



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

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John A. Stephen
 Commissioner

Mary Ann Cooney
 Director

April 13, 2004

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 STP

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 Integrated Materials Performance Evaluation Program (IMPEP) review of the state's program, I offer you the following enclosures:

- An updated Program Improvement Work Plan dated April 9, 2004
- Updated "Monthly Inspection Status Summary Report" dated April 9, 2004
- Radioactive Material License Inspections Completed in the Year 2004 to date
- Radioactive Materials Inspection Schedules – 4th Quarter 2003, 1st and 2nd Quarters 2004
- Radioactive Materials Inspection Calendar – 1st quarter 2004
- Current Schedule of Initial Inspections for Newly-Issued Licensees

I would also like to take this opportunity to update you on changes that have occurred recently within the NH Department of Health and Human Services. In October of 2003, Governor Craig Benson appointed John Stephen as the Commissioner of the DHHS. Shortly after that, Mary Ann Cooney was promoted to Director of the Office of Community and Public Health. Both Commissioner Stephen and Director Cooney are committed to the OCPH's mission of protecting the public health of New Hampshire's citizens and to the work of the Bureau of Radiological Health (BRH).

In addition, as part of last year's budget process, the DHHS has been mandated by the legislature to restructure its business functions in order to find more cost effective and efficient ways to serve the public. Restructuring has been ongoing since February of 2004 and expected to be final by fall of 2004. The reorganization is a Department-wide effort; therefore all agencies, including the Bureau of Radiological Health will be affected. Although the re-organization plan is still in draft form, it is expected that the Bureau will remain in the Office of Community and Public Health (to be named Division of Public Health) under the Bureau of Prevention Services. Veronica Malmberg who was supervising the Bureau will be retiring effective April 30, 2004. In the interim, I have been asked to oversee the Bureau until the reorganization efforts are final.

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Activities to address workforce issues, business operations, and adequacy and compatibility issues have continued. The following are updates on the ongoing issues we are addressing in these areas:

- At this time, the BRH's health physics positions remain fully staffed. Unfortunately, the specific information that we needed regarding Texas A&M's Five-week Applied Health Physics course was never received in a form that would allow internal approval by our financial office; therefore, it was not possible to enroll staff member Rick D'Alarcao into the May 2004 session of this course. However, we have now begun looking into his possible enrollment into the Applied Health Physics course offered by Oak Ridge Institute for Science and Education (ORISE). Our newest health physicist, Debanond Chakraborty, has successfully completed the NRC-sponsored "Licensing Practices and Procedures" course, and the "Inspection Procedures" course, and he will be attending the "Safety Aspects of Industrial Radiography" course the week of April 19, 2004.
- Contract work continues with Vicki Jeffs, Kentucky's former radioactive materials program manager, conducting license application reviews on behalf of the radiation control program.
- Contract work continues with former New Hampshire inspector, Mario Iannaccone, conducting inspections of radioactive material licensees on behalf of the program.
- We have exceeded the Radiological Health fee revenue projections for the year. The latest figures since the effective date of the program's fee-based rules is at nearly 110% of its projected revenue.
- The Radioactive Materials Section Supervisor, Dennis O'Dowd, continues providing 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 are extremely helpful in supporting the staff in prioritizing work assignments. In addition, the inspection schedule for the second quarter of 2004 has been completed, which includes initial inspections of newly issued licenses (as per the NRC's Manual Chapter 2800 inspection protocols). As noted previously, inspections and inspection report due dates are now scheduled well in advance so as to allow for mid-course corrections, should any be needed.
- As stated in our previous updates, 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. The final step in the reclassification process requires the approval of the Governor and Executive Council. The Bureau has begun the next steps to seek final approval.
- Work continues by the program to adopt and update radiation control rules needed to achieve full compatibility with NRC. Mr. O'Dowd has begun the process of reconciling the NRC rules with the format required by the New Hampshire's Code of Administrative Rules. It is our intention to submit drafts for adoption of the updates at the end of May. Please note that although there have been delays in completing these from our original target dates, licenses continue to be appropriately amended to incorporate necessary changes.

Mr. Paul Lohaus
April 13, 2004
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As is evident, the state continues to make continuous progress in addressing the issues raised in the 2001 and 2002 IMPEP reports. Please feel free to call me with any questions. I may be reached directly at 603-271-4593 or via e-mail at kfrey@dhhs.state.nh.us. I look forward to our April 19th conference call.

