

DATED: AUGUST 27, 1992

Patrick Meehan, M.D.  
Director  
Division of Public Health Services  
Health and Welfare Building  
6 Hazen Drive  
Concord, NH 03301

Dear Dr. Meehan:

This letter is to confirm the discussion John McGrath held with you and members of your staff on June 5, 1992, following our review and evaluation of the State's radiation control program.

As a result of our review of the State's program and the routine exchange of information between the NRC and the State of New Hampshire, the staff was unable to offer findings of adequacy and compatibility. A decision concerning the adequacy of the State's program for controlling agreement materials is being postponed to provide an opportunity for the State to address a number of questions that emerged during the review. A finding of compatibility is not being offered, due to the status of the State's regulations.

In a letter to All Agreement States dated July 12, 1988, the NRC advised the Agreement States of the need to adopt the Decommissioning Rule as a matter of compatibility. In a letter dated September 14, 1990, we informed the States that the NRC planned to include a formal comment in its review letters to any State that has not adopted the Decommissioning Rule by the three-year target date, i.e., July 12, 1991. At the time of this review of the New Hampshire program, the State had not initiated rulemaking on this rule. The NRC is therefore withholding a finding of compatibility at this time, and we would like to have the State's plans for the adoption of the Decommissioning Rule.

Before making a finding regarding the adequacy of the program to protect the public health and safety, there are a number of issues which we would like the State to address. Over the period 1987-1991, the Bureau of Radiological Health oversaw the decommissioning of the GTE-Sylvania (GTE) site, a facility which had been authorized to process thorium. The Bureau worked very closely with NRC on this case and the NRC staff provided technical assistance in evaluating the GTE decommissioning plan. The State followed NRC policies and guidelines in the decommissioning and termination of the GTE license, including the requirement that GTE amend the deed to the facility to indicate the existence of residual contamination at the site. We believe that the State did an excellent job on this action. However, in response to a question concerning legal assistance during the current review, the Bureau indicated that "With GTE - Attorney General's office determined BRH did not have

statutory authority to require GTE to clean-up as we were requiring and to amend its deed." This response implies that the State would not now be able to take action similar to that taken in the GTE decommissioning case. Since we consider the State's prior action in the GTE case appropriate and expect States to be able to take such actions, we would like to receive assurance that the State would follow the actions it took in the GTE case, in the event that a similar decommissioning occurred.

Since New Hampshire became an Agreement State in 1966, the State has had the authority to impound radioactive material and has done so on a number of occasions. During this review, the Bureau indicated that "The Division's legal staff now interprets the State's legislation as requiring specific criteria spelled out in regulations before the State can impound material." We believe that the ability to expeditiously impound radioactive material is necessary to an Agreement State's ability to adequately protect public health and safety. We are concerned that this is a change in the State's long standing policy and we would like to receive assurance that the State staff can take appropriate actions in the field, such as impoundment of radioactive material, when required to protect public health and safety.

At the current time, the Bureau has a licensing backlog of 68 actions. The Bureau staff indicated to us that, in order to address this backlog, Division management mandated the de-emphasis of inspections to devote more staff effort to the licensing area. We consider the maintaining of the inspection program to be of primary importance to adequately protecting public health and safety. There are currently 19 licenses due for inspection in the State and we would like assurances that the State's inspection program will not be allowed to deteriorate in order to address the licensing backlog. In a letter dated July 29, 1992, your staff provided us with specifics as to their needs and we want to confirm that we will be able to provide the assistance requested and have established December 31, 1992 as a target date for completion of the tasks outlined in the letter. We will contact your staff to coordinate this effort.

Enclosure 1 contains an explanation of our policies and practices for reviewing Agreement State programs.

Enclosure 2 is a summary of other review findings which were discussed with you and the staff of the Bureau of Radiological Health. As was noted at the time, specific responses to the above issues and the enclosed comments and recommendations are requested.

In accordance with NRC practice, I am also enclosing a copy of this letter for placement in the State's Public Document Room or otherwise to be made available for public review.

Patrick Meehan, M.D.

