



UNITED STATES  
**NUCLEAR REGULATORY COMMISSION**  
WASHINGTON, D.C. 20555-0001

November 30, 2015

Mr. Augustinus Ong, Administrator  
Radiological Health Section  
Division of Public Health Services  
Department of Health and Human Services  
29 Hazen Drive  
Concord, NH 03301-6504

Dear Mr. Ong:

We have reviewed the proposed revisions to the New Hampshire Radiological Health Rules He-P 4038, received by our office on October 28, 2015. These regulations were reviewed by comparison to the equivalent U.S. Nuclear Regulatory Commission (NRC) rules and the requirements of the one amendment identified in the enclosed State Regulation Status (SRS) Data Sheet. We discussed our review of the regulations with you on November 25, 2015.

As a result of our review, we have 14 comments that are related to compatibility and four comments that are not related to compatibility but should be addressed. These have been identified in the enclosure. Please note that we have limited our review to regulations required for compatibility and/or health and safety. Under our current procedure, a finding that the New Hampshire regulations meet the compatibility and health and safety categories of the equivalent NRC regulation may only be made based on a review of the final New Hampshire regulations. However, we have determined that if your proposed regulations were adopted, incorporating our comments and without other significant change, they would meet the compatibility and health and safety categories established in the Office of Nuclear Material Safety and Safeguards (NMSS) Procedure SA-200, "Compatibility Categories and Health and Safety Identification for NRC Regulations and Other Program Elements."

We request that when the proposed regulations are adopted and published as final regulations, a copy of the "as published" regulations be provided to us for review. As requested in NMSS Procedure SA-201, "Review of State Regulatory Requirements," please highlight the final changes, and provide a copy to Division of Material Safety, State, Tribal, and Rulemaking Programs, NMSS.

The SRS Data Sheet summarizes our knowledge of the status of other New Hampshire regulations, as indicated. Please let us know if you note any inaccuracies, or have any comments on the information contained in the SRS Data Sheet. This letter, including the SRS Data Sheet, is posted on the NMSS State Communication Portal:

<https://scp.nrc.gov/rulemaking.html>.

Additionally, please note that NRC has previously issued certain Security Orders to one New Hampshire licensee. We have not listed the name of the licensee in this letter because that information is Official Use Only and cannot be made publicly available. Because the NRC-issued Orders are still legally binding, they must be rescinded by the NRC concurrent with New Hampshire's promulgation of final regulations. Accordingly, close coordination is needed between the NRC and your office to ensure there are no conflicts, duplications, or gaps regarding the security-related requirements for these licensees. Please contact Adelaide Giantelli, Chief, Source Management and Protection Branch, NMSS ([Adelaide.Giantelli@nrc.gov](mailto:Adelaide.Giantelli@nrc.gov)) for information regarding the affected New Hampshire licensee and for coordination with rescission of the NRC-issued Orders for this licensee after New Hampshire's promulgation and the NRC's review of the final New Hampshire regulations.

If you have any questions regarding the comments, the compatibility and health and safety categories, or any of the NRC regulations used in the review, please contact Michelle Beardsley, State Regulation Review Coordinator, at (610) 337-6942 ([Michelle.Beardsley@nrc.gov](mailto:Michelle.Beardsley@nrc.gov)) or Monica Ford at (610) 337-5214 ([Monica.Ford@nrc.gov](mailto:Monica.Ford@nrc.gov)).

Sincerely,

*/RA/*

***CEinberg for PHenderson***

Pamela J. Herderson, Deputy Director  
Division of Material Safety, State, Tribal  
and Rulemaking Programs  
Office of Nuclear Material Safety  
and Safeguards

Enclosures:

1. Compatibility & Non-Compatibility Comments
2. New Hampshire SRS Data Sheet

A. Ong

-2-

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Sincerely,

Pamela J. Herderson, Deputy Director  
Division of Material Safety, State, Tribal  
and Rulemaking Programs  
Office of Nuclear Material Safety  
and Safeguards

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2. New Hampshire SRS Data Sheet

DISTRIBUTION: SP05  
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NH File

OFFICE	RI	ASPB	OGC	ASPB:BC	MSTR:DD
NAME	MFord via email	MBeardsley	SClark	LDimmick for CEinberg	CEinberg for PHenderson
DATE	11/4/15	11/5/15	11/24/15	11/25/15	11/30/15

