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

29 HAZEN DRIVE, CONCORD, NH 03301-6504
603-271-4588 1-800-852-3345 Ext. 4588
Fax: 603-225-2325 TDD Access: 1-800-735-2964

Nicholas A. Toumpas
Commissioner

José Thier Montero
Director

December 4, 2008

Terrence Reis, Deputy Director
Division of Materials Safety and State Agreements
Office of Federal and State Materials and
Environmental Management Programs
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Dear Deputy Director Reis:

Enclosed are documents submitted in support of New Hampshire's proposal to utilize legally binding license conditions to fully meet the compatibility requirements for the Financial Assurance for Materials Licensees, as set out in 10 CFR Parts 30, 40, and 70 amendments (68 FR 57327) and Compatibility with IAEA Transportation Safety Standards and Other Transportation Safety Amendments as set out in 10 CFR Part 71 amendment (69 FR 3697).

The documents hereby submitted include the draft license condition templates. The proposed license conditions effectively require implementation of Financial Assurance and Transportation Safety Standards compatible with IAEA for applicable licensees. The amendments to each applicable license will be issued upon your office's consent that these conditions meet the compatibility requirements specified in the Federal Register notice on the final rule. In addition, these conditions will be incorporated into our licensing procedures as standard license conditions for all applicable licenses issued in New Hampshire. We look forward to your comments on our submission.

We believe that the administrative modification to these New Hampshire licenses and to our licensing procedures during the interim period until this requirement is incorporated into the New Hampshire Rules for the Control of Radiation (NHRCR), will satisfy the compatibility and health and safety categories established in the Office of Federal and State Materials and Environmental Management Programs (FSME) Procedure SA-200.

If you have any questions, please feel free to contact me at (603) 271-4585 or Twila Kenna, Ph.D. of my staff at (603) 271-4840 or tkenna@dhhs.state.nh.us.

Sincerely,

Dennis P. O'Dowd

Dennis P. O'Dowd, Administrator
Radiological Health Section

Enclosures: As stated
cc: Kathleen Schneider
Donna Janda
Duncan White