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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 update
Final agency action date	July 31, 2017
Date this document prepared	4/11/17

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of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed.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 proposed action is to amend the current regulations (12VAC5-481) ensuring their 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 that were performed by the Nuclear Regulatory Commission (NRC) in 2015. These revisions are required to be implemented by the Agreement States within 3 years of implementation by the NRC; that is, January 16, 2018 for the most restrictive NRC change requirement. The changes to Virginia's Radioactive Materials Regulations are to accommodate the NRC's regulatory changes related to reportable safety events involving special nuclear material; to remove the Safeguards Information – Modified

Handling (SGI-M) designation of the security-related information for large irradiators, manufacturers and distributors, and for transport of category 1 quantities of radioactive material; to make updates for the packaging and transportation of radioactive material based on the International Atomic Energy Agency's 2009 standards for the international transportation of radioactive material and to maintain consistency with the DOT's regulations, and to make miscellaneous corrections that include correcting references, typographical errors and misspellings.

This action also resolves the one NRC comment submitted to the Virginia Department of Health (VDH) in their letter of March 22, 2017 following their review of VDH's most recent regulation changes; that is, Virginia needs to replace "Director, Office of Federal and State Materials and Environmental Management Programs" with "Director, Office of Nuclear Material Safety and Safeguards" in the regulations.

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 July 31, 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.