

The background features a dark blue-to-purple gradient with several faint, overlapping circular patterns. A prominent circular scale is visible on the left side, with numerical markings from 140 to 260 in increments of 10. The scale is partially obscured by other circular elements and arrows.

FORESIGHT AFTER FOUR YEARS:

DOES BECOMING AN  
AGREEMENT STATE HAVE TO BE  
SO PAINFUL?

BILL IRWIN, ScD, CHP

VERMONT DEPARTMENT OF HEALTH

ORGANIZATION OF AGREEMENT STATES, 2019 ANNUAL MEETING

*IT STARTED OFF WELL; IT TOOK  
LONGER THAN WE THOUGHT, BUT  
NOW WE ARE AT THE...*



- We wrote a work plan and sold it to the Commissioner in 2014.
- We thought we could do it in 2 ½ years.
- A year later, July 2015, the Governor sent our Letter of Intent.
- First monthly NRC meeting November 2015.
- Stakeholders meeting a week later.

# WE HAD TO REMAKE OURSELVES



- Existing staff started taking NRC/Agreement State Training in 2015.
  - We turned a chemist into a health physicist.
  - Fortunately, she loves it!
- Hired the future Radioactive Materials Program Manager in 2015.
  - We turned a medical physicist into a technical writer.
  - Special skills are needed in a technical writer.

# THE REGULATIONS



- First draft of regulations ready December 2015.
  - We changed our approach.
  - We incorporated 10 CFR by reference.
- Submitted our first draft of regulations to NRC in April 2016.
  - We changed our approach.
  - We incorporated CRCPD SSRs by reference.
- After resolving final NRC revisions, public comment period in July 2018.
  - We changed our approach.
  - We dropped the SSRs.
- Final promulgation in December 2018.

# THE APPLICATION

- Started first draft March 2017; it followed what Virginia and Pennsylvania did.
- Submitted first draft of about 1850 pages of our own NRC-like procedures in September 2017.
- NRC comments by December 2017 - We changed our approach.
  - Incorporated NRC regulatory guidance and licensing and inspection procedures by reference.
  - Maintained our own administrative procedures for licensing, inspection, enforcement, allegations, incidents and qualifications and staffing.
- The formal application was submitted in April 2019; still about 725 pages; it took 16 months rewriting and adjudicating NRC comments.



# AND ALL THE OTHER LITTLE THINGS



- Once the application is complete there are lots of administrative needs:
  - Creating web pages to make the program useful to licensees, the public and our staff;
  - Fees for a complex collection of license types and program code, but only for what is our jurisdiction;
  - Materials emergency procedures which differ from most other ones we use;
  - Security that is different from most other things a Health Department does; and
  - Forms that look different from our others.
- Though all we did was for to become the smallest Agreement State Program, we had lots of unique work to get right.

SO WHAT HAVE WE LEARNED  
TO SHARE WITH INDIANA, OR  
MICHIGAN OR CONNECTICUT  
OR DELAWARE OR...



- We think incorporation by reference will help us maintain compatibility more easily.
  - When the NRC changes its regulations, licensing and inspection procedures and regulatory guidance, we do not always have to search broadly for needed revisions in our documents.
  - Though licensees do not access them directly, they use regulations and procedures that may be familiar to them.
- We think charging fees equal to the NRC's fees helps us stay financially capable of maintaining services, including reasonably better-paid staff.
- Our path may be worth repeating and templates could be created so future Agreements are easier.

IF WE WERE TO DO IT AGAIN...



- We would incorporate 10 CFR, the NUREGs and the NRC licensing and inspection procedures by reference from the beginning.
- We would have written our administrative procedures with the same thoroughness, but more brevity and more reference to NRC guidance the first time.
- We would not have tried to incorporate the CRCPD SSRs for machine-generated radiation at the same time.
- With that, we might have finished in two years, not four.
- That is important because fees only come when you are done, and cutting our unfunded program was threatened repeatedly.



# IT IS A NATIONAL MATERIALS PROGRAM



- I know many States have managed programs effectively for decades and change seems unnecessary.
- I know States want their own stuff.
- But, are we expending too much effort to remain compatible with uniqueness?
- We engage in other equally important activities where all States use the same rules and procedures.
  - A familiar example is transportation.
  - Shipping regulations, including those for hazardous materials, are not just nationally uniform, but also internationally uniform.
- ← I want that uniform.