**ML 15309A450**

**OFFICIAL RECORD COPY**

**Package ML15303A124**

**COMPATIBILITY COMMENTS ON NEW HAMPSHIRE PROPOSED REGULATIONS**

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
1	N/A	30.13	2013-1	B	<p><b>Common Carriers</b></p> <p>NH did not submit their equivalent regulation for review.</p> <p>NH needs to provide for review the equivalent regulation that meets the essential objectives of 10 CFR 30.13 in order to meet the Compatibility Category B designation assigned to 10 CFR 30.13.</p>
2	He-P 4038.03(e)	37.5	2013-1	B	<p><b>Definition: Approved Individual</b></p> <p>NH references Subpart B in its definition, however there is no Subpart B in NH's regulations.. NH should change the definition to read "...for unescorted access in accordance with He-P 4038.07 – 4038.13 and who has..."</p> <p>NH needs to make the above change in order to meet the Compatibility Category B designation assigned to 10 CFR 37.5.</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
3	He-P 4038.11	37.29(a)	2013-1	B	<p><b>Relief from fingerprinting, identification, and criminal history records checks and other elements of background investigations for designated categories of individuals permitted unescorted access to certain radioactive materials</b></p> <p>NH incorrectly lists commercial vehicle drivers of Category 1 shipments as not needing fingerprinting and the identification and criminal history records checks in 4038.11(a)(10). NH needs to change 4038.11(a)(10) to read "Commercial vehicle drivers for road shipments of category 2 quantities of radioactive material;."</p> <p>NH needs to make the above change in order to meet the Compatibility Category B designation assigned to 10 CFR 37.29(a).</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
4	He-P 4038.15	37.43(a)	2013-1	B	<p><b>General security program requirements</b></p> <p>NH lists an incorrect reference in 4038.15(a)(1)a. and b. NH should change 4038.15(a)(1)a. to read, “Describe the measures and strategies used to implement the requirements of He-P 4038.15 – 4038.22; and...”.</p> <p>NH should change 4038.15(a)(1)b. to read, “Identify the security resources, equipment, and technology, used to satisfy the requirements of He-P 4038.15 – 4038.22;.”.</p> <p>NH references the “Commission” in He-P 4038.15(a)(3).. NH should reference its State Agency in this instance, i.e., “A licensee shall revise its security plan as necessary to ensure the effective implementation of [New Hampshire/ Agency/ DPHS/RHS (insert correct term)] requirements.”</p> <p>NH needs to make the above changes in order to meet the Compatibility Category B designation assigned to 10 CFR 37.43(a).</p>
5	He-P 4038.15	37.43(c)1 – (c)(3)	2013-1	B	<p><b>General security program requirements</b></p> <p>NH references the “Commission” in He-P 4038.15(c)(3)c. NH should reference its State agency in this instance, i.e., “Relevant results of [New Hampshire, Department, DPHS/RHS (insert correct term)] inspections; and.”</p> <p>NH needs to make the above change</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					in order to meet the Compatibility Category B designation assigned to 10 CFR 37.43(c)(1) – (c)(3).
6	He-P 4036.16	37.45(a) & (b)	2013-1	B	<p><b>LLEA coordination</b></p> <p>NH needs to change the reference in He-P 4038.16(a) and (a)(1) from “He-P 4038” to “He-P 4038.15 – 4038.22.”</p> <p>NH needs to make the above change in order to meet the Compatibility Category B designation assigned to 10 CFR 37.45(a) &amp; (b).</p>
7	He-P 4038.19	37.51	2013-1	C	<p><b>Maintenance and testing</b></p> <p>NH needs to change the reference in He-P 4038.19(a) from “He-P 4038” to “He-P 4038.15 – 4038.22.”</p> <p>NH needs to make the above change in order to meet the Compatibility Category C designation assigned to 10 CFR 37.51.</p>
8	He-P 4038.22	37.57	2013-1	C	<p><b>Reporting of events</b></p> <p>NH needs to remove references to the NRC from He-P 4038.22 (a), (b), and (c). It is NH’s responsibility, not the licensee’s responsibility, to report the event to the NRC. The licensee should only report to NH so as to not create duplicative reports.</p> <p>NH needs to make the above change in order to meet the Compatibility Category C designation assigned to 10 CFR 37.57.</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
9	He-P 4038.26	37.77(a) – (d)	2013-1	B	<p><b>Advance notification of shipment of category 1 quantities of radioactive material</b></p> <p>NH needs to rewrite the opening paragraph to He-P 4038.26 to read “As specified in He-P 4038.26(a) and (b), each licensee shall provide advanced notification to the governor of a State or the governor’s designee and the DPHS/RHS of the shipment of ...”</p> <p>NH needs to remove the references to the NRC from the following sections He-P 4038.26(a)(1), (a)(3), (c)(1), (c)(3), and (d). For those shipments initially made by an Agreement State licensee, the NRC would not be notified as the notification would instead go to the Agreement State. (FRN 78 FR 16922)</p> <p>NH needs to make the above changes in order to meet the Compatibility Category B designation assigned to 10 CFR 37.77 (a) – (d).</p>
10	He-P 4038.28	37.81 (a)-(f)	2013-1	B	<p><b>Reporting of events.</b></p> <p>NH needs to remove references to the NRC from He-P 4038.28 (a), (b), (c), (d), (e), and (f). It is NH’s responsibility, not the licensee’s responsibility, to report the event to the NRC. The licensee should only report to NH so as to not create duplicative reports.</p> <p>NH needs to make the above change in order to meet the Compatibility Category B designation assigned to 10 CFR 37.81 (a)-(f).</p>



STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
11	He-P 4038.28	37.81 (g)-(f)	2013-1	C	<p><b>Reporting of events.</b></p> <p>NH needs to remove references to the NRC from He-P 4038.28 (g). It is NH's responsibility, not the licensee's responsibility, to report the event to the NRC. The licensee should only report to NH so as to not create duplicative reports.</p> <p>NH needs to make the above change in order to meet the Compatibility Category C designation assigned to 10 CFR 37.81 (g).</p>
12	He-P 4038.29	37.101	2013-1	C	<p><b>Form of records</b></p> <p>NH needs to remove "and each U.S. Nuclear Regulatory Commission regulation" from He-P 4038.29(a).</p> <p>NH needs to make the above change in order to meet the Compatibility Category C designation assigned to 10 CFR 37.101.</p>
13	He-P 4038.09(b)	37.25(b)	2013-1	C	<p><b>Background investigations</b></p> <p>NH needs to revise and clarify the requirements in He-P 4038.09(b) so that the essential objectives of the <i>Grandfathering</i> requirements in 10 CFR 37.35(b) are met. As written, He-P 4038.09(b) does not clearly include the essential objectives of 37.25(b).</p> <p>Two NH regulations under He-P 4038.09 have the same citation, He-P 4038.09(c). The first instance of He-P 4038.09(c) should be redesignated as He-P 4038.09(b)(3) or an appropriate citation resulting from changes made addressing the comment above.</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					NH needs to make the above changes in order to meet the Compatibility Category C designation assigned to 10 CFR 37.25(b).
14	He-P 4038.12(d)	37.31(d)	2013-1	B	<p><b>Protection of information</b></p> <p>NH needs to replace the term “NRC” with “NPHS/ RHS” in He-P 4038.12(d).</p> <p>NH needs to make the above change in order to meet the Compatibility Category B designation assigned to 10 CFR 37.31(d).</p>

**COMMENTS NOT RELATED TO COMPATIBILITY**

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
1	He-P 4038.10	37.27(c)	2013-1	B	<p><b>Requirements for criminal history records checks of individuals granted unescorted access to category 1 or category 2 quantities of radioactive material</b></p> <p>NH lists the wrong address in 4038.10(c)(1). NH needs to change 4038.10(c)(1) to read "...to submit to the U.S. Nuclear Regulatory Commission, Director, Division of Facilities and Security, 11545 Rockville Pike, ATTN: Criminal History Program/Mail Stop T-03B46M, Rockville, Maryland 20852-2738, one completed ..."</p> <p><b><i>See FSME-13-081 dated August 16, 2013, for notification to Agreement States of the change of address from that published in the regulations.</i></b></p>
2	He-P 4038.03(z)  4038.10	37.5  37.27(a)	2013-1	[C]  B	<p><b>Definition: Person</b></p> <p><b>Requirements for criminal history records checks of individuals granted unescorted access to category 1 or category 2 quantities of radioactive material</b></p> <p>Editorial note: NH should consider changing "Commission" to "U.S. Nuclear Regulatory Commission" for clarification purposes since NH does not define the term "Commission".</p>
3	Multiple sections of He-P 4038	Part 37	2013-1	B	<p>Multiple sections:</p> <p>Editorial Note: In the definitions</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					section NH defines "DPHS/RHS"; however in multiple sections throughout 4038, NH uses "DHHS/RHS." NH should use consistent terminology throughout its regulations.
4	He-P 4038.23(c)	37.71(c)	2013-1	B	<p><b>Additional requirements for transfer of category 1 and category 2 quantities of radioactive material</b></p> <p>For clarity, NH should rewrite 4038.23 (c)(2) to read "Be confirmed by the use of the DHHS/RHS', agreement state's, or NRC's license verification system by contacting the license issuing authority by the end of the next business day." And add (c)(3) "The licensee shall keep a copy of the certification.</p>

