

March 3, 2000

Diane E. Tefft
Administrator
Radiological Health Bureau
Department of Health and Human Services
Health and Welfare Building
6 Hazen Drive
Concord, NH 03301-6527

Dear Ms. Tefft:

In response to our telephone conversation on March 1, 2000 and your comments on the meeting summary provided to you in our letter dated February 23, 2000, I have revised the meeting summary. A copy of the revised meeting summary is enclosed.

Please contact me at (610) 337-5042, or e-mail at adw@nrc.gov if any questions regarding this matter.

Thank you for your cooperation.

Sincerely,

/RA/

Duncan White
Regional State Agreements Officer
Division of Nuclear Materials Safety

Enclosure: As stated

cc: R. Bores, RI
K. Hsueh, OSP
D. O'Dowd, NH

D. Tefft
New Hampshire Radiological Health Bureau

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AGREEMENT STATE MEETING SUMMARY FOR NEW HAMPSHIRE

DATE OF MEETING: February 8, 2000

ATTENDEES:

NRC
Duncan White, RI
Kevin Hsueh, OSP

STATE
Diane Tefft, Administrator
Dennis O'Dowd, Materials Supervisor

DISCUSSION:

As a result of the periodic meeting held on September 10, 1998, three of the four recommendations from the 1997 final IMPEP report were recommended for closure or verification at the next IMPEP review. During this meeting, the remaining open recommendation from the 1997 report (Recommendation No. 1) which addresses the scheduling, assignment, and inspection of core and non-core licensees at regular intervals in accordance with the State's established inspection priority system was discussed. The State indicated that as of November 1999, all core and non-core inspections were completed in accordance with their inspection priority system; however, two staff members left the program at that time (see discussion below). Due to the advance notice of these individuals departure, the program promptly replaced these individuals and completed some core inspections ahead of schedule to compensate for the anticipated lag time while the new individuals were being trained. It is recommended that this item be verified at the next IMPEP review. A summary of recommendations and suggestions from 1997 IMPEP Review of the New Hampshire program is found in Attachment 1.

As previously mentioned, two health physicists (Deborah Russell and Kathleen McAllister) left the program in November 1999. One position was filled in November 1999 by Steve Backurz, a radiochemist from the program's radiochemistry section. The vacated radiochemist position has not yet been filled. The other health physicist position was filled by Steven Foster in February 2000. Mr. Foster is from the Federal Emergency Management Agency's Region I office in Boston. The program continues to alternate health physicists on a monthly basis between the radioactive materials and machine source sections.

The Program Administrator indicated that another layer of management was effectively added making administrative matters more difficult. Prior to the new organization, the Radiological Health Bureau (BRH) reported directly to the Director of the Office of Community and Public Health for all matters. The BRH now appears to report to Community Support. This new additional administrative level was created by the past Director as a communication liaison from the Bureau level to the Office level. This reduces the number of Bureaus that directly report to the Director's office. The Program Administrator's primary concern is that over time the original concept of organization would be lost having a potential long term effect of another layer of management which would cap or downgrade (i.e., lower pay scales) the BRH and its positions.

There have been no legislative changes or added responsibilities for the BRH since the last periodic meeting, but the Radioactive Materials Supervisor indicated that there is a proposal in the legislature for certification of radiation technologists (including nuclear medicine and brachytherapy). The Department/BRH is supportive of this legislative action.

New Hampshire Meeting Summary

The Program Administrator indicated that the BRH budget for the current fiscal year did not experience significant change from the previous budget. At this time, anticipated funding for next fiscal year looks stable. BRH funding for its 12 positions comes from the utilities (Seabrook Stations and Vermont Yankee) and from the general state fund as an appropriation. All fees (x-ray and radioactive material) go directly to the general fund.

NRC staff discussed recent changes in NRC management, particular the new Chairman and changes in the EDO's office. The status of NRC rule making initiatives including medical, releases of solid material and general licensing were also discussed. The OAS review of NRC's sealed source and device evaluation program was also discussed. The NRC staff also discussed the status of NRC's response to the Congressional inquire regarding Tennessee's amendment of the Manufacturing Sciences Corporation's license that approved the release for unrestricted use several thousand tons of nickel. Finally, there was a discussion on the implications of an increased number of States interested in becoming Agreement States and the task of the National Materials Program Working Group to address these implications.