Sincerely,



Kathryn Frey
Administrator II
OCPH Director's Office

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
Mary Ann Cooney, Director of DHHS-OCPH
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 04/09/2004

<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: 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	R. D'Alarcao began employment with the BRH as an HP on 07/11/03; D. Chakraborty began employment with the BRH as an HP on 08/22/03.	8/22/2003
	Modify salary structure via HP career ladder to levels that encourage staff retention	Reclassify/upgrade current HP staff positions	MAC/KF	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 for RHP III staff, program supervisors still 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	5/1/2003
	Reclassify/upgrade unfilled Administrator position	Continue seeking BRH administrator/bureau chief	MAC/KF	Position upgraded from Administrator II to RHP V by Dept. of Personnel; Awaiting G&C approval prior to commencing recruitment	In process	

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<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 06/11/03)	Develop and maintain calendar-based inspection scheduling system for inspection assignments to HP staff	Development completed 04/30/2003	DOD	N/A	Completed	4/30/2003
		Maintain calendar on a quarterly basis	DOD	Complete 30 days prior to end of each calendar quarter - modify as necessary	Completed through 6/30/04 (2nd qtr 2004 scheduling completed)	On-going task/ up-to-date
		Review status of program inspection goals with staff on a quarterly basis	DOD	on-going task	Completed	On-going task/ up-to-date
		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	6/30/2004
		Maintain/continue contract with M. Iannaccone as a regulatory health physicist (inspections)	BD/KF	N/A	Completed	6/30/2004
		Continue seeking permanent staff for vacant positions	KD/BD	ASAP	One new HP commenced work 07/11/03 and the other on 08/22/03	8/22/2003
	Revise fees to fully fund program	Defend fee revisions before JLCAR	KD/KF/WJ/DO	7/17/2003	Completed	7/18/2003
		Adoption of final fee rules	KD/KF/WJ/DO	7/17/2003	Completed	7/18/2003

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PROGRAM IMPROVEMENT PLAN

Revision 04/09/2004

<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 with DOD & WJ input	Published in register for public comment on 07/11/03; public hearing date 08/01/03; legislative review 08/12/03; special mtg between JK & RN to discuss revisions.	JLCAR hearing 09/18/03	9/20/2003, for all but He-P 4037, which became effective 10/22/03
		Incorporate as applicable license conditions as legally binding requirements to address revised regulations	DOD/HP Staff	9/30/2003	in process/on-going task	
		Draft rules based on NRC regulations in accordance with compatibility criteria	DOD with HP staff input	To be submitted by 04/30/04 for JLCAR approval	in process	
		Hire Records Retention Clerk to assist in Rules Revision	BD/DOD	N/A	Completed	5/30/2003
Abbreviations Key						
KD = Kathleen A Dunn, MPH, Director Office of Community & Public Health (OC&PH), DHHS	MAC = Mary Ann Cooney, 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, Administrator II, OC&PH, DHHS						
DOD=Dennis O' Dowd, Supervisor, Radioactive Material Section, BRH						
WJ=Wayne Johnston, Supervisor, Radiation Machine Section, BRH						
SRAC = State Radiation Advisory Committee						
HR=Human Resources, DHHS						

STATE OF NEW HAMPSHIRE
DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF COMMUNITY & PUBLIC HEALTH
BUREAU OF RADIOLOGICAL HEALTH
RADIOACTIVE MATERIALS SECTION

COPY

MONTHLY INSPECTION STATUS SUMMARY REPORT
(As of April 9, 2004)

OVERDUE INSPECTIONS

Number of Priority 1, 2, or 3 radioactive material license inspections due by greater than 25%	0
Number of Priority 5 radioactive material license inspections due by greater than 1 year	0

Respectfully submitted,

Original signed by Dennis P. O'Dowd

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

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

(AS OF APRIL 12, 2004)

LIC. NO.	LICENSEE NAME	LICENSE ISSUANCE DATE	DATE RAM FIRST RECEIVED BY LICENSEE	SIX MONTHS FROM RAM RECEIPT 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/??/02	N/A	01/04/03	04/15/03	
441R	American Health Centers, Inc.	09/23/02	NO RAM RCVD as of 09/09/03	03/23/03	09/23/03	08/04/03	
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 Assoc, P.A.	03/10/03	07/01/03	01/01/04	03/10/04	01/16/04	
439R	Quality Assurance Laboratories, Inc.	07/29/03	07/29/03	01/29/04	07/29/04	11/25/03	
445R	ATC Group Services, Inc.	05/14/03	05/14/03	11/14/03	05/14/04	11/04/03	
450R	American Health Centers, Inc.	08/29/03	No RAM RCVD. as of 04/12/04 (confirmed) ¹	N/A	08/29/04	Currently scheduled for 06/01/04	(Must be inspected within twelve months of issuance of license) ²
447R	Schleicher & Schuell BioScience, Inc.	01/02/04	No RAM RCVD. as of 04/08/04 (confirmed) ³	N/A	01/02/05	Currently scheduled for 07/01/04	(Must be inspected within twelve months of issuance of license) ⁴

¹ Licensee anticipates initial receipt of licensed material in May or June 2004.

