

INTEGRATED MATERIALS PERFORMANCE EVALUATION PROGRAM  
QUESTIONNAIRE

**New Mexico**

**Reporting Period: June 29, 2013 to June 30, 2017**

Note: If there has been no change in the response to a specific question since the last IMPEP questionnaire, the State or Region may copy the previous answer, if appropriate.

**A. GENERAL**

- Please prepare a summary of the status of the State's or Region's actions taken in response to each of the open recommendations from previous IMPEP reviews.
- NM RPP has implemented the following based on the last IMPEP conducted in June 2013:
  - Filled two positions ESS-O James Hesch and ESS-O Derrek Garcia and we have approval to hire Program Manager, and ESS-A, and to fill all vacant positions. NM Radiation Protection Program (RPP) continues to implement efforts to allow filling of vacant position as recommended by the previous IMPEP.
  - Past IMPEP team provided NMRPP a standard set of citations and these were used to add clarity to notice of violation issued to licensee's and in addition the department office of general council reviews all notice of violation letters prior to sending them to the licensee's.
  - Accompanied inspection are performed annually and the use of the accompaniment form documents this process.
  - Reorganized license files to include documents from the last IMPEP forward, the remaining documents from the licensee file have been separated for ease of review.

**B. COMMON PERFORMANCE INDICATORS**

**I. Technical Staffing and Training**

2. Please provide the following organization charts, including names and positions:
  - (a) A chart showing positions from the Governor down to the Radiation Control Program Director;  
Governor<Environment Department Cabinet Secretary<Environmental Protection Division Director<Bureau Chief Radiation Control Program Director.
  - (b) A chart showing positions of the radiation control program, including management; and; See attached

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<sup>1</sup> Estimated burden per response to comply with this voluntary collection request: 53 hours. Forward comments regarding burden estimate to the Records Management Branch (T-5 F52), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to the Paperwork Reduction Project (3150-0183), Office of Management and Budget, Washington, DC 20503. If an information collection does not display a currently valid OMB control number, NRC may not conduct or sponsor, and a person is not required to respond to, the information collection.

(c) Equivalent charts for sealed source and device evaluation, low-level radioactive waste and uranium recovery programs, if applicable. N/A

3. Please provide a staffing plan, or complete a listing using the suggested format below, of the professional (technical) full-time equivalents (FTE) applied to the radioactive materials program by individual. Include the name, position, and, for Agreement States, the fraction of time spent in the following areas: administration, materials licensing & compliance, emergency response, low-level radioactive waste, uranium recovery, other. If these regulatory responsibilities are divided between offices, the table should be consolidated to include all personnel contributing to the radioactive materials program.

<u>Name</u>	<u>Position</u>	<u>Area of Effort</u>	<u>FTE%</u>
(Vacant)	Program Manager	Administration	60%
		Material Licensing & Compliance	20%
		Emergency Response	2%
		Other	18%
Victor Diaz	Environmental Specialist-A	Materials Licensing & Compliance	95%
		Emergency Response	2%
		Other	3%
(Vacant)	Environmental Specialist-A	Materials Licensing & Compliance	90%
		Emergency Response	2%
		Other	8%
Walter Medina	Environmental Specialist-A	Materials Licensing & Compliance	60%
		Emergency Response	2%
		Other	38%
Michael Ortiz	Environmental Specialist-A	Materials Licensing & Compliance	60%
		Emergency Response	2%
		Other	38%
Carl Sullivan	Environmental Specialist-A	Materials Licensing & Compliance	60%
		Emergency Response	2%
		Other	38%

(Vacant)	Environmental Specialist-A	Materials Licensing & Compliance	50%
		Emergency Response	2%
		Other	48%
James Hesch	Environmental Specialist-O	Materials Licensing & Compliance	30%
		Emergency Response	2%
		Other	68%
(Vacant)	Environmental Specialist-O	Materials Licensing & Compliance	60%
		Emergency Response	2%
		Other	38%

If consultants were used to carry out the program's radioactive materials responsibilities, include their efforts. The table heading should be: N/A

<u>Name</u>	<u>Position</u>	<u>Area of Effort</u>	<u>FTE%</u>
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4. Please provide a listing of all new professional personnel hired into your radioactive materials program since the last review, indicate the date of hire; the degree(s) they received, if applicable; additional training; and years of experience in health physics or other disciplines, as appropriate.