**STATE REGULATION STATUS**

State: New Hampshire

Tracking Ticket Number:

Date: 11/30/2015

[1 amendment(s) reviewed identified by a \* at the beginning of the equivalent NRC requirement.]

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
1991-1	Safety Requirements for Radiographic Equipment Part 34 55 FR 843 ( <b>Superseded by 1997-5</b> )	01/10/1994	Final	No Comments	New Hampshire has adopted Final Regulations equivalent to RATS ID: 1997-5.
1991-2	ASNT Certification of Radiographers Part 34 56 FR 11504 ( <b>Superseded by 1997-5</b> )	none	Not Required	Not Required	New Hampshire has adopted Final Regulations equivalent to RATS ID: 1997-5.
1991-3	Standards for Protection Against Radiation Part 20 56 FR 23360; 56 FR 61352; 57 FR 38588; 57 FR 57877; 58 FR 67657; 59 FR 41641; 60 FR 20183	01/01/1994	Final	No Comments	
1991-4	Notification of Incidents Parts 20, 30, 31, 34, 39, 40, 70 56 FR 64980;	10/15/1994	Final	No Comments	
1992-1	Quality Management Program and Misadministrations Part 35 56 FR 34104 ( <b>Superseded by 2002-2</b> )	01/27/1995	Final	No Comments	New Hampshire has not yet adopted Final Regulations equivalent to RATS ID: 2002-2.
1992-2	Eliminating the Recordkeeping Requirements for Departures from Manufacturer's Instructions Parts 30, 35 57 FR 45566	none	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility.

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
1993-1	Decommissioning Recordkeeping and License Termination: Documentation Additions [Restricted areas and spill sites] Parts 30, 40 58 FR 39628	10/25/1996	Final	No Comments	
1993-2	Licensing and Radiation Safety Requirements for Irradiators Part 36 58 FR 7715	07/01/1996	Final ML092710010	No Comments 10/23/2009 ML092800057	
1993-3	Definition of Land Disposal and Waste Site QA Program Part 61 58 FR 33886	07/22/1996	Not Applicable <sup>i</sup>	Not Applicable	New Hampshire does not have any licensees subject to these regulations. (See SECY-95-112)
1994-1	Self-Guarantee as an Additional Financial Mechanism Parts 30, 40, 70 58 FR 68726; 59 FR 1618	none	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility.
1994-2	Uranium Mill Tailings Regulations: Conforming NRC Requirements to EPA Standards Part 40 59 FR 28220	07/01/1997	Not Applicable	Not Applicable	New Hampshire does not have the authority to regulate this material under its Agreement.
1994-3	Timeliness in Decommissioning Material Facilities Parts 30, 40, 70 59 FR 36026	08/15/1997	Final ML061990609	No Comments 08/10/2006 ML062220004	
1995-1	Preparation, Transfer for Commercial Distribution, and Use of Byproduct Material for Medical Use Parts 30, 32, 35 59 FR 61767; 59 FR 65243; 60 FR 322	01/01/1998	Final	No Comments 02/1999	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
1995-2	Frequency of Medical Examinations for Use of Respiratory Protection Equipment Part 20 60 FR 7900	03/13/1998	Final	No Comments 08/1998	
1995-3	Low-Level Waste Shipment Manifest Information and Reporting Parts 20, 61 60 FR 15649; 60 FR 25983	03/01/1998	Final	No Comments 08/1998	
1995-4	Performance Requirements for Radiography Equipment Part 34 60 FR 28323 <b>(Superceded by 1997-5)</b>	06/30/1998	Final	No Comments	New Hampshire has adopted Final Regulations equivalent to RATS ID: 1997-5.
1995-5	Radiation Protection Requirements: Amended Definitions and Criteria Parts 19, 20 60 FR 36038	08/14/1998	Final	No Comments	
1995-6	Clarification of Decommissioning Funding Requirements Parts 30, 40, 70 60 FR 38235	11/24/1998	Final	No Comments	
1995-7	Medical Administration of Radiation and Radioactive Materials Parts 20, 35 60 FR 48623 <b>(Superceded by 2002-2 and 2005-2)</b>	10/20/1998	Final	No Comments	New Hampshire has not yet adopted Final Regulations equivalent to RATS IDs: 2002-2 and 2005-2.

