UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

August 14, 2006

Dennis P. O'Dowd, Administrator
Radiological Health Section
Department of Health and Human Services
29 Hazen Drive
Concord, NH 03301-6504

Dear Mr. O'Dowd:

A periodic meeting with the New Hampshire Radiological Health Section was held on July 12, 2006. The purpose of the meeting was to review and discuss the status of the New Hampshire Agreement State program. The NRC was represented by Andrea Jones from the NRC's Office of State and Tribal Programs and me. Specific topics and issues of importance discussed at the meeting included the Section's actions to fill vacancies, training of new staff, and the adoption of regulations and legally binding requirements required for compatibility.

I have completed and enclosed a general meeting summary, including any specific actions that will be taken as a result of the meeting.

If you feel that our conclusions do not accurately summarize the meeting discussions, or have any additional remarks about the meeting in general, please contact me at (610) 337-5042 or by e-mail at adw@nrc.gov to discuss your concerns.

Thank you for your cooperation.

Sincerely,

Original signed by Duncan White

Duncan White, CHP
Regional State Agreements Officer
Division of Nuclear Materials Safety

Enclosure: As stated

cc:
A. Jones, STP

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AGREEMENT STATE PERIODIC MEETING SUMMARY FOR
NEW HAMPSHIRE RADIOLOGICAL HEALTH SECTION

DATE OF MEETING: July 12, 2006

ATTENDEES:
Duncan White, RSAO
Andrea Jones, ASPO
Dennis O'Dowd, Administrator, Radiological Health Section
Twila Kenna, Manager, Radioactive Materials
Alice Ely, Chief, Bureau of Preventive Services
Kate Frey, Policy Administrator, Division of Public Health Services

DISCUSSION:

A. IMPEP Recommendations

There were no recommendations from the last Integrated Materials Performance Evaluation Program (IMPEP) followup review of the New Hampshire program that occurred July 26-27, 2005.

B. Program Status

Since the followup review in July 2005, a number of vacancies in the Radiological Health Section (RHS) that support the Section have been filled. The reclassification of two vacant Program Manager positions from Health Physicist II to Radiation Health Physicist IV positions was completed and two RHS staff members were promoted into those positions in October 2005. The positions vacated (Radiation Health Physicist III) as a result of these promotions were filled by other Department staff in April 2006. In December 2005, the third (and final) administrative position in the Section was filled. The vacant Lab Scientist position in the Public Health Laboratory that is funded by RHS was filled in March 2006. This position supports radioactive material inspection and incident response activities.

The only current vacancy in RHS is an emergency response program planner position. The Administrator indicated that an internal candidate had been interviewed for the position. With the next major exercise not scheduled until the fall of 2007, the Administrator anticipates little or no impact on the rest of the Section's operations due to the vacancy. The Radiation Laboratory Manager position in the Public Health Laboratory is also vacant. The Administrator is providing assistance to Public Health Laboratory management to help fill the position. Again, it is anticipated that this vacancy will not impact RHS operations.

The two contractors used by the Section to perform routine licensing and inspections had their contracts expired the end of June. The Section indicated that over the last year, the completion of routine licensing and inspection activities have been done increasingly by RHS staff. Based on the RHS staff's increased experience and current staffing levels, the contractors will be maintained, but for use only on special projects, such as the decommissioning of the Kollsman facility this summer.

The Radioactive Materials Manager discussed the training status of individual staff members. The four staff health physicists perform both machine and materials inspections and licensing. In addition to formal materials training classes, RHS has started to have the two newest health physicists accompany experienced inspections on materials inspections and start performing some licensing actions.

With regard to the implementation of increased controls, the State has sent two individuals (the Administrator and a health physicist) to the NRC security training. RHS has not yet performed an increased controls inspection, but with only four licensees to inspect, the Radioactive Materials Manager anticipates that they will be completed by the end of 2006. The NRC staff confirmed that RHS staff amended the appropriate licenses to incorporate increased control requirements.

RHS is current with all inspections and there has been no overdue inspections performed over the last year. The Radioactive Materials Manager reported that required inspector accompaniments have been performed. As previously mentioned, RHS will be monitoring a significant decontamination and decommissioning action at the former Kollsman facility this summer.

The Radioactive Materials Manager reported that the number of pending licensing actions continues to remain at the same level over the past two years. Pre-licensing screening criteria has been implemented. The State has one active sealed source and device registry sheet. There have been no amendments to the sheet over the last year. RHS has not had any significant or unusual licensing requests over the last year. Recent licensing issues new to RHS include licensing requests for feline hyperthyroidism, Cs-131 brachytherapy and veterinarian use of Sm-153 in horses. The RSAO provided guidance used by Regional licensing staff on the use of Cs-131 in brachytherapy to the Radioactive Materials Manager subsequent to the periodic meeting.

The Region I office has not provided any allegations to the State for follow up. With regard to events, the State reported one event to the Nuclear Materials Event Database (NMED) during the last year. Although the State has completed its investigation and closed the event internally, the event was not closed in NMED. RHS staff indicated that they will take action to close the event in NMED.

