



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

January 25, 2023

Jeffrey Semancik, Director
Radiation Division
Bureau of Air Management
Connecticut Department of Energy and
Environmental Protection
79 Elm Street
Hartford, CT 06106-5127

Dear Mr. Semancik:

We have reviewed the proposed revisions to Section 16a-100, and Sections(s) 22a-6(a), 151, 154, and 158 the Connecticut General Statutes, received by our office on January 11, 2023 and the letter from Brendan Schain, Esq. dated October 11, 2022. This legislation was reviewed by comparison to the Council of State Governments Suggested State Legislation (SSL), 1983, Volume 42, and NMSS procedure SA-700, *Processing an Agreement*. We discussed our review of the legislation with you and members of your staff on January 24, 2023.

As a result of our review and subsequent conversation noted above, we have three comments that have been identified in the enclosure. If there are any changes to the proposed legislation as it makes its way through the committee process, please keep us informed. If you have any questions regarding the comments, the compatibility and health and safety categories, or any of the NRC regulations used in the review, please contact Michelle Beardsley, State Regulation Review Coordinator, at 301-415-0275 (michelle.beardsley@nrc.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Bethany K. Cecere".

Signed by Cecere, Bethany
on 01/25/23

Bethany K. Cecere, Acting Chief
State Agreement and Liaison Programs Branch
Division of Materials Safety, Security, State
and Tribal Programs
Office of Nuclear Material Safety
and Safeguards

Enclosure:
Comment Table

SUBJECT: CONNECTICUT PROPOSED LEGISLATION DATE January 25, 2023

DISTRIBUTION: SP05
DIR RF (23-12)
FGaskins, RSAO
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CT File

ADAMS Accession No. ML23024A187 pkg and ML23024A265 letter

OFFICE	NMSS/MSST	OGC	NMSS/MSST
NAME	O'Hara	JOlmstead NLO via email	BCecere
DATE	01/20/2023	01/24/2023	01/25/2023

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COMMENT TABLE ON CONNECTICUT REVISED LEGISLATION

STATE SECTION		STATE SUGGESTED LEGISLATION SECTION	SUBJECT and COMMENTS
1	--	Section 12	<p>Inspection</p> <p>CT will consult with Attorney General regarding proposing legislation to enable entry to private property and inform the NRC of any proposed legislation.</p> <p>Comment Stands from NRC letter dated September 13, 2022/ML22256A236 and is modified as follows:</p> <p>Connecticut needs to provide a letter from the Attorney General confirming that inspectors will have the authority to enter a private residence if necessary.</p> <p>CT will evaluate effect requiring concurrence before entry onto federal property for the radiation control program would affect their responsibilities under their other delegated environmental programs and inform the NRC of the results.</p> <p>Comment Stands from NRC letter dated September 13, 2022/ML22256A236 and is modified as follows:</p> <p>Connecticut needs to provide a letter from the Attorney General confirming that concurrence will be obtained before entering federal property.</p>
2	22a-7	Section 17	<p>Administrative Procedure and Judicial Review</p> <p>Connecticut omits Section 17 (f).</p> <p>Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.</p> <p>To address this comment, Connecticut could adopt either the language in SSL Section 17(f) or Vermont 18 VSA §1655(b).</p> <p>SSL Section 17(f), "Whenever the agency</p>

STATE SECTION	STATE SUGGESTED LEGISLATION SECTION	SUBJECT and COMMENTS
		<p>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 revoked within [30] days after such hearing.”</p> <p>Vermont–18 VSA §1655(b), “[W]henver the Department finds that an emergency exists requiring immediate action to protect the public health and safety, the Department may, without notice or hearing, issue an order reciting the existence of the emergency and requiring that such action be taken as is necessary to meet it. Notwithstanding any contrary provision of this chapter, the order shall be effective immediately. Any person to whom the order is directed shall comply with the order immediately, but on application to the Department shall be afforded a hearing within ten days. On the basis of the hearing, the emergency order shall be continued, modified, or revoked within ten days after the hearing.”</p> <p>Comment Stands from NRC letter dated September 13, 2022/ML22256A236, but is modified as follows:</p> <p>In its October 11, 2022, letter to the NRC (ML23024A201), Connecticut explained their current statutory framework related to cease-and-desist orders. In order to be accepted by the NRC, Connecticut will need to provide an</p>

STATE SECTION		STATE SUGGESTED LEGISLATION SECTION	SUBJECT and COMMENTS
			interpretation of the current statutory framework in an Attorney General letter explaining how Connecticut's provisions fulfill the emergency order requirements in SSL Section 17(f).
3	--	Section 20	<p>Impounding</p> <p>CT's proposed legislation to address the issue of emergency impoundment in Section 22a-158, new subsection (d), authorizes impoundment of radioactive material without a hearing, however, it does not meet all of the requirements in SSL Section 17(g).</p> <p>Comment changed and is modified as follows:</p> <p>In order to be accepted by the NRC, CT will need to provide an interpretation of the proposed statutory framework in an Attorney General Letter explaining how Connecticut's provisions fulfill the emergency impoundment requirements in SSL Section 17(g).</p>