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## Exempt Action: Final Regulation Agency Background Document

<b>Agency name</b>	Department of Health
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	12VAC5-481
<b>VAC Chapter title(s)</b>	Radiation Protection Regulations
<b>Action title</b>	2021 Radioactive Materials
<b>Final agency action date</b>	
<b>Date this document prepared</b>	April 6, 2021

Although a regulatory action may be exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the *Code of Virginia*, the agency is still encouraged to provide information to the public on the Regulatory Town Hall using this form. However, the agency may still be required to comply with the Virginia Register Act, Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1VAC7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

### Brief Summary

*Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.*

The purpose of this action is to amend 12VAC5-481 to ensure its compatibility with Title 10 of the Code of Federal Regulations (10 CFR). The United States Nuclear Regulatory Commission (NRC) revised 10 CFR in 2018, 2019 and 2020. Regulatory compatibility is required of NRC Agreement States, of which Virginia is one.

Therefore, Virginia's Radioactive Materials Program revised 12VAC5-481, Radiation Protection Regulations, to make them compatible with the 2018 through 2020 revisions to the 10 CFR that were made by the NRC.

## Mandate and Impetus

*Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, or board decision). "Mandate" is defined as "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."*

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Agreement States are required to have regulations that are adequate and compatible with the NRC's 10 CFR regulations. Agreement States are afforded three (3) years by the NRC to enact or revise their regulations to ensure their adequacy and compatibility. The NRC revised 10 CFR regulations in 2018, 2019 and 2020. Revisions by Agreement States follow the NRC's revisions. Accordingly, Virginia is required to revise and implement changes to 12VAC5-481 no later than January 14, 2022 to assure maintenance of our Agreement State status.

The NRC periodically reviews the Agreement State program, which includes a review of applicable regulations to ensure that Virginia's Radiation Protection Regulations are compatible to the NRC's 10 CFR regulation. Virginia's Agreement State program was reviewed by NRC in 2020 and was found to be satisfactory.

## Statement of Final Agency Action

*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.*

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The State Health Commissioner, Dr. M. Norman Oliver, approved these amendments to the Virginia Radiation Protection Regulations (12VAC5-481) on behalf of the State Board of Health on April 8, 2021.