



STATE OF NEW HAMPSHIRE
DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF COMMUNITY & PUBLIC HEALTH

Kathleen G. Sgambati
Acting Commissioner

6 HAZEN DRIVE, CONCORD, NH 03301-6527
603-271-4501 1-800-852-3345, Ext. 4501 TDD Access: 1-800-735-2964

Kathleen A. Dunn
Director

July 18, 2003

Mr. Paul H. Lohaus, Director
Office of State and Tribal Programs
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Dear Mr. Lohaus:

As part of our on-going communications regarding the status of New Hampshire's progress on implementing program improvements in response to the state's Integrated Materials Performance Evaluation Program (IMPEP), I offer you the following:

- An updated Program Improvement Work Plan dated 7/7/03.
- Updated "Licensing Status Monthly Summary Report" and "Monthly Inspection Status Summary Report" dated 7/11/03.
- Radioactive Material License Inspections completed since February 6, 2003
- Radioactive Materials Inspection Schedule – 2nd and 3rd quarters.
- Schedule of Initial Inspections for Newly issued Licensees.

Regarding efforts that we have undertaken or will be undertaking to address workforce issues, business operations, and consistency with NRC regulatory standards:

- In July 2003, the NH Division of Personnel approved the reclassification of the current Bureau Chief position to the new, higher paying, Radiation Health Physicist V level. Because of the new classification, we must follow the rules for recruiting candidates from within the agency. If no internal candidate is selected, the search will be broadened as needed to secure a qualified candidate.
- A new health physicist has been recruited and began working on July 11th. This individual holds a recent doctorate in physics and will be attending NRC courses as soon as we can schedule him for the appropriate training.
- We have several viable candidates for the one other Radiation Health Physicist vacancy, and we will be following up on second interviews within the next week. The recruitment process will continue beyond that date if necessary.
- A contract with a former agreement state director (Ms. Jeffs) was successfully renewed by the Executive Council on June 6th; therefore there has been no interruption in her services.
- Mr. Mario Iannaccone continues to do an outstanding job. His contract was also renewed as of June 24th.
- The Massachusetts program has graciously assisted us in the review of an SSD&R request from BAE Systems. The SSD&R was granted on June 2, 2003.
- We are in the final stages of seeking legislative approval of the rules changes needed to make the Bureau fee-based.

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- The new computer software program, "RADS", is still moving forward. Although RADS has gone through the initial user acceptance phase, there remain usability issues. Bureau supervisors are in the process of meeting with DHHS IT staff to mediate for the needed changes.
- The Rad Materials Section Supervisor, Dennis O'Dowd, is continuing to provide weekly reports, which indicate the assignments each staff member has for the upcoming week and the status of the current week's work. These are reviewed each Friday and I believe are helpful in supporting the staff in prioritizing work assignments. Inspections and inspection report due dates are now scheduled well in advance so as to allow for mid-course corrections, should any be needed.
- The State Radiation Advisory Committee (SRAC) held its last quarterly meeting on June 5, 2003. Members expressed their desire to have an opportunity to assist our efforts in moving the rule changes through the legislative review process and attended the last legislative meeting held on June 23rd. The SRAC members were also concerned about the state's need to improve its performance under the agreement status, and there was considerable discussion as to how to make this happen. The consensus was that we are on the right track.
- In regard to bringing our rules into conformance with those of the NRC, the immediate schedule of events is as follows: 1) All rulemaking notice forms have been submitted to the appropriate legislative office; 2) the official rulemaking notice was published in the July 11, 2003, New Hampshire Rule Register; and 3) the public hearing on the proposed amendments is scheduled for August 1, 2003 in Concord, New Hampshire. This will allow us to adopt 49 CFR 100-189 & 390-397, 10 CFR Subpart D, and 10 CFR 20 Appendices G, B, and C. The remaining rule adoptions needed to achieve full compliance with NRC will be pursued in accordance with the previously reported timeline.

In summary: The state continues to make continuous progress in addressing the issues raised in the 2001 and 2002 IMPEP reports. We believe we are at the point of inflection in terms of moving the rule making process back on track, and we are confident that our remaining vacancies will be filled expeditiously. As Director Dunn has pointed out in previous letters, this progress could not have occurred without the support of the NRC and our own SRAC and licensees.

Please feel free to call me with any questions. I may be reached directly at 603-271-4716 or via e-mail at: bdupee@dhhs.state.nh.us. I look forward to our July 24th conference call.

