



General Assembly

January Session, 2021

***Raised Bill No. 6499***

LCO No. 3417



Referred to Committee on ENVIRONMENT

Introduced by:  
(ENV)

***AN ACT CONCERNING RADIATION SECURITY.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 22a-151 of the general statutes is amended by  
2 adding subdivisions (9) and (10) as follows (*Effective October 1, 2021*):

3 (NEW) (9) "Radioactive materials" means any solid, liquid or gas that  
4 emits ionizing radiation spontaneously.

5 (NEW) (10) "Commissioner" means the Commissioner of Energy and  
6 Environmental Protection or the commissioner's designee or agent.

7 Sec. 2. Section 22a-153 of the general statutes is repealed and the  
8 following is substituted in lieu thereof (*Effective October 1, 2021*):

9 (a) The Commissioner of Energy and Environmental Protection shall  
10 supervise and regulate in the interest of the public health and safety the  
11 use of ionizing radiation within the state.

12 (b) Said commissioner may employ, subject to the provisions of  
13 chapter 67, and prescribe the powers and duties of such persons as may  
14 be necessary to carry out the provisions of sections 22a-151 to 22a-158,

15 inclusive, as amended by this act.

16 (c) Said commissioner shall [make such regulations as may be  
17 necessary to carry out the provisions of said sections] adopt regulations,  
18 in accordance with the provisions of chapter 54, concerning sources of  
19 ionizing radiation and radioactive materials, including, but not limited  
20 to, regulations:

21 (1) Necessary to secure agreement state status from the Nuclear  
22 Regulatory Commission pursuant to section 274 of the Atomic Energy  
23 Act of 1954, 42 USC 2021, as amended from time to time;

24 (2) Relating to the construction, operation, control, tracking, security  
25 or decommissioning of sources of ionizing radiation, including, but not  
26 limited to, any modification or alteration of such sources;

27 (3) Relating to the production, transportation, use, storage,  
28 possession, management, treatment, disposal or remediation of  
29 radioactive materials;

30 (4) Relating to planning for and responding to terrorist or other  
31 emergency events, or the potential for such events, that involve or may  
32 include radioactive materials;

33 (5) Necessary to carry out the provisions of sections 22a-151 to 22a-  
34 158, inclusive, as amended by this act;

35 (6) Establishing fees for the licensure of sources of ionizing radiation,  
36 that, in conjunction with the fees collected pursuant to section 22a-148,  
37 shall be sufficient for the administration, implementation and  
38 enforcement of an ionizing radiation program; and

39 (7) To reciprocate in the recognition of specific licenses issued by the  
40 Nuclear Regulatory Commission (NRC) or another state that has  
41 reached agreement with the NRC pursuant to 42 USC 2021(b), as  
42 amended from time to time.

43 (d) The Governor, or the commissioner, is authorized to employ such

44 consultants, experts and technicians as [he shall deem] are necessary for  
45 the purpose of conducting investigations and reporting [to him] on  
46 matters connected with the implementation of the provisions of [said]  
47 sections 22a-148 to 22a-158, inclusive, as amended by this act.

48 (e) Any fees collected in accordance with section 22a-148 or 22a-150,  
49 or any regulations adopted pursuant to subsection (c) of this section,  
50 shall be deposited in the General Fund.

51 (f) The commissioner may establish radiation exposure guidelines for  
52 emergency responders and the public for the management of  
53 emergencies involving radioactive materials. Any such guidelines may  
54 be based upon the recommendations of the federal government and the  
55 National Council on Radiation Protection and Measurements.

