

July 14, 2000

Mr. William M. Floyd, Program Manager
Radiation Licensing and Registration Section
Bureau of Hazardous & Radioactive Materials
Water and Waste Management Division
New Mexico Department of Environment
2044 Galisteo Street, P.O. Box 26110
Santa Fe, NM 87502

Dear Mr. Floyd:

We were requested to review the following final New Mexico regulations sent by e-mail on June 9, 2000 which became effective on July 30, 1999:

1. Subpart 1, Section 106. Definitions;
2. Subpart 3, Sections: 311. Financial Assurance and Record Keeping for Decommissioning, 315. Special Requirements for a Specific License to Manufacture, Assemble, Repair, or Distribute Commodities, Products or Devices which contain Radioactive Material, 318. Expiration and Termination of Licenses and Decommissioning of Sites and Separate Buildings or Outdoor Areas, 325. Preparation of Radioactive Material for Transport;
3. Subpart 4, Sections: 413. Dose Limits for Individual Members of the Public, 423. Use of Individual Respiratory Protection Equipment, 438. Transfer for Disposal and Manifests, 440. Records/General Provisions, 457. Notifications and Reports to Individuals, 466. Appendix G, Requirements for Transfers of Low-Level Radioactive Waste Intended for Disposal at Licensed Land Disposal Facilities and Manifests;
4. Subpart 7, Medical Use of Radionuclides, Sections: 700. General Regulatory Requirements, 701. Definitions, 702. General Administrative Requirements, 703. General Technical Requirements, 704. Unsealed Radioactive Material For Uptake, Dilution and Excretion Studies, 705. Unsealed Radioactive Material For Imaging and Localization Studies, 708. Use of Unsealed Radioactive Material For Therapeutic Administration, 709. Sources for Brachytherapy, 710. Teletherapy, and 712. Training and Experience Requirements;
5. Subpart 10, Section 1002. Instructions to Workers;
6. Subpart 13, Sections 1305. Specific Technical Information, 1334. Maintenance of Records, Reports, and Transfers.

The final regulations are in response to the 12 amendments identified in the enclosed Regulations Assessment Tracking System (RATS) Data Sheet. The regulations were reviewed when proposed to the equivalent NRC regulations in 10 CFR Parts 19, 20, 30, 32, 35, 40, 61, 70 and 71, without comments, as discussed in our May 19, 1999, letter to you. In our discussion of the regulations with you on June 21, 2000, we understand that you made no changes or modifications when finalizing these regulations. We confirmed that the final regulations are posted on your web site.

William M. Floyd

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As a result of the NRC review, we have determined that the New Mexico regulations, as adopted, meet the compatibility and health and safety categories established in Office of State and Tribal Programs (STP) Procedure SA-200.

We have also summarized on the RATS Data Sheet our knowledge of the status of other New Mexico regulations. Please let us know if you note any inaccuracies or have any comments on the information contained in the RATS Data Sheet.

If you have any questions regarding the comments, the compatibility and health and safety categories, or any of the NRC regulations used in the review, please contact me or Vivian Campbell of the Region IV staff at (817) 860-8143 or vhc@NRC.GOV.

Sincerely,

/RA/

Frederick C. Combs, Deputy Director
Office of State and Tribal Programs

Enclosure:
As stated

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STP-AG-19

REGULATION ASSESSMENT TRACKING SYSTEM
RATS DATA SHEET

State: New Mexico

Tracking Ticket Number: 0-147

[12 final amendments (7/30/99) reviewed are identified by a ★ at the beginning of each equivalent NRC regulation.]

Date: July 14, 2000

NRC Chronology Identification	FR Notice (State Due Date)	RATS ID	Proposed/ Final-Comment (Y/N)¹	NRC Review Date	Final State Regulation² (Effective Date)
Standards for Protection Against Radiation-Part 20	56 FR 23360 plus others (1/1/94)	1991-3	F-N	8/18/97	5/3/95
Safety Requirements for Radiographic Equipment-Part 34	55 FR 843 (1/10/94)	1991-1	F-N	9/15/97	5/3/95
ASNT Certification of Radiographers-Part 34	56 FR 11504 (none)	1991-2			Not required ³
Notification of Incidents-Parts 20, 30, 31, 34, 39, 40, 70	56 FR 64980 (10/15/94)	1991-4	F-N	9/15/97	5/3/95
Quality Management Program and Misadministrations-Part 35	56 FR 34104 (1/27/95)	1992-1			
Eliminating the Recordkeeping Requirements for Departures from Manufacturer's Instructions-Parts 30,35	57 FR 45566 (none)	1992-2			Not required ³
Licensing and Radiation Safety Requirements for Irradiators-Part 36	58 FR 7715 (7/1/96)	1993-2			Not applicable SECY-95-112 ⁴
Definition of Land Disposal and Waste Site QA Program-Part 61	58 FR 33886 (7/22/96)	1993-3			Not applicable SECY-95-112 ⁴
★Decommissioning Recordkeeping and License Termination: Documentation Additions [Restricted areas and spill sites]-Parts 30, 40	58 FR 39628 (10/25/96)	1993-1	F-N	7/14/00	7/30/99
★Self-Guarantee as an Additional Financial Mechanism-Parts 30, 40, 70	58 FR 68726 59 FR 1618 (none)	1994-1	F-N	7/14/00	7/30/99 Not required ³
Uranium Mill Tailings Regulations: Conforming NRC Requirements to EPA Standards-Part 40	59 FR 28220 (7/1/97)	1994-2			Not applicable
★Timeliness in Decommissioning Material Facilities-Parts 30, 40, 70	59 FR 36026 (8/15/97)	1994-3	F-N	7/14/00	7/30/99
★Preparation, Transfer for Commercial Distribution, and Use of Byproduct Material for Medical Use-Parts 30, 32, 35	59 FR 61767 59 FR 65243 60 FR 322 (1/1/98)	1995-1	F-N	7/14/00	7/30/99
★Frequency of Medical Examinations for Use of Respiratory Protection Equipment-Part 20	60 FR 7900 (3/13/98)	1995-2	F-N	7/14/00	7/30/99

