

## **DRAFT STAFF ASSESSMENT OF THE PROPOSED CONNECTICUT PROGRAM FOR THE REGULATION OF AGREEMENT MATERIALS AS DESCRIBED IN THE REQUEST FOR AN AGREEMENT**

This assessment examines the proposed State of Connecticut Program to enter into an agreement with the U.S. Nuclear Regulatory Commission (NRC or Commission) to regulate the possession, use, and disposal of radioactive materials subject to the Atomic Energy Act of 1954, as amended (Act).<sup>1</sup> This assessment was performed using the criteria in the Commission's policy statement "Criteria for Guidance of States and NRC in Discontinuance of NRC Regulatory Authority and Assumption Thereof by States Through Agreement" (referred to below as the "criterion or criteria")<sup>2</sup> and using the Office of Nuclear Material Safety and Safeguards Procedure SA-700, "Processing an Agreement." Each criterion, and the staff assessment related thereto, is addressed separately below.

### **OBJECTIVES**

#### **1. Protection. A State regulatory program shall be designed to protect the health and safety of the people against radiation hazards.**

The State of Connecticut's proposed Agreement State Program for the regulation of radioactive materials would be located within the Radiation Division in the Bureau of Air Management of the Connecticut Department of Energy and Environmental Protection (the Department). The Department is designated as the State's radiation control agency.

The Department has the statutory authority to establish the Connecticut Agreement State Program in the Connecticut General Statutes (Conn. T Gen. Stat.) Title 22a, Chapter 446a, Section 22a-153 (§ 22a-153).<sup>3</sup> The authorities to issue, amend, suspend or revoke licenses; place conditions and to issue orders; and assess administrative penalties is vested by Conn. T Gen. Stat. §§ 22a-154, 22a-155, 22a-6(a)(3), and 22a-6(a)(5). The authorities for the Department to adopt regulations is provided in Conn. T Gen. Stat. § 22a-153(c).

The NRC staff verified that the design of the State of Connecticut's Agreement State Program with respect to the distribution of regulatory responsibilities assigns responsibility for each program element to a unit of the Department and is similar to designs used successfully in other Agreement States.

The staff concludes that this criterion is satisfied.

References: Letter dated October 31, 2024, from Governor Lamont to Chair Hanson, request for an Agreement, Section on Statutory Authority and Program Organization, and additional related correspondence between the NRC and the State Agencywide Documents Access and

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<sup>1</sup> According to paragraph (a) of Section 274, the radioactive materials subject to the Act are byproduct, source, and special nuclear material. These are also referred to as agreement materials.

<sup>2</sup> The NRC Statement of Policy was published in the *Federal Register*, on January 23, 1981 (46 FR 7540-7546), a correction was published on July 16, 1981 (46 FR 36969), and a revision of Criterion 9 was published on July 21, 1983 (48 FR 33376).

<sup>3</sup> The most updated version of the relevant Connecticut statutes can be found within Section 4.1 of Connecticut's application at ([ML24311A018](#)) package and are also available on Connecticut's General Assembly website at <https://www.cga.ct.gov/>.

Management System (ADAMS) Accession Nos.: ([ML24306A079](#)), ([ML24311A018](#)), ([ML24319A210](#)), ([ML24347A038](#)), and ([ML24324A355](#)). State Statutes: Conn. Gen. Stat. §§ 22a-6(a)(3), 22a-6(a)(5), 22a-152, 22a-153, 22a-154, 22a-155. State Regulations: Regulations of Connecticut State Agencies, Use and Control of Radioactive Materials; Civil Penalties, Sections 22a-153-1 through 22a-153-150.

## RADIATION PROTECTION STANDARDS

**2. Standards. The State regulatory program shall adopt a set of standards for protection against radiation which shall apply to byproduct, source and special nuclear materials in quantities not sufficient to form a critical mass.**

In conjunction with the rulemaking authority vested in the Department on radiation protection by Conn. Gen. Stat. § 22a-153(c), the Department has the requisite authority to promulgate rules for protection against radiation.

The NRC staff verified that the State of Connecticut adopted by reference the relevant NRC regulations in Title 10 of the *Code of Federal Regulations* (10 CFR) Parts 19, 20, 30, 31, 32, 33, 34, 35, 36, 37, 39, 40, 61, 70, 71, 150, 170, and 171 into Regulations of Connecticut State Agencies, Use and Control of Radioactive Materials; Civil Penalties, Sections 22a-153-1 to 22a-153-150. On December 23, 2024, the NRC staff informed Connecticut that as a result of the staff's review of the final Connecticut Radioactive Materials Regulations, the NRC staff identified five editorial comments for the State's consideration ([ML24355A145](#)). The resolution of these editorial comments does not interfere with the NRC staff's processing of Connecticut's Agreement State Application. Therefore, the Department has adopted an adequate and compatible set of radiation protection regulations that apply to byproduct material as defined in Sections 11e.(1), 11e.(3), and 11e.(4) of the Act, source material, and special nuclear material in quantities not sufficient to form a critical mass.

The staff concludes that this criterion is satisfied.

References: Letter dated October 31, 2024 from Governor Lamont to Chair Hanson, request for an Agreement, Section on Regulatory Requirements, and additional related correspondence between the NRC and the State ADAMS Accession Nos.: ([ML24306A079](#)), ([ML24355A145](#)), ([ML24311A026](#)), and ([ML24347A038](#)), and ([ML24324A355](#)). State Statutes: Conn. Gen. Stat. §§ 22a-6(a) and 22a-153(c). State Regulations: Regulations of Connecticut State Agencies, Use and Control of Radioactive Materials; Civil Penalties, Sections 22a-153-1 through 22a-153-150.

**3. Uniformity of Radiation Standards. It is important to strive for uniformity in technical definitions and terminology, particularly as related to such things as units of measurement and radiation dose. There shall be uniformity on maximum permissible doses and levels of radiation and concentrations of radioactivity, as fixed by 10 CFR Part 20 of the NRC regulations based on officially approved radiation protection guides.**

The State of Connecticut, by statute, must promulgate and enforce rules for the regulation of byproduct, source, and special nuclear material that are in accordance with Section 274 of the Act.

The NRC staff verified that the State of Connecticut adopted regulations in Regulations of Connecticut State Agencies, Use and Control of Radioactive Materials; Civil Penalties, §§ 22a-153-1 and 22a-153-20 that are compatible with 10 CFR Part 20.

The staff concludes that this criterion is satisfied.