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I appreciate the courtesy and cooperation extended to the NRC staff during the review. I am looking forward to your comments regarding our findings and your responses to the Enclosure 2 comments.

Sincerely,

Carlton Kammerer, Director  
Office of State Programs

Enclosures:  
As stated

cc w/encls:  
Jack Stanton, Assistant Director  
New Hampshire Division of Public Health  
Diane Tefft, Chief  
New Hampshire Bureau of Radiological Health  
George Iverson, Director  
New Hampshire Office of Emergency Management and  
State Liaison Officer  
J. M. Taylor, Executive Director  
for Operations, NRC  
Thomas T. Martin, Regional Administrator  
Region I  
State Public Document Room  
NRC Public Document Room

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NRC Public Document Room

bcc w/encls:  
The Chairman  
Commissioner Rogers  
Commissioner Curtiss  
Commissioner Remick  
Commissioner de Planque

Distribution:

SA RF MBanerjee, RI DCD (SP01)  
DIR RF SDroggitis  
EDO RF SSchwartz  
CKammerer RBernero  
VMiller RWoodruff  
JMcGrath, RI New Hampshire File

OFC	RI:SAO	RI:RA	SP:SA:AD	SP:DD	SP:D	NMSS:D
NME	JMcGrath	TMartin	VMiller	SSchwartz	CKammerer	RBernero
DTE	7/ /92	7/ /92	7/ /92	7/ /92	7/ /92	7/ /92

OFC	DEDS	EDO				
NME	HLThompson	JTaylor				
DTE	7/ /92	7/ /92				

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SUMMARY OF ASSESSMENTS AND COMMENTS  
FOR THE NEW HAMPSHIRE RADIATION CONTROL PROGRAM  
JUNE 1992 REVIEW

Scope of Review

This program review was conducted in accordance with the Commission's Policy Statement for reviewing Agreement State Programs published in the Federal Register on May 28, 1992 and the internal procedures established by the Office of State Programs. The State's program was reviewed against the 30 program indicators provided in the Guidelines. The review included an inspector accompaniment, discussions with program management and staff, technical evaluation of selected license and compliance files, and the evaluation of the State's responses to an NRC questionnaire that was sent to the State in preparation for the review.

The 21st regulatory program review meeting with New Hampshire representatives was conducted during the period June 1-5, 1992 in Concord. The State was represented by Diane Tefft, Chief, Bureau of Radiological Health, Jack Stanton, Assistant Director, Office of Environmental Health and Hazard Assessment, and Dennis O'Dowd, Radioactive Materials Section Chief. The NRC was represented by John McGrath, Regional State Agreements Officer, Region I. Selected license and compliance files were reviewed by Mr. McGrath. A field accompaniment of a State inspector was made by Mr. McGrath on June 3, 1992. A summary meeting regarding the results of the review was held with Dr. Patrick Meehan, Director, Division of Public Health Services on June 5, 1992.

Conclusions

A decision concerning the adequacy of the State's program for controlling agreement materials was postponed to provide an opportunity for the State to address a number of questions that emerged during the review. A finding of compatibility was not offered, due to the State's inaction in developing a Decommissioning Rule.

Status of Previous NRC Comments and Recommendations

The last regular review was conducted in January 1989 and follow-up reviews were conducted in February and October 1990, and September 1991. The comments from the January 1989 review were addressed in a letter to Dr. William Wallace, Director, Division of Public Health Services, dated April 10, 1989 and in a letter to Commissioner M. Mary Mongan, Department of Health and Human Services dated March 13, 1990. The comments which formed the basis for withholding a finding of adequacy and compatibility at that time were reviewed during the follow-up reviews and all comments were resolved satisfactorily except for one comment concerning enforcement procedures.

According to the State's plan made in response to a previous follow-up review, the Program's enforcement procedures were to be completed by August 31, 1990. The State did not meet this target although draft procedures, based on 10 CFR Part 2 and other Agreement State enforcement procedures, have been prepared. The issuance of escalated enforcement procedures is now being delayed due to an effort on the part of the Department of Health and Human Services to update the Department's enforcement policies. Also, the legislation providing for the civil penalty authority requires the issuance of regulations for the State to implement this civil penalty authority.

