

NEW HAMPSHIRE DEPARTMENT OF HEALTH AND HUMAN SERVICES (DHHS)
CONFERENCE CALL
September 20, 2013

NRC Participants	New Hampshire DHHS Participants
Donna Janda, RSAO, Region I	Michael Dumond, Administrator, Bureau of Public Health Protection
Lisa Dimmick, Health Physicist, FSME	Augustinus Ong, Administrator, Radiological Health Section
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SUMMARY

During the October 2012 Integrated Materials Performance Evaluation Program (IMPEP) review of the New Hampshire Agreement State Program (Program), the review team found the State's performance satisfactory for five performance indicators and unsatisfactory for one performance indicator, Compatibility Requirements. No new recommendations were made by the IMPEP review team regarding program performance; however, the review team determined that the recommendation from the 2008 IMPEP review, regarding the development and implementation of an action plan to adopt NRC regulations in accordance with the current NRC policy, should be kept open.

On December 18, 2012, the Management Review Board (MRB) met to consider the proposed final IMPEP report on the Program. The MRB found the Program adequate to protect public health and safety and not compatible with the NRC's program. The MRB directed NRC staff to initiate a period of Monitoring, and requested that calls between the New Hampshire DHHS and NRC staffs be conducted every four months, and that a Periodic Meeting take place in approximately October 2014. In a letter dated January 29, 2013, DHHS provided their response to the IMPEP findings and submitted the State's action plan to adopt regulations in accordance with NRC's policy on adequacy and compatibility (ML13044A096). NRC acknowledged DHHS's response and action plan in a letter dated February 28, 2013 (ML13058A105).

The following is a status summary of the one recommendation that remained open from the 2008 IMPEP review:

Recommendation: The review team recommends that the State develop and implement an action plan to adopt NRC regulations in accordance with the current NRC policy on adequacy and compatibility.

Status: The State submitted their action plan to NRC on January 29, 2013. The Radiological Health Section formed a Rulemaking Committee which developed the action plan and established milestones to monitor the State's progress in the adoption of overdue regulations.

In a letter dated March 28, 2013, NRC provided comments on New Hampshire's proposed revisions to their regulations incorporating the 10 CFR Part 35 provisions of RATS IDs 1997-3, 2002-2, 2005-2, 2006-1, 2007-1, 2007-3, and 2009-1, which were submitted to NRC on December 7, 2012.

The Program has incorporated NRC's comments on these proposed regulations and the package is now with the Office of the Legislative Review Board for review and comment. Once all comments have been addressed, a public hearing on the proposed regulation changes will be held and then the final regulations will be published.

The Program continues to address the remaining overdue amendments and plans to provide provisions of several proposed regulation amendments to NRC for review by the end of September 2013. In addition, several regulations are due to sunset on November 5, 2013. The program is working to meet this deadline and plans to provide these final regulations to NRC by the end of the calendar year.

DISCUSSION OF PROGRAM STATUS

Technical Staffing and Training

The vacant Radiation Health Physicist III position, which will be split between mammography and regulation development, was posted externally prior to the last Monitoring call in April 2013. The Program has not yet found an acceptable candidate and continues to attempt to fill the position. The Radiological Emergency Response Program Manager position was vacant at the time of this call. The position has been posted but the Program has not received any applications as of yet. The Radiological Health Section Administrator currently is responsible for these emergency response duties until the position is filled.

Program management continues to support staff training. The Program continues to move forward with staff qualifications in licensing and inspection activities.

Status of the Materials Inspection Program

The Program reported that there have been no inspections completed overdue since the 2012 IMPEP review. The Program continues to focus on completing and documenting inspections within the required timeframe.

Technical Quality of Inspections

As part of a Department initiative, a quality improvement plan for the Program is being implemented. The Program staff meets twice per month with management to discuss process improvements such as implementation of deadlines for inspection-related documents.

All supervisory accompaniments for all inspectors have been scheduled for this calendar year. The Section Manager will perform the accompaniments for the technical staff. The Program Administrator stated that he plans to conduct future inspection accompaniments after he has completed the NRC Inspection Procedures course.

Technical Quality of Licensing

The program currently has no backlog in licensing actions. The Program staff is reviewing every step of the licensing program as part of the new quality assurance process.

Technical Quality of Incident and Allegation Activities

The Section Manager noted that the Program has completed their efforts for an incident

involving cleanup/disposal of radioluminescent markers which had been buried on a private property. In order to capture lessons learned from this event and to better understand roles and responsibilities of the various Federal and State agencies involved in the process, the Program drafted an after action report which is currently under senior management review.

Compatibility Requirements

This item is discussed in the Recommendation area of the Summary Section above.

Sealed Source and Device (SS&D) Evaluation Program

The State has had no new actions since the 2012 IMPEP review. One staff member plans to attend SS&D training when it is held in 2014.

Conclusion

New Hampshire has shown progress in addressing their overdue regulations. The Program has posted a position which will provide 0.5 FTE for regulation development. The Program has no overdue inspections and no backlog in licensing actions.

The next conference call to discuss the status of New Hampshire's radioactive materials program will be conducted in January 2014.