

May 25, 2010

Ron Curry, Secretary
New Mexico State
Environment Department
1190 St. Francis Drive
Santa Fe, NM 87505

Dear Mr. Curry:

On May 1, 1974, former Governor Bruce King entered the State of New Mexico into an agreement with the U.S. Nuclear Regulatory Commission (NRC), pursuant to Section 274b. of the Atomic Energy Act. Under this agreement, the State of New Mexico committed to establish a radiation control program that adequately protects the health and safety of New Mexico's citizens from the potential hazards associated with the use of radioactive materials. The Radiation Control Bureau (the Bureau), within the State Environment Department, executes New Mexico's responsibilities under the agreement with NRC.

In order for the Bureau to adequately protect public health and safety, the Bureau must have an appropriate number of staff and sufficient managerial oversight. Based on information received during a March 18, 2010, meeting between NRC and the Bureau, NRC is aware of two supervisory vacancies in the Bureau: 1) the Bureau Chief, and 2) the Radioactive Materials Program Manager. The Bureau Chief position has been vacant since a retirement in December 2009, and the Radioactive Materials Program Manager position has been vacant since a departure in June 2009. Understanding that there is currently a hiring freeze in your State, I encourage you to make every effort within your capacity to fill these positions in a timely manner, as well as any other resulting vacancies if the positions are filled internally.

At this time, NRC is not questioning the State's ability to protect public health and safety. Results from a 2009 NRC evaluation of New Mexico's Agreement State Program indicate that New Mexico is at a satisfactory performance level for most of the performance indicators used to measure an Agreement State program's adequacy to protect public health and safety. If the performance of the Bureau declines in the future, which could result from long-term vacancies, NRC may need to take action to ensure that public health and safety are adequately protected. Actions that could be taken by NRC include subjecting the New Mexico Agreement State Program to increased oversight, placing the State on probation, or suspending the agreement until NRC has confidence that the State can adequately protect public health and safety again.

I appreciate your continued support for the New Mexico Agreement State Program and look forward to our agencies continuing to work cooperatively in the future.

Sincerely,

/RA/

Michael F. Weber
Deputy Executive Director for Materials, Waste,
Research, State, Tribal, and Compliance Programs
Office of the Executive Director for Operations

I appreciate your continued support for the New Mexico Agreement State Program and look forward to our agencies continuing to work cooperatively in the future.

Sincerely,

/RA/

Michael F. Weber
 Deputy Executive Director for Materials, Waste,
 Research, State, Tribal, and Compliance Programs
 Office of the Executive Director for Operations

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