

OFFICE OF THE SECRETARY
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AUTHOR: Ron Curry

AFFILIATION: NM

ADDRESSEE: Dale Klein

SUBJECT: New Mexico's plans for the regulation of certain radioactive materials

ACTION: Appropriate

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DATE DUE:

DATE SIGNED:



BILL RICHARDSON
GOVERNOR

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RON CURRY
SECRETARY

DERRITH WATCHMAN-MOORE
DEPUTY SECRETARY

October 16, 2006

Dale E. Klein, Chairman
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Chairman Klein:

On behalf of Governor Bill Richardson, I am responding to your letter dated August 18, 2006, requesting information regarding the state of New Mexico's plans for the regulation of certain radioactive materials, specifically, naturally occurring and accelerator-produced radioactive materials (NARM). With enactment of the Energy Policy Act of 2005 (EPAct), the authority of the Nuclear Regulatory Commission (NRC) is being expanded to regulate NARM, which previously was regulated under the sole authority vested with each of the individual states.

The state of New Mexico entered into an Agreement with the then U.S. Atomic Energy Commission in 1974 pursuant to Section 274b of the Atomic Energy Act of 1954, as amended. Since then, the State has regulated all types of radioactive material, including NARM, in conformance with the existing radiation protection standards as contained in Title 10, Code of Federal Regulations. The authority to regulate NARM, termed "new byproduct material" in the EPAct, is currently covered under New Mexico radiation control statutes and regulations.

Therefore, in response to your inquiry, it is our intention to continue to regulate NARM under our existing Agreement with the NRC. I expect Governor Richardson will submit certification to the NRC that New Mexico has a program for licensing the new byproduct materials that is adequate to protect the public health and safety, and that New Mexico intends to continue to implement the regulatory responsibility of the State with respect to the new byproduct materials.

Should you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron Curry".

Ron Curry