Perspectives on Becoming an Agreement State

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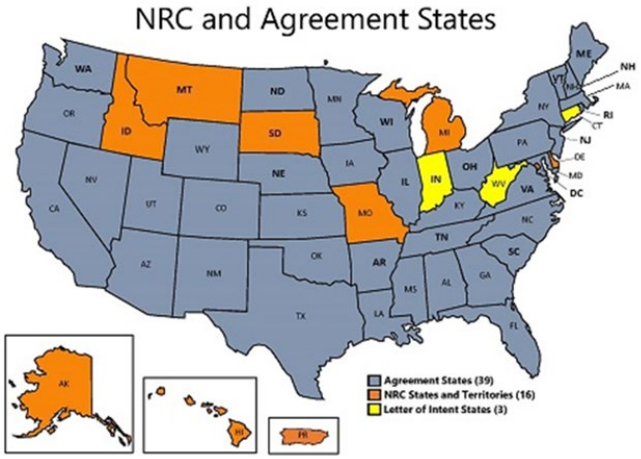
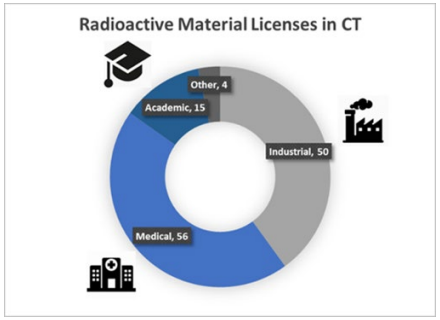
Connecticut
Department of Energy & Environmental Protection
RADIATION DIVISION

Making the Decision

- Gov Lamont signed a Letter of Intent to become an Agreement State on December 10, 2020
- Why take this on?
  - Regulatory Certainty
    - Eliminate dual regulation
    - Compatibility
    - Local access and accountability to licensees and public
  - Safety and Security
    - State responsibility/accountability for radiation sources, safety and security
  - Economic
    - Over $1M in fees stay in CT
    - Streamlined program administration





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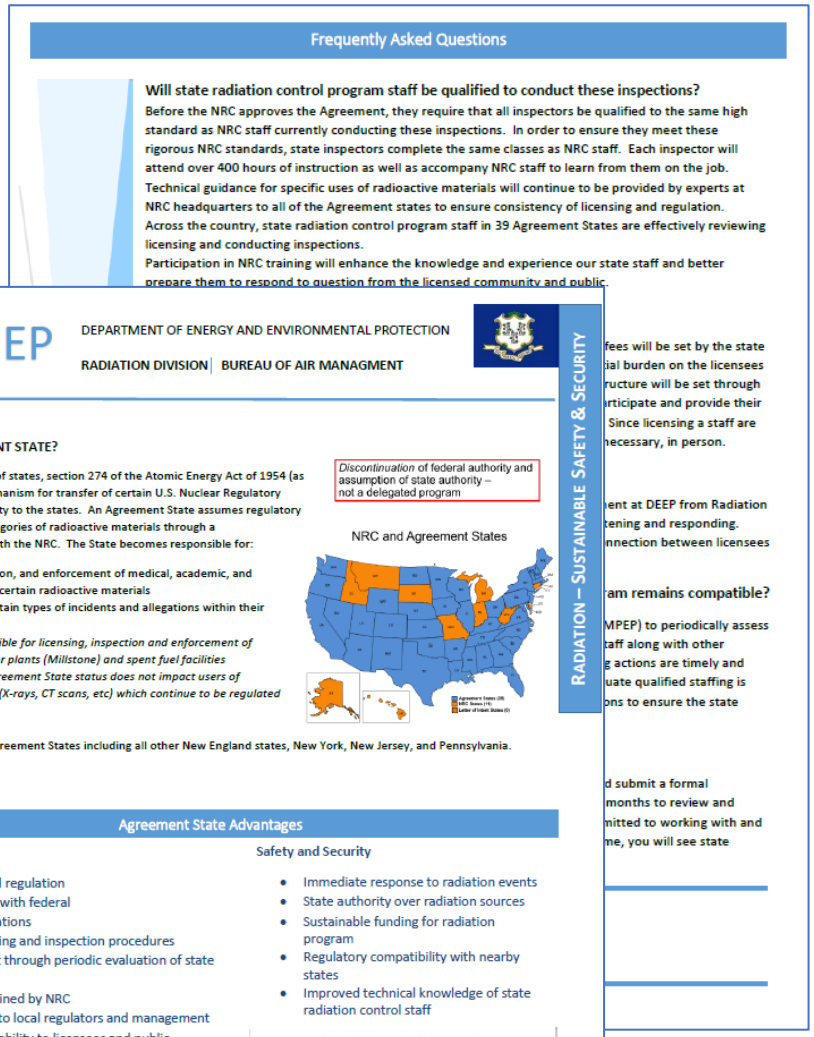
Gaining Support



Frequently Asked Questions

Will state radiation control program staff be qualified to conduct these inspections?

