commissioner is given the power to require surety in 22a-6(7). Specifically: “(a) The Commissioner may: ...(7) require the posting of sufficient performance bond or other security to assure compliance with any permit or order;” 2. The Commissioner may adopt regulations as necessary to carry out their powers in 22a 6(1). Specifically: (a) The Commissioner may: ... (1) Adopt, amend or repeal, in accordance with the provisions of chapter 54, such environmental</p>

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		<p>standards, criteria and regulations, and such procedural regulations as are necessary and proper to carry out his functions, powers and duties; 3. Connecticut intends to extend in regulations surety requirements specific to radiation issues. 4. Connecticut DEEP is working on interagency SOPs regarding financial assurances. The measure is part of the Commissioners 20 by 20 plan. See Goal 19.</p> <p>COMMENT MODIFIED Connecticut needs to revise their statutory provisions, regulations and Standard Operating Procedures (SOPs) to ensure Connecticut has the authority to collect fees and surety from licensees. Section 22a-6(7) requires the posting of sufficient performance bond or other security to assure compliance with any permit or order. The statutory provision does not specifically cover radiation control licenses.</p>	
46	<p>Sec. 2 and 3 of the proposed legislation.</p> <p>Section 6. for authority for remedial action.</p>	<p>Section 11</p> <p>Surety Requirements</p> <p>Connecticut omits Section 11 (b).</p> <p>Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.</p> <p>Connecticut said: 1. The State of Connecticut intends to place all funds into the General Fund. It is the policy of the State of the Connecticut to limit the number of "special funds." 2. Funding for the program will be appropriated to DEEP from the general fund in the budget. 3.</p>	<p>Ken</p> <ol style="list-style-type: none"> 1. Standby trust (RCRA) comes federal requirements – incorporated by reference 2. Calling a letter of credit (Dave Johnson) 3. Money is going into a standby trust agreement

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		<p>Per DEEP Financial Management Division surety is held in a separate account until such time as it is released to the general account. A performance bond is typically held in the DEEP pending receipt account. A Letter of Credit (LOC) would be held in the safe until funds are called.</p> <p>COMMENT MODIFIED Connecticut needs to deposit surety funds from licenses into a special fund instead of a general fund to ensure there are adequate funds to complete requirements if a licensee defaults. The following Vermont legislation provides an example. Please note that a state is not required to use the fee schedule in 10 C.F.R. § 170.31 or deposit fees into a special fund. In addition for the surety for licensees, Vermont chose to deposit fees into a special fund so they would not have to request appropriations to operate their program.</p> <p>VT – 18 VSA 1652(f), “[F]ees collected under this section shall be credited to a special fund established and managed pursuant to 32 V.S.A. chapter 7, subchapter 5 and shall be available to the Department to offset the costs of providing services relating to licensing and registration and controlling sources of ionizing radiation. (Added 1967, No. 27, § 2; amended 1977, No. 83, § 2; 2007, No. 76, § 11; 2009, No. 134 (Adj. Sess.), § 27; 2011, No. 128 (Adj. Sess.), § 4; 2015, No. 57, § 8; 2015, No. 82 (Adj. Sess.), § 1.)”</p>	

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		<p>VT – 18 VSA 1653(b)(3), “[T]he Department may collect a fee for licenses issued under this section. The fee schedule for these licenses shall be the schedule adopted by the U.S. Nuclear Regulatory Commission and published in 10 C.F.R. § 170.31 that is in effect as of July 1, 2016. Fees collected under this section shall be credited to the Nuclear Regulatory Fund established and managed under subdivision (4) of this subsection and shall be available to the Department to offset the costs of providing services under this section.”</p> <p>VT – 18 VSA 1653(b)(4), “[T]here is established the Nuclear Regulatory Fund to consist of the fees collected under subdivision (3) of this subsection and any other monies that may be appropriated to or deposited into the Fund. Balances in the Nuclear Regulatory Fund shall be expended solely for the purposes set forth in this section and shall not be used for the general obligations of government. All balances in the Fund at the end of any fiscal year shall be carried forward and remain part of the Fund, and interest earned by the Fund shall be deposited in the Fund. The Nuclear Regulatory Fund is established in the State Treasury pursuant to 32 V.S.A. chapter 7, subchapter 5.”</p>	
47	Section 11	<p>Surety Requirements</p> <p>COMMENT RESOLVED</p>	