James Hesch, ESS-O, Bachelor of Science Degree, 1973, >30 years' experience in radiation field, design radiation monitoring instrument for Thermo-Eberline, Software company, holds patents on software still in use by business.

Victor Diaz, ESS-A, Associates Degree, Nuclear Medicine, 10 years' experience as Nuclear Medicine Technologist, 2014.

Michael Ortiz, ESS-A, Bachelor's Degree Biology/Chemistry, >30 years' experience in radiation field, including 20 years as radiochemist for Thermo companies, licensee manufacturing calibration standards for nuclear medicine, national laboratory for 15 years. Bureau Chief Radiation Control Bureau 4 years and 4 months.

Derrek Garcia, ESS-O, Associates Degree in Civil Engineering, >10 years' experience with NM DOT, to include training as an authorized user of density moisture gauges, he left the bureau in May 2017.

5. Please list all professional staff who have not yet met the qualification requirements for a radioactive materials license reviewer or inspector. For each, list the courses or equivalent training/experience they need and a tentative schedule for completion of these requirements. Identify any changes to your qualification and training procedure that occurred during the review period. [There have been no changes to the qualification and training procedures. The NM Radiation Control Bureau follows the NRC core course requirements for staff working in a Radiation Protection Program. Victor Diaz, ESS-A needs to take Well Logging training course.](#)

6. Please identify the technical staff that left your radioactive materials program during the review period and indicate the date they left.

[James Malcom](#), ESS-A, Transferred to NM Department of Transportation in January 2015.

[Edward Vigil](#), ESS-A retired from the Bureau in November 2016.

[Derrek Garcia](#), ESS-O resigned from the Bureau in May 2017.

7. List any vacant positions in your radioactive materials program, the length of time each position has been vacant, and a brief summary of efforts to fill the vacancy.

Program Manager, Vacant 1/31/2015, Interviews conducted ready to make an offer but Governor initiated a job freeze. The freeze was lifted June 2, 2017 and position will now be filled.

ESS-A, Vacant 2015, Interviews conducted ready to make an offer but Governor initiated

a job freeze. The freeze was lifted June 2, 2017 and position will now be filled.

ESS-A position vacated in 2014 was transferred to another Bureau as decided by the EPD Division Director.

ESS-O position vacated in 2017 and will be advertised as soon as possible since the job freeze have been lifted.

8. For Agreement States, does your program have an oversight board or committee which provides direction to the program and is composed of licensees and/or members of the public? If so, please describe the procedures used to avoid any potential conflict of interest.

The Program receives advice and direction from two advisory panels, the Radiation Technical Advisory Council (RTAC) and the Environmental Improvement Board (EIB). The RTAC members are required to have scientific or medical backgrounds and they can be radioactive material licensees. Presently there are no known licensees on the RTAC. The EIB is the rule promulgating authority for radiation and all other Department programs. No members of the EIB are licensees.

II. Status of Materials Inspection Program

9. Please identify individual licensees or categories of licensees the State is inspecting less frequently than called for in NRC’s Inspection Manual Chapter (IMC) 2800 and explain the reason for the difference. The list only needs to include the following information: license category or licensee name and license number, your inspection interval, and rationale for the difference.

