



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

March 17, 2021

Mr. 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 the Connecticut legislation in the Agency Legislative Proposal – 2021 Session, received by our office on February 11, 2021. 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 March 11, 2021.

As a result of our review, we have 32 comments that have been identified in the enclosure. We want to specifically direct your attention to two issues: (1) if Connecticut does not seek low-level radiation waste disposal authority, the NRC would remain the licensing authority for any requests for low-level radiation waste disposal sites sited in Connecticut and (2) the depositing of licensee's sureties into a special fund is a matter of adequacy and compatibility for entering into a 274b. Agreement. These issues along with the other comments are discussed in more detail in the enclosed comment table. If there are any subsequent 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 or the State Suggested Legislation used in the review, please contact Michelle Beardsley, State Regulation Review Coordinator, at 301-415-0275 (michelle.beardsley@nrc.gov) or Kathy Dolce Modes at 215-872-5804 (kathy.modes@nrc.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "B. C. Anderson".

Signed by Anderson, Brian
on 03/17/21

Brian C. Anderson, 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

COMMENTS ON CONNECTICUT REVISED LEGISLATION

STATE SECTION		STATE SUGGESTED LEGISLATION SECTION	SUBJECT and COMMENTS
1	<p>Section 22a-5.</p> <p>Section 22a-148 et seq.</p> <p>16a-100</p> <p>22a-161 for LLRW Atlantic Compact</p>	Section 2	<p>Declaration of Policy</p> <p>While some of the changes to the new Section 9(b) addresses our prior comments concerning the omission of SSL Section 2, Connecticut needs to provide language to ensure that the State's programs will be compatible with the federal programs for regulation for by-product, source, and special nuclear materials. The Section 22a-148, Section 9(b) language ... "Such regulations or orders shall be "based" on the regulations of the United States Nuclear Regulatory Commission" is not adequate.</p> <p>Connecticut can use the SSL Section 2(1) or Vermont statutory language.</p> <p>SSL Section 2(1): "[T]o institute and maintain a regulatory program for sources of ionizing [and non-ionizing] radiation so as to provide for compatibility and equivalency with the standards and regulatory programs of the federal government, [a single,][an integrated,] effective system of regulation within the state, and a system consonant insofar as possible with those of other states.</p> <p>18 VSA §1652(b) "[T]he Department shall, for the protection of the occupational and public health and safety, develop programs for the control of ionizing and nonionizing radiation compatible with federal programs for regulation of by-product, source, and special nuclear materials."</p> <p>Editorial comment: Connecticut should consider whether to put the registration fee of \$200 in regulations instead of the statute, so they are easier to change later. Connecticut should also consider whether some of the detailed registration provisions in the new Section 22a-148, Section 9 may be better to cover in regulations too.</p>
2	<p>Section 22a-5.</p> <p>Section 22a-148 et seq.</p> <p>16a-100</p>	Section 3	<p>Purpose</p> <p>Connecticut needs to address the second part of the previous comment by using the SSL 2(1) or the 18 VSA §1652(b) language mentioned in Comment No. 1. In addition, Connecticut has the option to include the SSL Section 3(2) language. "[A] program to promote an orderly regulatory pattern within the state, among the states and between the federal government and the state and facilitate the intergovernmental cooperation with respect to use and regulation of sources of radiation to the end that duplicate of regulation may be minimized."</p>

