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Exempt Action Final Regulation Agency Background Document

Agency name	Department of Health
Virginia Administrative Code (VAC) citation(s)	12VAC5-481
Regulation title(s)	Radiation Protection Regulations
Action title	2017 Radioactive Materials Update No. 2
Final agency action date	December 20, 2017
Date this document prepared	December 11, 2017

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA) or an agency's basic statute, the agency is not required, however, is encouraged to provide information to the public on the Regulatory Town Hall using this form. Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, Executive Orders 17 (2014) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

The purpose of this action is to amend 12VAC5-481 to ensure its compatibility with Title 10, Energy, of the Code of Federal Regulations. Agreement States are required to ensure their regulations are compatible with Title 10 regulations. This revision will ensure that Virginia's regulations implement revisions to the Federal Code that were made by the Nuclear Regulatory Commission (NRC) in 2015. While 12VAC5-481 revisions were adopted effective November 18, 2017, the NRC performed a follow-on review and determined that four (4) additional changes require correction before the regulations can be deemed compatible.

Therefore, this action resolves the NRC's comments that were submitted to the Virginia Department of Health (VDH) in their letter of December 8, 2017 (ML17320B111):

1. 12VAC5-481-2970 B.1: Add "or Table 3" following "Table 2" to the last sentence.
2. 12VAC5-481-3000 B.3: Change to read "Prior to the licensee's first use of the package, submits in writing to the NRC: ATTN: Document Control Desk, Director, Division of Spent Fuel Storage and Transportation, Office of Nuclear Material Safety and Safeguards, using an appropriate method listed in 10 CFR 71.1(a), the licensee's name and license number and the package identification number specified in the package approval; and"
3. 12VAC5-481-3130 A: Delete the sentence that reads "The licensee, certificate holder, and applicant for a CoC are is responsible for the quality assurance requirements as they apply to design, fabrication, testing, and modification of packaging."
4. 12VAC5-481-3130 H: Change "agreement state" to "agency" throughout the section.

This action also corrects the definition of "Written Directive" as it appears in 12VAC5-481-10. The Radioactive Materials Program's staff review of the regulations found that the definition is incorrect and should be revised to be consistent with that of 10 CFR Part 35.2, Definitions.

Statement of final agency action

Please provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.

The State Health Commissioner, Dr. Marissa Levine, approved these amendments to the Virginia Radiation Protection Regulations (12VAC5-481) on behalf of the State Board of Health on December 20, 2017.

Family impact

Please assess the impact of this regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

These final amendments will have no direct impact on the institution of the family and family stability.