



**NEW MEXICO
ENVIRONMENT DEPARTMENT**



SUSANA MARTINEZ
Governor
JOHN A. SANCHEZ
Lieutenant Governor

1100 St. Francis Drive Suite 2022
Post Office Box 5469
Santa Fe, NM 87502-5469
Phone (505) 476-8600 Fax (505) 476-8654
www.nmenv.state.nm.us/nmrcb/home.html

RYAN FLYNN
Cabinet Secretary
BUTCH TONGATE
Deputy Secretary

January 11, 2016

Pamela J. Henderson, Deputy Director
Division Materials Safety and State Agreements
Office of Federal and State Materials and
Environment Management Programs
U.S. Nuclear Regulatory Commission
T8-E24
Washington, D.C. 20555-0001

Dear Ms. Henderson:

Enclose is a copy of the proposed license condition to address implementation of regulation equivalent to 10 CFR Part 37 Physical Protection of Byproduct Material. The requirements correspond to the following equivalent amendments identified in RATS 2013-1.

Rats ID	Title	State Section
2013-1	Physical Protection of Byproduct Material, Part 37	License condition

We understand the adoption of these requirements satisfy the compatibility and health and safety Categories established in the Office of Federal and State Materials and Environmental Management Programs (FSME) Procedure SA-201.

If you have any questions or concerns, please contact Victor Diaz at (505) 476-8601 or victor.diaz@state.nm.us.

Sincerely,

Santiago M. Rodriguez, Bureau Chief
Radiation Protection Program
Proposed License Condition:

The licensee shall comply with Title 10 Code of Federal Regulations, Part 37 except as follows:

- (a) Sections 37.1, 37.3, 37.7, 37.9, 37.11(a-b), 37.13, 37.43(d)(9), 37.77(f), 37.105, 37.107, and 37.109 are excluded.
- (b) Any reference to the Commission or NRC shall be deemed to be a reference to the New Mexico Environment Department/Radiation Control Bureau, except:
 - a) 37.5 Definitions: Agreement State, Byproduct material, Commission, Fingerprint orders, Person,
 - b) 37.25(b),
 - c) 37.27(a) and (c),
 - d) 37.29(a),
 - e) 37.71 referring to NRC's license verification system,
 - f) 37.71 "licensee of the Commission or an Agreement State" shall be deemed to be a reference to "licensee of the New Mexico Environment Department/Radiation Control Bureau, NRC or an Agreement State."
- (c) In lieu of the address given in 37.27(c), licensees shall submit fingerprint cards or records to Director, Division of Facilities and Security, U.S. NRC, 11545 Rockville Pike, Rockville, Maryland 20852-2738, ATTN: Criminal History Program, Mail Stop T-03B46M.
- (d) Reference in Part 37 to the following NRC regulation shall be deemed a reference to the Identified section(s) in 20.3.3 New Mexico Administrative Code (NMAC):

<u>NRC Regulation (10CFR)</u>	<u>NMAC regulations (20.3.3)</u>
NRC Regulation (30.41(d))	NMAC (20.3.3.323.D)
- (e) License required reports of events or notifications in 37.41, 37.45, 37.57, 37.77(a)-(d), 37.81, shall use New Mexico Environment Department, Radiation Control Bureau, P.O. Box 5469, Santa Fe, NM 87502-5469 contact information.