			COMMENT MODIFIED from NRC letter dated January 22, 2021/ML21006A409
3	<p>Definitions will be adopted through regulation with authority provided through legislative proposal sec. 2</p> <p>Section 16a-101</p>	Section 4	<p>Definitions Byproduct Material</p> <p>The definition does not include “The tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content.” The reference to 42 U.S.C. 2014 also includes definitions not mentioned in the SSL. The reference to 42 U.S.C. 2014 defines (1)(i) again. The definition in Section 22a-151 references the U.S. Atomic Energy Commission.</p> <p>Connecticut needs to provide an explanation or justification as to the reason for the omissions; or supply the missing information.</p> <p>COMMENT STANDS from NRC letter dated January 22, 2021/ML21006A409</p> <p>Connecticut cannot meet this requirement by citing the Atomic Energy Act’s (AEA’s) definition of by-product material because “Commission” refers to the NRC in the definition. Also, the provision does not allow the State to pick up new by-product materials if they are added by the NRC in the future. Connecticut could modify the language in the AEA or use the Vermont definition below.</p> <p>18 VSA §1651. Definitions In this chapter: (1) "By-product material" means each of the following: (A) Any radioactive material, other than special nuclear material, that is yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material. (B) The tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content, including discrete surface wastes resulting from uranium solution extraction processes. However, "by-product material" does not include underground ore bodies depleted by these solution extraction operations. (C) Any discrete source of radium-226 that is produced, extracted, or converted after extraction for use for a commercial, medical, or research activity. (D) Any material that has been made radioactive by use of a particle accelerator and is produced, extracted, or converted after extraction for use for a commercial, medical, or research activity. (E) Any discrete source of naturally occurring radioactive material, other than source material, that is extracted or converted after extraction for use in a commercial, medical, or research activity, if the Governor, after determination by the NRC, declares by order</p>

			that the source would pose a threat similar to the threat posed by a discrete source of radium-226 to the public health and safety.
4	Definitions will be adopted through regulation with authority provided through legislative proposal sec. 2 Section 16a-101	Section 4	Definitions Civil Penalty Editorial comment: Connecticut has general authority to adopt regulations necessary to carry out provisions in Section 22a-151 to 22a-158. However, the general civil penalty provisions are in 22a-6b. As noted further below, as currently written, 22a-6b may not cover licenses under Chapter 446a.
5	Definitions will be adopted through regulation with authority provided through legislative proposal sec. 2 Section 16a-101	Section 4	Definitions General license Editorial comment: This section lists “by-product, source, special nuclear materials or other radioactive material occurring naturally or produced artificially” instead of “radioactive materials” as done in other sections.
6	Definitions will be adopted through regulation with authority provided through legislative proposal sec. 2 Section 16a-101	Section 4	Definitions Specific license Editorial comment: This section lists “by-product, source, special nuclear materials or other radioactive material occurring naturally or produced artificially” instead of “radioactive materials” as done in other sections.
7	Definitions will be	Section 4	Definitions Person

	<p>adopted through regulation with authority provided through legislative proposal sec. 2</p> <p>Section 16a-101</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> <p>COMMENT MODIFIED from NRC letter dated January 22, 2021/ML21006A409</p>
8	<p>Definitions will be adopted through regulation with authority provided through legislative proposal sec. 2</p> <p>Section 16a-101</p>	Section 4	<p>Definitions Nonionizing radiation</p> <p>Editorial comment: The Connecticut definition of nonionizing radiation appears to be very restrictive compared to the definition used in SSL and Vermont. For comparison, the definition in SSL Section (13) definition is, "[I]onizing radiation" means: (i) any electromagnetic radiation, other than ionizing electromagnetic radiation. (ii) Any sonic, ultrasonic or infrasonic wave."</p> <p>The Vermont definition in 18 VSA 1651 is, "[N]onionizing radiation" means radiations of any wavelength in the entire electromagnetic spectrum except those radiations defined in this section as ionizing. Nonionizing radiations include ultraviolet, visible, infrared, microwave, radiowave, low frequency electromagnetic radiation; infrasonic, sonic, and ultrasonic waves; electrostatic and magnetic fields."</p>
9	<p>Definitions will be adopted through regulation with authority provided through legislative proposal sec. 2</p> <p>Section 16a-101</p>	Section 4	<p>Definitions Registration</p> <p>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.</p> <p>Connecticut needs to confirm that Section 22a-148 applies to general licenses. If not, Connecticut will need to modify the language.</p>
10	<p>Definitions will be adopted through regulation</p>	Section 4	<p>Definitions Source material</p> <p>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 does not allow the State</p>