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<p>4 8</p> <p>Sec. 2 and 3 of the proposed legislation.</p> <p>Section 6. for authority for remedial action</p>	<p>Section 11</p>	<p>Surety Requirements</p> <p>Connecticut omits Section 11 (d).</p> <p>Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.</p> <p><i>Connecticut said: 1. The State of Connecticut intends to place all funds into the General Fund. It is the policy of the State of the Connecticut to limit the number of "special funds." 2. Funding for the program will be appropriated to DEEP from the general fund in the budget. 3. Per DEEP Financial Management Division surety is held in a separate account until such time as it is released to the general account. A performance bond is typically held in the DEEP pending receipt account. A Letter of Credit (LOC) would be held in the safe until funds are called.</i></p> <p>COMMENT MODIFIED</p> <p>Connecticut needs to deposit surety funds from licenses into a special fund instead of a general fund to ensure there are adequate funds to complete requirements if a licensee defaults. See Comment 46 that provides the Vermont legislation as an example.</p>	
<p>4 9</p>	<p>Section 11</p>	<p>Surety Requirements</p> <p>COMMENT RESOLVED</p>	

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50		Section 11	<p>Surety Requirements</p> <p>COMMENT RESOLVED</p>	
51		Section 11	<p>Surety Requirements</p> <p>COMMENT RESOLVED if Connecticut can show where they meet SSL Section 11(g) requirement for the agency to have authority to contract with any person to provide for decontamination, closure, decommissioning, reclamation, surveillance or other care of a site.</p>	
52	<p>Sec. 2 and 3 of the proposed legislation.</p> <p>Section 6. for authority for remedial action .</p>	Section 11	<p>Surety Requirements</p> <p>Connecticut omits Section 11 (h).</p> <p>Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.</p> <p>Connecticut said: 1. The sufficiency of the amount of surety is accounted for in the general authority. 2. The Commissioner is given the power to require surety in 22a-6(7). Specifically: "(a) The Commissioner may: ...(7) require the posting of sufficient performance bond or other security to assure compliance with any permit or order;" 3. The Commissioner may adopt regulations as necessary to carry out their powers in 22a6(1). Specifically: (a) The Commissioner may: ... (1) Adopt, amend or repeal, in accordance with the provisions of chapter 54, such environmental standards, criteria and regulations,</p>	

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		<p>and such procedural regulations as are necessary and proper to carry out his functions, powers and duties;</p> <p>COMMENT MODIFIED Connecticut needs to deposit surety funds from licenses into a special fund instead of a general fund to ensure there are adequate funds to complete requirements if a licensee defaults. See Comment 46 that provides the Vermont legislation as an example.</p>	
53	<p>Sec. 2 and 3 of the proposed legislation.</p> <p>Section 6. for authority for remedial action.</p>	<p>Section 11</p> <p>Surety Requirements</p> <p>Connecticut omits Section 11 (i).</p> <p>Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.</p> <p>Connecticut said: 1. This section is suggested but not required. 2. The Commissioner has within their power the ability to use enforcement discretion or when licensing on a case by case basis.</p> <p>COMMENT STANDS Enforcement discretion is not the same as an exemption from the surety requirements.</p>	<p>1. Need to add a</p>
54	<p>Section 2 (a)(2) of the proposed legislation.</p>	<p>Section 12</p> <p>Inspection</p> <p>Connecticut omits Section 12.</p> <p>Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.</p>	<p>1. Talk to James/Betsey what would get into judicial committee. Does this need to happen next year?</p> <p>2. Any change should be narrowly tailored.</p> <p>3. 22a-6 would need to be</p>

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		<p>Connecticut said: 1. The Commissioner is given the authority to inspect and investigate in 22a-5a of the Connecticut General Statutes. 2. Also see, 22a-6(5) of the Connecticut General Statutes concerning authority to inspect.</p> <p>Connecticut states: Sec. 22a-5a. Orders. Authority of commissioner to investigate. Except as otherwise provided, whenever any section in this title authorizes the commissioner to order a person to abate, correct or remedy any violation, condition, pollution or potential source of pollution, such order may require investigation, study, data gathering or monitoring as the commissioner deems appropriate to assure that the violation, condition or pollution is abated, corrected or remedied.</p> <p>(5) of subsection (b) of section 1-210, such information may be disclosed by the commissioner to the United States Environmental Protection Agency pursuant to the federal Freedom of Information Act of 1976, (5 USC 552) and regulations adopted thereunder or, if such information is submitted after June 4, 1986, to any person pursuant to the federal Clean Water Act (33 USC 1251 et seq.);</p> <p>COMMENT MODIFIED The Connecticut inspection authority is too limited because it does not include private residences. The Connecticut statutory provision also fails to exclude areas under federal jurisdiction. The Connecticut</p>	<p>revised even if we do add a narrowly tailored authority in radiation statutes</p>

