



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

January 13, 1994

MEMORANDUM FOR: The Chairman  
Commissioner Rogers  
Commissioner Remick  
Commissioner de Planque

FROM: James M. Taylor  
Executive Director for Operations

SUBJECT: PROPOSED REVIEW LETTER FOR THE 1993 NEW HAMPSHIRE FOLLOW-UP  
AGREEMENT STATE PROGRAM REVIEW

Attached is the proposed 1993 follow-up review letter for the New Hampshire Agreement State Program. A follow-up review of the New Hampshire program was conducted June 21-July 1, 1993. The staff determined that the New Hampshire radiation control program for the regulation of agreement materials is adequate to protect the public health and safety. However, a finding that the program is compatible with the Commission's program is being withheld due to two regulations which have not been adopted within the three-year period recommended by the NRC: (1) emergency plans for certain licensees, and (2) decommissioning requirements.

The follow-up review focused on the State's actions in addressing the recommendations from the June 1992 review in which we were unable to offer findings of adequacy and compatibility. In 1992, adequacy was withheld because of the status of the licensing and inspection programs and a finding of compatibility was withheld because the decommissioning rule had not been adopted.

The State has made considerable progress in its licensing and inspection programs since the 1992 review. During the June 1992 review of the New Hampshire program, we noted that the State had a licensing backlog of 68 actions. During this follow-up review, as a result of the State's effort and the hiring of three health physicists, we found that there was no licensing backlog. With regard to the inspection program, during our June 1992 review, there were 19 inspections overdue. At the time of the follow-up review, there were no overdue inspections.

We continue to withhold a compatibility finding pending the adoption of the regulations that are deemed by the NRC to be matters of compatibility: (1) Decommissioning Rule, and (2) Emergency Planning Rule. The decommissioning rule was due by July 1991 and the emergency planning rule became due in April 1993, which was after the 1992 review. The emergency planning rule will be implemented through license conditions until the rule is finalized. Both of these rules, plus three additional rules that will become due for promulgation in 1994, are scheduled to be finalized in 1994. While the staff recognizes the progress made by New Hampshire, the need to continue to withhold the compatibility finding is of concern, especially given the history of compatibility withholdings for the State. Staff will monitor New Hampshire's efforts to promulgate the necessary rules in 1994 and recommend additional NRC action for Commission consideration if significant delays develop.

The New Hampshire follow-up review letter has been reviewed by the Office of General Counsel, and it has no legal objections. I plan to transmit the Hampshire review letter to the State within ten working days.

Original signed by  
James L. Blaha  
for  
James M. Taylor  
Executive Director  
for Operations

Attachment:  
As stated

cc: SECY  
OGC  
OCA  
OPA

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\*See previous concurrence.

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