56 Sec. 3. Subsection (a) of section 22a-154 of the general statutes is  
57 repealed and the following is substituted in lieu thereof (*Effective October*  
58 *1, 2021*):

59 (a) The Commissioner of Energy and Environmental Protection [may  
60 provide by regulation for] shall adopt regulations, in accordance with  
61 the provisions of chapter 54, for the general or specific licensing of [by-  
62 product, source, special nuclear materials and other] sources of ionizing  
63 radiation. [ or devices or equipment utilizing such materials, and for  
64 amendment, suspension, or revocation of licenses issued pursuant  
65 thereto] The commissioner may issue, deny, renew, modify, suspend or  
66 revoke such licenses and may include such terms and conditions in such  
67 licenses that the commissioner deems necessary.

68 Sec. 4. (NEW) (*Effective October 1, 2021*) (a) Any person who violates  
69 any provision of sections 22a-148 to 22a-150, inclusive, of the general  
70 statutes or section 22a-153, as amended by this act, 22a-154, as amended  
71 by this act, 22a-157, as amended by this act, or 22a-158 of the general  
72 statutes, or any regulation adopted or license or order issued pursuant  
73 to said sections, or any owner of land who permits such violations to  
74 occur on such owner's land, shall be assessed a civil penalty of not more  
75 than ten thousand dollars per day for each offense. Each violation shall

76 be a separate and distinct offense and, in the case of a continuing  
77 violation, each day's continuance of such violation shall be deemed a  
78 separate and distinct offense. If two or more persons are responsible for  
79 such violation, such persons shall be jointly and severally liable under  
80 this section. The Attorney General, upon request of the Commissioner  
81 of Energy and Environmental Protection, shall institute a civil action in  
82 the superior court for the judicial district of Hartford to recover such  
83 penalty. Any such action brought by the Attorney General pursuant to  
84 this section shall have precedence in the order of trial as provided for in  
85 section 52-191 of the general statutes. For the purposes of this section,  
86 "person" includes, but is not limited to, any responsible corporate officer  
87 or municipal official.

88 (b) Any person who, with criminal negligence, violates any provision  
89 of sections 22a-148 to 22a-150, inclusive, of the general statutes or section  
90 22a-153, as amended by this act, 22a-154, as amended by this act, 22a-  
91 157, as amended by this act, or 22a-158 of the general statutes, or any  
92 regulation adopted or license or order issued pursuant to said sections  
93 shall be fined not more than twenty-five thousand dollars per day for  
94 each violation or be imprisoned not more than one year, or both. A  
95 subsequent conviction for any such violation shall carry a fine of not  
96 more than fifty thousand dollars per day for each day of violation or  
97 imprisonment for not more than two years, or both. Each violation shall  
98 be a separate and distinct offense, and, in the case of a continuing  
99 violation, each day a violation continues shall be deemed to be a  
100 separate and distinct offense.

101 (c) Any person who knowingly violates any provision of sections 22a-  
102 148 to 22a-150, inclusive, of the general statutes or section 22a-153, as  
103 amended by this act, 22a-154, as amended by this act, 22a-157, as  
104 amended by this act, or 22a-158 of the general statutes, or any regulation  
105 adopted or license or order issued pursuant to said sections shall be  
106 fined not more than fifty thousand dollars per day for each day of  
107 violation or be imprisoned not more than three years, or both. A  
108 subsequent conviction for any such violation shall carry a fine of not  
109 more than one hundred thousand dollars per day for each day of

110 violation or imprisonment for not more than ten years, or both. Each  
111 violation shall be a separate and distinct offense, and, in the case of a  
112 continuing violation, each day a violation continues shall be deemed to  
113 be a separate and distinct offense.

114 (d) Any person who knowingly makes a false statement,  
115 representation or certification in an application, record, report, plan or  
116 other document filed or required to be maintained pursuant to sections  
117 22a-148 to 22a-150, inclusive, of the general statutes or section 22a-153,  
118 as amended by this act, 22a-154, as amended by this act, 22a-157, as  
119 amended by this act, or 22a-158 of the general statutes, as amended by  
120 this act, or any regulation adopted or license or order issued pursuant  
121 to said sections, or who falsifies, tampers with or knowingly renders  
122 inaccurate any monitoring device or method required to be maintained  
123 under said sections or any regulation adopted or registration, license or  
124 order issued pursuant to said sections, shall, upon conviction, be fined  
125 not more than twenty-five thousand dollars per day for each violation  
126 or imprisoned not more than two years for each violation, or both. Each  
127 violation shall be a separate and distinct offense, and, in the case of a  
128 continuing violation, each day a violation continues shall be deemed to  
129 be a separate and distinct offense.