ENCLOSURE 2

Current Review Comments and Recommendations

All 30 indicators were reviewed and the State fully satisfies 23 of these indicators. Specific comments and recommendations for the remaining seven indicators are as follows:

1. Status and Compatibility of Regulations is a Category I indicator.

Comment

The review of the State's radiation control regulations disclosed that the State's regulations are compatible with the NRC regulations up to 10 CFR Parts 30, 40, and 70 amendments on decommissioning that became effective on July 27, 1988. This decommissioning amendment is a matter of compatibility. In a letter dated September 14, 1990, we informed the States that the Commission planned to include a formal comment in its review letters to any State that has not adopted the Decommission Rule by the three-year target date, i.e., July 12, 1991. At the time of the review of the New Hampshire program, the State had not initiated rulemaking on this rule.

Other regulations have been adopted by NRC that are also matters of compatibility. These regulations are identified below with the Federal Register (FR) notice and the date that the State needs to adopt the regulation to maintain compatibility.

- "Emergency Planning Rule," 10 CFR Parts 30, 40, and 70 amendments (54 FR 14051) are needed by April 7, 1993.
- "Safety Requirements for Radiographic Equipment," 10 CFR Part 34 amendment (55 FR 843) is needed by January 10, 1994.
- "Standards for Protection Against Radiation," 10 CFR Part 20 amendment (56 FR 61352) is needed by January 1, 1994.
- "Notification of Incidents," 10 CFR Parts 20, 31, 34, 39, 40, and 70 amendments (56 FR 40757) are needed by October 15, 1994.
- "Quality Management Program and Misadministrations," 10 CFR Part 35 amendment (56 FR 153) is needed by January 27, 1995.

Recommendation

We recommend that the Bureau of Radiological Health initiate action to develop a rulemaking on decommissioning as soon as possible. In addition, the State should begin to address the other regulations that are needed to maintain compatibility.

2. Enforcement Procedures is a Category I Indicator. This is a repeat comment from our 1989 review.

Comment

While the State has passed the legislation necessary to authorize civil penalties, rulemaking is needed to implement this authority. According to the State's plan made in response to the previous follow-up review, the enforcement procedures were to be completed by August 31, 1990. The State did not meet this target although draft procedures, based on 10 CFR Part 2 and other Agreement State enforcement procedures, have been prepared. The legislation providing for the civil penalty authority requires the issuance of regulations for the State to implement this civil penalty authority. The issuance of escalated enforcement procedures is also being delayed due to an effort on the part of the Department of Health and Human Services to update the Department's enforcement policies.

Recommendation

As we have stated in the past, the State should amend its regulations to include the rules needed to implement its civil penalty authority and the Bureau should finalize its escalated enforcement procedures so that civil penalties and other escalated enforcement sanctions are applied on a consistent and equitable basis.

3. Budget is a Category II indicator.

Comment

The NRC recommends licensing, inspection and other fees as an appropriate mechanism for raising revenues for State regulatory programs. At the current time, the New Hampshire annual fees are among the lowest in the Region. In addition, the procedures for assessing and billing for annual fees, particularly the requirement for an annual license renewal, is not an inconsequential administrative burden.

Recommendation

We support the Division's current efforts to increase its fees and recommend that the fee system be revised in such a manner as to reduce the administrative burden as much as possible.

4. Administrative Procedures is a Category II indicator.

Comment

The NRC periodically distributes Information Notices to its licensees which pertain to technical and regulatory issues of interest to a broad spectrum of licensees. Copies of these Information Notices are sent to all Agreement State regulatory agencies so that the States may inform their licensees of this important information. Over the past few years it appears that New Hampshire has not been forwarding these Notices to its licensees.

Recommendation

We recommend that the Bureau of Radiological Health develop a procedure for reviewing the Information Notices forwarded to the States by NRC and distribute them to the appropriate licensees in the State.

5. Licensing Procedures is a Category II Indicator

Comment

During the review of licensing actions, it was noted that in two cases, licensees submitted inappropriate procedures for instrument calibration, i.e. electronic pulse calibration.

