



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

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**Nicholas A. Toumpas**  
 Commissioner

**José Thier Montero**  
 Director

September 16, 2009

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:

A recent review of the State Regulation Status chart for New Hampshire, maintained by the NRC, indicates that the status of NRC regulatory amendment “Licensing and Safety Requirements for Irradiators – Part 36” (indicated as RATS ID 1993-2) does not reflect the adoption of 10 CFR Part 36 “by reference” into the New Hampshire Rules for the Control of Radiation (NHRCR). This was made effective on November 23, 2004. Prior to that date, the use of a legally binding license condition for the one license in New Hampshire to which this regulation pertains was the mechanism utilized to meet the compatibility requirements for this regulation. It appears that the update to this requirement has never been properly submitted to the NRC for review, perhaps because compatibility had already been established. Therefore, we are enclosing a copy of Part He-P 4036, entitled, “Licensing and Radiation Safety Requirements for Irradiators,” and we respectfully request your review and comment.

<u>Rats ID</u>	<u>Title</u>	<u>State Section</u>
1993-2	Licensing and Radiation Safety Requirements for Irradiators: 10 CFR 36	He-P 4036, NHRCR

We believe that He-P 4036, NHRCR, satisfies the compatibility and health and safety categories established in the Office of Federal and State Materials and Environmental Programs (FSME) Procedure SA-200.

If you have any questions, please feel free to contact me at telephone number (603) 271-4585 or via email at [dodowd@dhhs.state.nh.us](mailto:dodowd@dhhs.state.nh.us), or Twila Kenna, Ph.D. of my staff at (603) 271-4840 or via email at [tkenna@dhhs.state.nh.us](mailto:tkenna@dhhs.state.nh.us).

Sincerely,

Dennis P. O'Dowd, Administrator  
 Radiological Health Section

Enclosures: As stated  
 cc: Kathleen Schneider

Donna Janda