Sincerely,



Brook S. Dupee
Assistant Director

cc: Josephine Piccone, Deputy Director, NRC State and Tribal Programs
George Pangburn, Region 1 Director, Div. Of Nuclear Materials Safety
Duncan White, Region 1 Regional state Liaison Officer
John Wallace, Associate Commissioner, DHHS
Members of the State Radiation Advisory Committee [via e-mail]

NEW HAMPSHIRE DEPARTMENT OF HEALTH and HUMAN SERVICES						
OFFICE of COMMUNITY and PUBLIC HEALTH / BUREAU of RADIOLOGICAL HEALTH						
PROGRAM IMPROVEMENT PLAN						
Revision 07/07/2003						
Recommendation	Tasks	Milestones	Assignments	Anticipated Completion Date	Status	Completion Date
Performance Indicator: Technical Staffing and Training Recommendation: That the Bureau document a training plan for staff that is consistent with the guidance provided in the NRC/Organization of Agreement States Training Working Group Report or the NRC IMC 1246. (NOTE: NRC considers this recommendation closed. MRB 06/11/03)	Re-develop, document and maintain a staff training and development plan, staff training tracking spreadsheet, and qualification format	Development completed and implemented	DOD	N/A	Completed	4/15/03
		Maintain program HP training tracking sheet and in house certifications	DOD	on-going task	Maintain program HP training tracking sheets	On-going
		Continuous assessment of future HP training needs	DOD	As needed	On-going	On-going
		Research available courses; Apply for future courses, complete necessary in-house travel forms.	Staff/DOD approval; KF re: funding	As needed	On-going	On-going
Performance Indicator: Technical Staffing and Training Recommendation: That the Department take the necessary actions to address staff turnover and staff vacancies as appropriate. (NOTE: NRC considers this recommendation open. MRB 06/11/03)	Review staffing options	Continue seeking permanent staff for vacant positions	KD/BD	ASAP	New HP to commence work July 11, 2003; one vacant HP position remains	
	Modify salary structure via HP career ladder to levels that encourage staff retention	Reclassify/upgrade current HP staff positions	KD/BD/VM	N/A	Completed - current HP staff upgraded to RHP III LG. 26; provisional upgrade status to RHP IV LG 29 for program supervisors	03/18/03 - RHP III staff; program staff awaiting permanent RHP IV status
Performance Indicator: Technical Staffing and Training Recommendation: That the Bureau examine and change business processes and organization of the section to improve the effectiveness and efficiency of the program. (NOTE: NRC considers this recommendation open. MRB 06/11/03) until such time as all vacant positions, particularly Bureau Administrator, are filled with full-time permanent staff.)	Introduce multiple improvements with managerial oversight	Oversee implementation of inspection calendar; RHP staff training program; weekly meetings with supervisory staff to note progress; weekly and monthly reports to senior management; tracking of deliverables.	KD/BD	N/A	Completed	5/1/03
	Reclassify/upgrade unfilled Administrator position	Continue seeking Administrator and one permanent staff for vacant HP position	KD/BD	unknown at this time	On going	

**NEW HAMPSHIRE DEPARTMENT OF HEALTH and HUMAN SERVICES
OFFICE of COMMUNITY and PUBLIC HEALTH / BUREAU of RADIOLOGICAL HEALTH**

PROGRAM IMPROVEMENT PLAN

Revision 07/07/2003

<u>Recommendation</u>	<u>Tasks</u>	<u>Milestones</u>	<u>Assignments</u>	<u>Anticipated Completion Date</u>	<u>Status</u>	<u>Completion Date</u>
Performance Indicator: Status of Materials Inspection Program Recommendation: That the Bureau take appropriate management measures to conduct inspections of both core and initial licensees in accordance with the State's established inspection priority system. (NOTE: NRC considers this recommendation open. MRB 06/17/03)	Develop and maintain calendar-based inspection scheduling system for inspection assignments to HP staff	Development completed 04/30/2003	DOD	N/A	Completed	4/30/03
		Maintain calendar on a quarterly basis	DOD	Complete 30 days prior to end of each calendar quarter - modify as necessary	Completed through 09/30/03; 4th qtr to be completed by 08/31/03	On-going task/ up-to-date
		Review status of program inspection goals with staff on a quarterly basis	DOD	on-going task	Completed 2nd and 3rd quarters; complete 4th qtr by 09/30/03	On-going
		Review inspection calendar on a bi-weekly basis to ensure timely completion of past scheduled inspections	DOD	on-going task	Inspections verified as up-to-date	On-going
	Review staffing options	Maintain/continue contract with V. Jeffs as a regulatory health physicist (licensing)	BD/KF	N/A	Completed	6/4/03
		Maintain/continue contract with M. Iannaccone as a regulatory health physicist (inspections)	BD/KF	N/A	Completed	6/25/03
		Continue seeking permanent staff for vacant positions	KD/BD	ASAP	New HP to commence work July 2003; one vacant HP position remains	ASAP
	Revise fees to fully fund program	Defend fee revisions before JLCAR	KD/KF/WJ/DO	7/17/03	Pending final approval	
		Adoption of final fee rules	KD/KF/WJ/DO	7/17/03	Pending final approval	

