



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

REGION I  
2100 RENAISSANCE BLVD., SUITE 100  
KING OF PRUSSIA, PA 19406-2713

February 19, 2015

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

Dear Mr. Ong:

A periodic meeting was held with you and your staff on November 13, 2014. The purpose of the meeting was to review and discuss the status of the New Hampshire Department of Health and Human Services' Agreement State Program. The NRC was represented by Farrah Gaskins, Lisa Dimmick and me.

I have completed and enclosed a general meeting summary, including any specific actions that will be taken as a result of this meeting. If you feel that our conclusions do not accurately summarize the meeting discussion, or have any additional remarks about the meeting in general, please contact me at (610) 337-5371, or email [Donna.Janda@nrc.gov](mailto:Donna.Janda@nrc.gov) to discuss your comments.

Sincerely,

*/RA/*

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

Enclosure: As stated

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Distribution:

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**SUNSI Review Complete: DMJ (Reviewer's Initials)**

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AGREEMENT STATE PERIODIC MEETING SUMMARY FOR NEW HAMPSHIRE  
DEPARTMENT OF HEALTH AND HUMAN SERVICES

DATE OF MEETING: November 13, 2014

<b>NRC Attendees</b>	<b>NH Department of Health and Human Services Attendees</b>
Donna Janda, RSAO, Region I	Michael Dumond, Administrator, Bureau of Public Health Protection
Farrah Gaskins, RSAO, Region I	Augustinus Ong, Administrator, Radiological Health Section
Lisa Dimmick, Senior Health Physicist, NMSS	Twila Kenna, Manager, Radioactive Materials Program

**DISCUSSION:**

During the October 2012 Integrated Materials Performance Evaluation Program (IMPEP) review of the New Hampshire Agreement State Program (the Program), the review team found the State's performance satisfactory for six performance indicators and unsatisfactory for one performance indicator, Compatibility Requirements. No new recommendations regarding Program performance were made by the IMPEP review team. 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 remain 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. The MRB also directed 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).

Topics covered during this meeting included:

Program Strengths

The Program has an experienced, stable and well-trained staff including the administrative staff. Although the Program currently has one vacant technical position, there is no backlog in licensing actions or inspections.

Enclosure

### Program Weaknesses

The Program currently has one vacant position which has been posted externally. The Program Manager noted that knowledge management is a challenge that will need to be addressed in the near future as some of the experienced staff members become eligible for retirement or leave the Program.

### Feedback on the NRC's Program

The Program commented that both the overall relationship and communications with the NRC are good and that they appreciated NRC's continued support of the Agreement States.

### Agreement State Program Staffing and Training

The Program currently has two technical staff members for a total of 1.5 full-time equivalents. There is one full-time vacant technical position which is currently posted externally. Once this position is filled, the Program will have 2.5 FTE. In addition, the Program has one full-time manager of the radioactive materials program. One technical staff member is fully qualified in licensing and inspection and one technical staff member is partially qualified. This individual continues to attend NRC qualification courses and can work independently on an interim basis until his course work is completed.

### Organization

The New Hampshire Agreement State Program is administered by the Radiological Health Section, which is located in the Bureau of Public Health Protection under the Department of Health and Human Services (the Department). All Program activities are conducted from the Concord office.

### Program Budget/Funding

The Program managers noted no changes in Program budget or funding.

### Inspection and Licensing Programs

The Program reported no backlog in inspections since the 2012 IMPEP review. Inspection reports are being tracked and are issued within 30 days of the conclusion of the inspection. The Program continues to conduct reciprocity inspections for greater than 20 percent of candidate licensees. The Program Manager continues to conduct annual supervisor accompaniments for the technical staff.

The Program currently has approximately 80 specific radioactive materials licenses. The Program Manager reported no backlog in licensing actions. The Program has issued four new licenses since the 2012 IMPEP review. The licensing staff uses the pre-licensing guidance to review licensing actions and conducts pre-licensing site visits when applicable.

## Regulations and Legislative Changes

One recommendation which remains open from the 2008 IMPEP review is discussed below:

**Recommendation 1:** 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.

The Program is continuing to work on promulgating regulations. The 2012 IMPEP review team identified 10 regulation amendments that were overdue for State adoption at the time of the review. Since the 2012 IMPEP review, the Program has made significant progress on addressing overdue and upcoming regulations and submitted proposed regulations for 12 regulation amendments to NRC for review. The Program expects to address NRC's comments and adopt the Part 35 portions of these amendments in spring 2015 and the remaining portions of the amendments later in 2015.

## Event Reporting

The Program has had no reportable events since the 2012 IMPEP review.

## Response to Incidents and Allegations

The Program continues to be sensitive to notifications of incidents and allegations. Incidents are quickly reviewed for their effect on public health and safety. Staff is dispatched to perform onsite investigations when necessary. The Program is aware of the need to maintain an effective response to incidents and allegations. The Program has responded to 22 events since the 2012 IMPEP review. None of these events were reportable to NRC and the majority of the events involve responding to alarms at trash or metal recycling facilities. Since the 2012 IMPEP review, NRC has not transferred any allegations to the Program for follow up action. In addition, the Program has not received any other allegations.

## Sealed Source and Device (SS&D) Evaluation Program

The Program currently has two active SS&D registration sheets. No new registrations or amendments have been issued since the 2012 IMPEP review.

## Current State Initiatives

The Program has no current State initiatives to report.

## Emerging Technologies

The Program is currently working with NMSS on a request to license activities involving the extraction of material from zirconium sand in order to use the resulting zirconium dioxide in ceramic lighting applications.

Enclosure

### Large, Complicated, or Unusual Authorizations for Use of Radioactive Material

The Program anticipates receiving a request to address possible issues with the planned development of a site that was previously licensed for the manufacture of lighting sources. The license had been terminated and a deed restriction had been placed on the property due to Th-232 contamination from previous licensed activities.

### State's Mechanisms to Evaluate Performance

The Program maintains a database of all licensing, inspection, and event response activities. Staff meetings are held on a monthly basis and on an ad hoc basis when a special topic is reviewed. All licensing actions and inspection reports receive a supervisory review. The Program Manager performs supervisory inspection accompaniments annually for each qualified inspector.

### CONCLUSIONS:

The State of New Hampshire Radioactive Materials Program continues to be an effective, well-maintained Agreement State program with an experienced and well-trained staff. There is one vacancy in the Program at this time; however, the Program is effectively managing its licensing and inspection activities. NRC staff recommends that the next IMPEP review should be conducted as scheduled in FY 2017 (tentatively October 2016).