References: Letter dated October 31, 2024, from Governor Lamont to Chair Hanson, request for an Agreement, Section on Regulatory Requirements, and additional related correspondence between the NRC and the State ADAMS Accession Nos.: ([ML24306A079](#)), ([ML24355A145](#)), ([ML24311A026](#)), ([ML24347A038](#)), and ([ML24324A355](#)). State Statutes: [Conn. Gen. Stat.](#) §§ 22a-153(b). State Regulations: Regulations of Connecticut State Agencies, Use and Control of Radioactive Materials; Civil Penalties, Sections 22a-153-1 and 22a-153-20.

**4. Total Occupational Radiation Exposure. The regulatory authority shall consider the total occupational radiation exposure of individuals, including that from sources which are not regulated by it.**

The NRC staff verified that the State has adopted regulations by reference that are compatible with the NRC regulations in 10 CFR Part 20, including Subpart C, the occupational dose limits and Subpart D, the dose limits to individual members of the public. The State of Connecticut licensees are required to consider the radiation doses to individuals from all sources of radiation, except background radiation and radiation from medical procedures. Like NRC licensees, the State of Connecticut licensees are required to consider the radiation dose whether the sources are licensed or unlicensed.

The staff concludes that this criterion is satisfied.

References: Letter dated October 31, 2024, from Governor Lamont to Chair Hanson, request for an Agreement, Section on Regulatory Requirements, and additional related correspondence between the NRC and the State ADAMS Accession Nos.: ([ML24306A079](#)), ([ML24355A145](#)), ([ML24311A026](#)), ([ML24347A038](#)), and ([ML24324A355](#)). State Statutes: [Conn. Gen. Stat.](#) § 22a-153. State Regulations: Regulations of Connecticut State Agencies, Use and Control of Radioactive Materials; Civil Penalties, §§ 22a-153 and 22a-153-20.

**5. Surveys, Monitoring. Appropriate surveys and personnel monitoring under the close supervision of technically competent people are essential in achieving radiological protection and shall be made in determining compliance with safety regulations.**

The NRC requires surveys and monitoring pursuant to 10 CFR Part 20, Subpart F. The NRC staff review verified that the State of Connecticut has adopted regulations by reference that are compatible with 10 CFR Part 20 Subpart F. Therefore, the State of Connecticut licensees are required to conduct surveys and personnel monitoring to the same standards required of the NRC licensees.

The staff concludes that this criterion is satisfied.

References: Letter dated October 31, 2024, from Governor Lamont to Chair Hanson, request for an Agreement, Section on Regulatory Requirements, and additional related

correspondence between the NRC and the State ADAMS Accession Nos.: ([ML24306A079](#)), ([ML24355A145](#)), ([ML24311A026](#)), ([ML24347A038](#)), and ([ML24324A355](#)). State Statutes: Conn. Gen. Stat. § 22a-153. Regulations of Connecticut State Agencies, Use and Control of Radioactive Materials; Civil Penalties, §§ 22a-153-1 and 22a-153-20.

**6. Labels, Signs, Symbols. It is desirable to achieve uniformity in labels, signs and symbols, and the posting thereof. However, it is essential that there be uniformity in labels, signs, and symbols affixed to radioactive products that are transferred from person to person.**

The NRC staff verified that the State of Connecticut has adopted regulations by reference that are compatible with the NRC regulations in 10 CFR Part 20, Subpart J, Precautionary Procedures. Therefore, the radiation labels, signs, symbols, and the posting and labeling requirements in the State of Connecticut regulations are compatible with those contained in the NRC regulations.

The staff concludes that this criterion is satisfied.

References: Letter dated October 31, 2024, from Governor Lamont to Chair Hanson, request for an Agreement, Section on Regulatory Requirements, and additional related correspondence between the NRC and the State ADAMS Accession Nos.: ([ML24306A079](#)), ([ML24355A145](#)), ([ML24311A026](#)), ([ML24347A038](#)), and ([ML24324A355](#)). State Statutes: Conn. Gen. Stat. § 22a-153. State Regulations: Regulations of Connecticut State Agencies, Use and Control of Radioactive Materials; Civil Penalties, §§ 22a-153-1, 22a-153-20, and 22a-153-150.

**7. Instruction. Persons working in or frequenting restricted areas shall be instructed with respect to the health risks associated with exposure to radioactive materials and in precautions to minimize exposure. Workers shall have the right to request regulatory authority inspections as per 10 CFR 19, Section 19.16 and to be represented during inspections as specified in Section 19.14 of 10 CFR 19.**

The NRC staff verified that the State of Connecticut has adopted regulations by reference that are compatible with the NRC regulations in 10 CFR Part 19, including 10 CFR 19.12, which among other things, requires all individuals who in the course of employment are likely to receive in a year an occupational dose in excess of 100 mrem (1 mSv) to be informed of health protection problems associated with exposure to radiation and precautions to minimize exposure.

The staff concludes that this criterion is satisfied.

References: Letter dated October 31, 2024, from Governor Lamont to Chair Hanson, request for an Agreement, Section on Regulatory Requirements, and additional related correspondence between the NRC and the State ADAMS Accession Nos.: ([ML24306A079](#)), ([ML24355A145](#)), ([ML24311A026](#)), ([ML24347A038](#)), and ([ML24324A355](#)). State Statutes: Conn. Gen. Stat. § 22a-153. State Regulations: Regulations of Connecticut State Agencies, Use and Control of Radioactive Materials; Civil Penalties, § 22a-153-1.

**8. Storage. Licensed radioactive material in storage shall be secured against unauthorized removal.**

The NRC staff verified that the State of Connecticut has adopted regulations by reference that are compatible with the NRC regulations in 10 CFR Part 20 Subpart I, Storage and Control of Licensed Material.

The staff concludes that this criterion is satisfied.

References: Letter dated October 31, 2024, from Governor Lamont to Chair Hanson, request for an Agreement, Section on Regulatory Requirements, and additional related correspondence between the NRC and the State ADAMS Accession Nos.: ([ML24306A079](#)), ([ML24355A145](#)), ([ML24311A026](#)), ([ML24347A038](#)), and ([ML24324A355](#)). State Statutes: [Conn. Gen. Stat.](#) § 22a-153. State Regulations: Regulations of Connecticut State Agencies, Use and Control of Radioactive Materials; Civil Penalties, §§ 22a-153-1 and 22a-153-20.