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PROGRAM IMPROVEMENT PLAN

Revision 07/07/2003

<u>Recommendation</u>	<u>Tasks</u>	<u>Milestones</u>	<u>Assignments</u>	<u>Anticipated Completion Date</u>	<u>Status</u>	<u>Completion Date</u>
Performance Indicator: Program Elements Required for Compatibility Recommendation: That the Bureau develop and implement an action plan to adopt NRC regulations in accordance with current policy on adequacy and compatibility.	Rules Revision	Re-adopt current regulations that have expired	JK prepares w/DOD&WJ input	Published in register for public comment on 07/11/03; public hearing date 08/01/03; legislative review 08/12/03	in process	
		Incorporate as applicable license conditions as legally binding requirements to address revised regulations	DOD/HP Staff	9/30/03	in process/on-going task	
		Draft rules based on NRC regulations in accordance with compatibility criteria	JK prepares w/DOD&WJ input	To be submitted to JLCAR for approval/adoption by 12/18/03	in process	
		Hire Records Retention Clerk to assist in Rules Revision	BD/DOD	N/A	Completed	5/30/03
Abbreviations Key						
KD = Kathleen A Dunn, MPH, Director Office of Community & Public Health (OC&PH), DHHS						
BD = Brook Dupee, Deputy Director, OC&PH, DHHS						
VM = Veronica Malmberg, Director, Division of Community Support (CS), (OC&PH,DHHS)						
KF=Kate Frey, Financial Assistant OC&PH, DHHS						
DOD=Dennis O' Dowd, Supervisor, Radioactive Material Section, BRH						
WJ=Wayne Johnston, Supervisor, Radiation Machine Section, BRH						
PD=Priscilla Doyon Clerical BRH						
SRAC = State Radiation Advisory Committee						
HR=Human Resources,DHHS						

STATE OF NEW HAMPSHIRE
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OFFICE OF COMMUNITY & PUBLIC HEALTH
BUREAU OF RADIOLOGICAL HEALTH
RADIOACTIVE MATERIALS SECTION

MONTHLY INSPECTION STATUS SUMMARY REPORT

(As of July 11, 2003)

INSPECTIONS (CORE) DUE PENDING

Number of "core" radioactive material license inspections due by greater than 25%.....0

Respectfully submitted,

Original signed by Dennis P. O'Dowd

Dennis P. O'Dowd, Supervisor
Radioactive Material Section
Bureau of Radiological Health

**Bureau of Radiological Health
Radioactive Materials Section**

**RADIOACTIVE MATERIAL LICENSE INSPECTIONS
COMPLETED SINCE FEBRUARY 6, 2003**

License No.	Licensee name	Inspection Completion Date	Priority	Inspection Type
433R	Jacques Whitford Co., Inc.	02/19/03	5	initial
443R	Cirtronics Corporation, Inc.	02/28/03	3	initial
257R	Valley Regional Hospital	03/06/03	5	routine
435R	Alan D. Kaplan, M.D., P.A.	03/13/03	5	initial
442R	Alliance Imaging, Inc.	03/13/03	5	initial
444R	S.W. Cole Engineering, Inc.	03/14/03	5	initial
138R	Exeter Hospital	03/17/03	3	routine
263R	Littleton Hospital	03/25/03	5	routine
355R	The Memorial Hospital	03/26/03	5	routine
147R	Portsmouth Regional Hospital	04/08/03	3	routine
440R	Max Cohen & Sons, Inc.	04/15/03	5	initial
130R	Mary Hitchcock Mem. Hospital	04/21/03	1	routine
446R	Merrimack Valley PET, P.C.	04/24/03	5	initial
Rhode Island 3D-117-01	Ocean State Technical Svcs.	05/02/03	1	routine (reciprocity)
335R	NH Bureau of Env. & Occ. Hlth.	05/13/03	5	routine
142R	Nylon Corporation	05/23/03	5	routine
264R	M&W Soils Engineering, Inc.	05/30/03	5	routine
399R	Haley & Aldrich, Inc.	06/02/03	5	routine
401R	R.W. Gillespie, Inc.	06/03/03	5	routine
390R	Sandborn, Head, Assoc., Inc.	06/20/03	5	routine
396R	Lead Tech, Inc.	06/27/03	5	routine
345R	Jaworski Geotech, Inc.	07/01/03	5	routine
368R	Monadnock Community Hospital	06/30/03	3	routine
366R	Seacoast Diversified	07/01/03	5	routine

