



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**

REGION I  
2100 RENAISSANCE BLVD., SUITE 100  
KING OF PRUSSIA, PA 19406-2713

October 2, 2020

William Irwin, Sc.D., CHP, Chief  
Office of Radiological Health  
Department of Health  
108 Cherry Street  
P.O. Box 70  
Burlington, VT 05402

Dear Dr. Irwin:

An orientation meeting with you and your staff was held on July 31, 2020. The purpose of this meeting was to review and discuss the implementation of the Vermont Agreement State Program. The U.S. Nuclear Regulatory Commission (NRC) was represented by Joseph Nick, Deputy Director, Division of Nuclear Materials Safety, U.S. NRC Region I and me.

Enclosed is a copy of the general meeting summary. If you feel that the summary does not accurately reflect the meeting discussion or have any additional remarks about the meeting in general, please contact me at (610) 337-5214 or via e-mail at [Monica.Ford@nrc.gov](mailto:Monica.Ford@nrc.gov) to discuss your concerns.

Sincerely,

Monica Lynn Ford  
Regional State Agreements Officer  
Division of Nuclear Materials Safety  
U.S. NRC Region I

Enclosure:  
Orientation Meeting Summary for Vermont

cc w/encl.: Francis O'Neill  
Senior Radiological Health Specialist

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INTEGRATED MATERIALS PERFORMANCE EVALUATION PROGRAM

ORIENTATION MEETING WITH THE STATE OF VERMONT

TYPE OF OVERSIGHT: NONE

July 31, 2020

**FINAL**

## MEETING PARTICIPANTS

### **U.S. Nuclear Regulatory Commission**

- Joseph Nick: Deputy Director, Division of Nuclear Materials Safety, Region I
- Monica Ford: Regional State Agreements Officer, Region I
- Farrah Gaskins, Regional State Agreements Officer, Region I
- Lizette Roldan-Otero, Acting Branch Chief, State Agreements and Liaison Programs Branch, Office of Nuclear Material Safety and Safeguards
- Duncan White, Senior Health Physicist, State Agreements and Liaison Programs Branch, Office of Nuclear Material Safety and Safeguards

### **Vermont Department of Health**

- William Irwin, Sc.D., CHP, Chief
- Francis O'Neill, MS, Senior Radiological Health Specialist
- Littia Mann, MS, Radiological and Toxicological Scientist

## Vermont Orientation Meeting Summary

### 1.0 INTRODUCTION

This report presents the results of the virtual orientation meeting held between the U.S. Nuclear Regulatory Commission (NRC) and the State of Vermont. The meeting was held on July 31, 2020. The meeting was conducted in accordance with the Office of Nuclear Material Safety and Safeguards (NMSS) Procedure SA-118 "Orientation Meetings for New Agreement States," dated March 19, 2010.

The Vermont Agreement State Program (the Program) is administered by the Office of Radiological Health which is located within the Vermont Department of Health. No changes to the organizational structure of the Agreement State Program have occurred since the Agreement became effective on September 30, 2019.

At the time of the meeting, the Program regulated approximately 34 specific licenses authorizing possession and use of radioactive materials. The meeting focused on the radioactive materials program as it is carried out under the Section 274b. (of the Atomic Energy Act of 1954, as amended) Agreement between the NRC and the State of Vermont.

The Program is 100 percent fee funded. In preparation for becoming an Agreement State, the Vermont legislature approved a fee schedule that implemented 100 percent of the NRC fees that were charged in 2016. All fees collected, including fees collected for reciprocity, go into a dedicated fund which can only be used to support radioactive materials work and surveillance of decommissioning activities at Vermont Yankee. Currently, money cannot be removed from this fund at the discretion of the legislature for general purposes.

The Program discussed impacts that have occurred since the onset of the COVID-19 Public Health Emergency (PHE) earlier this year. Currently, staff are working from home and supporting the State's COVID response in addition to their daily duties. The Program recently restarted the conducting routine inspections. In general, this process is going smoothly. However, the Program is considering alternative options to an onsite inspection for a mobile medical licensee due to the challenges the inspectors will face with social distancing protocols and the size of the facility.

### 2.0 COMMON PERFORMANCE INDICATORS

Five common performance indicators are used to review the NRC regional and Agreement State radioactive materials programs during an IMPEP review. These indicators are (1) Technical Staffing and Training, (2) Status of Materials Inspection Program, (3) Technical Quality of Inspections, (4) Technical Quality of Licensing Actions, and (5) Technical Quality of Incident and Allegation Activities. The scoping items for each of these indicators was discussed with the Program in an effort to prepare for the upcoming IMPEP review.

#### 2.1 Technical Staffing and Training

The Program is comprised of 1.5 full time equivalents (FTE) which includes the Radiation Control Program Director (RCPD), the Program Manager, and one technical staff person. All three individuals are qualified license reviewers and inspectors. The Program Manager comprises one FTE and the RCPD and technical staff person comprise 0.25 FTE each. There are no vacancies in the Program and there have been no staff changes since the Agreement went into effect. In its final application to become an agreement state, the

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Program committed to adopting Inspection Manual Chapter 1248 by reference. All staff were deemed fully qualified when the Agreement went into effect on September 30, 2019 and no new staff have been trained since. Refresher training is being tracked by the RCPD and all staff are exceeding the 24 hours of training in 24 months requirement.

