

H.135: enabling Vermont to become a Nuclear Regulatory Commission agreement state; Senate’s proposed strike-all amendment
Office of Legislative Council April 18, 2016

§	DESCRIPTION
1	<p>18 V.S.A. chapter 32: Ionizing and nonionizing radiation control</p> <p>The amendment would update this chapter to enable the Governor to reach an agreement with the Nuclear Regulatory Commission (NRC) under which the NRC would relinquish to Vermont portions of the NRC’s regulatory authority to license and regulate radioactive materials.</p>
	<p>18 V.S.A. § 1651. Definitions</p> <p>The amendment would update the definitions section of the chapter, including conforming the definitions of “byproduct material,” “radioactive material,” “source material,” and “special nuclear material” to current NRC regulations.</p> <p>The amendment also:</p> <ul style="list-style-type: none"> • Adds definitions of “Commissioner” and “Department” to mean, respectively, the Commissioner of Health and the Department of Health. • Adds a definition for the NRC and states that the term includes any successor agency to the NRC. • Places the definitions in alphabetical order.
	<p>18 V.S.A. § 1652: State radiation control</p> <p>The amendment:</p> <ul style="list-style-type: none"> • Moves, from the definitions section (1651), a declaration that the Department of Health is the radiation control agency for Vermont. • States that the Department’s Radiation Control Director will be the person performing the functions vested in the Department by this chapter. • Makes technical corrections, including substituting the defined term “Department” for the term “agency.”
	<p>18 V.S.A. § 1653: Federal-State agreements</p> <p>This statute is the specific enabling authority for the Governor to enter into an agreement with the NRC. The amendment:</p> <ul style="list-style-type: none"> • Directs that the licensing rules adopted by the Department be consistent with NRC regulations except as the Commissioner determines is necessary to protect public health. • Grants the Department authority to: <ul style="list-style-type: none"> ▶ Impose conditions that are individual to a license when necessary to protect public health and safety. ▶ Reciprocate in recognizing licenses issued by the NRC or other states

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1, ctd	<ul style="list-style-type: none"> ▶ Require that licensees comply with the relevant federal statutes and regulations and the Department’s rules adopted under this section ▶ Collect a license fee, which shall be the fee set by the NRC as of the act’s effective date. This proposal is the same as in the bill as passed the House. • Establishes a special fund for the license fees to be called the Nuclear Regulatory Fund and requires use of the Fund solely for the purpose of this section. This proposal is the same as in the bill as passed the House. • States that this section does not confer authority to regulate material or activities reserved to the NRC under the federal statute and regulations that pertain to agreement states. That reserved authority includes the construction and operation of a nuclear generation plant. • Makes technical corrections to conform to current drafting practice. <hr/> <p>18 V.S.A. § 1654: Inspection</p> <p>Technical correction: Changes “agency” to “Department”</p> <hr/> <p>18 V.S.A. § 1655: Hearings and Judicial Review</p> <p>Technical corrections:</p> <ul style="list-style-type: none"> • Changes “agency” to “Department” • Changes “superior court” to “Civil Division of the Superior Court” <hr/> <p>18 V.S.A. § 1656: Injunction Proceedings</p> <p>Technical corrections, including changing “agency” to “Department”</p>
2	<p>Effective Date (session law)</p> <p>The act would take effect July 1, 2016.</p> <p>After passage, the title of the bill would be changed to “An act relating to enabling the Vermont Department of Health to reach an agreement with the Nuclear Regulatory Commission regarding authority over regulation and licensing of radioactive materials”</p>