² NRC Inspection Manual Chapter 2880 (11/25/03)

³ Licensee anticipates initial receipt of license material in August or September 2004.

⁴ NRC Inspection Manual Chapter 2880 (11/25/03)

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BUREAU OF RADIOLOGICAL HEALTH
RADIOACTIVE MATERIALS SECTION

INSPECTION SCHEDULE
(4th Quarter 2003)

Routine Inspections

Assigned Completion Date	License No.	Licensee Name	Assigned Inspector	Date Completed
Routine Inspections				
10/07/03	145R	NH Dept. of Transportation	AB/RD	10/08/03
10/14/03	418R	Metabolic Solutions, Inc.	AB/DC	10/14/03
10/28/03	381R	Radiation Safety & Control Svcs., Inc.	MI	10/28/03
11/04/03	445R	ATC Group Svcs., Inc.	AB/RD	11/04/03
11/21/03 ¹	437R	Atlantic Cardiology, P.A.	AB/DO	01/16/04
11/25/03	439R	QA Laboratory, Inc.	AB/DO	11/25/03
12/02/03	182R	Elliot Hospital	MI/AB	12/19/03
12/08-10/03	190R	University of New Hampshire	TK/AB/TBD	12/8-9/03
12/30/03	417R	GSI Geotechnical Svcs., Inc.	AB/DC	12/22/03
Special Inspections				
10/20- 11/03/2003	-	Pease AFB	MI	11/14/03

KEY: AB - A. Banerjee
DC - D. Chakraborty
DO - D. O'Dowd
MI - M. Iannaccone
RD - R. D'Alarcao
TK - T. Kenna
TBD - To be determined

NOTE: Strikethrough indicates completion.

¹ This inspection had been postponed due to scheduling conflicts throughout the months of November and December 2003. This inspection, as well as the inspection of RML No. 439R, was conducted as a supervisory audit of the inspector.

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RADIOACTIVE MATERIALS SECTION

INSPECTION SCHEDULE
(1st Quarter 2004)

Routine Inspections

Assigned Completion Date	License No.	Licensee Name	Assigned Inspector	Date Completed
Routine Inspections				
01/27-29/04	276R	Dartmouth College (broad license)	MI/TK/AB	In process
02/10/04	369R	American Laboratory Products Company	AB	03/19/04
02/24/04	449R	Insight Premier Health	AB	03/05/04
03/02/04	382R	Dartmouth College (irradiator)	MI/AB/TK	04/09/04
03/09/04	379R	Alpha Lead Inspections	AB	03/30/04
Special Inspections				
TBD	427R	Kollsman Corporation - D&D	MI	01/30/04
TBD	OOS ¹	QC Resources, Inc.	AB	03/23/04
TBD	MA-14-5974	Framatome	AB	01/05/04
02/17/04	377R	Berlex/Diatide (follow-up)	MI/AB	

KEY: AB - A. Banerjee
DC - D. Chakraborty
DO - D. O'Dowd
MI - M. Iannaccone
RD - R. D'Alarcao
TK - T. Kenna
TBD - To be determined

NOTE: Strikethrough indicates completion.

¹ OOS means Out-of-State licensee carrying out activities with radioactive materials in the State of New Hampshire under reciprocal recognition of their specific out-of-state license.

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 RADIOACTIVE MATERIALS SECTION

INSPECTION SCHEDULE
 (2nd Quarter 2004)

Routine Inspections

Assigned Completion Date	License No.	Licensee Name	Assigned Inspector	Date Completed
Routine Inspections				
04/26/04	130R	Mary Hitchcock Memorial Hospital	MI/AB	
05/04/04	261R	Concord Hospital	AB/DO	
05/18/04	308R	Parkland Medical Center	AB (DW?)	
05/19/04	421R	Northeast Electronics, Inc.	MI (DW?)	
06/08/04	206R	Wentworth-Douglass Hospital	MI/AB	
Special Inspections				
TBD	OOS	Reciprocity	AB	
TBD	TBD	Follow-up	TBD	

KEY: AB – A. Banerjee
 DC – D. Chakraborty
 DO – D. O'Dowd
 MI – M. Iannaccone
 RD – R. D'Alarcao
 TK – T. Kenna
 TBD – To be determined

DW – Possible accompaniment by D. White, NRC, RG I

NOTE: Strikethrough indicates completion.

