



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

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

Donald L. Shumway  
 Commissioner

Kathleen A. Dunn  
 Director

May 14, 2002

02MAY 17 PM 1:56

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

- An updated Program Improvement Workplan dated 5/3/02.
- A copy of two new internal management reports "Licensing Status Monthly Summary Report" and "Monthly Inspection Status Summary Report."
- Narrative describing efforts the state has undertaken to address the chronic workforce shortage issues.

In terms of the Program Improvement Workplan, you will note that a number of tasks have been completed. This progress is only due to the commitment and dedication of the Bureau of Radiological Health (BRH) staff that continue to strive for program excellence despite being understaffed, despite the recent death of one of their colleagues and the retirement of their administrator of 33 years.

The internal management reports were just instituted last month. The purpose is to allow me to be able to track workload and trends in order to put forward the best effort possible when defending our need for new positions as well as to have vacant positions waived from the current moratorium on filling positions funded from the state general fund. Specifically for radioactive (rad) materials, there are 91 pending license actions. In terms of rad material inspections, there are 4 core rad material inspections overdue by 25% and 7 non-core rad material inspections overdue by 25%. The details of those licensees are included in the two reports.

Regarding efforts that we have undertaken or will be undertaking to address workforce issues:

- Diane Tefft, long time BRH administrator retired at the end of April. A request for a waiver to fill her vacant position has been granted and the recruitment process is underway. If an internal candidate is not selected for the position, a plan for external recruitment is already in place and will be implemented upon completion

STP-006 Template  
 R105 Cat: SP05

of the internal state interview process. In the interim, the 5 senior BRH supervisors/staff have volunteered to assume day-to-day operational management responsibilities on a monthly rotation. The rotation is necessary, as I cannot afford to pull anyone of them out of the field for an extended period of time.

- Veronica Malmberg, Director of the Division of Laboratory Sciences and Environmental Health has assumed direct, senior administrative responsibilities for the overall functioning of BRH. She and I are meeting on a weekly basis to review all aspects of the bureau activities as well as monitoring progress on the IMPEP work plan. Ms. Malmberg is also meeting with the BRH interim supervisor on a weekly basis.
- The practice of rotating staff through both the rad materials and x-ray units has ceased. This allows each employee to only have one supervisor. You may recall that the reason for the rotation was to allow for cross training of staff. The four staff working in these two units are meeting weekly to discuss priorities, make assignments and discuss expectations/timelines for each assignment. In doing this, x-ray inspections may need to be put off temporarily in order to catch upon on rad material inspections and licensing.
- Health care related rad material requests are being prioritized over business and industry requests.
- A proposal to create a career ladder series for Health Physicists was submitted to the state's Division of Personnel 3 months ago with the goal of improving recruitment and retention of staff. Last week I received notification that they approved Steps 1-3, but did not approve Steps 4-5. The result of this is that my 2 remaining supervisors can apply and possibly move up one labor grade. An appeal has been filed with Personnel with a request to reconsider the decision based upon the short and long term negative impacts on the state and its citizens.
- A contract with a former agreement state director has been put into place and rad materials licensing review work has been forwarded to her for processing.
- A Request for Proposal (RFP) is being drafted to seek an individual with a radiological technology type background to support X-ray inspections. This will also be done under contract.
- A contract with a former BRH employee who left to work in the Massachusetts' program is in process. He plans on working 4 days in Massachusetts and 1 day in New Hampshire. He is fully trained in all aspects of the program.