Recommendation

As part of its license review procedures, the Bureau should assure that appropriate instrument calibration procedures, i.e. using a radiation field, are submitted by applicants.

6. Status of Inspection Program is a Category I indicator.

Comment

There are currently 19 licenses due for inspection in the State, however, only one Priority I licensee is overdue by more than 50% of the inspection interval. The Bureau has prepared a memo to assure that this licensee is inspected as soon as practicable.

Recommendation

We recommend that the State's inspection program be assessed on a continuing basis to assure that it is not allowed to deteriorate.

Comment

The NRC believes that the conduct of field inspections of radiographers is an important aspect of the inspection of such licensees. Although only one New Hampshire licensee is performing field work, no field evaluations have been performed in some time. In addition, a significant amount of the radiography performed in the State is performed by out-of-State firms under the reciprocity provisions of the regulations.

Recommendation

We recommend that the Bureau attempt to perform more field site inspections of radiographers, both of in-State and out-of-State licensees.



7. Inspectors Performance and Capability is a Category I indicator.

Comment

NRC guidelines state that compliance supervisors should conduct annual field evaluations of each inspector to assess performance and assure application of appropriate and consistent policies and guides. The Bureau's radioactive materials supervisor has not performed an inspector field evaluation since May 1991.

Recommendation

We recommend that the Bureau reinstitute a program of annual field evaluations.

SUMMARY MEETING WITH STATE MANAGEMENT

A summary meeting to present the results of the program review was held on June 5, 1992 with Dr. Patrick Meehan, Director, Division of Public Health Services. Jack Stanton, Assistant Director, Office of Environmental Health and Hazard Assessment, Diane Tefft, Chief, Bureau of Radiological Health, and Dennis O'Dowd, Radioactive Materials Section Chief were also present. The NRC was represented by John McGrath, Regional State Agreements Officer, Region I. Each of the above issues were discussed and the NRC representative indicated that the NRC would forward its findings in a letter to Dr. Meehan. The NRC would be deferring a finding with regard to compatibility because of the status of the decommissioning regulations. With regard to adequacy, the reviewer will discuss this issue with NRC management and we may ask the State to clarify a number of points.

Application of "Guidelines for NRC Review  
of Agreement State Radiation Control Programs"

The "Guidelines for NRC Review of Agreement State Radiation Control Programs," were published in the Federal Register on May 28, 1992, as an NRC Policy Statement. The Guidelines provide 30 indicators for evaluating Agreement State program areas. Guidance as to their relative importance to an Agreement State program is provided by categorizing the indicators into two categories.

Category I indicators address program functions which directly relate to the State's ability to protect the public health and safety. If significant problems exist in several Category I indicator areas, then the need for improvements may be critical.

Category II indicators address program functions which provide essential technical and administrative support for the primary program functions. Good performance in meeting the guidelines for these indicators is essential in order to avoid the development of problems in one or more of the principal program areas, i.e., those that fall under Category I indicators. Category II indicators frequently can be used to identify underlying problems that are causing, or contributing to, difficulties in Category I indicators.

It is the NRC's intention to use these categories in the following manner. In reporting findings to State management, the NRC will indicate the category of each comment made. If no significant Category I comments are provided, this will indicate that the program is adequate to protect the public health and safety and is compatible with the NRC's program. If one or more significant Category I comments are provided, the State will be notified that the program deficiencies may seriously affect the State's ability to protect the public health and safety and that the need of improvement in particular program areas is critical. If, following receipt and evaluation, the State's response appears satisfactory in addressing the significant Category I comments, the staff may offer findings of adequacy and compatibility as appropriate or defer such offering until the State's actions are examined and their effectiveness confirmed in a subsequent review. If additional information is needed to evaluate the State's actions, the staff may request the information through follow-up correspondence or perform a follow-up or special, limited review. NRC staff may hold a special meeting with appropriate State representatives. No significant items will be left unresolved over a prolonged period. The Commission will be informed of the results of the reviews of the individual Agreement State programs and copies of the review correspondence to the States will be placed in the NRC Public Document Room. If the State program does not improve or if additional significant Category I deficiencies have developed, a staff finding that the program is not adequate will be considered and the NRC may institute proceedings to suspend or revoke all or part of the Agreement in accordance with Section 274j of the Act, as amended.