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**BUREAU OF RADIOLOGICAL HEALTH - RADIOACTIVE MATERIALS SECTION
INSPECTION CALENDAR 2004 - FIRST QUARTER
(STATUS AS OF APRIL 9, 2004)**

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January 2004

<i>Sun</i>	<i>Mon</i>	<i>Tue</i>	<i>Wed</i>	<i>Thu</i>	<i>Fri</i>	<i>Sat</i>
				1 STATE HOLIDAY	2	3
4	5	6 Iannaccone RML 427R Kelleman Routine inspection Merrimack	7	8	9 Kenna/Banerjee RML 190R UNH Issue Insp. letter	10
11	12 Banerjee RML 417R GSI Geo Svcs - Inspection Report due to supervisor	13	14	15	16	17
18	19 STATE HOLIDAY	20	21 Iannaccone RML 427R Kelleman Inspection Report due to supervisor	22	23	24
25	26 Banerjee RML 417R GSI Geo Svcs Issue Insp. letter	27 Iannaccone/Kenna RML 276R Dartmouth College Routine inspection Hanover/Lebanon	28 Iannaccone/Kenna RML 276R Dartmouth College Routine inspection Hanover/Lebanon	29 Iannaccone/Kenna RML 276R Dartmouth College Routine inspection Hanover/Lebanon	30	31

**BUREAU OF RADIOLOGICAL HEALTH - RADIOACTIVE MATERIALS SECTION
 INSPECTION CALENDAR 2004 - FIRST QUARTER
 (STATUS AS OF APRIL 9, 2004)**

February 2004

<i>Sun</i>	<i>Mon</i>	<i>Tue</i>	<i>Wed</i>	<i>Thu</i>	<i>Fri</i>	<i>Sat</i>
1	2	3 Iannaccone RML 427R Kollsman Corporation - Issue Insp. letter	4	5	6	7
8	9	10 Banerjee RML 369R ALPCO Routine inspection Windham	11	12 Iannaccone/Kenna RML 276R Dartmouth College Inspection Report due to supervisor	13	14
15	16 STATE HOLIDAY	17 Iannaccone/Banerjee RML 377R Berlex Follow-up inspection Londonderry	18	19	20	21
22	23 Banerjee RML 369R ALPCO Inspection Report due to supervisor	24 Banerjee RML 449R Insight Premier Health Initial inspection Rochester	25 Banerjee RML 369R ALPCO Inspection Report due to supervisor	26 Iannaccone/Kenna RML 276R Dartmouth College Issue insp. letter	27	28
29						

**BUREAU OF RADIOLOGICAL HEALTH - RADIOACTIVE MATERIALS SECTION
INSPECTION CALENDAR 2004 - FIRST QUARTER
(STATUS AS OF APRIL 9, 2004)**

March 2004

<i>Sun</i>	<i>Mon</i>	<i>Tue</i>	<i>Wed</i>	<i>Thu</i>	<i>Fri</i>	<i>Sat</i>
	1 Iannaccone RML 377R Berlex Inspection Report due to supervisor	2 Iannaccone/Banerjee RML 382R Dartmouth irradiator routine inspection Lebanon	3 Iannaccone/Banerjee RML 377R Berlex Inspection Report due to supervisor	4	5	6
7	8 Banerjee RML 369R ALPCO Issue Insp. letter	9 Banerjee/Chakraborty RML 379R Alpha Lead Routine inspection Manchester	10 Banerjee RML 449R Insight Inspection Report due to supervisor	11	12 Banerjee RML 379R Alpha Lead Inspection Report due to supervisor	13
14	15 Banerjee/Chakraborty Reciprocity Inspection TBD	16 Iannaccone RML 382R Dartmouth irradiator Inspection Report due to supervisor	17 Iannaccone/Banerjee RML 377R Berlex Issue Insp. letter	18	19	20
21	22 Banerjee RML 449R Insight Premier Health Issue Insp. letter	23 Banerjee/Chakraborty Follow-up Inspection TBD	24	25	26	27
28	29 Banerjee/Chakraborty Reciprocity Inspection TBD	30	31			
			Banerjee RML 379R Alpha Lead - Issue Insp. letter		APRIL 2004 MHMH Hospital MAY 2004 Concord Hospital; Parkland Hospital ILIN W-D Hospital	AUG Cheshire MED SEPT Chart ADAC