



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**

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

March 25, 2019

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:

A periodic meeting with you and your staff was held on October 26, 2018. The purpose of this meeting was to review and discuss the status of the New Hampshire Agreement State Program. The U.S. Nuclear Regulatory Commission (NRC) was represented by James Trapp, Director, Division of Nuclear Materials Safety, U.S. NRC Region I and me.

I have completed and enclosed a general meeting summary. 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) 337-5089 or via e-mail at [John.Miller@NRC.gov](mailto:John.Miller@NRC.gov) to discuss your concerns.

Sincerely,

*/RA/*

John J. Miller  
Regional State Agreements Officer  
Division of Nuclear Materials Safety  
U.S. NRC Region I

Enclosure: As Stated

cc w/encl.: David Scalise, Program Manager  
Radioactive Materials Program



INTEGRATED MATERIALS PERFORMANCE EVALUATION PROGRAM  
PERIODIC MEETING WITH THE STATE OF NEW HAMPSHIRE

October 26, 2018

## PERIODIC MEETING PARTICIPANTS

### **NRC**

- James Trapp: Director, Division of Nuclear Materials Safety, NRC Region I
- John Miller: State Agreements Officer (SAO), NRC Region I

### **State of New Hampshire**

- Augustine Ong: Administrator, Radiological Health Section
- David Scalise: Manager, Radioactive Materials Program
- Tina Laramee: Health Physicist

## New Hampshire Periodic Meeting Summary

### 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 26, 2018. The meeting was conducted in accordance with NMSS Procedure SA-116 "Periodic Meetings between IMPEP Reviews," dated June 3, 2009.

The New Hampshire Agreement State Program is administered by the Radioactive Materials Program. The Radioactive Materials Program is located in the Radiological Health Section of the Division of Public Health Services of the Department of Health and Human Services. At the time of the meeting, the New Hampshire Agreement State Program regulated approximately 82 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.

During the October 2016 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 seven performance indicators. No new recommendations regarding Program performance were made by the IMPEP review team. The review team determined that the recommendation from the 2012 IMPEP review, regarding the development and implementation of an action plan to adopt NRC regulations in accordance with the current NRC policy, should be closed.

On February 14, 2017, 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 compatible with the NRC's program. The MRB directed NRC staff to discontinue a period of monitoring. Upon deliberation, the MRB issued two recommendations to New Hampshire. One concerned the Program's inspection frequency of licensees authorized for High Dose Rate Remote Afterloaders, and the second concerned a retrospective review of the amendments that added Radiation Safety Officers to medical licenses whose qualifications did not meet the Program's regulatory requirements at the time of issuance. The MRB directed that a periodic meeting be held in 1 year.

### 2.0 COMMON PERFORMANCE INDICATORS

Five common performance indicators are used to review the NRC Regional Office 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.

#### 2.1 Technical Staffing and Training (2016 IMPEP: Satisfactory)

The New Hampshire Agreement State Program is composed of six staff members with a total of 4.05 full-time equivalents (FTE) for the radioactive materials program including, 3.05 FTE technical staff, 0.1 FTE Section Administrator/Rulemaking, and 0.9 FTE administrative staff. Since the 2016 IMPEP, the Radioactive Materials Program Manager left the program and Dave Scalise was promoted into that position. The program currently has one vacancy and the section has been approved to fill the position. In the interim, the

## New Hampshire Periodic Meeting Summary

Manager of the Radiation Machines Program is providing partial support to the radioactive materials program.

The Administrator stated that the radiation safety program is fully funded by licensing fees and radiation producing machine registrations. He indicated that he receives the necessary financial resources to effectively implement the program. The Administrator confirmed that New Hampshire's budget cycle runs from July 1 to June 30.

### 2.2 Status of the Materials Inspection Program (2016 IMPEP: Satisfactory)

The New Hampshire Agreement State Program's inspection frequencies are the same as the NRC's inspection frequencies that are listed in IMC 2800. A discussion was held regarding the changes made to the NRC's IMC 2800 regarding inspection frequency timeliness.

The New Hampshire Agreement State Program has completed all but one of their Priority 1, 2, and 3 inspections on time during the current review period. There were no inspections overdue at the time of the Periodic Meeting. Additionally, the program has a target to issue all inspection reports within 10 days of the completion of the inspection and all the inspection reports were issued within 30 days of the exit meeting with the licensee. The performance of reciprocity inspections are not being tracked in a manner that clearly demonstrates that 20% of the candidate reciprocity activity is being inspected. The SAO provided the Manager of the radioactive materials program an excel spreadsheet that could be used to track reciprocity inspections.