451	IR	08	6/28/13missed	6/28/15missed	Assigned Area new inspector missed the inspection interval	Integrity Testing and Inspection Cat. 1 See 12 below for details
478	IR	07	11/28/13missed	10/29/15missed	10/28/16missed Inspector assumed frequency was every 2 years	TechCorr USA, LLC Cat. 1 See 12 below for details

10. Please provide the number of routine inspections of Priority 1, 2, and 3 licensees, as defined in IMC 2800 and the number of initial inspections that were completed during each year of the review period.  
 2013 completed 23 inspections;  
 2014 completed 31 inspections;  
 2015 completed 50 inspections;  
 2016 completed 62 inspections;  
 2017 completed 20 inspections of priority 1, 2, and 3 licensees.  
 Need data base to determine initial inspection completed by year.

11. Please submit a table, or a computer printout, that identifies inspections of Priority 1, 2,

and 3 licensees and initial inspections that were conducted overdue. [See 9. Above.](#)

At a minimum, the list should include the following information for each inspection that was conducted overdue during the review period:

- (1) Licensee Name: [Integrity Testing & Inspection](#)
- (2) License Number: [IR451](#)
- (3) Priority (IMC 2800): [1](#)
- (4) Last inspection date: [12/14/16; 12/7/15; 12/7/15](#)
- (5) Date Due: [12/6/16; 6/28/15; 6/28/14](#)
- (6) Date Performed: [12/14/16; 12/7/15; 12/7/15](#)
- (7) Amount of Time Overdue: [8 days; 160 days; 975 days.](#)
- (8) Date inspection findings issued: [1/3/17; 12/29/15; 12/29/15.](#)

- (1) Licensee Name: [TechCorr USA, LLC](#)
- (2) License Number: [IR478](#)
- (3) Priority (IMC 2800): [1](#)
- (4) Last inspection date: [5/24/17; 5/24/17; 10/29/14; 10/29/14](#)
- (5) Date Due: [10/28/17; 10/28/16; 10/29/15; 11/28/14](#)
- (6) Date Performed: [5/24/17; 10/29/14; 10/29/14](#)
- (7) Amount of Time Overdue: [0 days; 365 days; 365 days, 0 days.](#)
- (8) Date inspection findings issued: [unknown; unknown, unknown](#)

12. Please submit a table or computer printout that identifies any Priority 1, 2, and 3 licensees—and initial inspections that are currently overdue, per IMC 2800. At a minimum, the list should include the same information for each overdue inspection provided for Question 12 plus your action plan for completing the inspection. Also include your plan for completing the overdue inspections.

LicenseNo.	DateLicenseIssued	Inspection Date	Type	IMC 2800 Priority	Inspection Due by:	Days Late	
492	10/25/2013	3/20/2014	IR	1	1/24/2014	55	2013
491	10/31/2013	3/19/2014	IR	1	1/30/2014	48	
495	1/15/2014	4/30/2014	WL	1	4/16/2014	14	2014
496	2/20/2014	8/26/2014	BB	1	5/22/2014	96	
499	3/31/2014	4/29/2014	WL	3	12/30/2014		
503	7/25/2014	5/20/2015	IR	1	10/24/2014	208	
510	6/15/2015	12/3/2015	IR	1	9/14/2015	80	2015
514	7/22/2015	8/11/2015	WL	3	4/21/2016		
517	10/7/2015	10/28/2015	IR	1	1/6/2016		
525	4/27/2016	7/27/2016	MI	3	1/26/2017		
520	5/5/2016	overdue	IR	1	8/4/2016	312	
523	5/17/2016	8/16/2016	IR	1	8/16/2016		
529	7/11/2016	12/20/2016	IR	1	10/10/2016	71	
530	8/15/2016	8/10/2016	IR	1	11/14/2016		
532	12/23/2016	3/22/2017	MD	2	6/24/2017		
534	2/3/2017		WL	3	11/4/2017		2017

- **One is overdue IR520.**

13. Please provide the number of reciprocity licensees that were candidates for inspection

per year as described in IMC 1220 and indicate the number of reciprocity inspections of candidate licensees that were completed each year during the review period.

