



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

July 23, 2002

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 7/15/02.
- Updated "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 since our last phone conversation of May 14, 2002.

In terms of the Program Improvement Workplan, you will note that almost all of tasks have been completed. What remains outstanding includes a review of the current Bureau structure which is on-going now; completing the contracting process for a health physicist from Massachusetts who is willing to work with us one day per week; revision to our fee schedule, also in progress; recruitment of a new administrator for the Bureau, also in progress; completing important rule revision work which has yet to be started.

The internal management reports indicate that there are 79 pending license actions for radioactive (rad) materials. In terms of rad material inspections, there are 3 core rad material inspections overdue by 25% and 10 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:

- Interviews of two internal candidates for the Administrator position have been completed. A national search is now underway. The current Bureau staff continue to assume day-to-day operational management responsibilities on a monthly rotation.

- Veronica Malmberg and I continue to meet on a weekly basis to review current workload, problem solve and with much support from the Bureau staff, respond to licensees who are in need of immediate attention in terms of the processing of license requests and/or amendments.
- We continue to strive to prioritize health care related rad material requests over business and industry requests. In the past month this has been increasingly difficult due to requests from industrial licensees who do not hesitate to exert external pressure on the program staff to prioritize their need above all others.
- As noted in my email following our May 14th conference call, our Division of Personnel has approved the health physicists' career ladder for steps 1-5 and as such, we are in the process of moving current staff into the new system. Also, we were successful in creating 2 new health physicist positions (funded out of our CDC bioterrorism award) and have initiated the recruitment process. Of note, we utilized a number of public health web sites and rad health related web sites to advertise the positions and have received a decent number of resumes. A review and telephone screening of applications is underway.
- As previously mentioned 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. This continues to be a positive working relationship and I have made the decision to go ahead and request an extension of the contract for up to two years. It is my intent to have this contract amendment completed by the end of September.
- 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. That contract should be on the August 14th or 28th agenda for review and approval by our Governor and Executive Council.
- Regarding a proposal to create a Health Physicists program, built on the NH Technical Institute and University of New Hampshire existing programs: I met with the Dean of the UNH School of Health and Human Services on June 18th. He has put me in touch with a statewide group that is looking at workforce shortage issues and although health physicists is not one of the current categories, it would fit into the topic at hand. I will be meeting with the President of the NH Technical College system in September to further this work.
- The plan to conduct a 6-month study of the state's Agreement State Status is formally underway with the decision made to hold 4 statewide meetings located in Manchester, Portsmouth, Concord and Lebanon, NH. The dates and places are in the process of being arranged. A public notice and direct mailing to current licensees is under development with the goal of releasing both by mid-August. In an initial conversation with our State Radiation Advisory Committee (SRAC) the feedback we received is that members are not in favor of NH relinquishing Agreement state status. More discussion will take place at the September 10th SRAC meeting.
- I have been invited to speak at the NERHC meeting on the topic of workforce shortage, development and what NH is undertaking to try to address this issue.
- I have had preliminary conversations with you and Josie regarding the possibility of technical assistance. I would like to continue that conversation when we can schedule time.

- We have contacted Utah's program and they sent us information regarding their IT systems, which we in turn have passed on to our IT office. The Bureau has been working very closely and frequently with NH's IT staff in the development of a licensee database management system, and great strides have been made to date. 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.

In summary: The state continues to make progress in addressing the issues raised in the IMPEP report and continues to strive to meet the IMPEP requirements but also in good faith, attempt to meet the needs of the health care and business communities.

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. I look forward to our July 30th 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
Kathleen G. Sgambati, Acting Commissioner, DHHS
John Wallace, Associate Commissioner, DHHS
Members of the State Radiation Advisory Committee [Emailed]

Enc: NH Program Improvement Plan revised 7/15/02
Monthly Inspection Report, July 2002
Monthly License Status Report, July 2002