ENCLOSURE 1

May 12, 1997

MEMORANDUM FOR: Vandy L. Miller, Assistant Director for  
State Agreements Program

FROM: John R. McGrath  
Regional State Agreements Officer

SUBJECT: NEW HAMPSHIRE - 1992 PROGRAM REVIEW

Enclosed are the letter report for the 1992 New Hampshire review and the supplementary information. The supplementary information includes the following:

- Enclosure 1 - Review Control Sheet
- Enclosure 2 - Comprehensive Questionnaire and State Responses Including Attachments
- Enclosure 3 - Reviewer Explanatory Comments and Observations
- Enclosure 4 - License File Reviews
- Enclosure 5 - Compliance File Reviews

I recommend that a review visit be conducted in 12 months and that next regular review be conducted in 24 months.

John R. McGrath  
Regional State Agreements Officer

Enclosures: As stated

## REVIEW CONTROL SHEET

I. Radiation Control Program: <b>New Hampshire</b>	
II. Type of Review: <b>Routine</b>	
III. Dates of Review: <b>June 1-5, 1992</b>	
A. RCP Office Review: <b>June 1-5, 1992</b>	
B. Field Evaluations: <b>June 3, 1992</b>	
C. Regional or Other Office or Site Visits: <b>None</b>	
D. Visits to State-Licensed Facilities: <b>None</b>	
E. Exit meeting: <b>June 5, 1992</b>	
IV. Total Field Evaluations: <b>1</b>	Total Licensee Visits <b>0</b>
V. Period of Review: <b>From January 1989 To June 1992</b>	
VI. Staff-Days in State: <b>Total 5</b>	
A. Regional SAO: <b>John R. McGrath</b>	
B. Other Regional Representatives: <b>None</b>	
C. Other SP Representatives: <b>None</b>	
D. Other NRC Representatives: <b>None</b>	
E. Other Review Participants: <b>None</b>	
VII. Review hours devoted to technical assistance or staff training: <b>1</b>	

ENCLOSURE 2

STATE REVIEW GUIDELINES AND  
STATE RESPONSES TO QUESTIONNAIRE

PART II  
PROGRAM STATISTICS

as of June 1992

\*

1. How many specific licenses are currently in effect?

Answer: 108

2. During the last calendar year,

a. how many new licenses were issued?

Answer: 38

b. how many licenses were terminated?

Answer: 17

c. how many licenses were renewed?

Answer:

d. how many amendments were issued?

Answer: 100/yr.

e. how many SS&D evaluations were completed?

Answer: None

3. How many prelicensing visits were made during this past calendar year?

Answer: 4

4. How many new licenses (or major amendments) were hand delivered to the licensee?

Answer: None.

5. How many materials incidents, other than unfounded allegations, occurred during the last calendar year?

Answer: 13

6. How many on-site investigations of incidents were conducted during the last calendar year?

Answer: 9

\*7. How many incidents required NRC notification, either by telephone or by written report?

Answer: One

\*8. How many of the incidents required Abnormal Occurrence Reports?

Answer: None.

- \*9. How many of the incidents involved leaking from sealed sources?  
Answer: None
- \*10. How many misadministrations occurred during the last calendar year?  
Answer: None
11. How many civil penalties were imposed during the last calendar year?  
Answer: None
12. How many orders were issued during the last calendar year?  
Answer: 3 or 4
- \*13. How many technical FTE's (not including administrative, clerical or unfilled vacancies) are currently assigned to the:  
Radioactive materials program?  
Answer: 2  
Low-Level waste program?  
Answer: None  
Uranium mills program?  
Answer: N/A
- \*14. Compute the professional/technical person-year effort of person-years per 100 licenses (excluding management above the direct RAM supervisor, vacancies and personnel assigned to mills and burial site licenses). Count only time dedicated to radioactive materials.  
Answer: 2 person year/100 licenses. 2.05 FTE, 108 licenses.

