



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

October 4, 2007

Dennis P. O'Dowd, Administrator
Radiological Health Section
Department of Health and Human Services
29 Hazen Drive
Concord, NH 03301-6504

Dear Mr. O'Dowd:

A periodic meeting with New Hampshire was held on July 23, 2007. The purpose of the meeting was to review and discuss the status of New Hampshire's Agreement State program. Specific topics discussed at the meeting included all performance indicators, staffing and training, and the adoption of regulations and legally binding requirements required for compatibility.

I have completed and enclosed a general meeting summary, including any specific actions that will be taken as a result of the meeting.

If you feel that our conclusions do not accurately summarize the meeting discussions, or have any additional remarks about the meeting in general, please contact me at (610) 337-5371 or by email at dmj@nrc.gov to discuss your concerns.

Thank you for your cooperation.

Sincerely,

/RA/

Donna M. Janda
Regional State Agreements Officer
Division of Nuclear Materials Safety

Enclosure: Periodic Meeting Summary for New Hampshire

cc: Twila Kenna, Manager

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Distribution:

- B. Holian, RI DNMS
- M. Orendi, FSME
- A. McCraw, FSME

DOCUMENT NAME: C:\FileNet\ML072770592.wpd
ADAMS Document Accession No. ML072770592

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AGREEMENT STATE PERIODIC MEETING SUMMARY FOR NEW HAMPSHIRE

DATE OF MEETING: July 23, 2007

NRC ATTENDEES:

Donna Janda, RSAO, Region I
Monica Orendi, FSME

STATE ATTENDEES:

Dennis O'Dowd, Administrator, Radiological Health Section
Twila Kenna, Manager, Radioactive Materials Program

DISCUSSION:

A. IMPEP Recommendations

There were no recommendations from the last Integrated Materials Performance Evaluation Program (IMPEP) followup review of the New Hampshire program that occurred on July 12, 2007.

B. Program Status

Since the followup review in July 2006, several vacancies in the Radiological Health Section (RHS) have been filled. The Emergency Response Program Planner position was filled in March 2007. The Radiation Laboratory Manager position in the Public Health Laboratory was filled in November 2006. One Radiation Health Physicist II position was filled in March 2007 by a staff member from the Public Health Laboratory. The vacated Laboratory Scientist position is currently open. This position is funded by RHS and supports radioactive material inspection and incident response activities.

The Radioactive Materials Manager discussed the training status of individual staff members. Four staff health physicists perform both machine and materials inspections and licensing. The health physicist who transferred from the Public Health Laboratory also maintains the RHS radiation detection equipment. The two newest health physicists, both Health Physicist II positions, attend formal materials training classes, accompany experienced inspectors on materials inspections and perform some licensing actions. These individuals have not yet attended any NRC materials training courses; however, RHS intends to send these individuals to NRC-sponsored courses as scheduling and availability of the courses allows.

The State currently has three individuals (the Administrator, Radioactive Materials Manager, and a health physicist) who have attended the NRC security training course for Increased Controls. The State has four licensees subject to Increased Controls and two increased controls inspections have been completed to date.

RHS is current with all inspections and no overdue inspections have been performed over the last year. The Radioactive Materials Manager reported that required inspector accompaniments are performed annually and documented in the Radioactive Materials Personnel Summary - Inspection database for each inspector. RHS is continuing to monitor a significant decontamination and decommissioning action at the former Kollsman facility.

RHS inspectors hand deliver radioactive materials licenses to new licensees. During these onsite visits, the inspector reviews the license conditions and regulatory requirements with the new licensee and conducts a facility walk-through to ensure that the facility diagrams and descriptions that were submitted with their application reflect the actual conditions at the site. If an RHS inspector determines there are any discrepancies or issues during the onsite visit, the new license is not issued unless the items are resolved.

The Radioactive Materials Manager reported that the number of pending licensing actions continues to remain at the same level over the past two years. The State uses pre-licensing screening criteria and is reviewing the implementation of pre-licensing site visits. The State has one active sealed source and device registry sheet. There have been no amendments to the sheet over the last year. RHS has not had any significant or unusual licensing requests over the last year.

The Region I office has not provided any allegations to the State for follow up. With regard to events, the State reported one event to the Nuclear Materials Event Database (NMED) during the last year. Although the State has completed its investigation and closed the event internally, the event was not closed in NMED. RHS staff has sent a message to the NMED Coordinator about closing the event.

RHS indicated that all records are still maintained on spreadsheets or in electronic format. The Radioactive Materials Manager discussed and shared with NRC staff the most recent spreadsheets for open licensing actions, inspection history and due lists, RHS staff training tracking sheets, reciprocity inspections, and the radiological incident response list.

The RHS staff continue to attend biweekly meetings among the four health physicists, the two program managers, and other parties to discuss current issues, new items of interest, incidents, and lessons learned. In addition, the RHS staff attend one hour of radioactive materials training once each week.

There have been no legislative changes to RHS programs over the last year. In accordance with State law, Department regulations are subject to a sunset provision. Radiological health regulations require re-adoption every eight years unless amended earlier.

NRC staff reviewed the most recent State Regulation Status (SRS) Sheet with RHS staff. In the table below, the current status and the State's next action for each RATS ID are presented.

RATS ID	Status on SRS Sheet	Current Status	State's Next Actions
1997-3	No Activity	Will be superceded by 2002-2	State needs to adopt 2002-2 and submit it to the NRC for review in order for this RATS ID to be superceded.

1998-4	No Activity - Overdue (7/09/01)	New Hampshire states that they have adopt 10 CFR Parts 36 and 39 by reference	New Hampshire needs to submit regulations pertaining to 1998-4 to the NRC for review
2002-2	No Activity - Overdue (10/24/05)	New Hampshire is currently working on these regulations	Submit draft and final regulations to the NRC for review
2003-1	No Activity - Overdue (12/3/06)	New Hampshire is currently working on these regulations	Submit draft and final regulations to the NRC for review
2004-1	No Activity - Overdue (10/01/07) (** note this was not overdue at the time of the periodic but is now currently over due)	New Hampshire is currently working on these regulations	Submit draft and final regulations to the NRC for review
2005-1	No Activity - Due 7/11/08	New Hampshire is currently working on these regulations	Provide draft version to NRC for review
2005-2	No Activity - Due 4/29/08	New Hampshire is currently working on these regulations	Provide draft version to NRC for review

C. Other Discussion Topics

The State indicated that challenges in the coming year include maintaining adequate resources (i.e., "spread thin at times") to meet the demands of staffing three programs (radioactive materials, X-Ray and emergency response) and funding for out-of-state travel. The Administrator and Radioactive Materials Manager indicated that the Program's strengths include an experienced staff, weekly training sessions, proficiency exams, and peer review of work products.

NRC staff discussed the current status of NRC's fingerprinting initiatives involving certain materials licensees, organizational changes in the Region and at Headquarters, and the current status of the National Source Tracking System.

D. Conclusions

At the conclusion of the meeting, NRC staff and RHS management met with Michael Dumond, Chief of the Bureau of Prevention Services to summarize the discussions. NRC staff noted that RHS has a well-trained and experienced staff and continues to enhance their Program performance through staff training and electronic tracking of action items.

NRC staff concluded that the next IMPEP review should be conducted as scheduled in FY 2008. RHS management has been invited to participate when NRC staff presents the results of this periodic meeting to the Management Review Board. No specific actions were identified as a result of this meeting.