



INTEGRATED MATERIALS PERFORMANCE EVALUATION PROGRAM

PERIODIC MEETING WITH THE STATE OF NEW HAMPSHIRE

TYPE OF OVERSIGHT: NONE

October 31, 2023

FINAL

MEETING PARTICIPANTS

U.S. Nuclear Regulatory Commission

- Jessie Quichocho: Acting Deputy Director
Division of Radiological Safety and Security, Region I
- Farrah Gaskins: Regional State Agreements Officer
Division of Radiological Safety and Security, Region I

New Hampshire Department of Health and Human Services

- Augustinus Ong, Administrator, Radiological Health Section
- David Scalise, Manager, Radioactive Materials Program
- Tina Laramée, Health Physicist III

1.0 INTRODUCTION

This report presents the results of the periodic meeting held between the U.S. Nuclear Regulatory Commission (NRC) and the State of New Hampshire. The meeting was held on October 31, 2023, and covered the period of April 10, 2021 through October 30, 2023. The meeting was conducted in accordance with NMSS Procedure SA-116 "Periodic Meetings between IMPEP Reviews," dated October 6, 2021.

The New Hampshire Agreement State Program (the Program) is administered by the Radiological Health Section (the Section) which is located within the Bureau of Public Health Protection, Division of Public Health Services (the Division). The Division is part of the Department of Health and Human Services. No changes to the organizational structure of the Agreement State Program have occurred, however, a new assistant director and a new commissioner has been appointed since the last IMPEP.

At the time of the meeting, the Program regulated approximately 67 specific licenses authorizing possession and use of radioactive materials. The meeting focused on the radioactive materials program as it is carried out under the Section 274b. (of the Atomic Energy Act of 1954, as amended) Agreement between the NRC and the State of New Hampshire.

The Program is currently located in a State Government building located in Concord, New Hampshire. Staff in the program primarily work in office due also being emergency responders.

2.0 COMMON PERFORMANCE INDICATORS

Five common performance indicators are used to review the NRC regional and Agreement State radioactive materials programs during an IMPEP review. These indicators are (1) Technical Staffing and Training, (2) Status of Materials Inspection Program, (3) Technical Quality of Inspections, (4) Technical Quality of Licensing Actions, and (5) Technical Quality of Incident and Allegation Activities. The scoping items for each of these indicators was discussed with the Program in an effort to prepare for the upcoming IMPEP review.

2.1 Technical Staffing and Training

The Program is comprised of four full time equivalents (FTE) which includes the Program Manager, three technical staff, and one administrative support staff. Three technical staff members have left the program since the 2021 IMPEP for retirements or other opportunities. Two staff members have joined the program, and one position has been posted for seven months. New Hampshire stated that they have interviewed but have not received any viable candidates to fill the position. The program Manager explained that the posting lapses after 45 days and they need to have approval to repost after the lapse.

At the time of this meeting, New Hampshire had three qualified staff. One of the new staff hired previously worked for another Agreement State and was already a qualified inspector and license reviewer. The other newly hired technical staff member is working on becoming both a qualified license reviewer and inspector. The staff member has been taking NRC sponsored courses and is on target to complete qualification by end 2024. The

Program uses Inspection Manual Chapter 1248 appendices A and B as its training and qualification journal. Refresher training is being tracked by the Program manager and all qualified staff are exceeding the 24 hours of training every 24 months requirement.

2.2 Status of the Materials Inspection Program

The Program has completed 31 routine priority 1, 2, and 3 inspections and five initial inspections since the 2021 IMPEP review. The program reported that none of the inspections were performed overdue and at the time of the meeting, there were no overdue inspections.

In August 2023, the Program adopted the NRC's risk-based reciprocity inspection guidance for determining candidate reciprocity inspections. The Program reported that 50-75% of the candidate licensees that file for reciprocity were typically inspected.

The Program's goal is to issue inspection findings within 30 days of the inspection exit. No inspection findings have been issued beyond 30 days after the inspection exit since the last IMPEP review.

2.3 Technical Quality of Inspections

New Hampshire has inspection procedures equivalent to the NRC's Manual Chapter 2800. All licensees are being inspected at the same frequency as similar types of licensees regulated by the NRC. Supervisory accompaniments have been performed during each calendar year.

The Program has an adequate supply of radiation detection equipment to support the inspection program and respond to radioactive material incidents and emergency situations. All instruments have been calibrated annually.

2.4 Technical Quality of Licensing Actions

The Program has 67 specific licenses. Licensing actions have been completed in a timely manner. The Program uses the current version of the NRC's Pre-Licensing Guidance and Risk Significant Radioactive Materials checklist. Every licensing action is reviewed and signed by the radioactive materials program manager. Additionally, the Program adopted the NUREG 1556 series by references and uses the most current versions when performing licensing actions.

2.5 Technical Quality of Incident and Allegation Activities

Since the last IMPEP review, the Program has received one reportable event and one allegation. The Program performs reactive inspections as appropriate. The one reportable event occurred in October 2023 and is still open in the NRC's Nuclear Materials Event Database and will need to be closed once New Hampshire is finished with the investigation. The Program discussed the allegation it received since the last IMPEP review. It was noted that the Program investigated the allegation as appropriate and followed up with the concerned individual after the investigation was complete.

3.0 NON-COMMON PERFORMANCE INDICATORS

Four non-common performance indicators are used to review Agreement State programs: (1) Legislation, Regulations, and Other Program Elements (LROPE), (2) Sealed Source and Device (SS&D) Evaluation Program, (3) Low-Level Radioactive Waste Disposal (LLRW) Program, and (4) Uranium Recovery (UR) Program. The NRC's Agreement with New Hampshire does not relinquish regulatory authority for LLRW or UR; therefore, only the non-common performance indicator LROPE and SS&D applies.

3.1 LROPE

New Hampshire became an Agreement State on May 16, 1966. The Program's current effective statutory authority is contained in the New Hampshire Revised Statutes Annotated, 1990, Title 125. No legislation affecting the Program was passed since the last IMPEP review. New Hampshire's rules and regulations are subject to "sunset" laws. Regulations made effective after September 11, 2011, will expire 10 years after the rule's effective date. New Hampshire maintains a system to track rules that are subject to expiration to begin the renewal process.

Since the 2021 IMPEP, seven regulation amendments were due. The program submitted proposed amendments with no comments returned by the NRC. The Program stated all rules have been promulgated and none were overdue at the time they were made final. There was a discussion with the program about the need to submit final regulations to the NRC for review. The New Hampshire Rules for the Control of Radiation, Parts He-P 4036, 4037, and 4039, adopt by reference 10 CFR 36, 71, and 39, respectively.

3.2 SS&D Evaluation Program

New Hampshire has two fully qualified staff to perform SS&D reviews and one staff person in the process of qualifications. New Hampshire has a training program equivalent to NRC training requirements listed in IMC 1248. New Hampshire also performs SS&D reviews for other Agreement States as a secondary review. At the time of the meeting, there was one SS&D action with the program to review for another Agreement State. New Hampshire currently has two SS&D registrants. No incidents involving SS&D registered products occurred since the 2021 IMPEP review.

4.0 SUMMARY

The New Hampshire Agreement State Program continues to be an effective and well-maintained program. Although the Program has experienced turnover, New Hampshire continues to have a balanced staffing strategy. The structure of the Program has remained consistent since the 2021 IMPEP review. There was no backlog in licensing and inspection work at the time of the periodic meeting. Although the rules have already been promulgated, the Program still needs to submit the final regulations amendments. The next IMPEP review is on track to be held in April 2026.