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
1996-1	Compatibility with the International Atomic Energy Agency Part 71 60 FR 50248; 61 FR 28724 <b>(Superceded by 2004-1)</b>	04/01/1999	Final	No Comments	New Hampshire has not yet adopted Final Regulations equivalent to RATS IDs: 2004-1.
1996-2	One Time Extension of Certain Byproduct, Source and Special Nuclear Materials Licenses Parts 30, 40, 70 61 FR 1109	02/15/1999	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility.
1996-3	Termination or Transfer of Licensed Activities: Record keeping Requirements Parts 20, 30, 40, 61, 70 61 FR 24669	06/17/1999	Final ML061990609	No Comments 08/10/2006 ML062220004	
1997-1	Resolution of Dual Regulation of Airborne Effluents of Radioactive Materials; Clean Air Act Part 20 61 FR 65120	01/9/2000	Final ML061990609	No Comments 08/10/2006 ML062220004	
1997-2	Recognition of Agreement State Licenses in Areas Under Exclusive Federal Jurisdiction Within an Agreement State Part 150 62 FR 1662	02/27/2000	Final ML061990609	No Comments 08/10/2006 ML062220004	



RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
1997-3	Criteria for the Release of Individuals Administered Radioactive Material Parts 20, 35 62 FR 4120	05/29/2000	R <sup>2</sup> ML12171A302  License Condition ML12171A302  Proposed ML12341A216	No Comments 07/24/2012 ML12200A082  No Comments 07/24/2012 ML12200A082  Comments 03/28/2013 ML13035A121	Part 35 only
1997-4	Fissile Material Shipments and Exemptions Part 71 62 FR 5907 <b>(Superceded by 2004-1)</b>	02/10/2000	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility. (See STP-97-078)
1997-5	Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiography Operations Parts 30, 34, 71, 150 62 FR 28947	06/27/2000	Final	No Comments	
1997-6	Radiological Criteria for License Termination Parts 20, 30, 40, 70 62 FR 39057	08/20/2000	Final ML061990609	No Comments 08/10/2006 ML062220004	
1997-7	Exempt Distribution of a Radioactive Drug Containing One Micro curie of Carbon-14 Urea Part 30 62 FR 63634	01/02/2001	Final	No Comments	
1998-1	Deliberate Misconduct by Unlicensed Persons Parts 30, 40, 61, 70, 71, 150 63 FR 1890; 63 FR 13773	02/12/2001	Final ML061990609	No Comments 08/10/2006 ML062220004	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
1998-2	Self-Guarantee of Decommissioning Funding by Nonprofit and Non-Bond-Issuing Licensees Parts 30, 40, 70 63 FR 29535	07/01/2001	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility.
1998-3	License Term for Medical Use Licenses Part 35 63 FR 31604 <b>(Superseded by 2002-2)</b>	07/10/2001	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility. (See STP-98-074)
1998-4	Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations Part 34 63 FR 37059	07/09/2001	Final ML073040535  License Condition ML082660012	Comments 11/20/2007 ML073240267  No Comments 10/07/2008 ML082730093	
1998-5	Minor Corrections, Clarifying Changes, and a Minor Policy Change Parts 20, 32, 35, 36, 39 63 FR 39477; 63 FR 45393	10/26/2001	Final ML061990609	No Comments 08/10/2006 ML062220004	
1998-6	Transfer for Disposal and Manifests: Minor Technical Conforming Amendment Part 20 63 FR 50127	11/20/2001	Final ML061990609	No Comments 08/10/2006 ML062220004	
1999-1	Radiological Criteria for License Termination of Uranium Recovery Facilities Part 40 64 FR 17506	06/11/2002	Not Applicable	Not Applicable	New Hampshire does not have authority to regulate this material under its Agreement.