	<p>with authority provided through legislative proposal sec. 2</p> <p>Section 16a-101</p>		<p>to pick up new source materials if they are added by the NRC in the future. Connecticut could modify the AEA language as we discussed during the March 11, 2021 meeting or use the Vermont definition below.</p> <p>18 VSA §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> <p>COMMENT MODIFIED from NRC letter dated January 22, 2021/ML21006A409</p>
11	<p>Definitions will be adopted through regulation with authority provided through legislative proposal sec. 2</p> <p>Section 16a-101</p>	Section 4	<p>Definitions Special nuclear material</p> <p>Connecticut cannot meet this requirement by citing the AEA's definition of special nuclear material because "Commission" refers to the NRC in the definition. The provision also does not allow the State to pick up new special nuclear materials if they are added by the NRC in the future. Connecticut could either modify the AEA definition as we discussed during the March 11, 2021 meeting or use the Vermont definition below.</p> <p>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> <p>COMMENT MODIFIED from NRC letter dated January 22, 2021/ML21006A409</p>
12	22a-153(c)	Section 5	State Radiation Control Agency

			<p>The NRC staff has identified specific comments related to the list of items in SSL Section 5(d)(1)-(9) elsewhere in this table. If Connecticut addresses the other comments, NRC staff will consider this comment resolved.</p> <p>COMMENT MODIFIED from NRC letter dated January 22, 2021/ML21006A409</p>
13	Sec. 3 of proposed legislation. (Section 22a-154)	Section 7	<p>Licensing and Registration of Sources of Radiation</p> <p>Connecticut omits the phrase “or devices or equipment utilizing such materials” to Section 22a-154 Section 3(a). Connecticut needs to add language to clarify the state does not have authority to regulate materials or activities reserved to the NRC. To address these issues, we recommend revising 22a-154 Section 3 (a), based on the appropriate language from Vermont 18 VS §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> <p>COMMENT MODIFIED from NRC letter dated January 22, 2021/ML21006A409</p>
14	Sec. 3 of proposed legislation. (Section 22a-154)	Section 7	<p>Licensing and Registration of Sources of Radiation</p> <p>Connecticut needs to clarify how the cited provisions addresses Section 7(b) requirement for DEEP to have authority to require the registration of general licenses and specific licenses. If Connecticut adopts the language recommended in Comment 33 above, the NRC staff would consider this comment resolved.</p> <p>COMMENT MODIFIED from NRC letter dated January 22, 2021/ML21006A409</p>
15	22a-159	Section 9	<p>Low-level Radioactive Waste Disposal</p> <p>Editorial comment: Please note, if Connecticut does not seek low-level radiation waste disposal authority, the NRC would remain the licensing authority for any requests for low-level radiation waste disposal sites sited in Connecticut.</p>
16	Sec. 2 and 3 of the	Section 11	<p>Surety Requirements</p>

	proposed legislation.		<p>Connecticut needs to revise their statutory provisions, regulations and Standard Operating Procedures (SOPs) to ensure Connecticut has the authority to collect surety from licensees. If Connecticut intends to fund the program through fees, the State also needs authority to collect fees.</p> <p>During the March 11, 2021 meeting, Connecticut indicated that their Attorney General's office had previously determined that licenses issued by DEEP are covered when the statute specifies "permit" or "order." The NRC can also consider a formal letter from the Attorney General's office providing an interpretation of these regulatory provisions to address this or similar comments in this letter</p> <p>COMMENT MODIFIED from NRC letter dated January 22, 2021/ML21006A409</p>
17	<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 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 depositing of licensee's sureties into a special fund is a matter of adequacy and compatibility for entering into a 274b. Agreement. 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.</p> <p>Vermont 18 VS §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> <p>Vermont-18 VS §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>Vermont-18 VS §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</p>

			<p>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> <p>COMMENT MODIFIED from NRC letter dated January 22, 2021/ML21006A409</p>
18	<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 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 17 that provides the Vermont legislation as an example.</p> <p>COMMENT MODIFIED from NRC letter dated January 22, 2021/ML21006A409</p>
19	<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 needs to 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 in other state provisions.</p> <p>COMMENT MODIFIED from NRC letter dated January 22, 2021/ML21006A409</p>
20	<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 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 17 that provides the Vermont legislation as an example.</p> <p>COMMENT MODIFIED from NRC letter dated January 22, 2021/ML21006A409</p>
21	Section 2 (a)(2) of the proposed legislation.	Section 12	<p>Inspection</p> <p>Connecticut can use either the language in SSL Section 12 or the Vermont statutory provision provided below and clarify that the NRC can receive 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>Vermont–18 VS §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> <p>COMMENT MODIFIED from NRC letter dated January 22, 2021/ML21006A409</p>
22	Section 2 (a)(6) of the proposed legislation.	Section 13	<p>Records</p> <p>Connecticut needs to add language saying that the records shall be made available for inspection or copies shall be submitted to, the agency upon request. If Connecticut responds to Comment No. 54 by using either SSL or Vermont language referenced, that would also address this comment,</p> <p>COMMENT MODIFIED from NRC letter dated January 22, 2021/ML21006A409</p>
23	Section 2 (a)(1) of the proposed legislation. 22a-152	Section 14	<p>Federal-State Agreements</p> <p>Connecticut needs to replace “government of the United States” with “U.S. Nuclear Regulatory Commission.” We recommend replacing “relinquishing” with “discontinuance.”</p> <p>COMMENT MODIFIED from NRC letter dated January 22, 2021/ML21006A409</p>
24	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 needs to clarify that the NRC licenses subject to the</p>

