



BILL RICHARDSON  
Governor

DIANE DENISH  
Lieutenant Governor

State of New Mexico  
**ENVIRONMENT DEPARTMENT**  
Environmental Health Division  
Radiation Control Bureau  
Harold Runnels Building  
1190 St. Francis Drive  
Post Office Box 26110  
Santa Fe, New Mexico 87502-6110  
Telephone (505) 476-3060  
Fax (505) 476-3232



RON CURRY  
Secretary

JON GOLDSTEIN  
Deputy Secretary

CARLOS ROMERO  
Director

September 9, 2008

Robert J. Lewis, Deputy Director  
Division Materials Safety and State Agreements  
Office of Federal and State Materials and  
Environmental Management Programs  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

Dear Mr. Lewis:

Enclosed is a copy of the proposed license conditions that will be used in lieu of state regulations which are compatible to corresponding sections in 10 CFR 20 concerning the National Source Tracking System, RATS 2006-3. To facilitate timely implementation of this requirement, we request NRC's comments by November 10, 2008. The proposed license condition is submitted in the Enclosure to this letter and correspond to the equivalent amendments to following the NRC's regulations.

<u>Rats ID</u>	<u>Title</u>	<u>State Section</u>
2006-3	National Source Tracking System	(20.3.1.111 NMAC)*

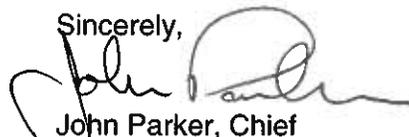
We believe that implementing these license conditions satisfies the compatibility and health and safety categories established in the Office of Federal and State Materials and Environmental Programs (FSME) Procedure SA-200. We are preparing to adopt adequate rules as proposed in our package ML081350709. Due to the lengthy process of rulemaking in New Mexico we are submitting this package in order to meet the NRC deadline for this RATS' adoption of January 31, 2009.

\*The above mentioned NRC's regulations will be enforced through a license condition which is legally binding for all state licensees until we adopt these NRC's regulations or equivalent ones in our rules, 20.3 NMAC. The state has the authority to impose additional requirements upon licensee through license conditions pursuant to 20.3.1.111 NMAC as quoted below:

"20.3.1.111 **ADDITIONAL REQUIREMENTS:** The department may impose upon a licensee or registrant such requirements in addition to those established in these regulations as it deems appropriate or necessary to minimize danger to public health and safety or property."

If you have any questions, please feel free to contact Dan Hill or Daniela Bowman of my staff at 505-476-3060, email: [dan.hill@state.nm.us](mailto:dan.hill@state.nm.us) or [daniela.bowman@state.nm.us](mailto:daniela.bowman@state.nm.us)

Sincerely,



John Parker, Chief  
Radiation Control Bureau

Enclosure: License Condition

## **ENCLOSURE**

### **LICENSE CONDITION**

The licensee must comply with the initial inventory reporting requirement in 10 CFR 20.2207(h) for nationally tracked sources by the dates imposed in that paragraph. The licensee must also comply with the reporting requirements for transactions involving nationally tracked sources in 10 CFR 20.2207. This section includes the requirement to report any manufacture, transfer, receipt, disassembly, or disposal of a nationally tracked source, otherwise allowed by this license, by the close of the next business day after the transaction. A nationally tracked source, as defined in 10 CFR 20.1003, refers to a sealed source containing a quantity equal to or greater than Category 1 or Category 2 levels of any radioactive material listed in Appendix E to 10 CFR Part 20, "Nationally Tracked Source Thresholds."