Before the NRC approves the Agreement, they require that all inspectors be qualified to the same high standard as NRC staff currently conducting these inspections. In order to ensure they meet these rigorous NRC standards, state inspectors complete the same classes as NRC staff. Each inspector will attend over 400 hours of instruction as well as accompany NRC staff to learn from them on the job. Technical guidance for specific uses of radioactive materials will continue to be provided by experts at NRC headquarters to all of the Agreement states to ensure consistency of licensing and regulation. Across the country, state radiation control program staff in 39 Agreement States are effectively reviewing licensing and conducting inspections.

Participation in NRC training will enhance the knowledge and experience our state staff and better prepare them to respond to question from the licensed community and public.

DEEP

DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION

RADIATION DIVISION | BUREAU OF AIR MANAGMENT

RADIATION – SUSTAINABLE SAFETY & SECURITY

WHAT IS AN AGREEMENT STATE?

Recognizing the interests of states, section 274 of the Atomic Energy Act of 1954 (as amended) provides a mechanism for transfer of certain U.S. Nuclear Regulatory Commission (NRC) authority to the states. An Agreement State assumes regulatory authority over certain categories of radioactive materials through a cooperative Agreement with the NRC. The State becomes responsible for:

- licensing, inspection, and enforcement of medical, academic, and industrial uses of certain radioactive materials
- responding to certain types of incidents and allegations within their borders

The NRC remains responsible for licensing, inspection and enforcement of commercial nuclear power plants (Millstone) and spent fuel facilities (Connecticut Yankee). Agreement State status does not impact users of machine based radiation (X-rays, CT scans, etc) which continue to be regulated by the state.

Discontinuation of federal authority and assumption of state authority – not a delegated program

NRC and Agreement States

There are currently 39 Agreement States including all other New England states, New York, New Jersey, and Pennsylvania.

Agreement State Advantages

Regulatory Certainty

- Eliminate dual regulation
- Compatibility with federal
  - regulations
  - licensing and inspection procedures
- NRC oversight through periodic evaluation of state performance
- Inspectors trained by NRC
- Direct access to local regulators and management
- Local accountability to licensees and public
- Licensee participation in regulatory process

Economy

- Over $1M in fees stay in CT
- Less cost for CT business licensees
- Streamlined program administration
- NRC provides inspector training

Safety and Security

- Immediate response to radiation events
- State authority over radiation sources
- Sustainable funding for radiation program
- Regulatory compatibility with nearby states
- Improved technical knowledge of state radiation control staff

Radioactive Material Licenses in CT

- Consistent Messaging
  - Regulated Community
    - Outreach to power users
  - Legislators
    - Eliminate confusion
      - regulation of nuclear power plants
  - Tribes (Federal and State)
    - Eliminate confusion
      - Radwaste/spent nuclear fuel
- Agency Support
  - Regulations
  - Enforcement
  - IT
  - Legal/AG
  - Central Services

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A Rigorous and Thorough Process

- Clear guidance
  - SA-700 Handbook for Processing an Agreement
  - Benchmarks – VT and other application
- Strong NRC Project Manager – Duncan White
  - Supporting NRC staff
  - Identified key issues based on other apps
  - Experienced with other states
  - Briefing state leadership
- NRC Region 1 Support
  - NRC accompaniments with experienced Inspectors
  - Other licensing, enforcement activities
- Dedicated state lead – Brandon Graber, CHP
  - Assigned AS staff
- Excellent NRC training
- Project Management
  - Routine meetings
  - In line reviews
- Involvement with OAS and National Materials Program
  - Leveraging OE from IMPEPs

We will be Prepared

- Radiation Division has experience
  - Maintain an active NRC material license
  - Experienced in Complex Decommissioning Projects
  - Incident Response experience
  - Inspection experience.
  - Diverse staff with experience in healthcare, academic, industry
- 5.5 FTEs – combined license reviewer/inspectors for Agreement State
  - Defense-in-depth above the projected 2.7 FTE required to run program
  - Over 150 person-years collective experience in radiation protection
  - Since filing our LOI, DEEP AS staff have:
    - Completed approximately 1850 person-hours of inspector training
    - Accompanied NRC inspectors at over 70 inspections (over 460 person-hours of inspections)
- Stakeholder engagement
- New England Radiological Health Compact (NERHC)
- Some unexpected benefits
  - licensee outreach during accompaniments
  - Driver for regulatory modernization
  - Fully vetting statutory and regulatory authorities
  - Integration with agency programs
  - Building process competencies

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Success Factors

- Management Support
- Build the Right Team
- Effective Project Management
- Leveraging OE
- Frequent Stakeholder Engagement
- Taking Advantage of Technology
  - electronic records, Web based licensing
- National Materials Program Support
  - Recommendation: strengthen this with a peer sponsor on team from a recent state

Challenges

- Staffing
  - Resources before revenue
  - Attracting and retaining talent
- State regulatory process
- IT integration

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Connecticut is looking forward to joining the National Materials Program as an Agreement State!

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