



**NEW MEXICO
ENVIRONMENT DEPARTMENT**



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RYAN FLYNN
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August 5, 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 Licensing and Radiation Safety Requirements for Irradiators Part 36. The requirements correspond to the following equivalent amendments identified in RATS 1993-2.

RATS ID	Title	State Section
1993-2	Licensing and Radiation Safety Requirements for Irradiators Part 36 58 FR 7715	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-200.

If you have any questions or concerns, please contact Michael Ortiz at (505) 476-8605 or michael.ortiz1@state.nm.us .

Sincerely,

Santiago M. Rodriguez, Bureau Chief
Radiation Protection Program
New Mexico Environment Department

Proposed License Condition:

The licensee shall comply with Title 10 of Code of Federal Regulations, Part 36 as follows:

- A. The requirements of 10CFR Part 36.21, 36.39, 36.53, and 36.65 (relating to Licenses and Radiation Safety Requirements for Irradiators) are incorporated by reference.
 - (1) To reconcile differences in the incorporated sections of 10CFR Part 36 as follows:
 - a. A reference to “NRC” or “Commission” means Department.
 - b. A reference to “NRC or Agreement State” means Department, NRC or Agreement State.
 - c. Notifications, reports and correspondence referenced in the incorporated parts of 10CFR shall be directed to the Department.