

CONFIDENTIAL
LEGISLATIVE BILL REVIEW FORM 2015



Bill Number: H.135 Name of Bill: Federal Agreement State Fees

Agency/Dept: Human Services/Health Author of Bill Review: William Irwin/Harry Chen/David Englander

Date of Bill Review: 4/21/15 Related Bills and Key Players Medical & Industrial Users of Radioactive Materials; ANR for radioactive wastes; Public Safety for homeland security & emergency management

Status of Bill: (check one): ☐ Upon Introduction ☐ As passed by 1st body ☒ As passed by both

Recommended Position:

☒ Support ☐ Oppose ☐ Remain Neutral ☐ Support with modifications identified in #8 below

Analysis of Bill

1. **Summary of bill and issue it addresses.** Provides the Department the ability to charge fees to pay for radiation control services rendered to former US Nuclear Regulatory Commission licensees when those licensees become the regulatory responsibility of the State by virtue of an agreement with the NRC. The fees are equivalent to those currently charged by the NRC, and are sufficient to compensate the Health Department for time and other resources expended.

The authority to become an NRC Agreement state was passed by the General Assembly in 1967.

2. **Is there a need for this bill?** Yes. Without the bill, meeting the responsibilities of the State under an agreement with the NRC is impossible. To render the inspection, licensing and emergency preparedness services needed by licensees in the State of Vermont, significant time and materials will be needed. The fees will cover those time and materials expenses.
3. **What are likely to be the fiscal and programmatic implications of this bill for this Department?** The Department must revise its regulations to provide regulatory guidance for the licensees, hire staff to conduct inspections, keep regulations current, to license new users, renew and amend current licenses and to help licensees maintain security for radioactive materials. New staff will require initial training and continuous retraining to maintain their capabilities. The NRC currently provides initial training and some content for retraining at no cost. Management will meet regularly with radiation control program directors from other states and the NRC to keep current on technologies and regulatory changes. The Organization of Agreement States facilitates and the NRC funds this.
4. **What might be the fiscal and programmatic implications of this bill for other departments in state government, and what is likely to be their perspective on it.** None anticipated. Most assistance provided to new licensees is provided by the Health Department with the knowledge of ANR and DPS.

5. What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it? Medical and industrial users of radioactive materials are currently regulated by the NRC. Assumption of that role by the State of Vermont only changes the people doing that for these licensees. It is hoped that having regulators in Burlington, Vermont, rather than in King of Prussia, Pennsylvania (NRC Region 1 Offices where their regulators exist now) will be seen as an advantage for the licensees. The Health Department already has regulatory relationships with many of the Vermont licensees for the registration and inspection of x-ray machines, so this too, may be seen as an advantage for all parties. Some people may consider keeping fees paid by Vermont entities for services rendered in Vermont by other Vermonters as a positive development as well.

6. Other Stakeholders:

6.1 Who else is likely to support the proposal and why? The NRC, other Agreement States in the region (New York, Massachusetts, New Hampshire, Maine and Rhode Island), interstate vendors of radiological services and products will likely appreciate Vermont being like the other 37 Agreement States with which they do business.

6.2 Who else is likely to oppose the proposal and why? No parties testified in opposition. Representation from Vermont Yankee was concerned, but those concerns were allayed when VDH represented that Yankee was not now, nor could ever be, a licensee under the Agreement.

7. Rationale for recommendation: The State of Vermont's users of radioactive materials ought to be regulated by a state agency, not a federal agency with offices only in Washington, DC (headquarters) and King of Prussia, PA (the regional office for the northeastern states). The fees for services provided by the regulator ought to stay in Vermont to pay Vermonters for important work done to ensure the public's radiological health is protected and that radiation workers' radiation safety is managed effectively.

8. Specific modifications that would be needed to recommend support of this bill: None.

9. Gubernatorial appointments to board or commission? None are anticipated.

Secretary/Commissioner has reviewed this document: _____ **Date:** _____