Since the last periodic meeting, the NRC referred one allegation to the State for follow-up. The Materials Supervisor indicated that this matter is still under investigation.

The State indicated that since the last periodic meeting, there have been no materials events that reached the threshold for reporting to NMED. NRC staff emphasized that reportable incidents should be complete and include appropriate close out of the event. It was emphasized, as matter of compatibility, that event follow up be reported to the NRC on a monthly basis.

The Radioactive Materials Supervisor indicated that the OSP website has been a great help. The program is looking to use the electronic sealed source and device registry on the web page in place of maintaining paper copies in the office.

The NRC staff and the Radioactive Materials Supervisor reviewed the status of the State's effort to adopt NRC regulations. A summary of the State's status in adopting NRC amendments can be found in Attachment 2. The State has started working on another round of revisions to their rules. The Program Administrator indicated that due to the tight schedule set by the State's administrative rules, the NRC comments provided during the last round of amendments were not adopted. The State plans to incorporate them during a future round of rule revisions. The NRC staff emphasized that the State should send its proposed and final regulations to NRC for review, and that a finding that the State regulations are compatible to those of NRC may only be made based on NRC review of the final State regulations.

The next IMPEP review is scheduled for 2001.

ATTACHMENT 1

Summary of recommendations and suggestions from 1997 IMPEP Review of the New Hampshire program

Recommendations:

1. Schedule, assign, and inspect core and non-core licensees at regular intervals in accordance with the State's established inspection priority system.
2. Review and revise the inspection report preparation process for those containing enforcement actions to ensure timely issuance of inspection findings.
3. Evaluate the number of staff needed to implement the program.
4. Conduct appropriate follow-up to confirm implementation of the licensee's corrective actions when prior inspection identified significant problems.

Suggestions:

5. Establish a clear policy for the initial inspection (at six or 12 months) of priority 3 and higher licenses and adhere to the established policy.
6. Increase the number of reciprocity inspections to meet the inspection goals established in IMC 1220.
7. Develop a written training and qualifications plan.
8. Adhere to the policy of annual supervisory accompaniments of all inspectors.

ATTACHMENT 2
REGULATION ASSESSMENT TRACKING SYSTEM
RATS DATA SHEET

State: New Hampshire
[Periodic Meeting Summary]

Tracking Ticket Number:
Date: 2/8/00

NRC Chronology Identification	FR Notice (State Due Date)	RATS ID	Proposed/ Final-Comment (Y/N)¹	NRC Review Date	Final State Regulation² (Effective Date)
Standards for Protection Against Radiation-Part 20	56 FR 23360 plus others (1/1/94)	1991-3	Final		2/95
Safety Requirements for Radiographic Equipment-Part 34	55 FR 843 (1/10/94)	1991-1	Final		2/99
ASNT Certification of Radiographers-Part 34	56 FR 11504 (none)	1991-2			Not required ³
Notification of Incidents-Parts 20, 30, 31, 34, 39, 40, 70	56 FR 64980 (10/15/94)	1991-4	Final		2/95
Quality Management Program and Misadministrations-Part 35	56 FR 34104 (1/27/95)	1992-1	Final		2/99
Eliminating the Recordkeeping Requirements for Departures from Manufacturer's Instructions-Parts 30,35	57 FR 45566 (none)	1992-2			Not required
Licensing and Radiation Safety Requirements for Irradiators-Part 36	58 FR 7715 (7/1/96)	1993-2	NA		No Part 36 facilities
Definition of Land Disposal and Waste Site QA Program-Part 61	58 FR 33886 (7/22/96)	1993-3	NA		
Decommissioning Recordkeeping and License Termination: Documentation Additions [Restricted areas and spill sites]-Parts 30, 40	58 FR 39628 (10/25/96)	1993-1	Final		2/99
Self-Guarantee as an Additional Financial Mechanism- Parts 30, 40, 70	58 FR 68726 59 FR 1618 (none)	1994-1			Not required
Uranium Mill Tailings Regulations: Conforming NRC Requirements to EPA Standards-Part 40	59 FR 28220 (7/1/97)	1994-2	NA		
Timeliness in Decommissioning Material Facilities-Parts 30, 40, 70	59 FR 36026 (8/15/97)	1994-3			
Preparation, Transfer for Commercial Distribution, and Use of Byproduct Material for Medical Use-Parts 30, 32, 35	59 FR 61767 59 FR 65243 60 FR 322 (1/1/98)	1995-1	Final		2/99