**9. Radioactive Waste Disposal. (a) Waste disposal by material users. The standards for the disposal of radioactive materials into the air, water and sewer, and burial in the soil shall be in accordance with 10 CFR Part 20. Holders of radioactive material desiring to release or dispose of quantities or concentrations of radioactive materials in excess of prescribed limits shall be required to obtain special permission from the appropriate regulatory authority. Requirements for transfer of waste for the purpose of ultimate disposal at a land disposal facility (waste transfer and manifest system) shall be in accordance with 10 CFR Part 20. The waste disposal standards shall include a waste classification scheme and provisions for waste form, applicable to waste generators, that is equivalent to that contained in 10 CFR Part 61.**

The NRC staff verified that the State of Connecticut has adopted by reference the relevant NRC regulations that are compatible with the NRC regulations in Subpart K of 10 CFR Part 20 and the provisions for waste classification and form in 10 CFR Part 61. These regulations deal with general requirements for waste disposal and are applicable to all Connecticut licensees.

The staff concluded that Criterion 9(a) is satisfied.

**(b) Land Disposal of waste received from other persons. The State shall promulgate regulations containing licensing requirements for land disposal of radioactive waste received from other persons, which are compatible with the applicable technical definitions, performance objectives, technical requirements and applicable supporting Sections set forth in 10 CFR Part 61. Adequate financial arrangements (under terms established by regulation) shall be required of each waste disposal site licensee to ensure sufficient funds for decontamination, closure and stabilization of a disposal site. In addition, Agreement State financial arrangements for long-term monitoring and maintenance of a specific site must be reviewed and approved by the Commission prior to relieving the site operator of licensed responsibility (Section 151(a)(2), Pub. L. 97-425).**

The State of Connecticut has not requested regulatory authority to license a low-level radioactive waste land disposal site. Therefore, the regulatory authority to license a low-level radioactive waste land disposal site is retained by the Commission. As such, there were no regulations or procedures in the State's application for the evaluation of a proposed license for a low-level waste disposal site.

Therefore, Criterion 9(b) does not apply to the State.

References: Letter dated October 31, 2024, from Governor Lamont to Chair Hanson, request for an Agreement, Section on Regulatory Requirements, and additional related correspondence between the NRC and the State ADAMS Accession Nos.: ([ML24306A079](#)), ([ML24355A145](#)), ([ML24311A026](#)), ([ML24347A038](#)), and ([ML24324A355](#)). State Statutes: Conn. Gen. Stat. § 22a-153. State Regulations: Regulations of Connecticut State Agencies, Use and Control of Radioactive Materials; Civil Penalties, §§ 22a-153-1 and 22a-153-20.

10. **Regulations Governing Shipment of Radioactive Materials. The State shall, to the extent of its jurisdiction, promulgate regulations applicable to the shipment of radioactive materials, such regulations to be compatible with those established by the U.S. Department of Transportation and other agencies of the United States whose jurisdiction over interstate shipment of such materials necessarily continues. State regulations regarding transportation of radioactive materials must be compatible with 10 CFR Part 71.**

The NRC staff verified that the State of Connecticut has adopted by reference the relevant regulations compatible with the NRC regulations in 10 CFR Part 71. The State of Connecticut will not attempt to enforce portions of the regulations related to activities, such as approving packaging designs, which are reserved to the NRC.

The staff concludes that this criterion is satisfied.

References: Letter dated October 31, 2024, from Governor Lamont to Chair Hanson, request for an Agreement, Section on Regulatory Requirements, and additional related correspondence between the NRC and the State ADAMS Accession Nos.: ([ML24306A079](#)), ([ML24355A145](#)), ([ML24311A026](#)), ([ML24347A038](#)), and ([ML24324A355](#)). State Statutes: Conn. Gen. Stat. § 22a-153. State Regulations: Regulations of Connecticut State Agencies, Use and Control of Radioactive Materials; Civil Penalties, § 22a-153-1.

11. **Records and Reports. The State regulatory program shall require that holders and users of radioactive materials (a) maintain records covering personnel radiation exposures, radiation surveys, and disposals of materials; (b) keep records of the receipt and transfer of the materials; (c) report significant incidents involving the materials, as prescribed by the regulatory authority; (d) make available upon request of a former employee a report of the employee's exposure to radiation; (e) at request of an employee advise the employee of his or her annual radiation exposure; and (f) inform each employee in writing when the employee has received radiation exposure in excess of the prescribed limits.**

The NRC staff verified that the State of Connecticut has adopted by reference regulations compatible with NRC regulations in 10 CFR Parts 19, 20, 30, 31, 32, 33, 34, 35, 36, 39, 40, 61, 70, 71 and 150. The records and reports referenced in Criterion 11 are regulatory requirements in these parts. The State of Connecticut has adopted the necessary record and reporting requirements.

The staff concludes that this criterion is satisfied.

References: Letter dated October 31, 2024, from Governor Lamont to Chair Hanson, request for an Agreement, Section on Regulatory Requirements, and additional related correspondence between the NRC and the State ADAMS Accession Nos.: ([ML24306A079](#)), ([ML24355A145](#)), ([ML24311A026](#)), ([ML24347A038](#)), and ([ML24324A355](#)). State Statutes: ~~Conn~~ Gen. Stat. § 22a-153. State Regulations: Regulations of Connecticut State Agencies, Use and Control of Radioactive Materials; Civil Penalties, §§ 22a-153-1, 22a-153-2, 22a-153-20, 22a-153-30, and 22a-153-150.

**12. Additional Requirements and Exemptions. Consistent with the overall criteria here enumerated and to accommodate special cases and circumstances, the State regulatory authority shall be authorized in individual cases to impose additional requirements to protect health and safety, or to grant necessary exemptions which will not jeopardize health and safety.**

The NRC staff has verified that the State of Connecticut has adopted by reference regulations compatible with 10 CFR 30.34, 10 CFR 40.41, and 10 CFR 70.22. The State regulations adopted by reference provide the radiation control agency the authority to impose, by order or license condition, additional health and safety requirements beyond the requirements specified in law and in the rules. The State also has legal authority to grant reasonable and necessary exceptions to the regulatory requirements, either by order or by license condition.

The staff concludes that this criterion is satisfied.

References: Letter dated October 31, 2024, from Governor Lamont to Chair Hanson, request for an Agreement, Section on Regulatory Requirements, and additional related correspondence between the NRC and the State ADAMS Accession Nos.: ([ML24306A079](#)), ([ML24355A145](#)), ([ML24311A026](#)), ([ML24347A038](#)), and ([ML24324A355](#)). State Statutes: ~~Conn~~ Gen. Stat. § 22a-153. State Regulations: Regulations of Connecticut State Agencies, Use and Control of Radioactive Materials; Civil Penalties, §§ 22a-153-1, 22a-153-2, and 22a-153-30.