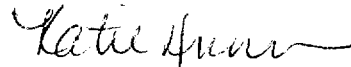
- I have been made aware that many of the state's hospitals hire independent health physicists as part of their preparation of JCAHO reviews. The New Hampshire Hospital Association has been contacted to ask their help in soliciting names of independent health physicists from the hospitals around the state so that I may offer contract work.
- A proposal to create a Health Physicists program, built on the NH Technical Institute and University of New Hampshire existing programs is being developed. The program would include a paid residency program in BRH. A meeting with the Dean of the School of Health and Human Services at UNH is scheduled for June 18<sup>th</sup>.
- A plan to conduct a 6 month study of the state's Agreement State Status is under development with the goal of holding a number of focus-group type meetings around the state to elicit feedback on the pros and cons of New Hampshire maintaining its current status versus only retaining the emergency response portion of the current program. A cost-benefit analysis will be part of this plan.
- A conference call with NRC Commissioner Merrifield was held on May 2, 2002. In our discussion, I outlined the information noted above. Commissioner Merrifield provided some history about the work force shortage issue, as it existed under the Governor Gregg some 10 – 15 years ago. He endorsed the concept of conducting the study on Agreement Status. My conversation with Commissioner Merrifield was very helpful in understanding the perennial nature of the work force issues as well as assessing the state's ability to compete with the federal and private industry radiological program salaries and benefits.
- Contact has been made with the various professional organizations discussed during our most recent phone call on 4/26/02, to see what can be done to leverage resources. We will offer ourselves up as a training site for those health physicists needing training in a small state venue.
- A review of NRC Management Directive 5.7 is underway by Ms. Malmberg and myself as discussed during our 4/26/02 conference call.
- Ms. Malmberg is also in the process of contacting the states of Utah and Kansas to discuss their respective IT systems, which will allow us to better manage the BRH program. The results of those contacts will be shared during our May 21, 2002 phone call.
- Finally, we were successful in passing legislation (HB 1478) this session that will allow us to raise the BRH fees and direct that revenue towards funding additional staff positions.

Mr. Lohaus  
May 14, 2002  
Page 4

In summary: I believe the state has demonstrated a commitment to following through on the IMPEP report and has developed a short term strategy on how best to not only to meet the IMPEP requirements but also in good faith, attempt to meet the needs of the health care community and business and industrial communities. And, finally, we are looking to the long term and taking steps to assess the feasibility of retaining Agreement State status.

Please feel free to call me with any questions. I may be reached directly at 603-271-4612 or on email: [kdunn@dhhs.state.nh.us](mailto:kdunn@dhhs.state.nh.us). I look forward to our May conference call.

Sincerely,



Kathleen A. Dunn, M.P.H.  
Director

cc Veronica Malmberg, OCPH  
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  
Donald L. Shumway, Commissioner, DHHS  
John Wallace, Associate Commissioner, DHHS  
Members of the State Radiation Advisory Committee

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

PROGRAM IMPROVEMENT PLAN

12/31/2001 (Revised 05/03/2002)

<u>Recommendation</u>	<u>Tasks</u>	<u>Milestones</u>	<u>Assignments</u>	<u>Anticipated Completion Date</u>	<u>Status</u>	<u>Completion Date</u>
<b>Good performance licensee inspection extension.</b>						
	Develop written policy on good performance procedures	Written policy developed	DOD	12/10/01	Completed	12/10/01
		Written policy reviewed	DET	12/31/01	Completed	12/31/01
		Written policy implemented	DOD	1/15/02	Completed	12/31/01
		Record of adjustment made to licensee files.	DOD	2/28/02	Completed	5/6/02
<b>Management measures to insure timely inspections</b>						
	Review overdue inspection list monthly-DOD	Prioritize and assign inspections to staff-DOD	Inspection of UNH - Broad Scope License	12/31/01	Completed	12/19/01
			Inspection of Dartmouth College - Broad Scope License	12/31/01	Completed	1/25/02
			Inspection of Dartmouth College - Irradiator	4/30/02	Completed	4/16/02
			Inspection of Venegas Testing - Industrial Radiography	4/30/02	Completed	4/25/02
	Review staffing options	Create Health Physicist series	KD/VM/DET	12/18/01	Completed (3-step series approved)	4/25/02
		Review current Bureau of Radiological Health structure	KD/VM	8/31/02	In process	
		Review operational processes for efficiency	DOD	8/31/02	In process	
		Consider contracting with private sector	Review options DET/DOD/VM/KD	1/31/02	Completed	2/15/02
			Review pros & cons DET/DOD/VM/KD	2/15/02	Completed	2/15/02
		Decision to proceed		2/28/02	Completed	2/25/02

