



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

April 9, 2026

William Irwin, Sc.D., CHP  
Chief, Radiological Health  
Vermont Department of Health  
280 State Drive  
Waterbury, VT 05671-8350

SUBJECT: REVIEW OF FINAL REVISIONS TO VERMONT REGULATIONS CHAPTER 6,  
SUBCHAPTER 5 – RADIOACTIVE MATERIALS RULE

Dear Dr. Irwin:

We have reviewed the final revisions to the Vermont regulations Chapter 6, Subchapter 5 – Radioactive Materials Rule, received by our office via electronic mail on February 12, 2026. These revisions were submitted in response to NRC comments from May 10, 2019, which on June 6, 2019, Vermont committed to addressing by making the appropriate changes the next time Vermont made changes to its regulations. Vermont then addressed these comments through a rulemaking proposed on October 6, 2022, and finalized on January 1, 2024. These regulations were reviewed by comparison to the equivalent U.S. Nuclear Regulatory Commission (NRC) rules found in 10 CFR Parts 19, 20, 30, 31, 32, 33, 34, 35, 36, 37, 39, 40, 61.55<sup>1</sup>, 61.66<sup>1</sup>, 61.67<sup>1</sup>, 70, 71, and 150, as identified in the enclosed State Regulation Status (SRS) Data Sheet. We discussed our review of the regulations with you on April 2, 2026.

As a result of our review, we have six compatibility and eight editorial comments that have been identified in Enclosure 1. Please note that we have limited our review to regulations required for compatibility and/or health and safety. We have determined that if these regulations are revised, incorporating our comments, and without other significant change, they would meet the compatibility 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."

We request that when you revise your regulations to address our comments, a copy of the "as published" regulations be provided to us for review. As requested in NMSS Procedure SA-201, "Review of State Regulatory Requirements," please highlight the location of any changes made and provide a copy to Division of Materials Safety, Security, State, and Tribal Programs, NMSS.

The SRS Data Sheet in Enclosure 2 summarizes our knowledge of the status of other Vermont regulations, as indicated. Please let us know if you note any inaccuracies or have any comments on the information contained in the SRS Data Sheet. This letter, including the SRS Data Sheet, is posted on: <https://www.nrc.gov/agreement-states>.

If you have any questions regarding the review, the compatibility and health and safety categories, or any of the NRC regulations used in the review, please contact my staff at [AgreementStateRegs.Resource@nrc.gov](mailto:AgreementStateRegs.Resource@nrc.gov).

Sincerely,



Signed by Giantelli, Adelaide  
on 04/09/26

Adelaide S. Giantelli, Chief  
State Agreement and Liaison Programs Branch  
Division of Materials Safety, Security, State,  
and Tribal Programs  
Office of Nuclear Material Safety  
and Safeguards

Enclosures:

1. Comment Resolution
2. Vermont SRS Data Sheet

SUBJECT: REVIEW OF FINAL REVISIONS TO VERMONT REGULATIONS CHAPTER 6,  
SUBCHAPTER 5 – RADIOACTIVE MATERIALS RULE DATED: April 9, 2026

DISTRIBUTION: SP 05  
DIR RF 26-11  
SSeeley, RGN-I/RSAO  
RErickson, RGN-IV  
DSilberfeld, NMSS/MSST  
AGiantelli, NMSS/MSST  
SSahle, NMSS/MSST

