



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

October 8, 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:

Enclosed are documents submitted in support of New Hampshire's proposal to utilize a legally binding license condition to fully meet the compatibility requirements for the National Source Tracking System - Serialization Requirements Part 32 (with reference to Part 20 Appendix E), as set out in 10 CFR §20.2207, 10 CFR §32.2, and 10 CFR §32.201 (71 FR 65685) (02/06/07).

The proposed license condition would effectively require implementation of the National Source Tracking System (NSTS) - Serialization Requirements of 10 CFR Part 32, as well as all of the other NSTS requirements, for manufacturing and distribution licensees licensed by the state of New Hampshire. Please note that currently, there are no licensees in New Hampshire subject to this requirement. Upon our receipt of your office's consent that this condition meets the compatibility requirements specified in the Federal Register notice on the final rule, this condition will be incorporated into our licensing program procedures as a standard license condition for all applicable licenses heretofore issued in New Hampshire. We look forward to your comments on our submission.

The documents hereby submitted include the license condition template, as well as the completed regulatory comparison chart (RATS ID 2006-02).

We believe that the modification of our licensing procedures to require that this condition be incorporated as a standard condition for all applicable manufacturing and distribution licenses issued by New Hampshire (during the interim period until this requirement can be incorporated into Part He-P 4032 of 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, Administrator

A handwritten signature in cursive script that reads "Dennis P. O'Dowd".

Radiological Health Section

Enclosures: As stated
cc: Kathleen Schneider
Donna Janda