



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
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January 10, 2024

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

Dear William Irwin:

A periodic meeting with you and your staff was held on November 8, 2023. The purpose of this meeting was to review and discuss the status of the Vermont Agreement State Program. The U.S. Nuclear Regulatory Commission (NRC) was represented by Jessie Quichocho, Deputy Division Director, and Monica Ford, Regional State Agreements Officer, of the NRC's Region I Office.

Enclosed is a general meeting summary, including any specific actions resulting from the discussions. If you feel that the conclusions do not accurately summarize the meeting discussion or have any additional remarks about the meeting in general, please contact Monica Ford at (610) 337-5214 or via e-mail at Monica.Ford@nrc.gov to discuss your concerns.

Sincerely,

Paul G. Krohn, Director
Division of Radiological Safety and Security

Enclosure:
Periodic Meeting Summary for Vermont

cc w/encl.: Francis O'Neill, Manager
Radioactive Materials Program

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INTEGRATED MATERIALS PERFORMANCE EVALUATION PROGRAM

PERIODIC MEETING WITH THE STATE OF VERMONT

TYPE OF OVERSIGHT: NONE

November 8, 2023

Final

Enclosure

MEETING PARTICIPANTS

U.S. Nuclear Regulatory Commission

- Jessie Quichocho: Deputy Director
Division of Radiological Safety and Security, Region I
- Monica Ford: Regional State Agreements Officer
Division of Radiological Safety and Security, Region I

Vermont Department of Health

- William Irwin, Sc.D., CHP, Radiological & Toxicological Sciences Program Chief
- Francis O'Neill, MS, Radioactive Materials Program Manager
- Amy Kutchukian, Senior Radiologic Health Specialist

Vermont Periodic Meeting Summary

1.0 INTRODUCTION

This report presents the results of the periodic meeting held between the U.S. Nuclear Regulatory Commission (NRC) and the State of Vermont. The meeting was held on November 8, 2023, and covered the period of October 7, 2021, through November 8, 2023. The meeting was conducted in accordance with NMSS Procedure SA-116 "Periodic Meetings between IMPEP Reviews," dated October 6, 2021. For this meeting summary the COVID-19 pandemic (pandemic) is defined as the timeframe covering October 7, 2021 – November 8, 2023.

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 33 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. This structure is still in place. All fees collected, including fees collected for reciprocity, go into a dedicated fund which can only be used to support radioactive materials work. Money cannot be removed from this fund at the discretion of the legislature for general purposes.

The Program is currently located in a State Government building located in Burlington, Vermont. The Radiation Control Program Director discussed the Program's upcoming move to a new location in Waterbury, Vermont. This move is planned for the first calendar quarter of 2024. This move is being noted in this summary for planning purposes related to the October 2025 IMPEP review.

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. The technical staff member present at the time of the 2021 IMPEP review accepted a promotion in October 2022 creating a vacancy in the Program. This vacancy was filled in January 2023. The Program Manager comprises one FTE and the RCPD and technical staff person comprise 0.25 FTE each for a total of 1.5 FTE. Both the RCPD and Program Manager are fully qualified license reviewers and inspectors. The newly hired technical

Vermont Periodic Meeting Summary

staff member is working on becoming both a qualified license reviewer and inspector. The plan is to have the NRC required course work completed by the end of calendar year 2024. The Program uses Inspection Manual Chapter 1248 appendices A and B as its training and qualification journal. Refresher training is being tracked by the RCPD and all qualified staff are exceeding the 24 hours of training every 24 months requirement.

2.2 Status of the Materials Inspection Program

The Program has completed two routine inspections (both Priority 2) and one initial inspection since the last IMPEP review. One routine inspection and the initial inspection were completed on time. The Program completed the other routine inspection approximately two months late due to concerns related to the pandemic. The overdue date for the inspection was October 1, 2021, and the inspection was performed on December 8, 2021. No violations were identified during this inspection.

The Program follows the NRC's risk-based reciprocity inspection guidance for determining candidate reciprocity inspections. The Program conducted two reciprocity inspections in calendar year 2022 and three reciprocity inspections in calendar year 2023. Additionally, the Program is working on revising its internal inspection guidance for reciprocity inspections RMPP 1.4.

The Program's goal is to issue inspection findings within 30 days of the inspection exit. No inspection findings have been issued beyond 30 days after the inspection exit since the last IMPEP review.

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. The Program Manager has performed 100 percent of the inspections since the last IMPEP review. Supervisory accompaniments of the Program Manager have been performed during each calendar year. It was noted during the discussion that if the RCPD performs an inspection in the future, since the RCPD is a fully qualified inspector, then the RCPD will need to have a supervisory accompaniment performed as well. This accompaniment could be completed by the Program Manager if the Program finds this acceptable.

The Program has an adequate supply of radiation detection equipment to support the inspection program and respond to radioactive material incidents and emergency situations. All instruments have been calibrated annually.

2.4 Technical Quality of Licensing Actions

The Program has 33 specific licenses. All licensing actions have been completed in a timely manner. 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 reference and uses the most current versions when performing licensing actions. The Program uses the NRC's Web-Based Licensing System for completion of all actions received. Once an incoming action is complete, all licensing

Vermont Periodic Meeting Summary

actions undergo a secondary review and a supervisory review before being electronically signed by the Commissioner of Health and being issued.

2.5 Technical Quality of Incident and Allegation Activities

Since the last IMPEP review, the Program has received one reportable event, two non-reportable events and one allegation. The Program performs reactive inspections as appropriate. The one reportable event is still open in the NRC's Nuclear Materials Event Database. Vermont stated that it has finished its investigation and subsequently submitted a request to close out the event after the conclusion of the periodic meeting. The Program discussed the allegation it received since the last IMPEP review. It was noted that the Program investigated the allegation as appropriate and followed up with the concerned individual after the investigation was complete.

3.0 NON-COMMON PERFORMANCE INDICATORS

Four non-common performance indicators are used to review Agreement State programs: (1) Legislation, Regulations, and Other Program Elements (LROPE), (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 LROPE applies.

3.1 LROPE

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 since the last IMPEP review. Vermont adopts the applicable sections of Title 10 of the *Code of Federal Regulations* required for compatibility by reference with no standing adoption date. This means any changes made to the NRC's regulations are immediately effective in Vermont.

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. At the time of the last IMPEP review the Program had not yet addressed these comments. The Program stated at that time they had not been addressed due to restrictions on rulemaking put in place during the pandemic. It was noted during the periodic meeting that these five comments still had not been addressed. The RCPD plans to review the open comments and submit changes to the NRC in the near future.

4.0 SUMMARY

The Vermont Agreement State Program continues to be an effective and well-maintained Agreement State program. The staffing and structure of the Program has remained consistent since the implementation of the Agreement and the Program is able to balance

Vermont Periodic Meeting Summary

its workload properly. There is no backlog in licensing and inspection work at the time of the periodic meeting. The Program still needs to address the outstanding comments on the regulations submitted with its final application to become an Agreement State. The next IMPEP review is on track to be held in October 2025.