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To: <JGZ@nrc.gov>
Date: 8/9/05 8:56PM
Subject: Draft IMPEP Report Recommendations

John,

We received the draft report on July 11, 2005. I wasn't quite sure if we needed to respond to the recommendations in the draft report or the final report. Last sentence on page one of the draft report states a response is requested from the Program to all recommendations in the final report. I suppose we can treat this as a draft or preliminary response. Anyway, attached is a response. Let me know if we need to do anything else or if NRC will need a more official looking response from our upper management. Thank you.

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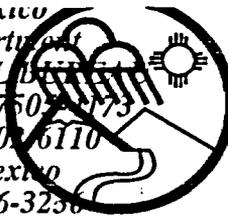
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RON CURRY
SECRETARY

New Mexico's Response to Recommendations Noted in the 2005 Draft IMPEP Report

Recommendation 1:

The review team recommends that the Program retrain its staff with regard to following its established procedure for termination of radioactive material licenses and follow-up actions by the inspectors regarding closeout surveys or additional documentation to support the termination request. (Section 3.4)

Response:

We have been in the process of revising our Radioactive Materials Licensing Procedure. Section 7.0 of the procedure covers license terminations.

7.0 TERMINATIONS (20.3.3.322 NMAC)

Upon written request by the licensee, the Department may terminate a specific license to discontinue all activities involving radioactive materials authorized under the license.

7.1 License Termination Procedure

7.1.1 Support staff shall receive and date stamp the request for termination and forward the request to the Program Manager.

7.1.2 Based on the termination request, the Program Manager shall determine what actions are necessary to assure all radioactive material is properly disposed, that all licensed activities have ceased and, (if necessary), decommissioning plans are implemented before directing the closeout survey and terminating the license.

7.1.3 The Program Manager then forwards a "Certificate of Disposition" to be completed by the licensee assuring the proper disposal or transfer of the licensed material.

7.1.4 A terminated license becomes effective on the fifteenth or last day of the month the request was processed.

7.1.5 Two copies of the terminated license amendment are made; with the original mailed to the licensee, and one copy each filed in the license file and the terminated chronological file.

7.1.6 Support staff shall list terminated files on the archive list.

The Program Manager will assure that all licensed material has been properly disposed of or transferred to a licensed entity and that a closeout survey of the facility by the Program is performed and documented before the license can be terminated. The termination will not be completed until the "Certificate of Disposition" and the results of the closeout survey are available to support the termination request.

Radiation Protection Program personnel have been informed and provided copies of the License Termination Procedure. All personnel understand the requirements.

Recommendation 2:

The review team recommends that when license renewals are performed, the Program reviews the license in its entirety to ensure an accurate representation of the licensee's radioactive materials program is on file. (Section 3.4)

Response:

All licenses coming up for renewal will require that an application with supporting material be submitted. Letters alone requesting renewal will no longer be acceptable. Section 5.0 of the Radioactive Material Licensing Procedure describes the renewal process.

5.0 License Renewal (20.3.3.319 NMAC): A license may be renewed after a five-year period expiring on the last day of the month in which it was issued. A monthly "Due to Expire" list for licensees is printed as part of the monthly report process.

5.1 Due to Expire Letter: Based on the printed "Due to Expire" list, the RAM license specialist shall prepare and mail a "Due to Expire" letter with the applicable application and instructions notifying the licensee to respond 30 days before the license expires.

5.1.1 Place a copy of the "Due to Expire" letter in the licensee, tickler, and chronological files pending action before the expiration date. Note: The license specialist may wish to flag his/her computer calendar with the expiration date of the license prompting the required action.

5.1.2 If a renewal application is not received by the expiration date, forward the "Due to Expire" letter and license information to the Program Manager to contact the licensee for remedial action.

5.2 Renewal Response Procedure: All applications shall be filed in accordance with 20.3.3.307 NMAC. This specifies the regulatory requirements for issuance of a Specific Use Radioactive Material License.

5.2.1 If a licensee has filed a renewal application authorizing the same activities not less than 30 days prior to expiration of the existing license, the existing license shall remain valid until the department determines the renewal application is complete and adequate.

5.2.2 Upon receipt, RCB support staff shall date stamp the renewal application with supporting documentation.

5.2.3 RCB licensing staff shall retrieve the copy of the “Due to Expire” letter from the tickler file and check out the RAM licensee file from the Bureau library.

5.2.4 The Program Manager and the licensing specialist review the application and supporting documentation for completeness. Deficiencies in the application identified by the licensing specialist upon further review are communicated to the licensee for resolution.

5.2.5 If additional time is needed to address any pending issues that may affect the renewal process, the licensee may request a “Letter of Timely Renewal”. Copies of the timely renewal letter are placed in the licensee, chronological, and tickler files.

The note in 5.2.4 allowing a renewal letter acceptable in lieu of an application has been removed. A letter alone is no longer acceptable.

Other issues of concern identified by the review team are being worked.

-Initial inspections when no radioactive material is in possession: The Program inspects new licensees within 6 months of the license issue date. If it is determined that the licensee has not possessed licensed material or performed licensed activities, the Program will schedule another inspection within the next 6 months.

-Three terminated licenses not closed out properly: Closeout surveys have been and will be performed for appropriate termination.