			<p>§274b. 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 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>Vermont—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> <p>COMMENT STANDS from NRC letter dated January 22, 2021/ML21006A409</p>
25	Section 2 (a)(1) of the proposed legislation	Section 15	<p>Inspection Agreements and Training Programs</p> <p>Connecticut needs to explain where they have the authority to enter into 274(i) agreements with the NRC and other states and governmental entities.</p> <p>COMMENT MODIFIED from NRC letter dated January 22, 2021/ML21006A409</p>
26	Section 2 (a)(5) of the proposed legislation	Section 15	<p>Inspection Agreements and Training Programs</p> <p>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>COMMENT MODIFIED from NRC letter dated January 22,</p>

			2021/ML21006A409
27	Section 2 (a)(5) of the proposed legislation.	Section 17	<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>COMMENT STANDS from NRC letter dated January 22, 2021/ML21006A409</p> <p>Connecticut 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.</p>
28	Sec. 6 (a) of the proposed legislation.	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>COMMENT STANDS from NRC letter dated January 22, 2021/ML21006A409</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 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]henever 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</p>

			ten days. On the basis of the hearing, the emergency order shall be continued, modified, or revoked within ten days after the hearing.”
29	Sec. 4 of the proposed legislation.	Section 17	<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>COMMENT STANDS from NRC letter dated January 22, 2021/ML21006A409</p> <p>Connecticut needs to provide additional information to explain how final agency actions and orders are subject to judicial reviews or can adopt language consistent with either SSL Section 17(g) or Vermont 18 VSA §1655(c).</p> <p>SSL Section 17(g), “[A]ny final agency action or order entered in any proceedings under subsections (a), (b), (c) and (f) above shall be subject to judicial review by the [appropriate court] in the manner prescribed in [cite appropriate state act setting out procedure for appeal.]”</p> <p>Vermont—18 VSA §1655(c), [A]ny final order entered in any proceeding under subsections (a) and (b) of this section shall be subject to judicial review in the Civil Division of the Superior Court.”</p>
30	Section 5 of the proposed legislation.	Section 19	<p>Prohibited Uses</p> <p>Connecticut needs to explain why it is necessary to have the two separate sentences or combine the sentences like SSL Section 19.</p> <p>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 provisions of this act.”</p> <p>COMMENT MODIFIED from NRC letter dated January 22, 2021/ML21006A409</p>
31	Sec. 2(c)(3) of the proposed legislation.	Section 20	<p>Impounding</p> <p>Connecticut should be able to impound material quickly in an emergency. Connecticut can use the SSL Section 20 or the</p>

			<p>Vermont language to address this comment. Alternatively, Connecticut can identify a separate statute where the State has the capability to impound material quickly in an emergency.</p> <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>Vermont–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> <p>COMMENT MODIFIED from NRC letter dated January 22, 2021/ML21006A409</p>
32	Sec. 6. of the proposed legislation	Section 21	<p>Penalties</p> <p>Connecticut uses the term civil penalty is in Section 4(a) of the proposed legislation.</p> <p>Connecticut needs to review the state’s penalty provisions to ensure they will adequately cover the radioactive materials program. Any changes that need to be made to these statutory provisions should be made before the effective date of the Agreement. We could also discuss consideration of a formal letter from the Attorney General’s office providing an interpretation of these regulatory provisions to address this comment.</p> <p>COMMENT MODIFIED from NRC letter dated January 22, 2021/ML21006A409</p>