#### PRIOR EVALUATION OF USES OF RADIOACTIVE MATERIALS

**13. Prior Evaluation of Hazards and Uses, Exceptions. In the present state of knowledge, it is necessary in regulating the possession and use of byproduct and source nuclear materials that the State regulatory authority require the submission of information on, and evaluation of, the potential hazards, and the capability of the user or possess or prior to his receipt of materials. This criterion is subject to certain exceptions and to continuing reappraisal as knowledge and experience in the atomic energy field increase. Frequently there are, and increasingly in the future there may be, categories of materials and uses as to which there is sufficient knowledge to permit possession and use without prior**

**evaluation of the hazards and the capability of the processor and user. These categories fall into two groups: those materials and uses which may be completely exempt from regulatory controls, and those materials and uses in which sanctions for misuse are maintained without pre-evaluation of the individual possession or use. In authorizing research and development or other activities involving multiple uses of radioactive materials, where an institution has people with extensive training and experience, the State regulatory authority may wish to provide a means for authorizing broad use of materials without evaluating specific use.**

The State of Connecticut has adopted by reference regulations containing regulatory requirements for applying for and issuing licenses that are compatible with NRC's regulations.

The NRC staff confirmed that the State's regulations provide that only the NRC may issue a license authorizing the distribution of Agreement materials that will subsequently be exempt from regulatory control.

Since Criterion 13 was adopted, the Commission has determined that the regulatory authority to conduct safety evaluations of sealed sources and devices may be retained by the NRC, unless a State requests assumption of the authority and has in place an adequate and compatible program to implement the authority. The State of Connecticut has decided not to seek authority for evaluation of sealed sources and devices. Therefore, the regulatory authority to evaluate sealed sources and devices is retained by the Commission.

The staff concludes that this criterion is satisfied.

References: Letter dated October 31, 2024, from Governor Lamont to Chair Hanson, request for an Agreement, Section on Regulatory Requirements, and additional related correspondence between the NRC and the State ADAMS Accession Nos.: ([ML24306A079](#)), ([ML24355A145](#)), ([ML24311A026](#)), ([ML24347A038](#)), and ([ML24324A355](#)). State Statutes: Conn. Gen. Stat. § 22a-153. State Regulations: §§ 22a-153-1, 22a-153-4, and 22a-153-7.

14. **Evaluation Criteria. In evaluating a proposal to use radioactive materials, the regulatory authority shall determine the adequacy of the applicant's facilities and safety equipment, his training and experience in the use of the materials for the purpose requested, and his proposed administrative controls. States should develop guidance documents for use by license applicants. This guidance should be consistent with NRC licensing regulatory guides for various categories of licensed activities.**

The NRC staff determined that the State of Connecticut has established a series of procedures, checklists, and forms to be used in evaluating proposals for radioactive materials use. These will be used in addition to the licensing guidance in the NRC's NUREG-1556 series, entitled "Consolidated Guidance About Materials Licenses." In addition, the State of Connecticut developed administrative licensing procedures that define the review process for a new license application, amendment, renewal, and license termination. The State of Connecticut licensing procedures are consistent with NRC procedures.

The staff concludes that this criterion is satisfied.

References: Letter dated October 31, 2024, from Governor Lamont to Chair Hanson, request for an Agreement, Sections on Regulatory Requirements and Licensing Program, and additional related correspondence between the NRC and the State ADAMS Accession Nos.: ([ML24306A079](#)), ([ML24355A145](#)), ([ML24311A029](#)), ([ML24347A038](#)), and ([ML24324A355](#)). State Statutes: [Conn. Gen. Stat.](#) § 22a-153. State Regulations: Regulations of Connecticut State Agencies, Use and Control of Radioactive Materials; Civil Penalties, §§ 22a-153-1, 22a-153-4, 22a-153-20, 22a-153-30, 22a-153-31, 22a-153-34, and 22a-153-35.

**15. Human Use. The use of radioactive materials and radiation on or in humans shall not be permitted except by properly qualified persons (normally licensed physicians) possessing prescribed minimum experience in the use of radioisotopes or radiation.**

The NRC staff verified that the State has adopted by reference compatible regulations to the NRC regulations in 10 CFR Part 35, "Medical Use of Byproduct Material;" therefore, the State's regulations include training and experience requirements for use of radioactive material that are equivalent to the NRC requirements.

The staff concludes that this criterion is satisfied.

References: Letter dated October 31, 2024, from Governor Lamont to Chair Hanson, request for an Agreement, Section on Regulatory Requirements, and additional related correspondence between the NRC and the State ADAMS Accession Nos.: ([ML24306A079](#)), ([ML24355A145](#)), ([ML24311A026](#)), ([ML24347A038](#)), and ([ML24324A355](#)). State Statutes: [Conn. Gen. Stat.](#) § 22a-153. State Regulations: Regulations of Connecticut State Agencies, Use and Control of Radioactive Materials; Civil Penalties, §§ 22a-153-1 and 22a-153-35.

## INSPECTION

**16. Purpose, Frequency. The possession and use of radioactive materials shall be subject to inspection by the regulatory authority and shall be subject to the performance of tests, as required by the regulatory authority. Inspection and testing is conducted to determine and to assist in obtaining compliance with regulatory requirements. Frequency of inspection shall be related directly to the amount and kind of material and type of operation licensed, and it shall be adequate to ensure compliance.**

The NRC staff confirmed that the State of Connecticut has statutory authority to conduct inspections of licensees. The authority to enter premises and inspect licensees is provided in [Conn. Gen. Stat.](#) § 22a-6(a)(5). The NRC staff also verified that the State of Connecticut has adopted NRC regulations by reference that contain provisions relating to inspections and tests.

The State of Connecticut has adopted the NRC inspection schedule as outlined in the NRC Inspection Manual Chapter 2800. The State of Connecticut's staff has developed internal procedures and accompanying forms for the inspection areas which cover

scheduling, preparation, performance basis, tracking and documentation of inspection results. The State has also adopted NRC inspection procedures by reference.

The staff concludes that this criterion is satisfied.

References: Letter dated October 31, 2024, from Governor Lamont to Chair Hanson, request for an Agreement, Sections on Regulatory Requirements and Inspection Program, and additional related correspondence between the NRC and the State ADAMS Accession Nos.: ([ML24306A079](#)), ([ML24355A145](#)), ([ML24311A026](#)), ([ML24311A030](#)), ([ML24347A038](#)), and ([ML24324A355](#)). State Statutes: [Conn. T Gen. Stat.](#) § 22a-153. State Regulations: Regulations of Connecticut State Agencies, Use and Control of Radioactive Materials; Civil Penalties, §§ 22a-6(a)(5), 22a-153-1, and 22a-153-2.

