



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

February 27, 2019

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

Dear Dr. Irwin:

We have finished our review of the State of Vermont's request to become an Agreement State in accordance with Section 274b. of the Atomic Energy Act, as amended. A U.S. Nuclear Regulatory Commission (NRC) interoffice review team conducted the review following the guidance of an NRC Commission Policy Statement that provides criteria for new agreements and the NRC Office of Nuclear Material Safety and Safeguards (NMSS) Procedure SA-700, and Handbook, *Processing an Agreement*.

The review of the State's draft application submitted on September 15, 2017 (Agencywide Documents Access and Management System (ADAMS) Access No. ML17265A779) was conducted to determine whether the proposed Vermont radioactive materials program met the evaluation criteria for an Agreement Program that is adequate to protect public health and safety and compatible with the NRC's materials program. The review team provided comments to the State in the draft application in two letters dated December 18, 2017 (ADAMS Accession Nos. ML17319A171 and ML17346A705) and a letter dated March 25, 2018 (ADAMS Accession No. ML18017A124). As expressed in these letters, the review team found that the request provided information on all major program elements.

On June 18, 2018, the State submitted revisions to Sections 4.1 and 4.2 of their draft application to the NRC (ADAMS Accession No. ML18171A235). On August 7, 2018, the review team provided comments to the State on the revised Sections 4.1 and 4.2 (ADAMS Accession No. ML18220B075). Later, on November 7, 2018, the State submitted revisions to Sections 4.3 through 4.7 of the draft application (ADAMS Accession Nos. ML18319A348 and ML18320A091). The review team provided comments to the State on the revised Sections 4.3 through 4.7 on January 14, 2019 (ADAMS Accession Nos. ML19031C942 and ML19037A060).

From January 30 through February 12, 2019, the review team and the State held a series of webinars to review the changes made to all seven sections of the revised application and to resolve remaining NRC comments. The review team understands that the State's formal application will incorporate the changes discussed during the webinars. A final determination on the adequacy and compatibility of the proposed Vermont Agreement Program will be based on our review of the formal request for an Agreement.

The NRC appreciates the State of Vermont's efforts and flexibility in addressing our comments and reaching resolution on the revised draft application.

If you have any questions about the review or steps involved in processing the Agreement, please contact me at Andrea.Kock@nrc.gov or (301) 415-3340, or Duncan White of my staff at Duncan.White@nrc.gov or (301) 415-2598.

Sincerely,

/RA/

Andrea L. Kock, Director
Division of Materials Safety, Security, State
and Tribal Programs
Office of Nuclear Material Safety
and Safeguards

SUBJECT: Letter to William Irwin, State of Vermont – Completion of NRC's review of State's Draft Application for Section 274b. Agreement

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