ADAMS Accession Numbers: PKG: ML26056A205, e-Concurrence: 20260406-70019

**COMPATIBILITY COMMENTS ON VERMONT FINAL REVISIONS TO CHAPTER 6,  
SUBCHAPTER 5 – RADIOACTIVE MATERIALS RULE**

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
1	1.2.5	All Parts	NA	Various	<p><b>General comment</b></p> <p>Vermont incorporates and unincorporates regulations by reference in multiple sections in their regulations, many of which conflict with the other. Specifically, section 1.2.5 lays out the incorporations/unincorporations- but then they are repeated later in various individual sections, e.g., Section 1.2.5.14 incorporates 10 CFR part 71 by reference in addition to section 18.2.2. However, in 1.2.5.14 there are additional statements regarding 10 CFR 71.17(c)(3) that were omitted in Section 18.2.2.</p> <p>Also, Vermont has incorporated 10 CFR 150.3 Definitions in section 1.2.5, unincorporated 10 CFR 150.3 in sections 1.2.5.15 and 12.10.2, and then incorporates the definitions of 10 CFR Part 150 in section 1.3. This approach causes confusion and creates inconsistencies between regulations.</p> <p>Vermont needs to: delete the redundant sections to 1.2.5; delete section 1.2.5; or be sure that these sections are consistent in order to meet the various Compatibility Category designations assigned to the applicable 10 CFR Parts.</p> <p><b>All previously noted comments were resolved. Vermont deleted the subsections referenced in Section 1.2.5 and now refers the reader to the relevant subsections only, eliminating inconsistencies and confusion.</b></p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					<b>Vermont also now incorporates 150.3 in Sections 1.2.5 “and” in 12.10.1.</b>
2	1.2.5.1 7.2.1	10 CFR 19.3	NA	D/NRC	<p><b>Definition: Regulated entities</b></p> <p>Vermont incorporates the definition of <i>Regulated entities</i> by reference in sections 1.2.5.1, and 7.2.1. Vermont needs to exclude this definition from incorporation by reference. If Vermont wishes to have an equivalent regulation, Vermont should include a new definition citing activities under Vermont authority in section 1.3.</p> <p>Vermont needs to make the changes indicated above in order to meet the Compatibility Category D/NRC designations assigned to 10 CFR 19.3 Definition: Regulated entities.</p> <p><b>The previously noted comment was resolved. In Section 1.3.14 the definition “regulated entities” in 10 CFR 19.3 is explicitly not incorporated by reference. It is again noted as not being incorporated by reference in Section 7.2.2.</b></p>
3	12.10	10 CFR 30.41	Part 30	C	<p><b>Transfer of byproduct material</b></p> <p>In section 12.10.4, Vermont includes a reference to “12.12” regarding reciprocity of licenses; however Vermont has deleted Section 12.12.</p> <p>Vermont needs to correct the reference as indicated above in order to meet the Compatibility Category C designation assigned to 10 CFR 30.41.</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					<b>The previous comment has been resolved. Vermont regulations no longer incorporate Section 12.10.4 or Section 12.12.</b>
4	12.8.2 1.2.5.12	10 CFR 40.4	Part 40	[A], [B], B, H&S	<p><b>Definitions</b></p> <p>In sections 1.2.5.12 and 12.8.2, Vermont does not incorporate 10 CFR 40.4 by reference. However, several definitions in 10 CFR 40.4 are required for compatibility and should be included in Vermont's adoption by reference as follows:</p> <ol style="list-style-type: none"> <li>1) Agreement State- [B] compatibility category</li> <li>2) Alert- [A],</li> <li>3) Byproduct Material- H&amp;S,</li> <li>4) Site Area Emergency- [A],</li> <li>5) Source Material- [A],</li> <li>6) Special Nuclear Material- [A],</li> <li>7) Unrefined and Unprocessed Ore- B.</li> </ol> <p>Vermont needs to include the definitions as indicated above in order to meet the noted Compatibility Category designations assigned to 10 CFR 40.4 Definitions.</p> <p><b>The definitions identified in the previous comments have been incorporated by reference in Sections 1.2.5, 1.3 and 12.8.2. However, please see the below editorial comments for further comments regarding the definitions in Vermont's regulations.</b></p> <p><b>The new comment containing the phrase, "In addition, the following words and terms, when used in this rule, have the following meanings, unless the context clearly indicates otherwise," has been removed from Section 1.3.</b></p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
5	1.2.5.14	10 CFR 71.17(c)(3)	NA	B	<p><b>General license: NRC approved package</b></p> <p>In section 1.2.5.14, Vermont omits the section number, i.e., “.17” as highlighted below:            “In 10 C.F.R. 71.17(c)(3), the submission required before the first use of a NRC approved package should be sent 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 § 71.1(a), the licensee’s name and license number and the package identification number specified in the package approval.”</p> <p>Vermont needs to add the section number as indicated above in order to meet the Compatibility Category B designation assigned to 10 CFR 71.17(c)(3).</p> <p><b>The previous comment has been resolved. Vermont has modified Section 18.2.2 to include the appropriate section number. Vermont regulations now clearly identify the rule as 10 CFR 71.17(c)(3).</b></p>
6	1.2.5 12.10.2	10 CFR 150.20	NA	C	<p><b>Exemptions and Continued Regulatory Authority in Agreement States and in Offshore Waters Under Section 274</b></p> <p>Vermont needs to include the following conditions regarding their adoption by reference of 10 CFR 150.20:</p> <ul style="list-style-type: none"> <li>○ Where the words “non-agreement states”, “areas of exclusive federal jurisdiction within agreement</li> </ul>

STATE SECTION	NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
				<p>states”, or “offshore waters” are used in 10 Code of Federal Regulations 150.20(a)(1)(i), (ii), (iii), (b), (b)(3), and (b)(4) substitute the words “state of Vermont”. (*Vermont also needs to follow a similar definition change for Part 31)</p> <ul style="list-style-type: none"> <li>○ Where the words “agreement states license” are used in 10 Code of Federal Regulations 150.20, also add the words “Nuclear Regulatory Commission license”.</li> <li>○ Where the words “license issued by an agreement state” are used in 10 Code of Federal Regulations 150.20 also add the words “license issued by the Nuclear Regulatory Commission”.</li> <li>○ Where the words “license from an agreement state” are used in 10 Code of Federal Regulations 150.20 also add the words “license from the Nuclear Regulatory Commission”.</li> </ul> <p>Vermont needs to make the changes indicated above in order to meet the Compatibility Category C designation assigned to 10 CFR 150.20.</p> <p><b>The previous comments have been resolved. Sections 1.2.6.11 and 1.2.6.12 now incorporate the appropriate language as noted above.</b></p>