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

PROGRAM IMPROVEMENT PLAN

12/31/2001 (Revised 05/03/2002)

Recommendation	Tasks	Milestones	Assignments	Anticipated Completion Date	Status	Completion Date
Management measures to insure timely inspections (cont'd)						
			Contract approved to hire V. Jeffs as a regulatory health physicist (licensing)	4/18/02	Completed	4/18/02
		Consider contract with past BRH employees/feds/other states	Draft letter seeking interest of past employees - KD	1/31/02	Complete	1/31/02
			Review options	1/31/02	Complete	1/31/02
			Review pros & cons	1/31/02	Complete	1/31/02
			Response & decision to proceed	2/15/02	Complete	3/31/02
			Draft contract (Note: only one interested former employee candidate)	5/31/02	In process	
	Assure better communication regarding expectations of staff deliverables	Review radioactive materials section goals and objectives with each staff person	Finalize & send to each staff HP DOD	1/31/2001 and each quarter thereafter	Completed	5/1/02
		Review status of section goals and objectives & revise if necessary	DOD	Quarterly	Completed	5/1/02
	Investigate Additional Funding Options					
		Revise Fees				
			Secure fee schedules from other states DOD/WJ	1/31/02	In process	
			Make decision on increases to fees - KD/MM	5/31/02	In process	

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

PROGRAM IMPROVEMENT PLAN

12/31/2001 (Revised 05/03/2002)

<u>Recommendation</u>	<u>Tasks</u>	<u>Milestones</u>	<u>Assignments</u>	<u>Anticipated Completion Date</u>	<u>Status</u>	<u>Completion Date</u>
			Draft Rules -WJ/MM	6/30/02		
			Initiate Rulemaking-WJ	7/31/02		
			Final Rule	11/1/02		
			Implementation of new fees	11/1/02		
		Redirect Program Funds	OCPH Draft Legislation	12/31/01	In process	
			SRAC contact of Legislators	12/31/01	In process	
			Introduce Legislation	1/1/02	In process	
			Approval	6/30/02		
<b>Staff training plan development</b>						
	Develop Bureau training tracking sheets	Prepare chart indicating past and needed training of each HP	DOD	5/31/02	Completed	3/31/02
	Seek /Apply for necessary training	Apply for future courses, complete necessary in-house travel forms.	DOD/Staff	5/31/02	In process	
	Develop criteria for HP series progression	Review criteria developed by other states	DET / DOD	5/31/02	Completed	3/31/02
	Define criteria for progressing up ladder	Draft and decide of criteria	VM/DOD	8/31/02		
<b>Address staff turnover</b>						
	Review enhancement possibilities	Introduce HP series	Explore other states' HP series job descriptions-DET	12/15/01	Completed	3/31/02
			Draft necessary job descriptions-DET	12/31/01	Completed	3/31/02
			Write justification for office review -DET	12/31/01	Completed	3/31/02
			Review/Revise/submit-DET	1/1/02	Completed	3/31/02
		Introduce a workforce development plan	DET/VM/KD/SRAC	1/31/02	In process	

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

PROGRAM IMPROVEMENT PLAN

12/31/2001 (Revised 05/03/2002)