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		<p>provision also just fails to specifically mention licensees, but only mentions order and permits. The Connecticut provision would also need to include the ability to provide confidential information to the U.S. Nuclear Regulatory Commission. Connecticut can either use the language in SSL Section 12 or the Vermont statutory provision below and clarify that the NRC can receive the confidential information.</p> <p>SSL Section 12, “[T]he agency or its duly authorized representatives shall have the power to enter at all reasonable times upon any private or public property for the purpose of determining whether or not there is compliance with or violation of the provisions of this act and rules and regulations issued thereunder, except that entry into areas under the jurisdiction of the federal government shall be effected only with the concurrence of the federal government or its duly designated representative.”</p> <p>VT – 18 VSA 1654. Inspection, “[T]he Department or its duly authorized representatives may enter at all reasonable times upon any private or public property for the purpose of determining whether or not there is compliance with or violation of this chapter and rules and regulations issued thereunder, except that entry into areas under the jurisdiction of the federal government shall be made only with the concurrence of the federal government or its duly designated representative.”</p>	

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<p>5 5</p> <p>Section 2 (a)(6) of the proposed legislation.</p>	<p>Section 13</p>	<p>Records</p> <p>Connecticut omits Section 13.</p> <p>Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.</p> <p>Connecticut said: 1. See 22a-158 of the Connecticut General Statutes requiring record keeping for persons who possess radiation sources.</p> <p>Connecticut states: Sec. 22a-158. (Formerly Sec. 19-25i). Records. (a) The Commissioner of Energy and Environmental Protection shall require each person who possesses or uses a source of ionizing radiation to maintain records relating to its receipt, storage, transfer or disposal, as well as such other records as the commissioner may require, subject to such exemptions as may be provided by regulation.</p> <p>(b) The commissioner shall promulgate regulations requiring each person who possesses or uses a source of ionizing radiation to maintain appropriate records showing the radiation exposure of all individuals for whom personnel monitoring is required by said regulations.</p> <p>COMMENT MODIFIED Connecticut needs to add language saying that the records shall be made available for inspection or copies shall be submitted to, the agency on request.</p>	<ol style="list-style-type: none"> 1. Ask NRC if 22a-5a would be sufficient 2. Add to 22a-158

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5 6 Section 2 (a)(1) of the propose d legisla tion. 22a- 152	Section 14	<p>Federal-State Agreements</p> <p>Connecticut needs to revise Section 22a-152 to clarify the difference between discontinuance of NRC's authority and relinquishing of NRC's authority with regard to programs and the Agreement.</p> <p>Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.</p> <p>Connecticut said: 1. Technical Change. Connecticut has made a technical change in the proposal section 10. that amends the word "discontinuance" to be "relinquishing." 2. Technical changes will be introduced as substitute language to the proposed bill.</p> <p>Connecticut states: Sec. 10. Sec. 22a-152 of the general statutes is repealed and the following is substituted in lieu thereof (effective October 1, 2020): The Governor, on behalf of this state, is authorized to enter into agreements with the government of the United States providing for [discontinuance]relinquishing of certain of the programs of the government of the United States with respect to sources of ionizing radiation and the assumption thereof by this state, as provided for in the Atomic Energy Act of 1954, as amended.</p> <p>COMMENT MODIFIED Connecticut needs to replace "government of the United States" with "U. S. Nuclear</p>	<p>Minor Revision</p> <p>1. Change to "discontinue"</p>

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		Regulatory Commission” and replace “relinquishing” with “discontinue.”	
57	Section 2 (a)(7) of the proposed legislation regarding reciprocal agreements . Section 14	<p>Federal-State Agreements</p> <p>Connecticut omits Section 14 (b).</p> <p>Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.</p> <p>Connecticut said: 1. Connecticut intends to extend NRC licenses in the regulations adopted pursuant to section 2 of the proposed language. Doing so in legislation would put extraneous legislative language into the statute once these licenses would be renewed, requiring a subsequent bill to remove this language once the licenses had been fully transitioned over to the state in a few years.</p> <p>COMMENT STANDS</p> <p>Connecticut needs to clarify that the NRC licenses subject to the agreement will subject to Connecticut regulatory authority upon the effective date of the agreement. The state can use the language in SSL Section 14(b) or the following Vermont language.</p> <p>SSL Section 14(b) states, “[A]ny person who, on the effective date of an agreement under [subsection (a)] [274b Agreement] possesses a license issued by the U.S. Nuclear Regulatory Commission for radioactive materials subject to the agreement shall be deemed to</p>	<p>1. Add Vermont language</p>