Reciprocity	ISSUED	INSPECTED	% INSPECTED
2013	12	2	17.0%
2014	24	4	17.0%
2015	29	3	10.3%
2016	32	3	9.4%
2017	20	0	0.0%

### III. Technical Quality of Inspections

14. What, if any, changes were made to your written inspection procedures during the reporting period? [The bureau is following IMC 2800 2010 version.](#)
15. Prepare a table showing the number and types of supervisory accompaniments made during the review period. Include:

<u>Inspector</u>	<u>Supervisor</u>	<u>License Category</u>	<u>Date</u>
James Hesch	Michael Ortiz	1	09/30/13
James Hesch	Michael Ortiz	3	12/18/13
James Malcom	Santiago Rodriguez	4	09/10/13
James Malcom	Santiago Rodriguez	1	02/08/13
Walter Medina	Santiago Rodriguez	1	03/21/14
Victor Diaz	Michael Ortiz	1	08/24/14
James Malcom	Santiago Rodriguez	3	03/24/14
James Hesch	Victor Diaz	3	03/31/14
Edward Vigil	Santiago Rodriguez	1	03/31/14
Carl Sullivan	Santiago Rodriguez	1	03/31/14
Victor Diaz	Michael Ortiz	5	05/23/14
James Hesch	Michael Ortiz	1	03/23/15
Victor Diaz	Michael Ortiz	1	11/20/15
Victor Diaz	Michael Ortiz	1	12/14/16
James Hesch	Michael Ortiz	1	11/30/16
Victor Diaz	Michael Ortiz	3	05/01/17
James Hesch	Michael Ortiz	3	03/02/17
Derrek Garcia	Michael Ortiz	1	03/23/15
Derrek Garcia	Michael Ortiz	5	10/14/15
Derrek Garcia	Michael Ortiz	1	09/08/15
Derrek Garcia	Michael Ortiz	3	11/05/15
Derrek Garcia	Michael Ortiz	5	01/21/16
Derrek Garcia	Michael Ortiz	5	08/11/16
Derrek Garcia	Michael Ortiz	3	01/21/16
Derrek Garcia	Michael Ortiz	3	04/13/16
Derrek Garcia	Michael Ortiz	3	05/03/16
Derrek Garcia	Michael Ortiz	3	05/04/16

16. Describe or provide an update on your instrumentation, methods of calibration, and laboratory capabilities. Are all instruments properly calibrated at the present time?

Were there sufficient calibrated instruments available throughout the review period?

A) All currently used instruments are in calibration. Any currently utilized survey instrument is either sent to the manufacturer or to the: (QAL-TEK Associates 3998 Commerce Circle, Idaho Falls, ID 83401).

B) All instruments currently used in the field are in calibration. Any non-calibrated instruments are either retired from use or are not functional and are in storage.

C) The Program has purchased new instrumentation that is distributed to inspectors performing inspections. There were sufficient calibrated instruments available through the review period.

IV. Technical Quality of Licensing Actions

17. How many specific radioactive material licenses does your program regulate at this time? 211 specific radioactive material licensees.
18. Please identify any major, unusual, or complex licenses which were issued, received a major amendment, were terminated, decommissioned, submitted a bankruptcy notification or renewed in this period. Lovelace Respiratory Research Institute formerly an NRC research and development licensee located in Kirtland AFB boundaries and transferred to the state of NM by NRC on 2/20/2014 is a complex license and was the most risk significant licensee for NRC region 4. Eberline Services license CS225-32 facility decommissioned and licensed terminated on April 15, 2015 after several years of the bureau imposing further requirements to include a third-party verification of release of license location for unrestricted use. No bankruptcies were received by the bureau for radioactive material licensees during the period of July 1, 2013 through June 12, 2017.
19. Discuss any variances in licensing policies and procedures or exemptions from the regulations granted during the review period. NONE.
20. What, if any, changes were made in your written licensing procedures (new procedures, updates, policy memoranda, etc.) during the reporting period? Use of IMC 2800 2010 version inspection procedures.
21. Identify by licensee name and license number any renewal applications that have been pending for one year or more. NONE Please indicate why these reviews have been delayed and describe your action plan to reduce the backlog.

