



STATE OF NEW HAMPSHIRE
DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF PUBLIC HEALTH SERVICES

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John A. Stephen
 Commissioner

Mary Ann Cooney
 Director

January 5, 2005

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STP

Mr. Paul H. Lohaus, Director
 Office of State and Tribal Programs
 U.S. Nuclear Regulatory Commission
 Washington, DC 20555

Dear Mr. Lohaus:

In response to NRC letter dated December 9, 2004, we are enclosing a schedule of completion dates for each step of the rulemaking process for those New Hampshire rules required for NRC compatibility.

As is evident from the schedule, once the proposed rule or rule change is drafted and entered into the system for adoption, the process specifies deadlines for each step. We are committed to dedicating sufficient time and resources to ensure submission of these proposed regulations to our department's administrative rules unit so that the proposed deadlines can be met.

Note that it is our intention that the compatibility requirement for certain rules will be met using the mechanism of legally binding license conditions. This has already been approved for the "New Dosimetry Technology" regulation (ref. NRC letters dated September 16, 2004 and October 5, 2004). Such approval is being sought for the amendment, "Resolution of Dual Regulation of Airborne Effluents of Radioactive Materials; Clean Air Act" and we will soon be seeking a similar approval for the amendment, "Criteria for the Release of Individuals Administered Radioactive Material," relative to those portions applicable to the changes in Part 35.75.

We look forward to discussing these milestones further at our next bi-monthly conference call, currently scheduled to take place on January 25, 2004 at 1:30 p.m. However in the interim, if there are any questions or concerns, please feel free to call me at 603-271-4524 or via e-mail at abruning@dhhs.state.nh.us.

Sincerely,

Alice R. Bruning, Chief
 Bureau of Prevention Services

STP-006 Template

RIDS: SP05

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MILESTONES FOR ADOPTING NRC REGULATIONS REQUIRED FOR COMPATABILITY
 (Regulations that are currently overdue)
 (January 2005)

RULE AMENDMENT TITLE	NH RULE TO BE AMENDED	DEADLINE FOR COMPLETING DRAFT AND SUBMITTING TO DHHS ADMINISTRATIVE RULES UNIT (ARU)	EARLIEST DATE FOR RETURN FROM ARU	DEADLINE FOR INCORPORATING SUGGESTED REVISIONS PROPOSED BY ARU AND FOR SUBMITTING DRAFT FOR COMMENT TO NRC	DEADLINE FOR SUBMITTING FISCAL IMPACT STATEMENT (FIS) INFORMATION TO LBA	DEADLINE FOR SUBMITTING RULEMAKING NOTICE TO OLS	DATE OF RULEMAKING REGISTER IN WHICH PROPOSED RULE WILL BE PUBLISHED	EARLIEST DATE FOR ORAL HEARING	EARLIEST WRITTEN COMMENTS DEADLINE IS 10 DAYS AFTER PUBLIC HEARING	LAST DATE TO REQUEST AMENDED FIS	DEADLINE FOR FINAL PROPOSAL TO OLS FOR COMMITTEE REVIEW	JLCAR MEETING. EARLIEST DATE FOR COMMITTEE REVIEW AND APPROVAL (ADOPTION)
Timeliness in Decommissioning of Materials Facilities	He-P 4003, He-P 4030	02/04/05	02/25/05	03/18/05	03/25/05	04/08/05	04/15/05	05/06/05	05/16/05	05/27/05	06/03/05	06/17/05
Termination or Transfer of Licensed Activities: Recordkeeping Requirements	He-P 4003, 4020, 4021, 4022, 4023, 4030	02/04/05	02/25/05	03/18/05	03/25/05	04/08/05	04/15/05	05/06/05	05/16/05	05/27/05	06/03/05	06/17/05
Recognition of Agreement State Licenses in Areas Under Exclusive Federal Jurisdiction Within an Agreement State	He-P 4030.18	02/04/05	02/25/05	03/18/05	03/25/05	04/08/05	04/15/05	05/06/05	05/16/05	05/27/05	06/03/05	06/17/05
Criteria for the Release of Individuals Administered Radioactive Material	He-P 4003, (de) & (dr); He-P 4020, 4021, 4022	02/04/05	02/25/05	03/18/05	03/25/05	04/08/05	04/15/05	05/06/05	05/16/05	05/27/05	06/03/05	06/17/05
Radiological Criteria for License Termination	He-P 4003, 4020, 4021, 4022, 4023, New 4024	02/04/05	02/25/05	03/18/05	03/25/05	04/08/05	04/15/05	05/06/05	05/16/05	05/27/05	06/03/05	06/17/05
Deliberate Misconduct by Unlicensed Persons	He-P 4030	02/04/05	02/25/05	03/18/05	03/25/05	04/08/05	04/15/05	05/06/05	05/16/05	05/27/05	06/03/05	06/17/05
Criteria for the Release of Individuals Administered Radioactive Material	He-P 4003, 4020, 4021, 4022	02/04/05	02/25/05	03/18/05	03/25/05	04/08/05	04/15/05	05/06/05	05/16/05	05/27/05	06/03/05	06/17/05
Minor Corrections, Clarifying Changes, and a Minor Policy Change	He-P 4020, 4021, 4022, 4023, 4035	02/04/05	02/25/05	03/18/05	03/25/05	04/08/05	04/15/05	05/06/05	05/16/05	05/27/05	06/03/05	06/17/05
Respiratory Protection and Controls to Restrict Internal Exposures	He-P 4020 4095	02/04/05	02/25/05	03/18/05	03/25/05	04/08/05	04/15/05	05/06/05	05/16/05	05/27/05	06/03/05	06/17/05
Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material	He-P 4030, 4031, 4032	02/04/05	02/25/05	03/18/05	03/25/05	04/08/05	04/15/05	05/06/05	05/16/05	05/27/05	06/03/05	06/17/05

MILESTONES FOR ADOPTING NRC REGULATIONS REQUIRED FOR COMPATABILITY
 (Addressed by Legally Binding License Condition
 (January 2005))

The following rules have been or will be incorporated as legally binding license conditions, and therefore, adoption into New Hampshire rules are not necessary at this time. Nevertheless, adoption is still being pursued, in accordance with the following timetable.