130 Sec. 5. Section 22a-157 of the general statutes is repealed and the  
131 following is substituted in lieu thereof (*Effective October 1, 2021*):

132 No person shall construct, operate, use, manufacture, produce,  
133 transport, transfer, receive, acquire, decommission, own or possess any  
134 source of ionizing radiation, unless [exempt, licensed or registered in  
135 accordance with the provisions of sections 22a-148 to 22a-158, inclusive]  
136 such activity is in compliance with all requirements of this chapter,  
137 including any regulation adopted, or registration or license issued  
138 pursuant to this chapter. No person shall produce, transport, store,  
139 possess, manage, treat, remediate or dispose of any radioactive  
140 materials, unless such activity is in compliance with all requirements of  
141 this chapter, including any regulation adopted, or registration or license  
142 issued pursuant to this chapter. No person shall fail to register a source

143 of ionizing radiation required to be registered under this chapter,  
144 including as required by any regulation adopted, or registration or  
145 license issued pursuant to this chapter.

146       Sec. 6. (NEW) (*Effective October 1, 2021*) (a) The Commissioner of  
147 Energy and Environmental Protection may take steps that the  
148 commissioner deems necessary to protect human health and the  
149 environment, including, but not limited to, investigating, monitoring,  
150 abating, containing, mitigating or removing any hazard, potential  
151 hazard, pollution, contamination or potential pollution or  
152 contamination if: (1) Any person causes or is responsible for any  
153 exposure hazard or potential exposure hazard from radioactive  
154 materials, radioactive waste or a source of ionizing radiation, or causes  
155 or is responsible for pollution, contamination or potential pollution or  
156 contamination of any land, water, air or other natural resource of the  
157 state through a discharge, spillage, uncontrolled loss, release, leakage,  
158 seepage or filtration of radioactive material or radioactive waste, and  
159 does not act immediately to prevent, abate, contain, mitigate or remove  
160 such hazard, potential hazard, pollution, contamination, or potential  
161 pollution or contamination, to the satisfaction of the commissioner, or  
162 (2) the person responsible is unknown, and such hazard, potential  
163 hazard, pollution, contamination, or potential pollution or  
164 contamination, is not being prevented, abated, contained, mitigated or  
165 removed by the federal government, any state agency, any municipality  
166 or any regional or interstate authority. The commissioner may enter into  
167 a contract with any person for the purpose of carrying out the provisions  
168 of this subsection.

169       (b) Any person who causes or is responsible for any exposure hazard  
170 or potential exposure hazard from radioactive materials, radioactive  
171 waste or a source of ionizing radiation or who causes or is responsible  
172 for pollution, contamination, or potential pollution or contamination of  
173 any land, water, air or other natural resource of the state through a  
174 discharge, spillage, uncontrolled loss, release, leakage, seepage or  
175 filtration of radioactive material or radioactive waste shall be liable for  
176 all costs and expenses incurred by the commissioner in accordance with

177 subsection (a) of this section, including all costs and expenses to restore  
178 the air, water, land and other natural resources of the state, and shall be  
179 liable for all attorneys' fees, court costs and any other legal expenses  
180 incurred by the state regarding the recovery of such costs. Nothing in  
181 this subsection shall preclude the commissioner from seeking additional  
182 compensation or such other relief that a court may award, including  
183 punitive damages. When such hazard, potential hazard, pollution,  
184 contamination or potential pollution or contamination results from the  
185 action or inaction of more than one person, each person shall be held  
186 jointly and severally liable for such costs. Upon request of the  
187 commissioner, the Attorney General shall bring a civil action to recover  
188 all such costs and expenses from the person who caused or is  
189 responsible for any such hazard, potential hazard, pollution,  
190 contamination or potential pollution or contamination.