NRC Chronology Identification	FR Notice (State Due Date)	RATS ID	Proposed/ Final- Comment (Y/N)¹	NRC Review Date	Final State Regulation² (Effective Date)
★ Low-Level Waste Shipment Manifest Information and Reporting-Parts 20, 61	60 FR 15649 60 FR 25983 (3/1/98)	1995-3	F-N	7/14/00	7/30/99
Performance Requirements for Radiography Equipment-Part 34	60 FR 28323 (6/30/98)	1995-4			
★ Radiation Protection Requirements: Amended Definitions and Criteria-Parts 19, 20	60 FR 36038 (8/14/98)	1995-5	F-N	7/14/00	7/30/99
★ Clarification of Decommissioning Funding Requirements-Parts 30, 40, 70	60 FR 38235 (11/24/98)	1995-6	F-N	7/14/00	7/30/99
★ Medical Administration of Radiation and Radioactive Materials-Parts 20, 35	60 FR 48623 (10/20/98)	1995-7	F-N	7/14/00	7/30/99
★ 10 CFR Part 71: Compatibility with the International Atomic Energy Agency-Part 71	60 FR 50248 61 FR 28724 (4/1/99)	1996-1	F-N	7/14/00	7/30/99
One Time Extension of Certain Byproduct, Source and Special Nuclear Materials Licenses-Parts 30, 40, 70	61 FR 1109 (none)	1996-2			Not required ³
★ Termination or Transfer of Licensed Activities: Recordkeeping Requirements-Parts 20, 30, 40, 61, 70	61 FR 24669 (6/17/99)	1996-3	F-N	7/14/00	7/30/99
Resolution of Dual Regulation of Airborne Effluents of Radioactive Materials; Clean Air Act-Part 20	61 FR 65119 (1/9/00)	1997-1			
Fissile Material Shipments and Exemptions-Part 71	62 FR 5907 (none)	1997-4			Not required ³
Recognition of Agreement State Licenses in Areas Under Exclusive Federal Jurisdiction Within an Agreement State-Part 150	62 FR 1662 (2/27/00)	1997-2			
★ Criteria for the Release of Individuals Administered Radioactive Material-Parts 20, 35	62 FR 4120 (5/29/00)	1997-3	F-N	7/14/00	7/30/99
Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiography Operations-Parts 30, 34, 71, 150	62 FR 28948 (6/27/00)	1997-5			
Radiological Criteria for License Termination-Parts 20, 30, 40, 70	62 FR 39057 (8/20/00)	1997-6			
Exempt Distribution of a Radioactive Drug Containing One Microcurie of Carbon-14 Urea-Part 30	62 FR 63634 (1/02/01)	1997-7			
Deliberate Misconduct by Unlicensed Persons- Parts 30, 40, 61, 70, 150	63 FR 1890 63 FR 13773 (2/12/01)	1998-1			
Self-Guarantee of Decommissioning Funding by Non-profit and Non-Bond-Issuing Licensees- Parts 30, 40, 70	63 FR 29535 (none)	1998-2			Not required ³

NRC Chronology Identification	FR Notice (State Due Date)	RATS ID	Proposed/ Final- Comment (Y/N)¹	NRC Review Date	Final State Regulation² (Effective Date)
License Term for Medical Use Licenses- Part 35	63 FR 31604 (none)	1998-3			Not required ³
Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations- Part 34	63 FR 37059 (7/9/01)	1998-4			
Minor Corrections, Clarifying Changes, and a Minor Policy Change-Parts 20, 35, 36	63 FR 39347 63 FR 45393 (10/26/01)	1998-5			
Transfer for Disposal and Manifests: Minor Technical Conforming Amendment-Part 20	63 FR 50127 (11/20/01)	1998-6			
Radiological Criteria for License Termination of Uranium Recovery Facilities-Part 40	64 FR 17506 (6/11/02)	1999-1			
Requirements for Those Who Possess Certain Industrial Devices Containing Byproduct Material to Provide Requested Information-Part 31	64 FR 42269 (none)	1999-2			Not required ³
Respiratory Protection and Controls to Restrict Internal Exposure - Part 20	64 FR 54543 64 FR 55525 (2/2/03)	1999-3			
Energy Compensation Sources for Well Logging and Other Regulatory Clarifications - Part 39	65 FR20337 (5/17/03)	2000-1			

1. (Y/N) Y means "Yes," there are comments in the review letter that the State needs to address. N means "No," there are no comments in the review letter.
2. Or other generic Legally Binding Requirement.
3. Not required means these regulations are not required for purposes of compatibility.
4. A State need not adopt a specific regulation if the State has no licensees that would be subject to that regulation. See: "Final Policy Statement on Adequacy and Compatibility of Agreement State Programs," III.1. Time Frame for Adoption of Compatible State Regulations, p. 6, SECY-95-112, May 3, 1995.