\*15. List the RCP salary schedule as follows:

<u>Position Title</u>	<u>Annual Salary Range</u>
Administrator	\$33,423 - \$39,838
Radon Coordinator	\$31,960 - \$38,142
Health Physicist II	\$29,250 - \$34,905
Lab Scientist IV	\$29,250 - \$34,905
Program Planner	\$29,250 - \$34,905
Principle Planner	\$28,002 - \$33,423
Health Physicist I	\$26,832 - \$31,765
Lab Scientist III	\$23,673 - \$28,002
Environmentalist II	\$22,737 - \$26,832
Health Facility Surveyor	\$22,737 - \$26,832

\*16. Please complete the following table using the license categories as shown, and including the total number of specific licenses in each category, the priority or inspection frequency, the number of inspections made during the review period, and the number of overdue inspections in each category. (In Priorities 1-3, include those overdue by more than 50% of their scheduled inspection frequency; in lower priorities, include those overdue by more than 100% of their scheduled frequency.)

<u>License Category</u>	<u>No. of Licenses</u>	<u>Insp. Freq. (years)</u>	<u>No. Insps. Made</u>	<u>No.* Overdue Insps.</u>
Broad A Academic (Medical)				
Broad A Industrial				
Broad A Medical				
Broad A Mfg. & Dist.				
Industrial Radiography				
Irradiator - Pool or Large				
LLW Broker or Service - Processing, Incineration, Repackaging				
LLW Disposal & Burial				
Nuclear Pharmacy				
Source Material Processing				
Teletherapy (Human Use)				
U-Mill Operation				
Other Priority 1				
Broad A Academic (Non-Medical)				
Broad B Academic				
Broad A R & D				
Decontamination Services				
LLW Disposal Service (pre-packaged)				
Mobile Nuclear Services				
SNM (unsealed)				
Other Priority 2				
Broad B Industrial				
Broad B Mfg. & Dist.				
Broad B R & D				
In vitro Distribution				
Irradiators, Self-Contained, Small				
Leak Test & Calibration Services				
Medical Product Distribution				
Medical, Institutional (Hospitals & Clinics)				
Nuclear Laundry				



<u>License Category</u>	<u>No. of Licenses</u>	<u>Insp. Freq. (years)</u>	<u>No. Insp. Made</u>	<u>No.* Overdue Insp.</u>
Source Material, Rare Earth U-Mill Tailings Well Logging, Field Flooding Other Priority 3				
GL Distribution Lixiscopes, Bone Mineral Analyzer, Sr Eye Applicator Medical, Private Practice Limited Diagnostic or Therapy Portable Gauge Services - Teletherapy, Gauge, or Irradiator Other Priority 4				
Broad C Academic Broad C Industrial Broad C Mfg. & Dist. Broad C R & D Fixed Gauge In vitro Labs SNM (sealed) Veterinary Medicine Other Priority 5				
Gas Chromatographs & other Measuring Systems Leak Test Only Shielding, Depleted Uranium Other Priority 6 and 7				
TOTALS		-----		

APPENDIX B  
ORGANIZATION CHARTS

ENCLOSURE 3REVIEWER EXPLANATORY COMMENTSI. LEGISLATION AND REGULATIONSB. Status and Compatibility of Regulations

Since the last follow-up review the State adopted the regulatory changes necessary to achieve compatibility. These regulatory changes included (1) the transportation rule; (2) the well-logging rule; (3) the radiography quarterly audit and storage survey rule; (4) the glass enamel frit exemption; (5) the certification of dosimetry processors; and (6) the licensee bankruptcy reporting requirement. However, the State has not issued a Decommissioning Rule and has not made progress in the development of such a rule.

During the last update, the State's legal coordinator raised a number of concerns about the format and content of the State's radiation control regulations. These concerns deal mainly with statements in the regulations that are, in the staff's judgement, not prescriptive enough. (For example, statement like "appropriate surveys" would need to be defined explicitly.) This position will, if upheld, require a major overhaul of the State's regulations and delay the implementation of such amendments as the new Part 20. The current regulations, although effective and available from the public library, are not being printed for licenses and even the staff does not have copies.

