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Gerald S. Parker, P.E., DEE
Consulting Engineer
12 Lowell Road
Brookline, MA 02146
(617) 734-1196

MEMORANDUM FOR: Richard Blanton
Office of State Programs

FROM: Gerald S. Parker, P.E., DEE Consultant *gsp*

DATE: December 6, 1996

SUBJECT: REVIEW OF REVISIONS TO NEW HAMPSHIRE RULES
FOR THE CONTROL OF RADIATION

SUMMARY

A review of the proposed revisions to the New Hampshire Rules for the Control of Radiation indicates that they are the same as the appropriate 10 CFR regulations with the exception of the time periods for which records are required to be retained. This, I believe, is because the time frames required by New Hampshire law are different from the time frames required by the 10 CFR regulations.

BACKGROUND

The Bureau of Radiological Health of New Hampshire's Division of Public Health Services submitted a copy of the rules to the Nuclear Regulatory Commission for review of compatibility. In a letter dated February 21, 1995, Dr. Charles Danielson, Director, Division of Public Health Services informed Mr. Bangart of these revisions. According to Diane Tefft, Administrator of the Bureau of Radiological Health, a new set of revisions to the regulations are being prepared and a complete draft should be available for review by March, 1997.

REVIEW

1. 10 CFR 19.11 "Posting of Notices to Workers" in part states ".....shall be posted within 2 working days." He-P 4019 (e) on page 19-1 states ".....shall be posted within five working days."

2. 10 CFR 20 App. G states in part "....maintain copies of all completed manifests until the Commission terminates the license....." He-P 4062.01 (o) (8) and (r) (2) state "Retain information from generator manifests for 6 years" and "Maintain copies of all completed manifests or equivalent documentation for 6 years."

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3. 10 CFR 31.5 "Certain measuring, gauging or controlling devices" (4) (i) states in part "each recordmust be retained for three years...." He-P 2031.02 (b) (3) d on page 31-4 in part states "....shall be maintained for one year....." and further states ".... shall be maintained for a period of two years"

4. 10 CFR 32.52 (c) in part states " The records required by this paragraph shall be maintained for a period of five years from the date of the recorded event." He-P 2032.01 (b) (4) on page 32.4 does not address this issue.

CONCLUSION

All of the revisions are compatible with the appropriate CFRs with the exception of the time periods required to maintain certain records. As mentioned above, a new draft of regulations is being prepared. However, a conflict between applicable state law and the 10 CFR regulations will remain as far as time frames are concerned unless they are modified.