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 07/15/2002)

| <u>Recommendation</u> | <u>Tasks</u> | <u>Milestones</u> | <u>Assignments</u> | <u>Anticipated Completion Date</u> | <u>Status</u> | <u>Completion Date</u> |
|---|---|---|--|--|---------------|------------------------|
| Good performance licensee inspection extension. | | | | | | |
| | Develop written policy on good performance procedures | Written policy developed | DOD | 12/10/2001 | Completed | 12/10/2001 |
| | | Written policy reviewed | DET | 12/31/2001 | Completed | 12/31/2001 |
| | | Written policy implemented | DOD | 01/15/2002 | Completed | 12/31/2001 |
| | | Record of adjustment made to licensee files. | DOD | 02/28/2002 | Completed | 05/06/2002 |
| Management measures to insure timely inspections | | | | | | |
| | Review overdue inspection list monthly-DOD | Prioritize and assign inspections to staff-DOD | Inspection of UNH - Broad Scope License | 12/31/2001 | Completed | 12/19/2001 |
| | | | Inspection of Dartmouth College - Broad Scope License | 12/31/2001 | Completed | 01/25/2002 |
| | | | Inspection of Dartmouth College - Irradiator | 04/30/2002 | Completed | 04/16/2002 |
| | | | Inspection of Venegas Testing - Industrial Radiography | 04/30/2002 | Completed | 04/25/2002 |
| | Review staffing options | Create Health Physicist series (5-step series approved) | KD/VM/DET | 12/18/2001 | Completed | 05/24/2002 |
| | | Review current Bureau of Radiological Health structure | KD/VM | 08/31/2002 | In process | |
| | | Review operational processes for efficiency | DOD | 08/31/2002 | In process | |
| | | Consider contracting with private sector | Review options DET/DOD/VM/KD | 01/31/2002 | Completed | 02/15/2002 |
| | | | Review pros & cons DET/DOD/VM/KD | 02/15/2002 | Completed | 02/15/2002 |
| | | | Decision to proceed | 02/28/2002 | Completed | 02/25/2002 |

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|--|--|--|---|---------------------------------------|--------------------------------------|------------------------|
| Management measures to insure timely inspections (cont'd) | | | | | | |
| | | | Contract approved to hire V. Jeffs as a regulatory health physicist (licensing) | 04/18/2002 | Completed | 04/18/2002 |
| | | Consider contract with past BRH employees/feds/other states | Draft letter seeking interest of past employees - KD | 01/31/2002 | Complete | 01/31/2002 |
| | | | Review options | 01/31/2002 | Complete | 01/31/2002 |
| | | | Review pros & cons | 01/31/2002 | Complete | 01/31/2002 |
| | | | Response & decision to proceed | 02/15/2002 | Complete | 03/31/2002 |
| | | | Draft contract (Note: only one interested former employee candidate) | 05/31/2002 | In process (awaiting final approval) | |
| | | | Contract submitted to G&C for approval | 08/31/2002 | | |
| | 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 | 05/01/2002 |
| | | Review status of section goals and objectives & revise if necessary | DOD | Quarterly | Completed | 05/01/2002 |
| | Investigate Additional Funding Options | | | | | |
| | | Revise Fees | | | | |
| | | | Secure fee schedules from other states DOD/WJ | 01/31/2002 | In process | |

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|--|--|---|--|------------------------------------|---------------|------------------------|
| | | | Make decision on increases to fees - KD/VM | 05/31/2002 | In process | |
| | | | Draft Rules -WJ/MM | 06/30/2002 | | |
| | | | Initiate Rulemaking-WJ | 07/31/2002 | | |
| | | | Final Rule | 11/01/2002 | | |
| | | | Implementation of new fees | 11/01/2002 | | |
| | | Redirect Program Funds | | | | |
| | | HB 1478 made law Chapter 258 - supports two positions | OCPH Draft Legislation | 12/31/2001 | Completed | |
| | | | SRAC contact of Legislators | 12/31/2001 | Completed | |
| | | | Introduce Legislation | 01/01/2002 | Completed | 02/01/2002 |
| | | | Approval | 06/30/2002 | Completed | 05/17/2002 |
| Staff training plan development | | | | | | |
| | Develop Bureau training tracking sheets | Prepare chart indicating past and needed training of each HP | DOD | 05/31/2002 | Completed | 03/31/2002 |
| | Seek /Apply for necessary training | Apply for future courses, complete necessary in-house travel forms. | DOD/Staff | 05/31/2002 | In process | |
| | Develop criteria for HP series progression | Review criteria developed by other states | DET / DOD | 05/31/2002 | Completed | 03/31/2002 |
| | Define criteria for progressing up ladder | Draft and decide of criteria | VM/DOD | 08/31/2002 | | |
| Address staff turnover | | | | | | |
| | Review enhancement possibilities | Introduce HP series | Explore other states' HP series job descriptions-DET | 12/15/2001 | Completed | 03/31/2002 |
| | | | Draft necessary job descriptions-DET | 12/31/2001 | Completed | 03/31/2002 |
| | | | Write justification for office review -DET | 12/31/2001 | Completed | 03/31/2002 |
| | | | Review/Revise/submit-DET | 01/01/2002 | Completed | 03/31/2002 |