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		<p>possess a like license issued under this act, which shall expire either 90 days after receipt from the agency of a notice of expiration of such license, or on the date of expiration specified in the Nuclear Regulatory Commission license, whichever is earlier.”</p> <p>VT- 18 VSA 1653(b)(5). “[A]ny person having a license immediately before the effective date of an agreement under subsection (a) of this section from the federal government or agreement state relating to by-product material, source material, or special nuclear material and which on the effective date of this agreement is subject to the control of this State shall be considered to have a like license with the State of Vermont until the expiration date specified in the license from the federal government or agreement state or until the end of the 90th day after the person receives notice from the Department that the license will be considered expired.”</p>	
58	Section 2 (a)(1) of the proposed legislation	<p>Section 15</p> <p>Inspection Agreements and Training Programs</p> <p>Connecticut omits the phrase “under Section 274i of the Atomic Energy Act of 1954”</p> <p>Connecticut needs to clarify the specific statutory authority in this proposed legislation.</p> <p>Connecticut needs to provide all language involving cooperation with other government entities.</p>	<ol style="list-style-type: none"> 1. Ask NRC if 22a-6(a)(2) and/or 22a-5a. 4-8. 16a-102. Agency head power is sufficient. 2. Need to amend 16a-102 to include specific reference 274i

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		<p>Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.</p> <p>Connecticut said: 1. The Connecticut proposed legislation does not omit this language. This language is covered under section 2 of the proposed language, which authorizes "Regulations necessary to secure agreement state status from the United States Nuclear Regulatory Commission pursuant to Section 274 of the Atomic Energy Act of 1954, 42 USC 2021, as amended;</p> <p>COMMENT MODIFIED Connecticut needs to explain where they have the authority to enter into 274i agreements with the NRC and other states and governmental entities.</p> <p>NECCESITATES the ability for Commissioner to contract with NRC to perform inspections</p>	
59	Section 2 (a)(5) of the proposed legislation	<p>Section 15</p> <p>Inspection Agreements and Training Programs</p> <p>Connecticut omits Section 15 (b).</p> <p>Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.</p> <p>Connecticut said: 1. See 22a-153 of the Connecticut General Statutes for the general authority to delegate powers and hire consultants and</p>	<p>Minor Revision.</p> <ol style="list-style-type: none"> 1. To clean up the language. 2. Follow up on designation <p>Sec. 16a-102. (Formerly Sec. 19-409). Coordination of atomic development activities by the</p>

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		<p>technicians for the purposes of carrying out their parties. 2. Connecticut intends to adopt additional training guidelines in regulation. As training guidelines may change over time the State does not feel it is appropriate to place these requirements in statute.</p> <p>COMMENT MODIFIED Connecticut needs to clarify whether state personal will be available to participate in federal, state or interstate agencies programs. For example, SSL Section 15(b), “the agency may institute training programs for the purpose of qualifying personnel to carry out the provisions of this act, and may make said personnel available for participation in any program or programs of the federal government, other states or interstate agencies in furtherance of the purposes of this act.”</p>	<p>Commissioner of Energy and Environmental Protection. (a) The Commissioner of Energy and Environmental Protection shall coordinate all atomic development activities in the state. Said commissioner or his designee shall ... (3) act as deputy of the Governor in matters relating to atomic energy, <u>including participation in the activities of any committee formed by the New England states to represent their interests in such matters and also cooperation with other states and with the government of the United States;</u> (4) coordinate the studies, recommendations and proposals of the several departments and agencies of the state required by section 16a-103 with each other and also with the programs and activities of the development commission. So far as practicable, he shall coordinate the studies conducted, and the recommendations and proposals made, in this state with like activities in the New England and other states and with the policies and regulations of the Energy Research and Development Administration and the Nuclear Regulatory Commission. In carrying out his duties, he shall proceed in close cooperation with the development commission.</p>
60	Section 16	<p>Conflicting Laws</p> <p>COMMENT RESOLVED.</p>	
61	Section 17	<p>Administrative Procedure and Judicial Review</p>	

