

July 27, 2017

The Honorable Martin Heinrich  
United States Senator  
400 Gold Avenue, SW, Ste. 1080  
Albuquerque, NM 87102

Dear Senator Heinrich:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter of June 22, 2017, and a June 26, 2017, email from Crystal Romero of your staff. Both inquiries forwarded concerns related to the University of New Mexico Cancer Center.

Your letter and the related email were initially referred to our Region IV office in Arlington, Texas, which is responsible for allegations of wrongdoing by NRC licensees in the Western United States. NRC Region IV staff contacted both constituents and determined that their concerns relate to the performance of the State of New Mexico in its role as an NRC Agreement State responsible for oversight of regulated activities at the University of New Mexico Comprehensive Cancer Center. Because these concerns pertain to performance of an NRC Agreement State, the issues have been referred to the NRC's Office of Nuclear Material Safety and Safeguards, which oversees the Agreement State Program. The NRC will follow up with your constituents and formally address their concerns in accordance with the NRC's procedures for management of agreement state program performance concerns.

Both of your constituents indicated in their correspondence that they previously had been in touch with the NRC regarding their concerns, and they provided additional details about that interaction when Region IV staff contacted them. Since 2013, NRC senior staff has held several conversations with the individual referenced in the June 22 letter, where he has expressed general concerns about the investigation of medical events. No specific performance concerns were presented by him in these interactions; consequently, NRC staff considered your constituent's concerns in the context of generic approaches to improve medical event investigative processes. Unfortunately, we are not able to find a record of an interaction with your other constituent referenced in the letter of June 26, which she indicated occurred in April 2017. Nevertheless, we take these concerns seriously and will provide appropriate follow-up for the issues that fall within NRC's jurisdiction. Concerns regarding the use of funds, and issues related to the University of New Mexico Comprehensive Cancer Center's status with the National Cancer Institute, are not within the jurisdiction of the NRC.

The NRC uses a review process for Agreement State radioactive materials programs called the Integrated Materials Performance Evaluation Program (IMPEP). In October 2013, the NRC conducted a full IMPEP review of the New Mexico Agreement State Program and concluded that the program was adequate to protect public health and safety and compatible with the NRC's program. The NRC is currently conducting another full IMPEP review of the New Mexico Agreement State Program, including an on-site assessment that took place June 26-30, 2017. This review included an examination of the technical quality of the New Mexico Agreement State Program's inspections. The NRC has tentatively scheduled a public Management Review

Board meeting for September 28, 2017, to evaluate and finalize the findings of the 2017 New Mexico IMPEP review. If NRC's review of the concerns identifies issues appropriate for follow-up by the State of New Mexico, NRC will refer the concerns to the State for action.

Please also note that your constituents' identities are being protected in accordance with our Allegation Program. NRC policy requires us to protect an allogger's identity with regard to the concern raised, to the extent possible. This policy helps to assure all individuals who may wish to report safety concerns to NRC that they may do so without being unnecessarily subjected to adverse consequences that might follow their being publicly identified as the source of the concerns. We request your assistance in protecting the alloggers' identities, including their job title and other identifying information.

If you have any questions or require additional information, please contact me or Eugene Dacus, Director of the Office of Congressional Affairs, at (301) 415-1776.

Sincerely,

*/RA/*

Victor M. McCree  
Executive Director  
For Operations

RESPONSE TO SENATOR MARTIN HEINRICH REGARDING CONSTITUENT  
CORRESPONDENCE – CONCERNS REGARDING UNIVERSITY OF NEW MEXICO CANCER  
CENTER DATED JULY 27, 2016.

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