### 2.2 Status of the Materials Inspection Program

The Program has completed one routine inspection since becoming an Agreement State. This inspection was a priority 5 inspection of a portable gauge licensee. No initial inspections have been performed. The Program has two initial inspections that need to be completed. One of the new licensees has not yet performed work within the State since receiving a license and the other licensee is a mobile nuclear medicine licensee that the Program is working with to figure out how to best accomplish the inspection while taking proper precautions in the wake of COVID-19. After the Orientation meeting the Program was able to complete the initial inspection for the mobile nuclear medicine licensee. The Program stated it has a few additional routine inspections that are due before the end of calendar year 2020. The plan is to complete these by the end of October due to the potential resurgence of COVID-19.

The Program's goal is to inspect 100 percent of reciprocity licensees that work in the State each year. However, the Program's criteria states that they will inspect at least 20 percent of licensees who apply for reciprocity and complete work each calendar year. To date, the Program has inspected three of the six licensees who have applied for reciprocity and performed work in the State.

The Program's goal is to issue inspection findings within 30 days of the inspection exit. No inspection findings have been issued since the Agreement was signed. The Program's only routine inspection is still in process and the Program plans to conduct the inspection exit soon. The Program has not started using 591 type forms yet to issue clear inspection findings in the field and is currently issuing all inspection findings from the Office.

### 2.3 Technical Quality of Inspections

The Program adopted the NRC's inspection procedures by reference when it became an Agreement State. Additionally, the Program adopted the NRC's Inspection Manual Chapter 2800 by reference. All licensees are being inspected at the same frequency as similar types of licensees regulated by the NRC. Final inspection findings are not being issued in the field at this time. The Program has not completed any supervisory accompaniments for calendar year 2020. The Program will need to ensure that supervisory accompaniments of all qualified inspectors are completed before the end of the calendar year.

### 2.4 Technical Quality of Licensing Actions

The Program has approximately 34 specific licenses. All licensing actions are completed in a timely manner. The Program has not received any exemption requests related to the COVID-19 PHE. The Program uses the current version of the NRC's Pre-Licensing Guidance and Risk Significant Radioactive Materials checklist. Additionally, the Program adopted the NUREG 1556 series by references and uses the most current versions when performing licensing actions. All licenses that existed at the time of the agreement have now been converted the Vermont licenses. The Program stated that WBL was a huge

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reason why they were able to accomplish this so quickly. The Program has one licensing action currently in house. Once complete, all licensing actions undergo a secondary review and a supervisory review before being signed by the Commissioner of Health and being issued.

### 2.5 Technical Quality of Incident and Allegation Activities

Since becoming an Agreement State, the Program has received four events, two medical events and two events involving material found in trash. The Program stated that they performed reactive inspections for the two medical events that were received. It was identified during the call that neither medical event had been completed or closed in the Nuclear Materials Events Database (NMED). Following the meeting, the Program updated both events to contain all of the required information and requested each be completed and closed.

Additionally, the Program discussed two events it received involving the discovery of I-131 in trash. The Program asked what the reporting requirements were for these two events. After getting additional details regarding the events and looking into the question, it was determined that the events were reportable under 10 CFR 20.2201(1)(a)(ii) which requires the event to be reported to the NRC's Headquarters Operations Center (HOC) within 30 days of discovery. The Program subsequently reported both events to the HOC. The Program has not received any allegations since becoming an agreement state.

### 3.0 NON-COMMON PERFORMANCE INDICATORS

Four non-common performance indicators are used to review Agreement State programs: (1) Compatibility Requirements, (2) Sealed Source and Device (SS&D) Evaluation Program, (3) Low-Level Radioactive Waste Disposal (LLRW) Program, and (4) Uranium Recovery (UR) Program. The NRC's Agreement with Vermont does not relinquish regulatory authority for SS&D, LLRW, or UR; therefore, only the non-common performance indicator Compatibility Requirements applies.

### 3.1 Compatibility Requirements

Vermont became an Agreement State on September 30, 2019. The Program's current effective statutory authority is contained in the Ionizing and Nonionizing Radiation Control Act contained in the Vermont Statute Title 18 Chapter 32. No legislation affecting the Program was passed during the review period.

On May 10, 2019 the NRC issued a letter to the Program with five comments on its proposed Vermont Radiological Health Rule which incorporates the regulations from Title 10 of the Code of Federal Regulations required for matters of compatibility and health and safety. The Program submitted a letter to the NRC on June 6, 2019, committing to make the compatibility and editorial changes to the Rule as soon as practicable. The NRC accepted that commitment as part of the final application to become an Agreement State. The Program stated that they have not yet addressed these rule changes as it has been more focused on converting licenses and getting everything settled when the turnover occurred between the NRC and the Program. The RCPD will work with the State's legal counsel to start to address these comments in the near future.

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### 4.0 SUMMARY

The State of Vermont appears to be a capable, stable Agreement State program with good managerial support. The staffing and structure of the Program has remained consistent since the implementation of the Agreement and the Program is able to balance its workload properly. The Program still needs to address the outstanding comments on the regulations submitted with its final application to become an Agreement State. The initial IMPEP review is on track to be held in March 2021.