

March 3, 2011

F. David Martin, Secretary  
New Mexico State  
Environment Department  
1190 St. Francis Drive  
Santa Fe, NM 87502-5469

Dear Mr. Martin:

As we discussed on March 1, 2011, I understand that the State of New Mexico is taking steps to ensure the state's Radiation Control Bureau has sufficient resources and oversight to protect the public health and safety. On May 1, 1974, the State of New Mexico entered 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 protected 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 the NRC. Through our Integrated Materials Performance Evaluation Program (IMPEP), NRC maintains oversight of all Agreement States and our own materials programs. We conduct periodic reviews of Agreement States to ensure adequate protection of public health and safety and compatibility of state and NRC programs.

Concerns about the status of the state's program surfaced during a March 18, 2010, meeting between the NRC and the Bureau, regarding two supervisory vacancies in the Bureau: 1) the Bureau Chief, and 2) the Radioactive Materials Program Manager, and several Environmental Scientist vacancy positions. Although the Bureau Chief position was subsequently filled, the Radioactive Materials Program Manager position has remained vacant since June 2009, along with the Environmental Scientist positions. We recognize that there is currently a hiring freeze in your State. Despite these constraints, I understand from our discussion that you are taking several steps to hire qualified individuals to fill these positions. As we discussed, I encourage you to make every effort to fill these positions in a timely manner, as well as any other vacancies.

The NRC is not questioning the State's ability to protect public health and safety. Results from a 2009 NRC IMPEP review of New Mexico's Agreement State Program indicate that New Mexico is performing satisfactorily for most of the performance indicators used to measure an Agreement State program's adequacy to protect public health and safety. If current vacancies adversely affect the performance of the Bureau, then the NRC may need to take action to ensure that public health and safety are adequately protected.

F. David Martin

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

Sincerely,

*/RA/*

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

cc: Raj Solomon, Deputy Secretary  
New Mexico State  
Environment Department  
1190 St. Francis Drive  
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Sincerely,

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

cc: Raj Solomon, Deputy Secretary  
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Environment Department  
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