



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

March 4, 2016

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

Dear Dr. Irwin:

We have reviewed the revisions to Vermont's "Ionizing and Nonionizing Radiation Control Act" contained in Vermont's Statute Title 18 Chapter 32 received by our office on January 25, 2016. The legislation was reviewed by comparison to the criteria in Section 4.1.1 of the Office of Nuclear Material Safety and Safeguards procedure SA-700 and Handbook "Processing an Agreement." We discussed our review of the legislation with you on March 1, 2016.

We appreciate the opportunity to perform an early review of your legislation and while we have no comments on the proposed revisions, we offer the following editorial suggestions:

Regarding the definition of byproduct material, we suggest that you delete the phrase, "including discrete surface wastes resulting from uranium solution extraction processes. Underground ore bodies depleted by these solution extraction operations do not constitute "byproduct material" within this definition;" to be consistent with that in section 11.e of the Atomic Energy Act, and to avoid future legislation changes in the event that the regulatory definition of byproduct material should be revised. In addition, we suggest that you delete the phrase, "Vermont, after determination by the United States Regulatory Commission, or any successor thereto", and replace it with, "the governor declares by order to be byproduct material after the United States Nuclear Regulatory Commission, or any successor thereto" in order to specify that the governor will issue the order to implement the U.S. Nuclear Regulatory Commission's determination regarding classifying other radioactive material as byproduct material in the future.

W. Irwin

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If you have any questions please contact Michelle Beardsley at (610) 337-6942 ([Michelle.Beardsley@nrc.gov](mailto:Michelle.Beardsley@nrc.gov)) or Monica Ford at (610) 337-5214 ([Monica.Ford@nrc.gov](mailto:Monica.Ford@nrc.gov)).

Sincerely,

*/RA/*

***PHenderson for DCollins***

Daniel S. Collins, Director  
Division of Material Safety, State, Tribal  
and Rulemaking Programs  
Office of Nuclear Material Safety  
and Safeguards

**STATE REGULATION STATUS**

**State: Vermont**

**Tracking Ticket Number: 16-39  
Date: 03/04/2016**

<b>Vermont Submittal Description</b>	<b>Incoming Letter</b>	<b>Outgoing Package</b>	<b>Notes</b>
Proposed Enabling Legislation Vermont Statute for Ionizing and Nonionizing Radiation Control	ML15222A313 8/5/2015	Comments 8/31/2015 ML15222A300	
Revised Proposed Enabling Legislation Vermont Statute for Ionizing and Nonionizing Radiation Control	ML16028A214 1/25/2016	No Comments 03/04/2016 ML16028A209	