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|-----------------------|--------------|---|--------------------|--|---------------|------------------------|
| | | Introduce a workforce development plan | DET/VM/KD/SRAC | 01/31/2002 | In process | |

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|---|---|--|--|---|--|------------------------|
| 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 | 12/31/2001 | 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 | 01/31/2002 | On hold pending filling vacant positions | |
| | | Review Existing Rules for Changes | DOD/WJ/HP Staff | 02/15/2002 | On hold pending filling vacant positions | |
| | | Determine Necessary Revisions | DOD/WJ/HP Staff | 03/01/2002 | On hold pending filling vacant positions | |
| | | Draft Rules for Compatibility | DOD/WJ/HP Staff | 03/01/2002 | On hold pending filling vacant positions | |
| | | Seek Approval for PT WPO I | DET | 12/31/2001 | complete | 12/19/2001 |
| | | Fill WPO I Positon | DET | 12/31/2001 | complete | 12/31/2001 |
| | | Contract Approval for Rules Coordinator | OC&PH | 12/31/2001 | complete | 12/19/2001 |

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|---|--|-------------------------------------|-----------------------|--|--|------------------------|
| | | Start of Rules Coordinator with BRH | DOD/WJ/OC&PH | 02/01/2002 | complete | 02/01/2002 |
| | | Adoption of Part N SSRCRs | DOD/HP staff | 08/01/2002 | First draft nearly completed | |
| | | Addition of other new rules | DOD/WJ/HP Staff | 12/31/2002 | On hold pending filling vacant positions | |
| | Recruit for filling Administrator position for the Bureau of Radiological Health | Seek hiring freeze waiver | KD/VM | 05/15/2002 | Completed | 06/01/2002 |
| | | Advertise in-house | KD/VM/human resources | 05/31/2002 | Completed | 06/01/2002 |
| | | Recruit externally, if necessary | KD/VM/human resources | 06/30/2002 | | |
| | | Hire new BRH administrator | KD/VM/human resources | 06/30/2002 | | |
| 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

MONTHLY INSPECTION STATUS SUMMARY REPORT

July 2002

INSPECTIONS DUE PENDING

Number of "core" radioactive material license inspections due by greater than 25%.....3

Of these: three are medical users (diagnostic/limited radiopharmaceutical therapy).

Number of "non-core" radioactive material license inspections due by greater than 25%...10

Of these: four are medical users (limited diagnostic uses only);
two laboratory uses, two portable gauging devices, and two x-ray fluorescence devices.

Respectfully submitted,

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

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

LICENSING STATUS SUMMARY REPORT

July 2002

LICENSING ACTIONS PENDING

Number of applications for new radioactive material license.....8

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

NOTE: Due to the workload even at the time of full staffing, "full" renewal applications considered a lower priority lowered for completion.

Number of applications for an amendment to an existing radioactive material license.....71

Of these: All are in various stages of the review process. Some have undergone administrative review only, while others 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..... 9
Industrial uses..... 18
Medical uses..... 44

Number of applications for termination of an existing radioactive material license.....2

Number of application for "simple" renewals of an existing radioactive material license...3

Respectfully submitted,

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

From: <KDunn@dhhs.state.nh.us>
To: <phl@nrc.gov>
Date: 7/23/02 11:16AM
Subject: NH NRC Update

Hello Paul:

Looking forward to our conference call next week. Please find attached:

1. NH Integrated Materials Performance Evaluation Progress Report.(See attached file: NRC update 071802doc.doc)
2. NH Program Improvement Plan updated July 15, 2002(See attached file: NRC Workplan (rev 3) 2002-07-15.xls)
3. Monthly Inspection Report, July 2002 (See attached file: Inspection Status Report 2002-07-10.doc)
4. Monthly License Status Report, July 2002 (See attached file: Licensing Status Report 2002-07.doc) Thank you Katie

CC: <jmp1@nrc.gov>, <gcp@nrc.gov>, <ADW@nrc.gov>, <KSgambati@dhhs.state.nh.us>, <jwallace@dhhs.state.nh.us>, <jwierwille@gov.state.nh.us>, <SRAC.DHHS@dhhs.state.nh.us>, <gina.balkus@hitchcock.org>, <lmelby@nhha.org>