#### **Recommendation 1:**

The MRB recommended following the last IMPEP that Section management implement a mechanism to ensure that licensees with more than one program code authorized by the license are inspected at the required frequency assigned to each program code.

#### **Status:**

The New Hampshire Agreement State Program received this recommendation because on three occasions a High Dose Rate (HDR) afterloader brachytherapy program was not inspected timely in accordance with IMC 2800. As a result, the program identified all the licenses that had HDR authorized and assured that they are being tracked and inspected as a Priority 2 licensee. In addition, license reviewers have been instructed to be aware that if a new modality is added to a medical licensee that may impact the priority of inspection, that the inspection tracking system must be adjusted. In addition, peer reviews performed on licensing actions will also look at the impact an amendment may have on the licensee inspection priority. The New Hampshire Program was late on one HDR inspection during the current IMPEP period prior to getting their corrective action implemented in response to the MRB recommendation.

### 2.3 Technical Quality of Inspections (2016 IMPEP: Satisfactory)

Inspection guidance used by the New Hampshire Agreement State Program is equivalent to the NRC's IMCs and Inspection Procedures. The New Hampshire Agreement State Program issues all inspection findings, regardless of whether or not there is a violation, by written correspondence from the office. All supervisory accompaniments of inspectors in calendar years 2016 and 2017 were completed. The SAO informed the program

## New Hampshire Periodic Meeting Summary

Administrator that if the Manager of the radioactive materials program is performing inspections, than the Administrator should accompany him annually on an inspection.

### 2.4 Technical Quality of Licensing Actions (2016 IMPEP: Satisfactory)

All licensing actions have been in-house for less than one year and no backlog exists. License reviews are peer checked which involves a complete second review prior to issuance. The New Hampshire program has not denied anyone a license since the last IMPEP. The program performs pre-licensing visits prior to issuing a license to a new entity.

#### **Recommendation 2:**

The MRB recommended following the last IMPEP that the New Hampshire Agreement State Program review the qualifications of three medical RSOs who do not meet the current medical regulations in New Hampshire and implement a mechanism to ensure the named RSOs on all the medical licenses meet New Hampshire's regulatory requirements.

#### **Status:**

All documentation for medical RSOs that are currently on a specific license has been reviewed. Corrective action in response to this recommendation has been completed.

### 2.5 Technical Quality of Incident and Allegation Activities (2016 IMPEP: Satisfactory)

The New Hampshire Agreement State Program has processes in place to maintain effective responses to incidents and allegations. Two events have been reported to the NRC since the last IMPEP review, however there were three events that had not been reported to the NRC. The SAO reviewed Agreement State reporting requirements to the NRC with the staff. Subsequent to the Periodic Meeting, the staff reported to the NRC the three incidents that they had previously failed to report. The New Hampshire Agreement State Program provides additional follow-up information as appropriate and ensures that the NRC's Nuclear Materials Events Database system is updated and that events in the system are completed and closed. Since the 2016 IMPEP review, NRC has not transferred any allegations to the Program for follow up action.

## 3.0 NON-COMMON PERFORMANCE INDICATORS

Two non-common performance indicators are used to review Agreement State programs: (1) Compatibility Requirements and (2) Sealed Source and Device (SS&D) Evaluation Program.

### 3.1 Compatibility Requirements (2016 IMPEP: Satisfactory)

At the time of the periodic meeting there were no regulation amendments overdue for adoption. There are a few outstanding comments associated with compatible regulations that are in the process of being addressed and resolved. The Administrator indicated that there is a single person in the Division of Public Health who shepherds rulemaking through the system and periodically Radiological Health Section regulations may be delayed due

## New Hampshire Periodic Meeting Summary

to competing priorities. He agreed to resolve comments and bring closure for any RATS IDs that were not finalized.

### 3.2 Sealed Source and Device (SS&D) Evaluation Program (2016 IMPEP: Satisfactory)

The Program currently has two active SS&D registration sheets. No new registrations or amendments have been issued since the 2016 IMPEP review.

### 4.0 SUMMARY

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 2020.