

1 H.135

2 Introduced by Representative Sullivan of Burlington

3 Referred to Committee on

4 Date:

5 Subject: Health; radiation control; federal-state agreements; Nuclear

6 Regulatory Commission Agreement State; fee for licenses

7 Statement of purpose of bill as introduced: This bill proposes to allow the
8 Vermont Department of Health to charge the fees necessary to support its
9 responsibilities should Vermont enter into an agreement with the Nuclear
10 Regulatory Commission under section 274 of the Atomic Energy Act in order
11 to assume some of the federal responsibilities under this Act with respect to
12 byproduct, source, and special nuclear materials.

13 An act relating to authorizing the Vermont Department of Health to charge
14 fees necessary to support Vermont's status as a Nuclear Regulatory
15 Commission Agreement State

16 It is hereby enacted by the General Assembly of the State of Vermont:

17 Sec. 1. ~~18~~ V.S.A. § 1653 is amended to read:

18 § 1653. FEDERAL-STATE AGREEMENTS

19 (a) The ~~governor~~ Governor, on behalf of the ~~state~~ State of Vermont, may
20 enter into agreements with the federal government providing for
21 discontinuance of certain of the federal government's responsibilities with

1 ~~respect to byproduct, source, and special nuclear materials and the assumption~~
2 thereof by the ~~state~~ State of Vermont.

3 (b) In the event of such agreement:

4 (1) The ~~agency~~ Agency shall provide by rule for general or specific
5 licensing of byproducts, source, special nuclear materials, or devices or
6 equipment utilizing such materials. The rule shall provide for amendment,
7 suspension, or revocation of licenses.

8 (2) The ~~agency~~ Agency shall be authorized to exempt certain byproduct,
9 source, or special nuclear materials or kinds of uses or users from the licensing
10 or registration requirements set forth in this section when the ~~agency~~ Agency
11 makes a finding that the exemption of such materials or kinds of uses or users
12 will not constitute a significant risk to the health and safety of the public.

13 (3) The Agency may collect a fee for licenses issued under this section.
14 The fee schedule for these licenses shall be the schedule adopted by the U.S.
15 Nuclear Regulatory Commission and published in 10 C.F.R. § 170.31 that is in
16 effect as of the effective date of this section. Fees collected under this section
17 shall be credited to the Nuclear Regulatory Fund established and managed
18 under subdivision (a)(4) of this section and shall be available to the Agency to
19 offset the costs of providing services under this section.

20 (4) There is established the Nuclear Regulatory Fund to consist of the
21 fees collected under subdivision (a)(3) of this section and any other monies

1 ~~that may be appropriated to or deposited into the Fund. Balances in the~~
2 Nuclear Regulatory Fund shall be expended solely for the purposes set forth in
3 this section and shall not be used for the general obligations of government.
4 All balances in the Fund at the end of any fiscal year shall be carried forward
5 and remain part of the Fund, and interest earned by the Fund shall be deposited
6 in the Fund. The Nuclear Regulatory Fund is established in the State Treasury
7 pursuant to 32 V.S.A. chapter 7, subchapter 5.

8 ~~(3)~~(5) Any person having a license immediately before the effective date
9 of an agreement under subsection (a) of this section from the federal
10 government or agreement state relating to byproduct material, source material,
11 or special nuclear material and which on the effective date of this agreement is
12 subject to the control of this ~~state~~ State shall be considered to have a like
13 license with the ~~state~~ State of Vermont until the expiration date specified in the
14 license from the federal government or agreement state or until the end of the
15 ~~ninetieth~~ 90th day after the person receives notice from the ~~agency~~ Agency that
16 the license will be considered expired.

17 ~~(4)~~(6) The ~~agency~~ Agency shall require each person who possesses or
18 uses byproduct, source, or special nuclear materials to maintain records
19 relating to the receipt, storage, transfer, or disposal of such materials and such
20 other records as the ~~agency~~ Agency may require subject to such exemptions as
21 may be provided by rule.

1 ~~(5)(7) Violations:~~

2 (A) It shall be unlawful for any person to use, manufacture, produce,
3 transport, transfer, receive, acquire, own, or possess any byproduct, source, or
4 special nuclear material unless licensed by or registered with the ~~agency~~
5 Agency in accordance with the provisions of this chapter.

6 (B) The ~~agency~~ Agency shall have the authority in the event of an
7 emergency to impound or order the impounding of byproduct, source, and
8 special nuclear materials in the possession of any person who is not equipped
9 to observe or fails to observe the provisions of this chapter or any rules or
10 regulations issued thereunder.

11 ~~(6)(8)~~ The provisions of this section relating to the control of byproduct,
12 source, and special nuclear materials shall become effective on the effective
13 date of an agreement between the federal government and this ~~state~~ State as
14 provided in section 1656 of this title.

15 Sec. 2. EFFECTIVE DATE

16 ~~This act shall take effect on July 1, 2015.~~

Sec. 1. 18 V.S.A. § 1653 is amended to read:

§ 1653. FEDERAL-STATE AGREEMENTS

(a) The ~~governor~~ Governor, on behalf of the ~~state~~ State of Vermont, may enter into agreements with the federal government providing for discontinuance of certain of the federal government's responsibilities with

respect to byproduct, source, and special nuclear materials and the assumption thereof by the ~~state~~ State of Vermont.

(b) In the event of such agreement:

(1) The ~~agency~~ Agency shall provide by rule for general or specific licensing of byproducts, source, special nuclear materials, or devices or equipment utilizing such materials. The rule shall provide for amendment, suspension, or revocation of licenses.

(2) The ~~agency~~ Agency shall be authorized to exempt certain byproduct, source, or special nuclear materials or kinds of uses or users from the licensing or registration requirements set forth in this section when the ~~agency~~ Agency makes a finding that the exemption of such materials or kinds of uses or users will not constitute a significant risk to the health and safety of the public.

(3) The Agency 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 the effective date of this section. Fees collected under this section shall be credited to the Nuclear Regulatory Fund established and managed under subdivision (b)(4) of this section and shall be available to the Agency to offset the costs of providing services under this section.

(4) There is established the Nuclear Regulatory Fund to consist of the fees collected under subdivision (b)(3) of this section 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.

(3)(5) Any 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 byproduct material, source material, or special nuclear material and which on the effective date of this agreement is subject to the control of this ~~state~~ State shall be considered to have a like license with the ~~state~~ State of Vermont until the expiration date specified in the license from the federal government or agreement state or until the end of the ~~ninetieth~~ 90th day after the person receives notice from the ~~agency~~ Agency that the license will be considered expired.

(4)(6) The ~~agency~~ Agency shall require each person who possesses or uses byproduct, source, or special nuclear materials to maintain records relating to the receipt, storage, transfer, or disposal of such materials and

such other records as the ~~agency~~ Agency may require subject to such exemptions as may be provided by rule.

(5)(7) Violations:

(A) It shall be unlawful for any person to use, manufacture, produce, transport, transfer, receive, acquire, own, or possess any byproduct, source, or special nuclear material unless licensed by or registered with the ~~agency~~ Agency in accordance with the provisions of this chapter.

(B) The ~~agency~~ Agency shall have the authority in the event of an emergency to impound or order the impounding of byproduct, 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 or regulations issued thereunder.

(6)(8) The provisions of this section relating to the control of byproduct, source, and special nuclear materials shall become effective on the effective date of an agreement between the federal government and this ~~state~~ State as provided in section 1656 of this title.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2015.