**17. Inspections Compulsory. Licensees shall be under obligation by law to provide access to inspectors.**

The NRC staff confirmed that the [Conn. T Gen. Stat.](#) § 22a-6(a)(5) provides authority for radiation control program inspectors to enter public or private property at all reasonable times for the purpose of investigating conditions related to radiation use.

The staff concludes that this criterion is satisfied.

References: Letter dated October 31, 2024, from Governor Lamont to Chair Hanson, request for an Agreement, Section on Regulatory Requirements, and additional related correspondence between the NRC and the State ADAMS Accession Nos.: ([ML24306A079](#)), ([ML24355A145](#)), ([ML24311A026](#)), ([ML24311A030](#)), ([ML24347A038](#)), and ([ML24324A355](#)). State Statutes: [Conn. T Gen. Stat.](#) § 22a-6(a)(5). State Regulations: State Regulations: Regulations of Connecticut State Agencies, Use and Control of Radioactive Materials; Civil Penalties, §§ 22a-153-1, and 22a-153-2.

**18. Notification of Results of Inspection. Licensees are entitled to be advised of the results of inspections and to notice as to whether or not they are in compliance.**

The NRC staff determined that the State of Connecticut has adopted procedures to convey a copy of the formal inspection report to the licensees, both when violations are found, and when no violations are found. The procedures identify the staff responsible and specify the time limit for preparing the inspection report, the process for management review and approval, and provide instructions for distribution of the report to the licensee and to the State of Connecticut's official files.

The staff concludes that this criterion is satisfied.

References: Letter dated October 31, 2024, from Governor Lamont to Chair Hanson, request for an Agreement, Sections on Regulatory Requirements and Inspection Program, and additional related correspondence between the NRC and the State ADAMS Accession Nos.: ([ML24306A079](#)), ([ML24355A145](#)), ([ML24311A026](#)), ([ML24311A030](#)), ([ML24347A038](#)), and ([ML24324A355](#)). State Statutes: [Conn. T Gen. Stat.](#) § 22a-153. State Regulations: Regulations of Connecticut State Agencies, Use and Control of Radioactive Materials; Civil Penalties, §§ 22a-153-1 and 22a-153-2.

## ENFORCEMENT

**19. Enforcement.** Possession and use of radioactive materials should be amenable to enforcement through legal sanctions, and the regulatory authority shall be equipped or assisted by law with the necessary powers for prompt enforcement. This may include, as appropriate, administrative remedies looking toward issuance of orders requiring affirmative action or suspension or revocation of the right to possess and use materials, and the impounding of materials; the obtaining of injunctive relief; and the imposing of civil or criminal penalties.

The NRC staff confirmed that the State of Connecticut is authorized in the Conn. Gen. Stat. § 22a-154, 22a-155(a), 22a-158a, 22a-6b, 22a-6s and the State of Connecticut's regulations to use a variety of sanctions and other enforcement tools, including the imposition of administrative penalties, the issuance of orders to suspend, modify or revoke licenses, and any other action deemed appropriate by the Department. The Connecticut Agreement State Program may seek civil penalties in accordance with State of Connecticut law and regulations.

The State of Connecticut has adopted policies and procedures to implement its proposed enforcement authority over Agreement State materials. The State of Connecticut's enforcement procedures are similar to the NRC's procedures with regard to the use of escalated enforcement for violations.

The staff concludes that this criterion is satisfied.

References: Letter dated October 31, 2024, from Governor Lamont to Chair Hanson, request for an Agreement, Sections on Regulatory Requirements and Enforcement Program, and additional related correspondence between the NRC and the State ADAMS Accession Nos.: ([ML24306A079](#)), ([ML24355A145](#)), ([ML24311A026](#)), ([ML24311A044](#)), ([ML24347A038](#)), and ([ML24324A355](#)). State Statutes: Conn. Gen. Stat. §§ 22a-6b, 22a-6s, 22a-155(a), 22a-158a, 22a-154. State Regulations: Regulations of Connecticut State Agencies, Use and Control of Radioactive Materials; Civil Penalties, §§ 22a-153-1 and 22a-153-5.

## PERSONNEL

**20. Qualifications of Regulatory and Inspection Personnel.** The regulatory agency shall be staffed with sufficient trained personnel. Prior evaluation of applications for licenses or authorizations and inspections of licensees must be conducted by persons possessing the training and experience relevant to the type and level of radioactivity in the proposed used to be evaluated and inspected. This requires competency to evaluate various potential radiological hazards associated with the many uses of radioactive material and includes concentrations of radioactive materials in air and water, conditions of shielding, the making of radiation measurements, knowledge of radiation instruments (their selection, use and calibration), laboratory design, contamination control, other general principles and practices of radiation protection, and use of management controls in assuring adherence to safety procedures. In order to evaluate some complex cases, the State regulatory staff may need to be supplemented by consultants of other State

agencies with expertise in geology, hydrology, water quality, radiobiology and engineering disciplines.

To perform the functions involved in evaluation and inspection, it is desirable that there be personnel educated and trained in the physical and/or life science, including biology, chemistry, physics and engineering, and that the personnel have had training and experience in radiation protection. For example, the person who will be responsible for the actual performance of evaluation and inspection of all of the various uses of byproduct and source nuclear material which might come to the regulatory body should have substantial training and extensive experience in the field of radiation protection. It is desirable that such a person have a bachelor's degree or equivalent in the physical or life sciences, and specific training - radiation protection.

It is recognized that there will also be persons in the program performing a more limited function in evaluation and inspection. These persons will perform the day-to-day work of the regulatory program and deal with both routine situations as well as some which are out of the ordinary. These people should have a bachelor's degree or equivalent in the physical or life sciences, training in health physics, and approximately two years of actual work experience in the field of radiation protection.

The foregoing are considered desirable qualifications for the staff who will be responsible for the actual performance of evaluation and inspection. In addition, there will probably be trainees associated with the regulatory program who will have an academic background in the physical or life sciences as well as varying amounts of specific training in radiation protection but little or no actual work experience in the field. The background and specific training of these persons will indicate to some extent their potential role in the regulatory program. These trainees, of course, could be used initially to evaluate and inspect those applications of radioactive materials which are considered routine or more standardized from the radiation safety standpoint, for example, inspection of industrial gauges, small research programs, and diagnostic medical programs. As they gain experience and competence in the field, the trainees could be used progressively to deal with the more complex or difficult types of radioactive material applications. It is desirable that such trainees have a bachelor's degree or equivalent in the physical or life sciences and specific training in radiation protection. In determining the requirement for academic training of individuals in all of the foregoing categories, proper consideration should be given to equivalent competency which has been gained by appropriate technical and radiation protection experience.