NRC Chronology Identification	FR Notice (State Due Date)	RATS ID	Proposed/Final-Comment (Y/N)¹	NRC Review Date	Final State Regulation² (Effective Date)
Frequency of Medical Examinations for Use of Respiratory Protection Equipment-Part 20	60 FR 7900 (3/13/98)	1995-2	Final		8/98
Low-Level Waste Shipment Manifest Information and Reporting-Parts 20, 61	60 FR 15649 60 FR 25983 (3/1/98)	1995-3	Final		8/98
Performance Requirements for Radiography Equipment- Part 34	60 FR 28323 (6/30/98)	1995-4	Final		2/99
Radiation Protection Requirements: Amended Definitions and Criteria-Parts 19, 20	60 FR 36038 (8/14/98)	1995-5	Final		8/98
Clarification of Decommissioning Funding Requirements-Parts 30, 40, 70	60 FR 38235 (11/24/98)	1995-6	Final		2/99
Medical Administration of Radiation and Radioactive Materials-Parts 20, 35	60 FR 48623 (10/20/98)	1995-7	Final		2/99
10 CFR Part 71: Compatibility with the International Atomic Energy Agency-Part 71	60 FR 50248 61 FR 28724 (4/1/99)	1996-1	Final		2/95
One Time Extension of Certain Byproduct, Source and Special Nuclear Materials Licenses-Parts 30, 40, 70	61 FR 1109 (none)	1996-2			Not required
Termination or Transfer of Licensed Activities: Recordkeeping Requirements-Parts 20, 30, 40, 61, 70	61 FR 24669 (6/17/99)	1996-3			
Resolution of Dual Regulation of Airborne Effluents of Radioactive Materials; Clean Air Act-Part 20	61 FR 65119 (1/9/00)	1997-1			
Fissile Material Shipments and Exemptions-Part 71	62 FR 5907 (none)	1997-4			Not required
Recognition of Agreement State Licenses in Areas Under Exclusive Federal Jurisdiction Within an Agreement State-Part 150	62 FR 1662 (2/27/00)	1997-2			
Criteria for the Release of Individuals Administered Radioactive Material-Parts 20, 35	62 FR 4120 (5/29/00)	1997-3			
Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiography Operations-Parts 30, 34, 71, 150	62 FR 28948 (6/27/00)	1997-5	Final		2/99
Radiological Criteria for License Termination-Parts 20, 30, 40, 70	62 FR 39057 (8/20/00)	1997-6			
Exempt Distribution of a Radioactive Drug	62 FR 63634	1997-7	Final		2/99

NRC Chronology Identification	FR Notice (State Due Date)	RATS ID	Proposed/Final-Comment (Y/N)¹	NRC Review Date	Final State Regulation² (Effective Date)
Containing One Microcurie of Carbon-14 Urea-Part 30	(1/02/01)				
Deliberate Misconduct by Unlicensed Persons-Parts 30, 40, 61, 70, 150	63 FR 1890 63 FR 13773 (2/12/01)	1998-1			
Self-Guarantee of Decommissioning Funding by Nonprofit and Non-Bond-Issuing Licensees-Parts 30, 40, 70	63 FR 29535 (none)	1998-2			Not required
License Term for Medical Use Licenses- Part 35	63 FR 31604 (none)	1998-3			Not required
Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations-Part 34	63 FR 37059 (7/9/01)	1998-4			
Minor Corrections, Clarifying Changes, and a Minor Policy Change-Parts 20, 35, 36	63 FR 39347 63 FR 45393 (10/26/01)	1998-5			
Transfer for Disposal and Manifests: Minor Technical Conforming Amendment-Part 20	63 FR 50127 (11/20/01)	1998-6			
Radiological Criteria for License Termination of Uranium Recovery Facilities-Part 40	64 FR 17506 (6/11/02)	1999-1	NA		
Requirements for Those Who Possess Certain Industrial Devices Containing Byproduct Material to Provide Requested Information-Part 31	64 FR 42269 (none)	1999-2			Not required
Respiratory Protection and Controls to Restrict Internal Exposure - Part 20	64 FR 54543 64 FR 55525 (2/2/03)	1999-3			

1. (Y/N) Y means "Yes," there are comments in the review letter that the State need to address. N means "No," there are no comments in the review letter.
2. Or other generic Legally Binding Requirement.
3. Not required means these regulations are not required for purposes of compatibility.