RHS indicated that all records are now maintained on spreadsheets or electronic documents. The Radioactive Materials Manager discussed and shared with NRC staff recently finalized guidance that the Section is using to standardize all electronic and paperwork requirements for radioactive materials license documents. Although the Section does not perform any self - audits, the Administrator noted that the Department has a Bureau of Performance Evaluation which conducts process reviews and develops corrective action plans as needed.

Earlier this year, the Section initiated a biweekly meeting among the four health physicists, the two program managers, lab scientist (funded by RHS) and the records clerk (involved with regulations) to discuss radiation topics of interest. Other initiatives that the Section has involved with included the Department's Continuation of Operations Plan in case of a pandemic outbreak and the radiological emergency preparedness training of local responders.

There have been no legislative changes to RHS programs over the last year. In accordance with State law, Department regulations are subject to a sunset provision. Radiological health regulations require re-adoption every eight years unless amended earlier. More than half of the radiological health regulations are due to expire in August 2006 and February 2007. In anticipation of their expiration, RHS and the Division have acquired a six-month extension on the expiration of the August 2006 regulations and are currently working on a rulemaking package to re-adopt all sections of the radiological health regulations due to expire in August 2006 and February 2007. In addition, this package also contains the last overdue NRC amendment (RATS 2002-2). The schedule provided to NRC staff indicates that draft regulations will be available for NRC review in October 2006 with final adoption in January 2007.

NRC staff reviewed the most recent State Regulation Status (SRS) Sheet dated November 17, 2005 with RHS staff. In the table below, the current status and the State's next action for each RATS ID either not done or partially completed are presented.

RATS ID	Status on SRS Sheet	Current Status	State's Next Actions
1994-3	No activity	NRC reviewed draft regulation in 2005; State provided final version to NRC for review on 7/12/06	None, unless NRC has comments
1996-3	NRC reviewed draft regulation in 2005	State provided final version to NRC for review on 7/12/06	None, unless NRC has comments
1997-1	NRC reviewed draft regulation in 2005	State provided final version to NRC for review on 7/12/06	None, unless NRC has comments
1997-2	NRC reviewed draft regulation in 2005	State provided final version to NRC for review on 7/12/06	None, unless NRC has comments
1997-3	No activity	Will be superceded by 2002-2 scheduled for completion in January 2007	See 2002-2
1997-6	NRC reviewed draft regulation in 2005	State provided final version to NRC for review on 7/12/06	None, unless NRC has comments
1998-1	NRC reviewed draft regulation in 2005	State provided final version to NRC for review on 7/12/06	None, unless NRC has comments
1998-5	NRC reviewed draft regulation in 2005	State provided final version to NRC for review on 7/12/06	None, unless NRC has comments
1998-6	NRC reviewed draft regulation in 2005	State provided final version to NRC for review on 7/12/06	None, unless NRC has comments
1999-3	NRC reviewed draft regulation in 2005	State provided final version to NRC for review on 7/12/06	None, unless NRC has comments
2001-1	NRC reviewed draft regulation in 2005	State provided final version to NRC for review on 7/12/06	None, unless NRC has comments
2002-1	NRC reviewed draft regulation in 2005	State provided final version to NRC for review on 7/12/06	None, unless NRC has comments

RATS ID	Status on SRS Sheet	Current Status	State's Next Actions
2002-2	No activity indicated	RHS started work on drafting regulations; scheduled for completion in January 2007	Submit draft regulations for NRC review in October 2006
2004-1	No activity indicated	RHS will start work on drafting regulations at a later date	Provide draft version to NRC for review
2005-1	No activity indicated	RHS will start work on drafting regulations at a later date	Provide draft version to NRC for review
2005-2	No activity indicated	RHS considering including in current package of draft regulations	Provide draft version to NRC for review

C Other Discussion Topics

The State indicated that their challenge in the coming year will be training the two new health physicists. The Administrator indicated that the Program's strength is their staff and the continued strong management support. It was further noted that RHS has been positively noticed by senior Department management for the Section's performance with regard to emergency preparedness and incident response.

NRC staff described the current status of NRC's security initiatives involving material licensees, changes in the Commission and new Chairman, management changes at the Region and headquarters, current status of NRC's activities with regard to the Energy Policy Act, proposed reorganizations of NMSS, STP and NRR, transfer of Mississippi to Region IV, and status of States pursuing Agreement State status.

D. Conclusions

At the conclusion of the meeting, NRC staff and RHS management met with representatives from the Division of Public Health Services (Ms. Ely and Ms. Frey) to summarize the discussions. NRC staff noted that RHS has continued to made significant progress over the last year, particularly with regarding to staffing and regulations. NRC staff also expressed appreciation for the Division's and Department's continued strong support of the Agreement State program.

NRC staff concluded that the next IMPEP review should be conducted as scheduled in FY 2008. As directed by the Management Review Board (MRB) after the followup IMPEP review in July 2005, the next periodic meeting will take place in July 2007. RHS management was invited to participate when NRC staff presents the results of this periodic meeting to the MRB. No specific actions were identified as a result of this meeting.