

Mr. Benito Garcia, Chief
Bureau of Hazardous & Radioactive Materials
Water and Waste Management Division
Department of Environment
2044 Galisteo Road
P.O. Box 26110
Santa Fe, NM 87502

JAN - 9 1998

Dear Mr. Garcia:

On December 18, 1997, Chairman Shirley Ann Jackson notified Governor Johnson about the Commission's action with regard to New Mexico's decision to relinquish its authority to regulate sealed source and device evaluations (Enclosed). This letter is to recommend that you provide public notice of this action to your licensees. Also, please send to us any background files that you have relevant to evaluations issued by your State for sealed source and devices. This would include any incident data on the products that you registered.

If you have any questions, please contact Ms. Cardelia Maupin, of my staff, at (301) 415-2312, INTERNET address CHM@NRC.GOV.

Sincerely,

Original Signed By
RICHARD L. BANGART

Richard L. Bangart, Director
Office of State Programs

Enclosure:
As stated

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UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

January 9, 1997

Mr. Benito Garcia, Chief
Bureau of Hazardous & Radioactive Materials
Water and Waste Management Division
Department of Environment
2044 Galisteo Road
P.O. Box 26110
Santa Fe, NM 87502

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Sincerely,

A handwritten signature in cursive script that reads "Richard L. Bangart".

Richard L. Bangart, Director
Office of State Programs

Enclosure:
As stated



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

December 18, 1997

The Honorable Gary E. Johnson
Governor of New Mexico
Santa Fe, New Mexico 87503

Dear Governor Johnson:

In response to your September 8, 1997, request to relinquish New Mexico's authority to evaluate and approve sealed source and device (SS&D) applications, I asked the Nuclear Regulatory Commission (NRC) staff to prepare a paper on the issue so that the Commission could act on your request. After reviewing your proposal and the staff's analysis, the Commission has decided to reassume regulatory authority for SS&D evaluations and approvals within the State of New Mexico, effective January 1, 1998. For your information, I have enclosed a copy of the Federal Register notice announcing this change. New Mexico will retain authority to regulate the manufacture and use of sealed sources and devices within the State in accordance with its Section 274b Agreement with the NRC.

Your staff may contact Richard L. Bangart, Director, Office of State Programs, at (301) 415-3340, if they have any questions regarding this matter.

Sincerely,

Shirley Ann Jackson

Enclosure:
As stated

cc: Benito Garcia, Chief
Bureau of Hazardous and Radioactive Materials
New Mexico Department of Environment

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NUCLEAR REGULATORY COMMISSION

State of New Mexico Relinquishment of Sealed Source
and Device Evaluation and Approval Authority and
Reassumption by the Commission

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of Reassumption of Sealed Source and Device Evaluation and Approval
Authority from the State of New Mexico.

SUMMARY: Notice is hereby given that effective January 1, 1998, the Nuclear Regulatory
Commission will reassume regulatory authority for sealed source and device evaluations and
approvals in the Agreement State of New Mexico in response to a request from the Governor of
the State of New Mexico to relinquish this authority.

EFFECTIVE DATE: January 1, 1998.

FOR FURTHER INFORMATION CONTACT: Ms. Cardelia H. Maupin, Senior Project Manager,
Office of State Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555,
telephone (301) 415-2312, Internet: CHM@NRC.GOV.

SUPPLEMENTARY INFORMATION: Currently, the State of New Mexico has an Agreement with the Nuclear Regulatory Commission (NRC) which grants the State authority to regulate specific categories of radioactive materials formerly regulated by the NRC. This Agreement was entered into on May 1, 1974, pursuant to Section 274b of the Atomic Energy Act of 1954, as amended.

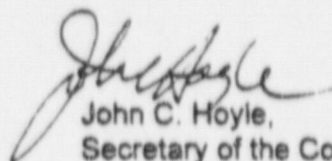
Recently, the NRC received a letter from New Mexico Governor Gary E. Johnson (September 8, 1997) requesting relinquishment of the State's authority to evaluate and approve sealed source and devices, and assumption of this authority by NRC. The requested action would involve reassertion of regulatory authority by NRC over activities currently regulated by New Mexico pursuant to its Agreement with NRC.

The Governor of New Mexico noted there are two manufacturers in the State and there has been no sealed source and device evaluations conducted since 1988. Governor Johnson indicated that it would not be cost effective to fund and maintain staff to conduct sealed source and device evaluations.

The Commission has agreed to the request and has notified New Mexico that effective January 1, 1998, the NRC will reassume authority to evaluate and approve sealed source and device applications within the State of New Mexico. The State of New Mexico will retain authority to regulate the manufacture and use of sealed sources and devices within the State in accordance with its Section 274b Agreement with the NRC.

Dated at Rockville, Maryland this 12th day of December, 1997

For the Nuclear Regulatory Commission.

A handwritten signature in cursive script, appearing to read "John C. Hoyle".

John C. Hoyle,
Secretary of the Commission.