V. Technical Quality of Incident and Allegation Activities

22. For Agreement States, please provide a list of any reportable incidents not previously submitted to NRC (See Procedure SA-300, *Reporting Material Events*, for additional guidance, OMB clearance number 3150-0178). The list should be in the following format: All reported to the NRC by Carl Sullivan.

<u>Licensee Name</u>	<u>License #</u>	<u>Date of Incident/Report</u>	<u>Type of Incident</u>
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23. Identify any changes to your procedures for responding to incidents and allegations that occurred during the period of this review. [No change.](#)

**C. NON-COMMON PERFORMANCE INDICATORS**

**I. Compatibility Requirements**

24. Please list all currently effective legislation that affects the radiation control program. Denote any legislation that was enacted or amended during the review period. [Legislative action taken in the FY17, sweeping \\$400,000.00 from the \\$832,000.00 cash reserve from the Radiation Protection Fund created to support the Radiation Protection Program for NM.](#)
25. Are your regulations subject to a "Sunset" or equivalent law? **NO**. If so, explain and include the next expiration date for your regulations.
26. Please review and verify that the information in the enclosed State Regulation Status (SRS) sheet is correct. For those regulations that have not been adopted by the State, explain why they were not adopted, and discuss actions being taken to adopt them. If legally binding requirements were used in lieu of regulations and they have not been reviewed by NRC for compatibility, please describe their use. [RATS ID 2011-1, 2011-2, 2012-1, 2012-2, 2012-3, 2012-4, 2013-1 and 2013-2 have been approved by the advisory council in 2016 and by the Environmental Improvement Board April 28, 2017, the revisions will be published by state archives on June 13, 2017. The reason for the delay in approval of the regulations was due to the advisory council not having enough members to make a quorum for the period of 2012, 2013, 2014, and 2015. Several attempts were made in the interim to have license conditions approved by the NRC but all were not accepted by the NRC even though 20.3.1.111 Additional Requirements allows the department to impose additional requirements \(e.g., license conditions\) which NRC did not allow.](#)
27. If you have not adopted all amendments within three years from the date of NRC rule promulgation, briefly describe your State's procedures for amending regulations in order to maintain compatibility with the NRC, showing the normal length of time anticipated to complete each step. [See 27 above.](#)

**II. Sealed Source and Device (SS&D) Evaluation Program [N/A](#)**

28. Prepare a table listing new and amended (including transfers to inactive status) SS&D registrations of sources and devices issued during the review period. The table heading should be: [N/A](#)

<u>SS&amp;D Registry Number</u>	<u>Manufacturer, Distributor or Custom User</u>	<u>Product Type or Use</u>	<u>Date Issued</u>	<u>Type of Action</u>
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29. Please include information on the following questions in Section A, as they apply to the SS&D Program:

Technical Staffing and Training - Questions 2-9  
 Technical Quality of Licensing Actions - Questions 18-22

Technical Quality of Incident and Allegation Activities - Questions 23-24

III. Low-level Radioactive Waste Disposal Program [N/A](#)

30. Please include information on the following questions in Section A, as they apply to the Low-Level Radioactive Waste Disposal Program:

Technical Staffing and Training - Questions 2-9  
Status of Materials Inspection Program - Questions 10-14  
Technical Quality of Inspections - Questions 15-17  
Technical Quality of Licensing Actions - Questions 18-22  
Technical Quality of Incident and Allegation Activities - Questions 23-24

IV. Uranium Recovery Program [N/A](#)

31. Please include information on the following questions in Section A, as they apply to the Uranium Recovery Program:

Technical Staffing and Training - Questions 2-9  
Status of Materials Inspection Program - Questions 10-14  
Technical Quality of Inspections - Questions 15-17  
Technical Quality of Licensing Actions - Questions 18-22  
Technical Quality of Incident and Allegation Activities - Questions 23-24