**EDITORIAL COMMENTS ON VERMONT FINAL REVISIONS TO CHAPTER 6,  
SUBCHAPTER 5 – RADIOACTIVE MATERIALS RULE**

	<b>Section</b>	<b>NRC</b>	<b>RATS ID</b>		<b>Comment</b>
1	1.3.1		NA		The definition of “Agreement State” is consistent with NRC regulations; however, it is duplicative, as it is already defined in Part A, Section 3.5 of Vermont’s regulations. Consider deleting to avoid redundancy. Making this revision will ensure consistency with NRC regulation.
2	1.3.2	70.42(b)(1)	NA		Defining “Department” as the Vermont Department of Health is acceptable. However, the current language reflects only the carve-out in 10 CFR 70.42(b)(1). The definition should also retain its meaning of U.S. Department of Energy in 10 CFR 30.12; 30.41(b)(1); 40.4; 40.11; 40.14(c); 40.51(b)(1); 70.4; and 70.11. Making this revision will ensure consistency with NRC regulations.
3	1.3.6	Various	NA		The numbering and text are unclear, as the definition appears partially removed. For clarity, consider deleting this definition entirely. NARM is already addressed through the expanded definition of byproduct material under the Energy Policy Act and incorporated through Parts 20, 30, 31, 32, 33, and 35, as reflected in Section 1.2.6.5.
4	1.3.9	Various	NA		Vermont statute provides a similar, but slightly different definition of “source material.” The regulatory definition should be deleted or replaced with the statutory definition, which is authoritative. Additionally, since Vermont’s statutory definition differs from the NRC’s, Vermont should exclude the NRC definition of “source material” when incorporating the definitions in its incorporation by reference of Parts 20, 30, 40, 70, and 150.
5	1.3.10		NA		Vermont statute contains a slightly different definition of “special nuclear material.” The regulatory definition should be deleted or replaced with the statutory definition, which is authoritative. Additionally, since Vermont’s statutory definition differs from the NRC’s, Vermont should exclude the NRC definition of “source material” when incorporating the definitions in its incorporation by reference of Parts 20, 30, 40, 70, and

	Section	NRC	RATS ID		Comment
					150. Additionally, Section 1.2.6.1 references incorporation by reference of “special nuclear material” in Part 20, this should be removed for consistency and to avoid confusion since Vermont is not incorporating by reference this definition.
6	1.3.12	40.4	NA		There is a minor typographical error (missing a closing quotation mark). While consistent with 10 CFR 40.4, this definition is unnecessary as Vermont is already incorporating it by reference in its IBR of 10 CFR 40.4. Consider deleting to avoid duplication.
7	1.3.13	20.1003			In the definition of “waste” the reference to “section 20.1003 of this chapter” should be revised to “10 CFR 20.1003” for clarity and accuracy.
8	1.3.14		NA		The State is not adopting the incorporation by reference of “regulated entities,” which is acceptable. However, for clarity and organization, this provision would be better placed alongside other incorporation-by-reference provisions (e.g., 10 CFR Part 19), within general reconciliation language, or near Section 1.3.8.



RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
2018-3	Miscellaneous Corrections 10 CFR Parts 1, 2, 34, 37, 50, 71, 73, and 140	07/30/2022			
2019-1	Miscellaneous Corrections 10 CFR Parts 2, 21, 37, 50, 52, 73, and 110	12/18/2022			
2019-2	Organizational Changes and Conforming Amendments 10 CFR Parts 1, 2, 37, 40, 50, 51, 52, 55, 71, 72, 73, 74, 100, 140, and 150	12/30/2022			
2020-1	Individual Monitoring Devices Parts 34, 36, and 39	06/16/2023			
2020-2	Social Security Number Fraud Prevention Parts 9 and 35	08/17/2023			
2020-3	Miscellaneous Corrections 10 CFR Parts 1, 2, 19, 20, 21, 30, 34, 35, 40, 50, 51, 52, 60, 61, 62, 63, 70, 71, 72, 73, 74, 75, 76, 110, and 140	11/16/2023			
2021-1	Miscellaneous Corrections 10 CFR Parts 2, 11, 20, 25, 32, 35, 37, 50, 52,55, 70, 72, 73, 95, and 110	09/08/2024			
2021-2	Miscellaneous Corrections 10 CFR Parts 9, 37, 40, 50, 51, 52, 55, 71, 73, and 110	12/30/2024			
2022-1	Miscellaneous Corrections 10 CFR 1, 2, 20, 30, 40, 50, 55, 70, 73, and 170	none			Provisions are not required for compatibility.
2022-2	Miscellaneous Corrections	none			Provisions are not required for compatibility.

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
	10 CFR Parts 20, 35, 50, 51, 52, 72, 73, 110, and 150				
2023-1	Miscellaneous Corrections 10 CFR PARTS 1, 2, 26, 32, 40, 50, 51, 52, 72, and 73	09/25/2026			

<sup>1</sup> IMPEP review team: Vermont submitted Parts 61.55, 61.56 and 61.57 relating to classification, characterization, and labeling of radioactive waste only; please ensure that Vermont does not have licensees/plans for Part 61 facilities.