It is recognized that radioactive materials and their uses are so varied that the evaluation and inspection functions will require skills and experience in the different disciplines which will not always reside in one person. The regulatory authority should have the composite of such skills either in its employ or at its command, not only for routine functions, but also for emergency cases.

Based on the review of the organizational charts and position descriptions for the State of Connecticut Agreement State training and qualification plan, and the curricula vitae for

the current staff members, the NRC staff concludes that the State of Connecticut has a staffing plan that provides a sufficient number of adequately trained and qualified technical staff. Consistent with past assessments, the NRC staff addresses this criterion by assessing the State's: (a) Agreement Materials staffing, and (b) staff qualifications.

#### **a. Assessment of the Agreement Materials Staffing**

There are 104 NRC specific licensees in the State of Connecticut. The Agreement State Program will reside within the Radiation Division in the Bureau of Air Management of the Connecticut Department of Energy and Environmental Protection. Within the Radiation Division, the staff who would be responsible for the Agreement State Program work in these offices: the Agreement State Program, Field Operations and Emergency Response, and Medical X-ray and Radiation. This staff will be responsible for implementing all aspects of the Agreement State Program including supervision, licensing, inspection, event response and enforcement.

The Department conducted an analysis of the expected workload to establish an appropriate staffing plan for the 104 specific licenses. The Department determined that 3.3 full-time equivalent (FTE) technical staff is adequate for operating the Agreement State Program. This projection is based on data from the NRC, Agreement States, and the Department's own internal information. The Radiation Division will have five staff members and three managers who will contribute at least 4 FTE to implementing the program.

The NRC staff concludes that the Department has an adequate number of staff to transition to and meet the anticipated needs of the Agreement State Program.

#### **b. Assessment of Staff Qualifications**

The NRC staff considered the qualifications of the individuals currently on the Department staff that would be involved in the materials program and the procedures for training and qualifying new staff members.

Under the proposed Agreement, the Department's Radiation Division Director would direct the Agreement State Materials Program and would be primarily responsible for the Program's administration. This individual holds a Master of Science degree in physics and a Master of Business Administration. Prior to joining the Department, the Radiation Division Director accumulated over 23 years of experience in progressively senior roles, including plant manager at a nuclear power plant facility. He has over 10 years of experience as the Radiation Division Director. Together with the Radiation Division Office Director, the Department's Radiation Division Director provides day-to-day supervision.

The technical staff devoting the most time to the Agreement State Program are two Radiation Control Physicists and an Environmental Analyst III. Other staff devoting time to the program are the Radiation Division Director, the ~~Supervising Radiation Control Physicist~~, and two other Radiation Control Physicists.

The NRC staff reviewed the educational qualifications of ~~fivesix~~ staff and ~~threetwo~~ managers that would be involved in licensing and inspections of the Agreement Materials. Two members of the staff, including the Environmental Analyst III, each have

over 30 years of experience in radiation protection. These individuals have been significantly involved in the development of Connecticut's application to become an Agreement State since the Governor submitted the Letter of Intent in 2020, and thus have four years of experience in all aspects of the Agreement State Materials Program – establishment and management of the Agreement State Program, development of the licensing and inspection program that ensures compliance to State and Federal regulations.

The other staff members have experience ranging from 8 to 20 years and at a minimum meet the requirements of a bachelor's degree in physical science, life science or engineering; or an equivalent combination of education and experience has been substituted for the degree.

The technical staff have completed the NRC recommended core training courses for materials inspectors and license reviewers or have received waivers from the Agreement State Program based on prior training and experience. Over the last four years, the technical staff have also accompanied NRC Region I inspectors during inspections at license sites and received on-the-job training on licensing with the NRC Regional State Agreement Officer.

The NRC staff concludes that the Connecticut Agreement State Program technical staff identified by the State of Connecticut to work in the Agreement State Program are trained in accordance with the Agreement State Program Formal Qualification Plan, as outlined in Subsection 4.6.3 of the Connecticut Agreement Application, and have sufficient knowledge and experience in radiation protection, the use of radioactive materials, the standards for the evaluation of applications for licensing, and techniques of inspecting licensed users of radioactive materials.

The NRC staff concludes that the proposed Agreement State Program has a sufficient number of adequately trained staff to meet program needs.

#### **c. Conclusion on Criterion 20**

The staff concludes that Criterion 20 is satisfied.

References: Letter dated October 31, 2024, from Governor Lamont to Chair Hanson, request for an Agreement, Section on Technical Staffing and Training, and additional related correspondence between the NRC and the State ADAMS Accession Nos.: ([ML24306A079](#)), ([ML24355A145](#)), ([ML24319A210](#)), ([ML24347A038](#)), and ([ML24324A355](#)). State Statutes: [Conn. Gen. Stat.](#) §§ 22a-153(b) and 22a-4.

21. **Conditions Applicable to Special Nuclear Material, Source Material and Tritium.** **Nothing in the State's regulatory program shall interfere with the duties imposed on the holder of the materials by the NRC, for example, the duty to report to the NRC, on NRC prescribed forms, (1) transfers of special nuclear material, source material and tritium, and (2) periodic inventory data.**

The NRC staff review did not note any aspects of the State of Connecticut's Agreement State Program that could potentially interfere with duties imposed on a holder of materials by the NRC. In addition, the State of Connecticut's regulations specifically

exempt areas of exclusive NRC or other Federal jurisdiction from State of Connecticut regulation. The staff is therefore satisfied that the State of Connecticut will not interfere with duties imposed on the holder of materials by the NRC.

The staff concludes that this criterion is satisfied.

References: Letter dated October 31, 2024, from Governor Lamont to Chair Hanson, request for an Agreement, Section on Regulatory Requirements, and additional related correspondence between the NRC and the State ADAMS Accession Nos.: ([ML24306A079](#)), ([ML24355A145](#)), ([ML24311A026](#)), ([ML24347A038](#)), and ([ML24324A355](#)). Regulations of Connecticut State Agencies, Use and Control of Radioactive Materials; Civil Penalties, § 22a-153-1.

**22. Special Nuclear Material Defined.** Special nuclear material, in quantities not sufficient to form a critical mass, for present purposes means uranium enriched in the isotope U-235 in quantities not exceeding 350 grams of contained U-235; uranium 233 in quantities not exceeding 200 grams; plutonium in quantities not exceeding 200 grams; or any combination of them in accordance with the following formula: For each kind of special nuclear material, determine the ratio between the quantity of that special nuclear material and the quantity specified above for the same kind of special nuclear material. The sum of such ratios for all kinds of special nuclear material in combination should not exceed "1" (i.e., unity). For example, the following quantities in combination would not exceed the limitation and are within the formula, as follows:

$$175 \text{ (grams contained U-235)/350} + 50 \text{ (grams U-233)/200} + 50 \text{ (grams PU)/200} = 1$$

The NRC staff determined that the State of Connecticut adopted NRC regulations by reference with regard to the definition of special nuclear material in quantities not sufficient to form a critical mass in the Regulations of Connecticut State Agencies, Use and Control of Radioactive Materials; Civil Penalties, §§ 22a-153-1 through 22a-153-150.