191 (c) Any person who prevents, abates, contains, removes or mitigates  
192 any (1) exposure hazard or potential exposure hazard from radioactive  
193 materials, radioactive waste or a source of ionizing radiation that is not  
194 authorized by a provision of the general statutes, any regulation,  
195 registration or license, or (2) any pollution or contamination or potential  
196 pollution or contamination of any land, water, air or other natural  
197 resources of the state through a discharge, spillage, uncontrolled loss,  
198 release, leakage, seepage or filtration of radioactive material or  
199 radioactive waste that is not authorized by a provision of the general  
200 statutes, any regulation, registration or license, shall be entitled to  
201 reimbursement of the reasonable costs incurred or expended for such  
202 abatement, containment, removal or mitigation from any person whose  
203 negligent, reckless, knowing or intentional action or inaction caused  
204 such hazard, potential hazard, pollution, contamination or potential  
205 pollution or contamination. When such hazard, potential hazard,  
206 pollution, contamination or potential pollution or contamination results  
207 from the action or inaction of more than one person, each such person  
208 shall be held jointly and severally liable for such costs.

209 (d) Whenever the commissioner incurs contractual obligations in  
210 carrying out the authority vested in the commissioner pursuant to

211 subsection (a) of this section and the person who causes or is responsible  
212 for the hazard, potential hazard, pollution, contamination or potential  
213 pollution or contamination does not assume the tasks and  
214 responsibilities that are the subject of such contractual obligations, the  
215 commissioner shall request the Attorney General to bring a civil action,  
216 pursuant to subsection (b) of this section, to recover the costs and  
217 expenses of such contractual obligations and other costs and expenses  
218 provided for in subsection (b) of this section. If the person responsible  
219 is unknown, the commissioner shall request the federal government to  
220 assume such contractual obligations to the extent provided for by  
221 federal law.

222       Sec. 7. Subsection (a) of section 22a-6a of the general statutes is  
223 repealed and the following is substituted in lieu thereof (*Effective October*  
224 *1, 2021*):

225       (a) Any person who knowingly or negligently violates any provision  
226 of section 14-100b or 14-164c, subdivision (3) of subsection (b) of section  
227 15-121, section 15-171, 15-172, 15-175, 22a-5, 22a-6 or 22a-7, chapter 440,  
228 chapter 441, section 22a-69 or 22a-74, subsection (b) of section 22a-134p,  
229 sections 22a-148 to 22a-150, inclusive, section 22a-153, as amended by  
230 this act, 22a-154, as amended by this act, section 22a-157, as amended by  
231 this act, section 22a-158, section 22a-162, 22a-171, 22a-174, 22a-175, 22a-  
232 177, 22a-178, 22a-181, 22a-183, 22a-184, 22a-190, 22a-208, 22a-208a, 22a-  
233 209, 22a-213, 22a-220, 22a-225, 22a-231, 22a-336, 22a-342, 22a-345, 22a-  
234 346, 22a-347, 22a-349a, 22a-358, 22a-359, 22a-361, 22a-362, 22a-365 to 22a-  
235 379, inclusive, 22a-401 to 22a-411, inclusive, 22a-416, 22a-417, 22a-424 to  
236 22a-433, inclusive, 22a-447, 22a-449, 22a-450, 22a-451, 22a-454, 22a-458,  
237 22a-461, 22a-462 or 22a-471, or any regulation, order or permit adopted  
238 or issued thereunder by the Commissioner of Energy and  
239 Environmental Protection shall be liable to the state for the reasonable  
240 costs and expenses of the state in detecting, investigating, controlling  
241 and abating such violation. Such person shall also be liable to the state  
242 for the reasonable costs and expenses of the state in restoring the air,  
243 waters, lands and other natural resources of the state, including plant,  
244 wild animal and aquatic life to their former condition insofar as