RULE AMENDMENT TITLE	NH RULE TO BE AMENDED	DEADLINE FOR COMPLETING DRAFT AND SUBMITTING TO DHHS ADMINISTRATIVE RULES UNIT (ARU)	EARLIEST DATE FOR RETURN FROM ARU	DEADLINE FOR INCORPORATING SUGGESTED REVISIONS PROPOSED BY ARU AND FOR SUBMITTING DRAFT FOR COMMENT TO NRC	DEADLINE FOR SUBMITTING FISCAL IMPACT STATEMENT (FIS) INFORMATION TO LBA	DEADLINE FOR SUBMITTING RULEMAKING NOTICE TO OLS	DATE OF RULEMAKING REGISTER IN WHICH PROPOSED RULE WILL BE PUBLISHED	EARLIEST DATE FOR ORAL HEARING	EARLIEST WRITTEN COMMENTS DEADLINE IS 10 DAYS AFTER PUBLIC HEARING	LAST DATE TO REQUEST AMENDED FIS	DEADLINE FOR FINAL PROPOSAL TO OLS FOR COMMITTEE REVIEW	JLCAR MEETING. EARLIEST DATE FOR COMMITTEE REVIEW AND APPROVAL
Resolution of Dual Regulation of Airborne Effluents of Radioactive Materials; Clean Air Act NOTE: Incorporated as legally binding license condition for all applicable licenses, as of 01/07/05.	He-P 4003, He-P 4020.04 He-P 4021.14	02/04/05	02/25/05	03/18/05	03/25/05	04/08/05	04/15/05	05/06/05	05/16/05	05/27/05	06/03/05	06/17/05
Criteria for the Release of Individuals Administered Radioactive Material NOTE: Currently being incorporated as legally binding license condition for all applicable licenses.	He-P 4035 portion only	06/20/05	07/01/05	07/22/05	07/29/05	08/12/05	08/19/05	09/09/05	09/19/05	09/30/05	10/07/05	10/21/05
New Dosimetry Technology NOTE: Incorporated as legally binding license condition for all applicable licenses; Accepted by NRC 10/25/04.	He-P 4034	08/10/05	09/01/05	09/17/05	09/23/05	10/07/05	10/14/05	11/04/05	11/14/05	11/25/05	12/02/05	12/16/05

MILESTONES FOR ADOPTING NRC REGULATIONS REQUIRED FOR COMPATIBILITY
 (Not Currently Overdue)
 (January 2005)

The following rules are not currently overdue, but will be processed in accordance with the following schedule.

RULE AMENDMENT TITLE	NH RULE TO BE AMENDED	DEADLINE FOR COMPLETING DRAFT AND SUBMITTING TO DHHS ADMINISTRATIVE RULES UNIT (ARU)	EARLIEST DATE FOR RETURN FROM ARU	DEADLINE FOR INCORPORATING SUGGESTED REVISIONS PROPOSED BY ARU AND FOR SUBMITTING DRAFT FOR COMMENT TO NRC	DEADLINE FOR SUBMITTING FISCAL IMPACT STATEMENT (FIS) INFORMATION TO LBA	DEADLINE FOR SUBMITTING RULEMAKING NOTICE TO OLS	DATE OF RULEMAKING REGISTER IN WHICH PROPOSED RULE WILL BE PUBLISHED	EARLIEST DATE FOR ORAL HEARING	EARLIEST WRITTEN COMMENTS DEADLINE IS 10 DAYS AFTER PUBLIC HEARING	LAST DATE TO REQUEST AMENDED FIS	DEADLINE FOR FINAL PROPOSAL TO OLS FOR COMMITTEE REVIEW	JLCAR MEETING. EARLIEST DATE FOR COMMITTEE REVIEW AND APPROVAL
Revision to the Skin Dose Limit	He-P 4020, 4021, 4022, 4023	02/04/05	02/25/05	03/18/05	03/25/05	04/08/05	04/15/05	05/06/05	05/16/05	05/27/05	06/03/05	06/17/05
Medical Use of Byproduct Material	He-P 4020, 4032, 4035	06/20/05	07/01/05	07/22/05	07/29/05	08/12/05	08/19/05	09/09/05	09/19/05	09/30/05	10/07/05	10/21/05
Financial Assurance for Materials Licenses	He-P 4030	08/10/05	09/01/05	09/17/05	09/23/05	10/07/05	10/14/05	11/04/05	11/14/05	11/25/05	12/02/05	12/16/05
Compatibility with IAEA Transportation Safety Standards (TS-R-1) and Other Safety Amendments	He-P 4037	08/10/05	09/01/05	09/17/05	09/23/05	10/07/05	10/14/05	11/04/05	11/14/05	11/25/05	12/02/05	12/16/05