Updated 7/11/03

STATE OF NEW HAMPSHIRE
DEPARTMENT OF HEALTH AND HUMAN SERVICES
BUREAU OF RADIOLOGICAL HEALTH
RADIOACTIVE MATERIALS SECTION

INSPECTION SCHEDULE

(2nd and 3rd Quarters)

Assigned Completion Date	License No.	Licensee Name	Assigned Inspector	Completed Date
05/13/03	335R	NH BEOH	AB	05/13/03
05/23/03	142R	Nylon Corporation of America	AB	05/23/03
05/30/03	264R	M & W Soils Engineering, Inc.	AB/TK	05/30/03
06/03/03	399R	Haley & Aldrich, Inc.	AB	06/02/03
06/11/03	401R	R. W. Gillespie & Associates, Inc.	AB	06/03/03
06/20/03	390R	Sanborn, Head & Associates, Inc.	AB	06/20/03
06/27/03	396R	Lead Tech, Inc.	AB	06/27/03
07/02/03	345R	Jaworski Geotech, Inc.	AB	07/01/03
07/07/03	368R	Monadnock Community Hospital	TK/AB	06/30/03
07/11/03	366R	Seacoast Diversified, Inc.	AB	07/01/03
07/24/03	353R	HTE Northeast, Inc.	AB	
07/25/03	419R	Construction Materials Testing, Inc.	MI	
07/30/03	118R	NH Dept of Environmental Services	AB	
07/31/03	441R	American Health Centers	TK/AB	
08/13/03	318R	Gemini Technical Services, Inc.	AB	
08/18/03	143R	Simplex Technologies, Inc.	AB	
08/22/03	397R	Rochester Equine Clinic	MI/AB	
09/05/03	268R	Androscoggin Valley Hospital	MI/AB	
By 06/31/03	OOS	OOS Licensee Reciprocities	DO/AB	5/02/03
TBD	OOS	OOS Licensee Reciprocities	MI/AB	
TBD	OOS	OOS Licensee Reciprocities	TK/AB	

NOTE: RML No. 437 Atlantic Cardiology Assoc., P.A. License Issued March 10, 2003. Originally scheduled for initial inspection on July 10, 2003, to be rescheduled for 4th quarter (i.e., within six months of receipt of radioactive material *and* prior to date of issuance of the license). Confirmed on July 9, 2003 only calibration and references sources received as of 07/01/03, and currently only in testing and quality assurance phase of medical use operations.

Revised 7/11/03

STATE OF NEW HAMPSHIRE
DEPARTMENT OF HEALTH AND HUMAN SERVICES
BUREAU OF RADIOLOGICAL HEALTH
RADIOACTIVE MATERIALS SECTION

SCHEDULE OF INITIAL INSPECTIONS OF NEWLY-ISSUED LICENSEES

LIC. NO.	LICENSEE NAME	LICENSE ISSUANCE DATE	DATE RAM FIRST RECEIVED BY LICENSEE	SIX MONTHS FROM ISSUANCE DATE	TWELVE MONTHS FROM ISSUANCE DATE	INSPECTION DATE	COMMENTS
435R	Alan D. Kaplan, P.A.	01/22/02	01/22/02	N/A	01/22/03	03/13/03	-
440R	Max Cohen & Sons, Inc.	01/04/02	01/22/02	N/A	01/04/03	04/15/03	-
441R	American Health Centers, Inc.	09/23/02	NO RAM RCVD as of 04/2003	03/23/03	09/23/03	Inspection Scheduled for 07/31/03	Must be inspected w/in six months of receipt of RAM or twelve months of issuance of license.
442R	Alliance Imaging, Inc.	09/03/02	10/07/02	04/07/03	09/03/03	03/13/03	-
443R	Cirtronics Corporation, Inc.	09/09/02	09/20/02	03/20/03	09/09/03	02/28/03	-
444R	S.W. Cole Engineering, Inc.	11/15/02	11/19/02	05/19/03	11/15/03	03/14/03	-
446R	Merrimack Valley PET, P.C.	10/28/02	11/13/02	05/13/03	10/28/03	04/24/03	-
437R	Atlantic Cardiology Asso, P.A.	03/10/03	Small calibration and check sources received 07/01/03 for QA testing only.	09/10/03	03/10/04	-	To be re-scheduled to fourth quarter (Must be inspected w/in six months of receipt of RAM or twelve months of issuance of license).
445R	ATC Group Services, Inc.	05/14/03	05/14/03	11/14/03	05/14/04	-	To be scheduled for fourth quarter. (Must be inspected w/in six months of receipt of RAM or twelve months of issuance of license)