

From: Irwin, William
To: [Beardsley, Michelle](#)
Cc: [AgreementStateRegs Resource](#); [Collins, Daniel](#); [Williams, Kevin](#); [Michalak, Paul](#); [Ford, Monica](#); [Nick, Joseph](#); [White, Duncan](#); [Weiss, Bessie](#); [Colasurdo, Lillian](#); [Cragin, Lori](#); [Englander, David](#); [Oneill, Francis](#); [Mann, Littia C](#)
Subject: [External_Sender] RE: 10/25/2017 Regulation Review Letter to W. Irwin, ML17264A501
Date: Wednesday, November 22, 2017 4:08:14 PM
Attachments: [Rad Health Rule 11-22-17.Tracked.docx](#)
[Rad Health Rule 11-22-17.Clean.docx](#)

Dear Ms. Beardsley,

The Vermont Department of Health has revised its first draft of regulations designed to meet the requirements for Vermont becoming a Nuclear Regulatory Commission (NRC) Agreement State. The revision represents a thorough effort to address all the comments in the October 25, 2017 letter from Deputy Director Kevin Williams of the Division of Material Safety, State, Tribal and Rulemaking Programs. The revision is attached in two forms. The first form is with tracked changes, and the second form is with all changes accepted.

We attempted to satisfactorily address each of the comments in the October 25, 2017 letter. Most revisions were to exempt additional sections of Title 10 of the Code of Federal Regulations (CFR) from incorporation by reference; to clarify or redefine terms, especially as related to Vermont and/or NRC jurisdiction; and to substitute procedures from Vermont for those of the NRC where needed. Most revisions were exactly as recommended in the NRC comments. We particularly appreciated being referred to the North Dakota Radiological Health Rules. Language found there was very helpful in our effort to incorporate 10 CFR by reference.

Relative to Comment 1 sub-part 1), Vermont continues to incorporate parts of the Conference of Radiation Control Program Directors (CRCPD) Suggested State Regulations (SSRs). Those incorporated are solely for machine-generated radiation, and the incorporated sub-parts of the SSRs do not refer to 10 CFR. We did not, however, incorporate by reference CRCPD SSR Part S which addresses financial assurance. Relative to Comment 1 sub-part 6), all references to the Vermont Yankee Nuclear Power Station are only in Section IV, which relates only to the criteria applicable to operating or decommissioning nuclear reactor facilities relating to members of the public. The regulations maintained in this revision of the Radiological Health Rule are nearly identical to the current regulations in Vermont (http://www.healthvermont.gov/sites/default/files/documents/2016/12/REG_radiological-health.pdf).

As noted in a previous communication, we are scheduled to begin our administrative procedures for rulemaking in January 2018. Should you and your staff want to discuss how we addressed the NRC comments in the October 25, 2017 letter, please call or write me to arrange for that. We do hope that we can work together to accomplish the adequacy and compatibility needs for the Agreement and still meet this January deadline. We appreciate all that you and your team must do to help us meet it.

William Irwin, Sc.D., CHP

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From: Beardsley, Michelle [mailto:Michelle.Beardsley@nrc.gov]
Sent: Thursday, October 26, 2017 8:13 AM
To: Irwin, William <William.Irwin@vermont.gov>
Cc: AgreementStateRegs Resource <AgreementStateRegs.Resource@nrc.gov>; Collins, Daniel <Daniel.Collins@nrc.gov>; Williams, Kevin <Kevin.Williams@nrc.gov>; Michalak, Paul <Paul.Michalak@nrc.gov>; Ford, Monica <Monica.Ford@nrc.gov>; Nick, Joseph <Joseph.Nick@nrc.gov>; White, Duncan <Duncan.White@nrc.gov>
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Please see the attached letter. The original will be mailed.

Thank you for your attention to this matter.

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