

4.5 Enforcement Program Elements

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4.5 Enforcement Program Elements

Section 4.5.1 of the Handbook for Processing an Agreement addresses routine enforcement procedures and Section 4.5.2 addresses escalated enforcement procedures. The primary documentation for both for the Vermont Radioactive Materials Program is identical and found in this application in one document in Section 4.5.2: *RMPP 2.5 Enforcement, Escalated Enforcement and Administrative Actions*. RMPP 2.5 is modeled after the NRC Enforcement Manual NUREG-1600 to help assure compatibility between Vermont's Agreement Program and the NRC. RMPP 2.5 is found in Application Section 4.5.2 below.

4.5.1 *Routine Enforcement Procedures*

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4.5.1 Routine Enforcement Procedures

RMPP 2.5 describes how the Vermont Department of Health will enforce its regulations. This procedure is designed to be a fair and impartial administration of regulatory law. Vermont scales the enforcement actions to the seriousness of the violation, and establishes standard methods of communicating sanctions to the licensee. In particular, the State gives written notice using standardized wording and formats. The Health Department's legal counsel shall review the wording and format of these notices.

Because RMPP describes both routine and escalated enforcement procedures, it is attached to this application once, in Section 4.5.2.

4.5.2 *Escalated Enforcement Procedures*

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4.5.2 Escalated Enforcement Procedures

Escalated enforcement procedures are described in the same document where routine enforcement procedures are described, RMPP 2.5. Escalated enforcement procedures are designed for serious or repeated violations of regulatory requirements. The Vermont Radioactive Materials Program will use the escalated enforcement actions to supplement routine enforcement actions. Escalated enforcement actions include:

- Administrative or civil monetary penalties;
- Modification, suspension or revocation of the license; and
- Referral for criminal prosecution.

As with routine enforcement actions, escalated enforcement actions are scaled to the seriousness and the licensee is notified of the escalated enforcement actions in writing using standard wording and format, and coordinated with legal counsel. Escalated enforcement sanctions are more severe than those used in routine enforcement.

1.6 Event and Allegation Response Program Elements

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4.7 Event and Allegation Response Program Elements

This section of the application addresses how the Vermont Department of Health will respond to radioactive materials events and allegations. Vermont has modeled its program elements after those in the NRC procedures SA-300 *Reporting Material Events* and SA-400 *Management of Allegations*. The Vermont Department of Health Radioactive Materials Program has four written procedures to address these elements: RMPP 3.1 *Management of Allegations*, RMPP 3.2 *Incident Response*, RMPP 3.3 *Scrap Yard Incident Response*, and RMPP 3.4 *Nuclear Materials Event Database (NMED) Input*. Section 4.7.1 of this application describes the procedures for responding to events and allegations and Section 4.7.2 describes procedures for identifying significant events and submittals for entry into the NMED.

4.7.1 *Procedures for Responding to Events and Allegations*

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4.7.1 Procedures for Responding to Events and Allegations

The procedures for responding to events and allegations are attached below. RMPP 3.1 describes how the Health Department Radioactive Materials Program will respond to allegations, while RMPP 3.2 describes the response actions for the broad range of radioactive materials incidents and RMPP 3.3 describes the responses specific to scrap yard incidents.

For event response, the procedures are consistent with, but not identical to, those of the NRC. They address immediate response and actions to mitigate an event; follow-up inspections and enforcement actions; notifications to licensing staff; reports to the incident file; and notifications to other affected licensees of generic problems. The allegation procedure addresses allegation response, follow-up and closeout. It provides for the protection of the identity of a person making an allegation and other sensitive information.

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**4.7.2 *Procedures for Identifying Significant Events
and Submittals For Entry into the Nuclear Material
Events Database***

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4.7.2 Procedures for Identifying Significant Events and Submittals For Entry into the Nuclear Material Events Database

The State of Vermont has modeled its procedures for identifying significant events and submittals for entry into the Nuclear Materials Event Database (NMED) on the SA-300 Handbook *Nuclear Material Event Reporting in the Agreement States*. This is done in RMPP 3.4 *Nuclear Material Event Database (NMED) Input* which is attached in this section of the Application. It describes how Vermont will generate event reports and submit them to NMED within required time frames and as required by regulation. Responsibilities are assigned for the completion of reports and for ensuring the quality of reports. Criteria are included for identifying abnormal occurrences that are reportable, and guidance is provided for notification, follow-up and closeout of reports.