C. Legal Assistance

As indicated above, the current legal assistance available to the Bureau is problematic. In addition to the problem with the regulations, the legal coordinator has called into question the State's authority to require decommissioning (including the ability to require the amendment of deeds), and the authority to impound radioactive material.

III. MANAGEMENT AND ADMINISTRATIONB. Budget

The Bureau's current budget appears to be reasonable. The License fees are, however, only nominal. For example, some renewal fees are \$40. The Division has a proposal to update their fees, which would increase them by 300%. This would be some help in raising revenues, but they would still be much less than the NRC or other States. The current fee system requires an annual fee and the issuance of an annual amendment to the license. This requires a great deal of administrative effort. Much of the paperwork in license files concern these annual renewals which are for fee purposes only. It was recommended that since the State is in the process of updated the fee system, the opportunity be taken to update the process as well, so that the annual renewals can be eliminated.

D. Administrative Procedures

With regard to Information Notices, the Bureau staff indicated that only one IN in recent memory was sent to licensees, and documentation in this case was not available. The State did not have an adequate system for keeping track of NRC Information Notices or for distributing them to

appropriate licensees. The staff agreed, however, with this comment and agreed that a system would be developed.

E. Management

The reviewer believes that the program is not being efficiently managed. At full staffing, the Bureau would be providing 2 FTE per 100 licenses. This is the highest in the Region, if not the country. The State completes about 100 licensing actions per year and requires about 42 inspection per year to maintain the inspection program. It appears that the Bureau has more than enough staff to get the work done. However, a licensing backlog remains and the inspection workload is being barely maintained. Granted, the program has not been operating fully staffed, however, the reviewer believes that program efficiency can be improved. The technical quality of the Bureau's work is excellent, however, files contain many lengthy memos and deficiency letters that could be shortened or eliminated. The staff, particularly management, appears to spend a significant amount of time in unproductive work. This issue was discussed with the Bureau staff and they agreed that they would consider evaluating this comment in their day-to-day work. The reviewer indicated that no formal comment would be made at this time regarding this issue.

IV. PERSONNEL

B. Staffing Level

As indicated above, the staffing level is currently more than adequate. Of the two current vacant positions, one is filled and the person will be reporting shortly. The other position is expected to be filled by September 1992.

E. Staff Continuity

Staff salary levels are the lowest in the Region, with a starting salary of \$26,832. This has caused the Bureau difficulty in recruiting qualified staff. Entrance level personnel generally have no training or experience in radiation science and it takes from one year to two years to train an individual to begin performing productive work. The salary issue is difficult to address in New Hampshire because salaries throughout State government are low compared to other States in the Region.

V. LICENSING

A. Technical Quality of Licensing Actions

During the review, 10 license files were reviewed. See Enclosure 4. The licensing actions reviewed were found to be more than satisfactory. Reviews are very thorough, check sheets are utilized, and very detailed deficiency letters are prepared. One minor deficiency was the fact that two licenses had survey meter calibration procedures that addressed only electronic pulse calibration. The information submitted did not appear to state that the meters would also be calibrated in radiation fields. In one license termination review, it was noted that the licensee's Certificate of Disposition indicated that the material would be held in storage for decay. The isotope in question was I-125 with a 60 day half-life. Residual, and licensable, material would be around for almost two years after termination of the license. In addition one teletherapy licensee did not submit an initial survey prior to start-up operations.

## I. COMPLIANCE

### A. Status of Inspection Program

As of the time of the review, there was one license overdue for inspection by more than 50% of the inspection interval. This was a teletherapy license, whose inspection priority had not been changed in the computer system. At the time of the review, the staff changed the priority and prepared a memo scheduling the inspection.

### G. Inspection Reports

Enclosure 5 contains a review of selected compliance files. Ten inspection files were reviewed. Inspection findings and enforcement actions are very well documented. Only two minor deficiencies were noted, 1) at an in-plant radiography firm, there was no discussion of the visible/audible alarm at the entrance to the high radiation area, and 2) no field visits were made to evaluate work in the field, 3) in one case two citation were made for the same violation, and 4) in one case a licensees response to an enforcement letter was not adequate and the State did not follow-up. These comments were discussed with Bureau management and staff and they agreed with the findings.