The staff concludes that this criterion is satisfied.

References: Letter dated October 31, 2024, from Governor Lamont to Chair Hanson, request for an Agreement, Section on Regulatory Requirements, and additional related correspondence between the NRC and the State ADAMS Accession Nos.: ([ML24306A079](#)), ([ML24355A145](#)), ([ML24311A026](#)), ([ML24347A038](#)), and ([ML24324A355](#)). Regulations of Connecticut State Agencies, Use and Control of Radioactive Materials; Civil Penalties, §§ 22a-153-1 through 22a-153-150.

## ADMINISTRATION

**23. Fair and Impartial Administration.** State practices for assuring the fair and impartial administration of regulatory law, including provision for public participation where appropriate, should be incorporated in procedures for:

- a. Formulation of rules of general applicability,
- b. Approving or denying applications for licenses or authorization to

process and use radioactive materials; and

c. Taking disciplinary actions against licensees.

The NRC staff confirmed that the State of Connecticut is bound by general statutory provisions set forth in Connecticut's Uniform Administrative Procedure Act (Conn. T. Gen. Stat. §§ 4-166 through 4-189) with respect to providing the opportunity for public participation in rulemaking, licensing actions, and disciplinary actions. Conn. T. Gen. Stat. § 22a-158a provides for a hearing prior to a cease-and-desist order or suspending or revoking any registration. Additionally, Conn. T. Gen. Stat. § 22a-6(a)(3) and (a)(4) provide for the power to hold hearings for the enforcement of any statute, regulation, order or permit administered, adopted or issued by the Department and the authority to require, issue, renew, revoke, modify or deny permits.

The staff concludes that this criterion is satisfied.

References: Letter dated October 31, 2024, from Governor Lamont to Chair Hanson, request for an Agreement, Sections on Legal Elements and Regulatory Requirements, and additional related correspondence between the NRC and the State ADAMS Accession Nos.: ([ML24306A079](#)), ([ML24311A018](#)), ([ML24355A145](#)), ([ML24311A026](#)), ([ML24347A038](#)), and ([ML24324A355](#)). Regulations of Connecticut State Agencies, Use and Control of Radioactive Materials; Civil Penalties, §§ 22a-153-1 through 22a-153-150.

**24. State Agency Designation. The State of Connecticut should indicate which agency, or agencies will have authority for carrying out the program and should provide the NRC with a summary of that legal authority. There should be assurances against duplicate, regulation and licensing by State and local authorities, and it may be desirable that there be a single or central regulatory authority.**

The NRC staff determined that the Connecticut Department of Energy and Environmental Protection is designated by Conn. T. Gen. Stat. Title 22a, Chapter 446a, Section 153(a) through Section 22a-153(g) to be the lead agency for carrying out the terms of the proposed Agreement, which will provide assurance against duplicate regulations or licensing by State and local authorities. The staff determined that the State of Connecticut regulations specifically exclude any areas in which the jurisdiction of the NRC or another Federal agency is exclusive and gives sufficient assurance against duplicate regulation between the State of Connecticut and the NRC in the regulation of radioactive materials under the Agreement.

The staff concludes that this criterion is satisfied.

References: Letter dated October 31, 2024, from Governor Lamont to Chair Hanson, request for an Agreement, Sections on Legal Elements and Regulatory Requirements, and additional related correspondence between the NRC and the State ADAMS Accession Nos.: ([ML24306A079](#)), ([ML24355A145](#)), ([ML24311A018](#)), ([ML24311A026](#)), ([ML24347A038](#)), and ([ML24324A355](#)). State Statutes: Conn. T. Gen. Stat. § 22a-153. State Regulations: Regulations of Connecticut State Agencies, Use and Control of Radioactive Materials; Civil Penalties, §§ 22a-153-1 through 22a-153-150.

**25. Existing NRC Licenses and Pending Applications. In effecting the discontinuance**

of jurisdiction, appropriate arrangements will be made by NRC and the State of Connecticut to ensure that there will be no interference with or interruption of licensed activities or the processing of license applications by reason of the transfer. For example, one approach might be that the State of Connecticut, in assuming jurisdiction, could recognize and continue in effect, for an appropriate period of time under Connecticut State Law, existing NRC licenses, including licenses for which timely applications for renewal have been filed, except where good cause warrants the earlier reexamination or termination of the license.

The NRC staff review confirmed that the Connecticut Statute, Conn. Gen. Stat. Title 22a, Chapter 446a, Section 153(c)(7) provides for the recognition of existing NRC and Agreement State licenses. In addition, §§ 22a-153-1 and 22a-153-150 of the Connecticut regulations provides for reciprocity in the recognition of specific licenses issued by the NRC or another State that has reached agreement with the NRC pursuant to § 274 of the Act. Sections § 22a-153-1 and 22a-153-150 of the Connecticut regulations also recognize the licenses of other jurisdictions by general license, as appropriate and consistent with NRC requirements. Section 4.3.1. "Procedures for the Technical Evaluation of Proposed Uses of Radioactive Materials" of the State's application provides a process for recognition of other Agreement State licenses.

The staff concludes that this criterion is satisfied.

References: Letter dated October 31, 2024, from Governor Lamont to Chair Hanson, request for an Agreement, Sections on Legal Elements, Regulatory Requirements, and Licensing Program, and additional related correspondence between the NRC and the State ADAMS Accession Nos.: ([ML24306A079](#)), ([ML24355A145](#)), ([ML24311A018](#)), ([ML24311A026](#)), ([ML24311A029](#)), ([ML24347A038](#)), and ([ML24324A355](#)). State Statutes: Conn. Gen. Stat. § 22a-153(c)(7). State Regulations: Regulations of Connecticut State Agencies, Use and Control of Radioactive Materials; Civil Penalties, §§ 22a-153-1, 22a-153-150.

**26. Relations with Federal Government and Other States. There should be an interchange of Federal and State information and assistance in connection with the issuance of regulations and licenses or authorizations, inspection of licensees, reporting of incidents and violations, and training and education problems.**

The NRC staff verified the proposed Agreement commits the State of Connecticut to cooperate with the NRC and the other Agreement States in the formulation of standards and regulatory programs to ensure health and safety of the public against hazards of radiation and to assure that the State of Connecticut will continue to be compatible with the NRC's program for the regulation of agreement materials.

