STATE OF NEW HAMPSHIRE

DEPARTMENT OF HEALTH AND HUMAN SERVICES

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NH DIVISION OF Public Health Services
Improving health, preventing disease, reducing costs for all

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José Thier Montero
Director

June 6, 2012

Christian Einberg, 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 Einberg:

Enclosed is a copy of the proposed revisions to the New Hampshire Rules for the Control of Radiation (NHRCR), specifically, to Part He-P 4003.01, "Definitions." As of this date, a hearing for public comment has not yet been scheduled; nevertheless, we are providing this proposed revision to you to afford the NRC with an early opportunity to provide comments, if any. The proposed revisions are identified in red-highlighted text.

Rats ID	Title	State Section
1997-3	Definitions	He-P 4003.01(cv), NHRCR Safety Standards: 10 CFR 20.1003
1997-3	Definitions	He-P 4003.01(dg), NHRCR Safety Standards: 10 CFR 20.1003

We believe that adoption of these revisions will satisfy 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 augustinus.ong@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.

Sincerely,

Augustinus Ong, Administrator
Radiological Health Section

Enclosures: As stated
cc: Monica Orendi
Donna Janda

[RADS ID: 1997-3]

PART He-P 4003 DEFINITIONS

He-P 4003.01 Definitions.

(cv) "Occupational dose" means the dose received by an individual in the course of employment in which the individual's assigned duties for the licensee or registrant involve exposure to sources of radiation, whether or not the sources of radiation are in the possession of the licensee, registrant or other person, exclusive of dose received:

(1) From background radiation;
(2) As a patient from medical practices;
(3) From voluntary participation in medical research programs;
(4) As a member of the public; or
(5) From exposure to individuals administered with radioactive material and released in accordance with He-P 4035.25.

(dg) "Public dose" means the dose received by a member of the public from exposure to sources of radiation from licensed or registered operators but does not include occupational dose, dose received from background radiation, dose received as a patient from medical practices, dose from voluntary participation in medical research programs, or dose from exposure to individuals administered with radioactive material and released in accordance with He-P 4035.25.

Sources, #5903, eff 2-1-95; ss by #6827,
eff 8-6-98; ss by #8481, eff 11-5-05

Patient Release Criteria Conditions Superceding the Current Requirements of He-P 4035.25, NHRCR (effective, 2003)

[00]. Notwithstanding the requirements of He-P 4035.25, NHRCR, the licensee is authorized to release patients in accordance with procedures and criteria submitted in letter[s] dated ******* **, ****, and License Conditions Nos. [01 – 04], below. Conditions [01 – 04] shall prevail over the statements contained in the referenced documents unless such statements are more restrictive than these conditions.

[01]. A. The licensee may authorize the release of any individual who has been administered [radioactive drugs or implants containing radioactive material] if the total effective dose equivalent to any other individual from exposure to the released individual is not likely to exceed 500 millirem (mrem).

B. For patients administered radioactive material for which a written directive is required, the licensee shall provide the released individual, or the individual's parent or guardian, with instructions, including oral and written instructions, on actions recommended to maintain doses to other individuals as low as is reasonably achievable. If a breast-feeding infant or child could receive a radiation dose as a result of the release of the patient, the instructions shall also include:

(1) Guidance on the interruption or discontinuation of breast-feeding; and

(2) Information on the potential consequences, if any, of failure to follow the guidance.

C. Release of the patient must be approved by an individual listed as an authorized user in Condition [user condition], and who is approved for the type of radioactive material use for which the patient being released has received.

D. The licensee shall maintain a record of the basis for authorizing the release of an individual in accordance with Condition [02].

E. The licensee shall maintain a record of instructions provided to breast-feeding women in accordance with Condition [02].

F. Notwithstanding Part A of Condition [01], the licensee may be held responsible for the proper disposal of any individual's radioactive waste discovered in a solid waste stream that can be traced to the licensee.

G. The licensee shall immediately notify the Agency in accordance with Condition [03], if a patient departs prior to an authorized release.

H. The licensee shall notify the Agency in accordance with Condition [04]:

(1) When they are aware that a patient containing radioactive material and who has been released in accordance with Condition [01] dies; and

(2) If it is possible that any individual could receive exposures in excess of 500 mrem as a result of the deceased's body.

[02]. A. The licensee shall retain a record, signed by the authorized user, of the basis for authorizing the release of an individual, for three years after the date of release.

B. The licensee shall retain a record for three years after the date of release that the instructions required by Part B of Condition [01] were provided to a breast-feeding woman.

[03]. A. The licensee shall notify the Agency by telephone immediately upon discovery that a patient or human research subject has departed from the licensee's facility without authorization under Part A of Condition [01].

B. The licensee shall submit a written report to the Agency within thirty (30) days after discovery of the unauthorized departure. The written report must include:

(1) The licensee's name;

(2) The date and time of the unauthorized departure;

(3) The projected date and time when release would have occurred;

(4) The address of the patient's or human research subject's home or anticipated destination following departure;

(5) The radionuclide, chemical and physical form and calculated activity at time of release;

(6) The apparent reason(s) for the departure prior to authorized release; and

(7) A description of any changes in the licensee's patient release criteria or patient instructions that are designed to avoid a recurrence of such an event.

[04]. The licensee shall notify the Agency by telephone immediately upon discovery that a patient or human research subject containing radioactive material has died, and it is possible that any individual could receive exposures in excess of limits specified in He-P 4020.13, NHRCR, as a result of the deceased's body.