<b>RATS ID</b>	<b>NRC Chronology Identification</b>	<b>Date Due for State Adoption</b>	<b>Incoming Letter</b>	<b>Outgoing Package</b>	<b>Notes</b>
1999-2	Requirements for Those Who Possess Certain Industrial Devices Containing Byproduct Material to Provide Requested Information Part 31 64 FR 42269	10/04/2002	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility.
1999-3	Respiratory Protection and Controls to Restrict Internal Exposure Part 20 64 FR 54543; 64 FR 55524	02/02/2003	Final ML061990609	No Comments 08/10/2006 ML062220004	
2000-1	Energy Compensation Sources for Well Logging and Other Regulatory Clarifications Part 39 65 FR 20337	05/17/2003	Final ML042720491 ML042660535	No Comments 10/25/2004 ML043010014	
2000-2	New Dosimetry Technology Parts 34, 36, 39 65 FR 63750	01/08/2004	License Condition ML042720491 ML042660535	No Comments 10/25/2004 ML043010014	
2001-1	Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material Parts 30, 31, 32 65 FR 79162	02/16/2004	R <sup>2</sup> ML14093A273	Comments 07/24/2014 ML14093A168	
2002-1	Revision of the Skin Dose Limit Part 20 67 FR 16298	04/05/2005	Final ML061990609	No Comments 08/10/2006 ML062220004	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
2002-2	Medical Use of Byproduct Material Parts 20, 32, 35 67 FR 20249	10/24/2005	Proposed ML12341A216  Proposed ML14093A273	Comments 03/28/2013 ML13035A121  Comments 07/24/2014 ML14093A168	Part 35 only  Part 20 and 32
2003-1	Financial Assurance for Materials Licensees Parts 30, 40, 70 68 FR 57327	12/03/2006	License Condition ML083390515	No Comments 12/19/2008 ML083460317	
2004-1	Compatibility With IAEA Transportation Safety Standards and Other Transportation Safety Amendments Part 71 69 FR 3697	10/01/2007	License Condition ML083390515  Proposed ML092600622	No Comments 12/19/2008 ML083460317  Comments 11/20/2009 ML092960157	
2005-1	Security Requirements for Portable Gauges Containing Byproduct Material Part 30 70 FR 2001	07/11/2008	License Condition ML073040537	No Comments 11/26/2007 ML073300061	
2005-2	Medical Use of Byproduct Material - Recognition of Specialty Boards Part 35 70 FR 16336; 71 FR 1926	04/29/2008	Proposed ML12341A216	Comments 03/28/2013 ML13035A121	Part 35 only
2005-3	Increased Controls for Risk-Significant Radioactive Sources (NRC Order EA-05-090) 70 FR 72128	12/01/2005	License Condition ML053190108	No Comments 11/17/2005 ML053220519	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
2006-1	Minor Amendments Parts 20, 30, 32, 35, 40 and 70 71 FR 15005	03/27/2009	Proposed ML12341A216	Comments 03/28/2013 ML13035A121	Part 35 only
			Proposed ML14093A273	Comments 07/24/2014 ML14093A168	Parts 20, 30, 32, 40, & 70
2006-2	National Source Tracking System - Serialization Requirements Part 32 with reference to Part 20 Appendix E 71 FR 65685	02/06/2007	License Condition ML092860062	No Comments 11/03/2009 ML092870528	
			Proposed ML14093A273	No Comments 07/24/2014 ML14093A168	
2006-3	National Source Tracking System Part 20 71 FR 65685, 72 FR 59162	01/31/2009	License Condition ML083370040	No Comments 12/17/2008 ML083390033	
			Proposed ML14093A273	Comments 07/24/2014 ML14093A168	
2007-1	Medical Use of Byproduct Material - Minor Corrections and Clarifications Parts 32 and 35 72 FR 45147, 54207	10/29/2010	Proposed ML12341A216	Comments 03/28/2013 ML13035A121	Part 35
			Proposed ML14093A273	Comments 07/24/2014 ML14093A168	Part 32