The Commission has determined that providing reports to the NRC of Agreement State licensee incidents, accidents and other significant events is a matter of compatibility. The State of Connecticut has adopted procedures to provide such reports to the NRC.

The staff concludes that this criterion is satisfied.

References: Letter dated October 31, 2024, from Governor Lamont to Chair Hanson, request for an Agreement, Sections on Regulatory Requirements and Event and

Allegation Response, and additional related correspondence between the NRC and the State ADAMS Accession Nos.: ([ML24306A079](#)), ([ML24355A145](#)), ([ML24311A026](#)), ([ML24319A211](#)), ([ML24347A038](#)), and ([ML24324A355](#)). State Statutes: Conn. Gen. Stat. §§ 22a-152 and 22a-153. State Regulations: Regulations of Connecticut State Agencies, Use and Control of Radioactive Materials; Civil Penalties, §§ 22a-153-1 through 22a-153-150.

**27. Coverage, Amendments, Reciprocity. An amendment providing for discontinuance of NRC regulatory authority and the assumption of regulatory authority by the State may relate to any one or more of the following categories of materials within the State, as contemplated by State of Connecticut Statute 22a-152:**

- a. Byproduct material as defined in Section 11e.(1) of the Act,
- b. Byproduct material as defined in Section 11e.(3) of the Act,
- c. Byproduct material as defined in Section 11e.(4) of the Act,
- d. Source material, and
- e. Special nuclear material in quantities not sufficient to form a critical mass, but must relate to the whole of such category or categories and not to a part of any category. If less than the five categories are included in any discontinuance of jurisdiction, discontinuance of NRC regulatory authority and the assumption of regulatory authority by the State of the others may be accomplished subsequently by an amendment or by a later Agreement. Arrangements should be made for the reciprocal recognition of State licenses and NRC licenses in connection with out-of-jurisdiction operations by a State or NRC licensee.

The NRC staff verified the proposed Agreement provides for the Commission to relinquish, and the State of Connecticut to assume, regulatory authority over the types of material defined in categories a, b, c, d, and e above.

Since this criterion was adopted, the Commission has determined that the Agreement States may assume the authority to evaluate the safety of sealed sources and devices to be distributed in interstate commerce as a separate portion of the Agreement, or to allow NRC to retain that authority. The State of Connecticut has chosen not to assume that authority.

The proposed Agreement stipulates the reciprocal recognition of the NRC and other Agreement State licenses and commits the Commission and the State of Connecticut to cooperate and accord such reciprocity. The State of Connecticut would be able to recognize the licenses of other jurisdictions by order or specific license.

The staff concludes that this criterion is satisfied.

References: Letter dated October 31, 2024, from Governor Lamont to Chair Hanson, request for an Agreement, Sections on Legal Elements, and additional related correspondence between the NRC and the State ADAMS Accession Nos.: ([ML24306A079](#)), ([ML24355A145](#)), ([ML24311A018](#)), ([ML24347A038](#)), and ([ML24324A355](#)). State Statutes: Conn. Gen. Stat. §§ 22a-152 and 22a-153. Regulations of Connecticut State Agencies, Use and Control of Radioactive Materials; Civil Penalties, §§ 22a-153-1 through 22a-153-150.

28. **NRC and Department of Energy Contractors. The State should provide exemptions for NRC and Department of Energy contractors that are substantially equivalent to the following exemptions:**

- a. Prime contractors performing work for the Department of Energy at U.S. Government-owned or controlled site;
- b. Prime contractors performing research in, or development, manufacture, storage, testing, or transportation of, atomic weapons or components thereof;
- c. Prime contractors using or operating nuclear reactors or other nuclear devices in a U.S. Government-owned vehicle or vessel; and
- d. Any other prime contractor or subcontractor of Department of Energy or NRC when the State and the NRC jointly determine (i) that, under the terms of the contract or subcontract, there is adequate assurance that the work thereunder can be accomplished without undue risk to the public health and safety; and (ii) that the exemption of such contractor or subcontractor is authorized by law.

The NRC staff has verified that the State of Connecticut has adopted compatible regulations to the NRC regulations in 10 CFR Parts 30, 40, and 70, including 30.12, 40.11, and 70.11, wherein the specified exemptions are contained. The NRC staff concludes that the State of Connecticut regulations provide for exemptions from the State of Connecticut's requirements for licensing of sources of radiation for the NRC and Department of Energy contractors or subcontractors in accordance with the criterion.

The staff concludes that this criterion is satisfied.

References: Letter dated October 31, 2024, from Governor Lamont to Chair Hanson, request for an Agreement, Section on Regulatory Requirements, and additional related correspondence between the NRC and the State ADAMS Accession Nos.: ([ML24306A079](#)), ([ML24355A145](#)), ([ML24311A026](#)), ([ML24347A038](#)), and ([ML24324A355](#)). State Statutes: Conn. Gen. Stat. § 22a-153. Regulations of Connecticut State Agencies, Use and Control of Radioactive Materials; Civil Penalties, §§ 22a-153-1 through 22a-153-150.

## STAFF CONCLUSION

The NRC staff has reviewed the proposed Agreement, the certification by the State of Connecticut in the application for an Agreement in the letter dated October 31, 2024, from Governor Lamont to Chair Hanson, and the supporting information provided by the staff of the Connecticut Department of Energy and Environmental Protection.

Section 274d. of the Atomic Energy Act of 1954, as amended, provides that the Commission shall enter into an Agreement under Section 274b. with any State if:

- a. The Governor of the State certifies that the State has a program for the control of radiation hazards adequate to protect public health and safety with respect to the agreement materials within the State, and that the State desires to assume regulatory responsibility for the agreement materials; and
- b. The Commission finds that the State program is in accordance with the requirements of Section 274o. and in all other respects compatible with the NRC's program for the regulation of materials, and that the State program is adequate to protect public health and safety with respect to the materials covered by the proposed Agreement.

The staff concludes that:

On the basis of this Assessment, the State of Connecticut meets the requirements of the Act. Therefore, on the proposed effective date of the Agreement, the State of Connecticut will have adopted an adequate and compatible set of radiation protection regulations that apply to byproduct, source, and special nuclear materials in quantities not sufficient to form a critical mass. The Agreement State Program, as defined by the State statutes, regulations, personnel, licensing, inspection, and administrative procedures, is compatible with the NRC's program and adequate to protect public health and safety with respect to the radioactive materials covered by the requested Agreement.