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			COMMENT RESOLVED
62	Section 2 (a)(5) of the proposed legislation.	<p>Section 17</p> <p>Administrative Procedure and Judicial Review</p> <p>Connecticut omits Section 17 (b).</p> <p>Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.</p> <p>Connecticut said: General Requirements 1. 22a-7 outlines the hearing requirement for those who request one after having received a cease and desist order from the Commissioner. 2. 22a-19 outlines the requirements for administrative proceedings that occur within DEEP. In short, administrative hearings can be requested through the DEEP adjudications department which will review the case and hold a hearing if necessary. Specific Requirement 3. 22a-155 for specific requirements regarding hearings, comments and orders. 4. 22a-158a for radiation specific requirements to receive a hearing for a disputed cease and desist order.</p> <p>Connecticut states: "which has, or which is reasonably likely to have, the effect of unreasonably polluting, impairing or destroying the public trust in the air, water or other natural resources of the state."</p> <p>COMMENT STANDS The provisions cited do not cover licensing applications. Connecticut</p>	<ol style="list-style-type: none"> 1. Does license = permit, or some equivalence 2. Letter from the AG 3. Bob Snook 4. Cite UAPA for judicial review 5. UAPA defines licenses and permits 4-166(8) 6. Rules of practice <p>Ken</p>

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			needs to show where there is a hearing right for denial of requests for licensing actions. They also need to mention that the hearing is on the record	
63	Section 17		Administrative Procedure and Judicial Review COMMENT RESOLVED	
64	Section 17		Administrative Procedure and Judicial Review COMMENT RESOLVED	
65	Section 17		Administrative Procedure and Judicial Review COMMENT RESOLVED	
66	Sec. 6 (a) of the proposed legislation.	Section 17	Administrative Procedure and Judicial Review Connecticut omits Section 17 (f). Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information. <i>Connecticut said: Cease and Desist Authority 1. See 22a-7. Authority for cease and desist orders, injunctions. 2. See 22a-158a regarding authority to issue cease and desist orders. 3. See 22a-158b regarding ability to seek court orders and injunctions Court Ordered Remedial Measures 4. Section 16a-105 provides that "Whenever, in the opinion of the Attorney General, any person is</i>	<ol style="list-style-type: none"> 1. Follow up with James/Betsey/ Tracy on how to proceed 2. NRC wants to eliminate the need to go the AG to do this 3. Bob Snook 4. Narrow provision 5. Ask Ken does any other program have this ability Ken- immediate action to protect public health and safety without hearing of the AG

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		<p>violating or is about to violate section 16a-104, the Attorney General may apply to the appropriate court for an order enjoining the person from engaging or continuing to engage in the activity violative of this chapter and, upon a showing that such person has engaged, or is about to engage, in any such activity, a permanent or temporary injunction, restraining order or other order may be granted.” Emergency Authority 5. Section 2(c)(3) of the proposed legislation grants authority for the adoption of regulations in instances of “terrorism or other emergency.</p> <p>COMMENT STANDS Connecticut proposed legislation for Administrative Procedure and Judicial Review did not include “protect the public health and safety.” Connecticut needs to adopt the following: SSL Section 17(f), “Whenever the agency finds that an emergency exists requiring immediate action to protect the public health and safety, the agency may, without notice or hearing, issue a regulation or order reciting the existence of such emergency and requiring that such action be taken as is necessary to meet the emergency. Notwithstanding any provision of this act, such regulation or order shall be effective immediately. Any person to whom such regulation or order is directed shall comply therewith immediately, but on application to the agency shall be afforded a hearing within [] days. On the basis of such hearing, the emergency regulation or order shall be continued, modified or</p>	<p>22a-7 consolidate cease and desist – does not require an AG</p> <p>Does not include seizure.</p> <p>There are program specific authorities in Long Island Sound program – see dredging</p> <p>Also see 21a-96 maybe</p> <p>Follow up meeting with:</p> <p>Dave Johnson Mark Latham Ken Collette</p>

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			<p>revoked within [30] days after such hearing.”</p>	
67	<p>Sec. 4 of the proposed legislation.</p>	<p>Section 17</p>	<p>Administrative Procedure and Judicial Review</p> <p>Connecticut omits Section 17 (g).</p> <p>Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.</p> <p>Connecticut said: 1. 22a-19 outlines the requirements for administrative proceedings and judicial review that occur within DEEP. In short, administrative hearings can be requested through the DEEP adjudications department which will review the case and hold a hearing if necessary. Petitions for judicial review in the superior court may also be obtained through this process.</p> <p>Connecticut states: Sec. 22a-19: “effect of unreasonably polluting, impairing or destroying the public trust in the air, water or other natural resources of the state.”</p> <p>COMMENT STANDS</p> <p>The Connecticut provision doesn’t specifically request the ability to request a judicial review. Connecticut needs to provide additional information to explain how a license applicant can request judicial reviews.</p>	<p>1. UAPA citation. 4-183</p> <p>2. Ask NRC</p>
68		<p>Section 18</p>	<p>Injunction Proceedings</p> <p>COMMENT RESOLVED</p>	