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
2007-2	Exemptions From Licensing, General Licenses, and Distribution of Byproduct Material: Licensing and Reporting Requirements Parts 30, 31, 32, 150 72 FR 58473	12/17/2010	Proposed ML14093A273	Comments 07/24/2014 ML14093A168	
2007-3	Requirements for Expanded Definition of Byproduct Material Parts 20, 30, 31, 32, 33, 35, 61, 150 72 FR 55864	11/30/2010	Proposed ML12341A216  Proposed ML14093A273	Comments 03/28/2013 ML13035A121  Comments 07/24/2014 ML14093A168	Part 35 only  Parts 20, 30, 31, 32, 33, 61, & 150
2007-4	Order Imposing Fingerprinting Requirements and Criminal History Records Check Requirements for Unescorted Access to Certain Radioactive Material NRC Order EA-07-305 72 FR 70901	06/05/2008	License Condition ML081270603 ML081350723	No Comments 05/14/2008 ML081350459	
2008-1	Occupational Dose Records, Labeling Containers, and Total Effective Dose Equivalent Parts 19, 20 72 FR 68043	02/15/2011	Proposed ML14093A273	No Comments 07/24/2014 ML14093A168	
2009-1	Medical Use of Byproduct Material – Authorized User Clarification Part 35 74 FR 33901	09/28/2012	Proposed ML12341A216	Comments 03/28/2013 ML13035A121	Part 35 only
2011-1	Decommissioning Planning Parts 20, 30, 40, 70 76 FR 35512	12/17/2015	Proposed ML14093A273	No Comments 07/24/2014 ML14093A168	Parts 20, 30, 40, 70

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2011-2	Licenses, Certifications, and Approvals for Materials Licensees Parts 30, 36, 39, 40, 70, and 150 76 FR 56951	11/14/2014	Proposed ML14325A633	Comments 12/31/2014 ML14342A832	
2012-1	Change of Compatibility of 10 CFR 31.5 and 31.6 (See RATS ID: 2001-1 for Rule text) 77 FR 3640	01/25/2015	Proposed ML14093A273	Comments 07/24/2014 ML14093A168	
2012-2	Advance Notification to Native American Tribes of Transportation of Certain Types of Nuclear Waste Part 71 77 FR 34194	08/10/2015	Proposed ML15042A534	Comments 03/10/2015 ML15042A264	Note: NH incorporated Part 71 by reference. Comments were related to provisions that were not part of the RATS ID
2012-3	Technical Corrections Part 30, 34, 40 and 71 77 FR 39899	08/06/2015	Proposed ML15099A764	No Comments 05/13/2015 ML15099A761	
2012-4	Requirements for Distribution of Byproduct Material Parts 30, 31, 32, 40 and 70 77 FR 43666	10/23/2015	Proposed ML15133A476	Comments 06/04/15 ML15159A989	
*2013-1	Physical Protection of Byproduct Material, 10 CFR Parts 20, 30, 32, 33, 34, 35, 36, 37, 39, and 71 78 FR 16922	03/19/2016	Proposed ML15303A132	Comments 11/30/2015 ML15303A124	
2013-2	Distribution of Source Material to Exempt Persons and to General Licensees and Revision of General License and Exemptions Parts 30, 40, and 70 78 FR 32310	08/27/2016			

<b>RATS ID</b>	<b>NRC Chronology Identification</b>	<b>Date Due for State Adoption</b>	<b>Incoming Letter</b>	<b>Outgoing Package</b>	<b>Notes</b>
2015-1	Domestic Licensing of Special Nuclear Material – Written Reports and Clarifying Amendments Part 70 79 FR 57721, 80 FR 143	01/26/2018			
2015-2	Safeguards Information - Modified Handling Categorization, Change for Materials Facilities Parts 30, 37, 73, and 150 79 FR 58664, 80 FR 3865	01/28/2018			
2015-3	Revisions to Transportation Safety Requirements and Harmonization with International Atomic Energy Agency Transportation Requirements Part 71 80 FR 33987	07/13/2018			
2015-4	Miscellaneous Corrections, Parts 37 and 40 80 FR 45841	09/02/2018			

<sup>1</sup> IMPEP Team: verify that New Hampshire does not have any licensees subject to these regulations during each review.

<sup>2</sup> R means proposed revision to a final rule