

Ms. Diane Tefft, Administrator
Radiological Health Bureau
Division of Public Health Services
Health and Welfare Building
6 Hazen Drive
Concord, NH 03301-6527

JAN - 8 1997

Dear Ms. Tefft:

We have reviewed the *New Hampshire Rules for the Control of Radiation*, as published in 1995. The rules were reviewed by comparison to the equivalent NRC regulations in 10 CFR Chapter 1. We were assisted during the review by a contract consultant.

Based on the review, we have no comments and we find the text of the final New Hampshire rules meets current compatibility requirements.

If you have any questions regarding the review or any of the NRC rules used in the review, please contact me or Mr. Richard Blanton of my staff at (301) 415-2322.

Sincerely,

Original Signed By:
PAUL H. LOHAUS

Paul H. Lohaus, Deputy Director
Office of State Programs

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Division of Public Health Services
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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

January 3, 1997

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Radiological Health Bureau
Division of Public Health Services
Health and Welfare Building
6 Hazen Drive
Concord, NH 03301-6527

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Sincerely,

A handwritten signature in dark ink, appearing to read "Paul H. Lohaus", is written over a faint, circular official stamp.

Paul H. Lohaus, Deputy Director
Office of State Programs

G. W. Brown LTR

G. Brown

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OSP

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.

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BANGART,R.L.

Office of State Programs (Post 911117)

SUBJECT: Forwards revised, "New Hampshire Rules for Control of Radiation," dtd Feb 1995, for NRC review. Informs that rules currently in effect.

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