

October 17, 2005

Mr. Dennis O'Dowd, Acting Chief  
Radiological Health Bureau  
Department of Health and Human Services  
29 Hazen Drive  
Concord, NH 03301-6504

Dear Mr. O'Dowd:

We have reviewed the New Hampshire license conditions that were submitted to address the NRC regulation associated with "Recognition of Agreement State Licenses in Areas Under Exclusive Federal Jurisdiction Within an Agreement State," (62 FR 1662, (January 13, 1997)), RATS ID 1997-2, received by our office on September 28, 2005. These license conditions were reviewed by comparison to the equivalent NRC rules in 10 CFR 150.20 and the requirements of the one amendment identified in the enclosed State's Regulation Status (SRS) Data Sheet. We discussed our review of the license condition with you on October 11, 2005.

As a result of our review, we have no comment. We have determined that the New Hampshire license conditions meet the compatibility and health and safety categories established in the Office of State and Tribal Programs (STP) Procedure [SA-200](#).

It should be noted that the proposed regulations which were implemented by this license condition were found acceptable in the May 13, 2005 STP letter. As discussed with you, we request that when the proposed regulations are adopted and published as final regulations, a copy of the "as published" regulations be provided to us for review. As requested in STP Procedure [SA-201](#), "Review of State Regulatory Requirements," please highlight any final changes and provide a copy to STP. When the final rule becomes effective, the license condition would no longer be necessary.

The SRS Data Sheet summarizes our knowledge of the status of other New Hampshire regulations and legal binding requirements, as indicated. Please let us know if you note any inaccuracies, or have any comments on the information contained in the SRS Data Sheet. This letter, including the SRS Data Sheet, is posted on the STP website: <http://www.hrsd.ornl.gov/nrc/rulemaking.htm>.

If you have any questions regarding the review results, the compatibility and health and safety categories, or any of the NRC regulations used in the review, please contact me, or Jenny Tobin at 301-415-2328 or by e-mail at [jct1@nrc.gov](mailto:jct1@nrc.gov).

Sincerely,

**\RA By KNSchneider For\**

Dennis K. Rathbun, Deputy Director  
Office of State and Tribal Programs

Enclosures:  
As stated









