

State of Vermont
Department of Health
Commissioner's Office
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Agency of Human Services

June 6, 2019

Mr. Kevin Williams
Deputy Director
Division of Materials Safety, Security, State, and Tribal Programs
Office of Nuclear Material Safety and Safeguards

Dear Mr. Williams:

The Vermont Department of Health (Department) has reviewed the comments provided by NRC staff addressing compatibility of the Vermont Radiological Health Rule and health and safety categories established in the Office of Nuclear Material Safety and Safeguards (NMSS) Procedure SA-200, "Compatibility Categories and Health and Safety Identification for NRC Regulations and Other Program Elements." The Department commits to making the following compatibility and editorial changes to the Rule as soon as practicable.

1. Section 1.3.8 – The language "but does not include source material" will be included at the end of subsections (1) and (2) in order to meet the compatibility Category [A] designations assigned to 10 CFR 20.1003 Definition of "Special Nuclear Material."
2. The definition of "sealed source" in section 1.2.6.4 will be deleted and the State will rely on the NRC definition: "any by product material that is encased in a capsule designed to prevent leakage or escape of the byproduct material," which was adopted in the Rule in section 12.2.1.
3. Section 12.6.2 will be deleted to meet the Compatibility Category NRC designation assigned to 10 CFR 32.26.
4. The rule currently adopts Part 61 definitions of "disposal," "waste," and "hazardous waste" in section 1.3, however this will be clarified and stated in sections 1.2.5 and 19 of the Rule.
5. The adoption by reference for the definition of "Foreign Obligations" in section 12.10.1 will be removed from the Rule.
6. The definition of "regulated entities" as stated in 10 C.F.R. 19.3 will be added to section 7.2.2 for clarification.
7. References to the non-existent sections of the CFR 40.13(j) and (m) will be removed from section 12.8.2 of the Rule.
8. The sentence "In 10 C.F.R. 40.4, the definition of 'Byproduct Material' includes naturally occurring or accelerator-producing materials (NARM)." and any inclusion of "NARM" in section 1.2.6.5, 1.3.4, and 12.8.2 will be removed from the Rule.





Once changes have been made to the Radiological Health Rule, an "as published" copy will be provided to the NRC.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mark A. Levine".

Mark A. Levine, MD
Commissioner