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69	Section 5 of the proposed legislation. Section 19	<p>Prohibited Uses</p> <p>Connecticut omits the following language:</p> <p>“distribute, sell, install, repair, receive, and...” from Section 5. Section 22a-157) of the proposed legislation.</p> <p>Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.</p> <p>Connecticut said: 1. Connecticut has revised section 5 of the proposed substitute legislation, amending section 22a-157, to include these terms 2. Receive exists in existing 22a-156a language.</p> <p>COMMENT MODIFIED</p> <p>Connecticut’s proposed legislation added “receive” in a different sentence than where they added “distribute, sell, install, and repair.” We recommend following the SSL Section 19 language to combine the sentence or explain why it is necessary to have two separate sentences. For example, SSL Section 19 states, “[I]t shall be unlawful for any person to use, manufacture, produce, distribute, sell, transport, transfer, install, repair, receive, acquire, own or possess any source of radiation unless licensed by or registered with the agency in conformance with rules and regulations, if any, promulgated in accordance with the</p>	<p>1. 21-02</p>

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		provisions of this act.”	
70	Sec. 2(c)(3) of the proposed legislation. Section 20	<p>Impounding</p> <p>Connecticut omits Section 20.</p> <p>Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.</p> <p>Connecticut said: General 1. The court can issue whatever remedial measure deemed necessary 22a-158(b) Specific 2. Section 16a-105 provides that “Whenever, in the opinion of the Attorney General, any person is violating or is about to violate section 16a-104, the Attorney General may apply to the appropriate court for an order enjoining the person from engaging or continuing to engage in the activity violative of this chapter and, upon a showing that such person has engaged, or is about to engage, in any such activity, a permanent or temporary injunction, restraining order or other order may be granted.” This authority could be used for impounding. 3. Section 2(c)(3) grants authority for the adoption of regulations in instances of “terrorism or other emergency” in which Connecticut could adopt additional provisions regarding impounding.</p> <p>COMMENT MODIFIED Connecticut should be able to impound material quickly in an emergency. Please use the SSL Section 20 or the Vermont language.</p>	<ol style="list-style-type: none"> 1. We need to add per Bob Snook 2. Check Haz waste/ material for language 3. Narrowly tailored to radiation <ol style="list-style-type: none"> 1. DOT has the authority to seize if the activity would imperil DOT workers

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		<p>SSL Section 20 states, “[T]he agency shall have the authority in the event of an emergency to impound or order the impounding of sources of radiation in the possession of any person who is not equipped to observe or fails to observe the provisions of this act or any rules or regulations issued thereunder.”</p> <p>VT 18 VSA 1653 (b)(7)(B), “[T]he Department shall have the authority in the event of an emergency to impound or order the impounding of by-product, source, and special nuclear materials in the possession of any person who is not equipped to observe or fails to observe the provisions of this chapter or any rules adopted under this chapter.”</p>	
71	Sec. 6. of the proposed legislation	<p>Section 21</p> <p>Penalties</p> <p>Connecticut uses the term civil penalty is in Section 4(a) of the proposed legislation.</p> <p>Connecticut needs to clarify civil penalties in their legislation.</p> <p>Connecticut omits Section 12(b) provisions in proposed CT Section 6.</p> <p>Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information including whether these provisions cover NRC or other agreement state licensees working in Connecticut.</p> <p>Connecticut said: 1. See section 4</p>	<ol style="list-style-type: none"> 1. James/ Betsey/ Tracy 2. Add to the general provisions for DEEP.

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		<p>and section 6 of the proposed legislation regarding the authority to impose penalties. 2. The Connecticut DEEP has adopted Department Administrative Civil Penalties in sections 22a6b-1 to 22a-6b-15, inclusive. These sections concern the imposition of penalties, hearings, burden of proof, assessment and settlement requirements.</p> <p>COMMENT MODIFIED Connecticut needs to review penalty provisions to ensure they cover the radioactive materials program. For example, 221-6b-8 method and schedule for calculating an administrative civil penalty chart does not seem to apply to Chapter 446a radiation control violations.</p>	