



NEW MEXICO  
ENVIRONMENT DEPARTMENT



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November 1, 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 36.13(a) , 39.13(a), which is referenced in NRC's 10 CFR regulations identified in RATS 2011-2.

RATS ID	Title	State Section
2011-2	Licenses, Certifications, and Approvals for Materials Licenses, Parts 30, 36, 39, 40, 70, and 150 76 FR 56951	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.

The Department shall issue and enforce all license conditions, which by reference incorporate the applicable parts of 10 CFR.

The Department has imposed and enforced stricter requirements by license conditions as allowed by the following regulation:

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

[20.3.1.111 NMAC - Rp, 20.3.1.111 NMAC, 04/30/2009]

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

Sincerely,

A handwritten signature in blue ink that reads "Santiago M. Rodriguez". The signature is written in a cursive style.

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

The majority of RATS 2011-2 rule changes are not applicable because New Mexico does not regulate Uranium mill activities (11e. (2) Byproduct material).

The only applicable rules are 10 CFR 36.13(a) and 39.13(a) designated as Health & Safety changes.

Proposed License Condition:

The licensee shall comply with Title 10 of Code of Federal Regulations, Part 36.13(a) and 39.13(a) as follows:

- A. The requirements of 10 CFR Part 36.13(a), and 39.13(a) (relating to Licenses, Certifications, and Approvals for Materials Licenses) are incorporated by reference.
  - (1) To reconcile differences in the incorporated sections of 10 CFR Part 36.13(a) and 39.13(a) as follow:
    - 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 10 CFR shall be directed to the Department.