



STATE OF NEW HAMPSHIRE
DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF PUBLIC HEALTH SERVICES

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John A. Stephen
Commissioner

Mary Ann Cooney
Director

January 20, 2005

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 conducted in 2004, please find enclosed an updated program improvement plan/status report.

In addition to actions taken to date as described in the report, 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:

- The Radiological Health Section's health physics positions remain fully staffed, and training of the newest staff members in radioactive materials licensing and inspections continues. In November, program health physicists Rick D'Alarcao and Debanond Chakraborty accompanied Shawn Seeley, health physicist with the Maine Radiation Control Program (RCP), on inspections of a medical facility licensee, as well as a mobile medical service licensee. Unfortunately, additional inspections that were scheduled for December as part of this training had to be postponed, due to the Maine RCP move to their new facility. The next inspector accompaniments to be scheduled with Maine RCP on January 24, 2005, are tentatively scheduled to take place at the beginning of February.
- A similar arrangement made with the Massachusetts RCP for health physicist Asish Banerjee to undergo onsite training in conducting sealed source and device (SS&D) reviews at their offices in December was postponed at the last minute, due to illness. Mr. Banerjee, who has completed a program of self-study in evaluating SS&Ds, is currently re-scheduled for this on-site training on January 27 – 28, 2005, and will be working under the tutelage of Kenath Traegde and his SS&D technical review staff.
- The Division is continuing its efforts to renew its contract with Vicki Jeffs, Kentucky's former radioactive materials program manager, for conducting license application reviews on behalf of the radiation control program. Likewise, the Division is continuing its efforts to renew its contract with Mario Iannaccone, for conducting inspections of licensees on behalf of the program. Legal questions raised by the state's Attorneys General office that had to be addressed have delayed this effort, but it is expected that the process will be completed within the next several weeks.

- The Division continues to seek a qualified individual to fill the position of Administrator (Radiation Health Physicist V) of the Radiological Health Section. Two candidates have been interviewed, and an offer was made to one of them, and we are awaiting a response at this time.
- Dennis O'Dowd continues to serve as acting administrator and meets with me on a bi-weekly basis. During this time, we review the program's progress, and discuss the prioritizing of work assignments.
- Work continues by the program to adopt and update radiation control rules needed to achieve full compatibility with NRC. New Hampshire equivalent rules to 10 CFR Parts 36 and 39 were adopted on November 23, 2004, and work continues on the process of reconciling the required NRC rules with the format required by the New Hampshire's Code of Administrative Rules (please refer to our letter dated January 5, 2005, along with milestones). In addition, as an interim measure and where applicable, additional efforts are being made to appropriately amend licenses to incorporate necessary regulatory revisions as legally binding license conditions. In this regard, incorporation of the so-called "constraint rule" as a legally binding license condition into all relevant New Hampshire radioactive material licenses (i.e., approximately 30 licensees) has been completed.

As is evident, the state is implementing its plans to address the issues raised in the 2004 IMPEP report. Please feel free to call me with any questions. I may be reached directly at 603-271-4521 or via e-mail at abruning@dhhs.state.nh.us. I look forward to our November 23rd conference call.

Sincerely,

Alice Bruning
Chief
Bureau of Prevention Services
Division of Public Health Services

cc: Josephine Piccone, Deputy Director, State and Tribal Programs, NRC
George Pangburn, Region 1 Director, Division Of Nuclear Materials Safety, NRC
Sheri Minnick, Region 1, Regional States Agreement Officer, NRC
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Members of the State Radiation Advisory Committee [via e-mail]