245 practicable and reasonable, or, if restoration is not practicable or  
246 reasonable, for any damage, temporary or permanent, caused by such  
247 violation to the air, waters, lands or other natural resources of the state,  
248 including plant, wild animal and aquatic life and to the public trust  
249 therein. Institution of a suit to recover for such damage, costs and  
250 expenses shall not preclude the application of any other remedies.

251 Sec. 8. Section 16a-101 of the general statutes is repealed and the  
252 following is substituted in lieu thereof (*Effective October 1, 2021*):

253 As used in this chapter:

254 (1) "Atomic energy" [ means all forms of energy released in the course  
255 of nuclear fission or nuclear transformation] has the same meaning as  
256 provided in the Atomic Energy Act, 42 USC 2014, as amended from time  
257 to time;

258 (2) "By-product material" [means any radioactive materials, except  
259 special nuclear materials, yielded in or made radioactive by exposure to  
260 the radiation incident to the process of producing or utilizing special  
261 nuclear materials] has the same meaning as provided in the Atomic  
262 Energy Act, 42 USC 2014, as amended from time to time;

263 (3) "Production facility" [means (A) any equipment or device capable  
264 of the production of special nuclear material in such quantity as to be of  
265 significance to the common defense and security, or in such manner as  
266 to affect the health and safety of the public; or (B) any important  
267 component part especially designed for such equipment or device] has  
268 the same meaning as provided in the Atomic Energy Act, 42 USC 2014,  
269 as amended from time to time;

270 (4) "Special nuclear material" [means (A) plutonium and uranium  
271 enriched in the isotope 233 or in the isotope 235, and any other material  
272 which the Governor declares by order to be special nuclear material  
273 after the United States Atomic Energy Commission has determined the  
274 material to be such; or (B) any material artificially enriched by any of the  
275 foregoing] has the same meaning as provided in the Atomic Energy Act,

276 42 USC 2014, as amended from time to time;

277 (5) "Utilization facility" [means (A) any equipment or device, except  
 278 an atomic weapon, capable of making use of special nuclear materials  
 279 in such quantity as to be of significance to the common defense and  
 280 security, or in such manner as to affect the health and safety of the  
 281 public, or peculiarly adapted for making use of atomic energy in such  
 282 quantity as to be of significance to the common defense and security, or  
 283 in such manner as to affect the health and safety of the public; or (B) any  
 284 important component part especially designed for such equipment or  
 285 device] has the same meaning as provided in the Atomic Energy Act, 42  
 286 USC 2014, as amended from time to time;

287 (6) "Radioactive material" has the same meaning as provided in the  
 288 Atomic Energy Act, 42 USC 2014, as amended from time to time;

289 (7) "Source material" has the same meaning as provided in the Atomic  
 290 Energy Act, 42 USC 2014, as amended from time to time.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2021</i>	22a-151
Sec. 2	<i>October 1, 2021</i>	22a-153
Sec. 3	<i>October 1, 2021</i>	22a-154(a)
Sec. 4	<i>October 1, 2021</i>	New section
Sec. 5	<i>October 1, 2021</i>	22a-157
Sec. 6	<i>October 1, 2021</i>	New section
Sec. 7	<i>October 1, 2021</i>	22a-6a(a)
Sec. 8	<i>October 1, 2021</i>	16a-101

**Statement of Purpose:**

To provide the state, through the Department of Energy and Environmental Protection, with authorization to seek greater oversight and responsibility from the Nuclear Regulatory Commission for certain radiation security concerning radioisotopes, uranium and thorium and quantities of special nuclear materials.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*