<u>Recommendation</u>	<u>Tasks</u>	<u>Milestones</u>	<u>Assignments</u>	<u>Anticipated Completion Date</u>	<u>Status</u>	<u>Completion Date</u>
Examine & change business processes and org of the section to improve the effectiveness and efficiency of the program						
	Work with SRAC in pursuing recommendations for improvement as noted in the rad material survey.	Review options with SRAC. Proceed as directed.	Write Notes from 12/4/01 meeting + Annual report - DET	12/31/01	Completed	
	Track with the NRC bi-monthly regarding status of this "Improvement Plan"	Schedule telephone conference with NRC.	DOD to confer with NRC and DHHS to schedule call.	1/15/02 and every two months thereafter	On going	
		Prepare Program Improvement Plan status report	DOD to review Improvement Plan and document status	1/31/02 and every two months thereafter	On going	
Develop and implement an action plan to adopt NRC regulations in accordance with current policy on adequacy and compatibility						
	Rules Revision	Convert Existing Rules to Word & Proof	DOD/WJ/HP Staff	1/31/02	On hold pending filling vacant positions	
		Review Existing Rules for Changes	DOD/WJ/HP Staff	2/15/02	On hold pending filling vacant positions	
		Determine Necessary Revisions	DOD/WJ/HP Staff	3/1/02	On hold pending filling vacant positions	
		Draft Rules for Compatibility	DOD/WJ/HP Staff	3/1/02	On hold pending filling vacant positions	
		Seek Approval for PT WPO I	DET	12/31/01	complete	12/19/01
		Fill WPO I Positon	DET	12/31/01	complete	12/31/01



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

PROGRAM IMPROVEMENT PLAN

12/31/2001 (Revised 05/03/2002)

<u>Recommendation</u>	<u>Tasks</u>	<u>Milestones</u>	<u>Assignments</u>	<u>Anticipated Completion Date</u>	<u>Status</u>	<u>Completion Date</u>
		Contract Approval for Rules Coordinator	OC&PH	12/31/01	complete	12/19/01
		Start of Rules Coordinator with BRH	DOD/WJ/OC&PH	2/1/02	complete	2/1/02
		Adoption of Part N SSRs	DOD/HP staff	8/1/02	First draft nearly completed	
		Addition of other new rules	DOD/WJ/HP Staff	12/31/02	On hold pending filling vacant positions	
	Recruit for filling Administrator position for the Bureau of Radiological Health	Seek hiring freeze waiver	KD/VM	5/15/02	In process	
		Advertise in-house	KD/VM/human resources	5/31/02		
		Recruit externally, if necessary	KD/VM/human resources	6/30/02		
		Hire new BRH administrator	KD/VM/human resources	6/30/02		
KD = Kathleen A Dunn, MPH, Director Office of Community & Public Health (OC&PH), DHHS  VM = Veronica Malmberg, Director, Division of Community Support (CS), (OC&PH, DHHS)  DET= Diane E. Tefft, Administrator, Bureau of Radiological Health (BRH), CS, OC&PH, DHHS (retired 4/30/02)  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						

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

LICENSING STATUS MONTHLY SUMMARY REPORT

May 2002

LICENSING ACTIONS PENDING

Number of applications for new radioactive material license .....7

Of these: two have undergone technical review and have received deficiency letters;  
two have undergone technical review and will receive deficiency letters within a week; and  
three are undergoing review by license reviewer under contract with Agency.

Number of applications for complete renewal of an existing radioactive material license...5

Number of applications for an amendment to an existing radioactive material license .....79

Of these: All are in various stages of the review process. All have undergone at least administrative review; most are in various stages of technical review (e.g., deficiencies identified in the application and deficiency letters sent). The breakdown of these pending actions by general categories is as follows:

Academic uses ..... 8  
Industrial uses..... 23  
Medical uses ..... 48

Number of applications for termination of an existing radioactive material license.....1

Number of application for "simple" renewals of an existing radioactive material license ...19

NOTE: These renewal applications are typically handled by the administrative support staff, with some assistance from the health physics staff as necessary.

Respectfully submitted,



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

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

**MONTHLY INSPECTION STATUS SUMMARY REPORT**

May 2002

INSPECTIONS DUE PENDING

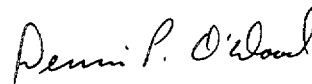
Number of "core" radioactive material license inspections due by greater than 25%.....4

Of these: three are medical users (diagnostic and limited radiopharmaceutical therapy);  
one is instrument calibration service.

Number of "non-core" radioactive material license inspections due by greater than 25% ...7

Of these: four are medical users (limited diagnostic uses only);  
one laboratory use, one fixed gauging device, and one x-ray fluorescence device.

Respectfully submitted,



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