



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

May 19, 1999

Mr. William M. Floyd, Program Manager  
Radiation Licensing and Registration Section  
Bureau of Hazardous & Radioactive Materials  
Water and Waste Management Division  
New Mexico Department of Environment  
2044 Galisteo Street, P.O. Box 26110  
Santa Fe, NM 87502

Dear Mr. Floyd:

As requested, we have reviewed the proposed regulations dated January 26, 1999 and February 1, 1999, revisions to Subpart 1, Section 106, Definitions; Subpart 3, Sections: 311. Financial Assurance and Record Keeping for Decommissioning, 315. Special Requirements for a Specific License to Manufacture, Assemble, Repair, or Distribute Commodities, Products or Devices which contain Radioactive Material, 318. Expiration and Termination of Licenses and Decommissioning of Sites and Separate Buildings or Outdoor Areas, and 325. Preparation of Radioactive Material for Transport; Subpart 4, Sections: 413. Dose Limits for Individual Members of the Public, 423. Use of Individual Respiratory Protection Equipment, 438. Transfer for Disposal and Manifests, 440. Records/General Provisions, 457. Notifications and Reports to Individuals, 466. Appendix G, Requirements for Transfers of Low-Level Radioactive Waste Intended for Disposal at Licensed Land Disposal Facilities and Manifests; Subpart 7, Medical Use of Radionuclides, Sections: 700. General Regulatory Requirements, 701. Definitions, 702. General Administrative Requirements, 703. General Technical Requirements, 704. Unsealed Radioactive Material For Uptake, Dilution and Excretion Studies, 705. Unsealed Radioactive Material For Imaging and Localization Studies, 708. Use of Unsealed Radioactive Material For Therapeutic Administration, 709. Sources for Brachytherapy, 710. Teletherapy, and 712. Training and Experience Requirements; Subpart 10, Section 1002, Instructions to Workers; Subpart 13, Sections 1305. Specific Technical Information, and 1334. Maintenance of Records, Reports, and Transfers. The proposed regulations are in response to the 12 amendments identified in the enclosed Regulation Assessment Tracking System (RATS) Data Sheet. The regulations were reviewed by comparison to the equivalent NRC regulations in 10 CFR Sections 19, 20, 30, 32, 35, 40, 61, 70 and 71. We discussed our review of these regulations with you and Mr. Walter Medina of your staff on April 12, 1999.

As a result of our review, we have no comments. (Please note that we have limited our review to regulations required for compatibility and/or health and safety. Therefore, Section 334, Appendix A, Criteria Relating to Use of Financial Tests and Parent Company Guarantees for Providing Reasonable Assurance of Funds for Decommissioning, and Section 335, Appendix B, Criteria Relating to Use of Financial Tests and Parent Company Guarantees for Providing Reasonable Assurance of Funds or Decommissioning, which are compatibility Category D, not required for compatibility, were not reviewed.) Under our current procedure, a finding that a State regulation meets the compatibility and health and safety categories of the equivalent NRC regulation may only be made based on a review of the final State regulation. However, we have determined that if your proposed regulations were adopted without significant change, they would meet the compatibility and health and safety categories established in OSP Procedure SA-200 (formerly B.7).

William M. Floyd

- 2 -

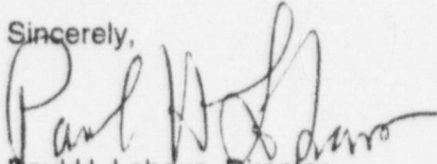
MAY 19 1999

We request that when the proposed regulations are adopted and published as final regulations, a copy of the "as published" regulations be provided to us for review. As requested in OSP Procedure SA-201, Review of State Regulations (November 10, 1998), please highlight the final changes and send one copy in a computer readable format, if possible.

We have also summarized on the RATS Data Sheet our knowledge of the status of other New Mexico regulations. Please let us know if you note any inaccuracies or have any comments on the information contained in the RATS Data Sheet.

If you have any questions regarding the comments, the compatibility and health and safety categories, or any of the NRC regulations used in the review, please contact me or Ms. Cardelia H. Maupin of my staff at (301) 415-2312 or you may e-mail Ms. Maupin at CHM@NRC.GOV.

Sincerely,



Paul H. Lohaus, Director  
Office of State Programs

Enclosure:  
As stated

cc: Walter Medina, New Mexico

MAY 19 1999

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Sincerely,

**Original Signed By:**  
**PAUL H. LOHAUS**

Paul H. Lohaus, Director  
Office of State Programs

Enclosure:  
As stated

cc: Walter Medina, New Mexico

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**\*See previous concurrence.**

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DATE	04/16/99*		04/16/99*	05/13/99*	5/12/99*		04/27/99*		

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**REGULATION ASSESSMENT TRACKING SYSTEM**  
**RATS DATA SHEET**

**State:** New Mexico

**Tracking Ticket Number:** 9-38

[12 proposed amendments (January 26 and February 1, 1999) identified by ★] **Date:** May 19, 1999

<b>NRC Chronology Identification</b>	<b>FR Notice</b>	<b>RATS ID</b>	<b>Due Date</b>	<b>State Status (Effective Date)</b>
Standards for Protection Against Radiation	56 FR 23360 plus others	1991-3	1/1/94	Final (5/3/95)
Safety Requirements for Radiographic Equipment	55 FR 843	1991-1	1/10/94	Final (5/3/95)
ASNT Certification of Radiographers	56 FR 11504	1991-2	none	Not required
Notification of Incidents	56 FR 64980	1991-4	10/15/94	Final (5/3/95)
Quality Management Program and Misadministrations	56 FR 34104	1992-1	1/27/95	Final
Eliminating the Recordkeeping Requirements for Departures from Manufacturer's Instructions	57 FR 45566	1992-2	none	Not required
Licensing and Radiation Safety Requirements for Irradiators	58 FR 7715	1993-2	7/1/96	Final
Definition of Land Disposal and Waste Site QA Program	58 FR 33886	1993-3	7/22/96	Not applicable
★Decommissioning Recordkeeping: Documentation Additions	58 FR 39628	1993-1	10/25/96	Proposed (2/1/99)
★Self-Guarantee as an Additional Financial Mechanism	58 FR 68726 59 FR 1618	1994-1	1/28/97	Proposed (1/26/99)
Uranium Mill Tailings: Conforming to EPA Standards	59 FR 28220	1994-2	7/1/97	Not applicable
★Timeliness in Decommissioning	59 FR 36026	1994-3	8/15/97	Proposed (1/26/99)
★Preparation, Transfer for Commercial Distribution, and Use of Byproduct Material for Medical Use	59 FR 61767 59 FR 65243 60 FR 322	1995-1	1/1/98	Proposed (1/26/99)
★Frequency of Medical Examinations for Use of Respiratory Protection Equipment	60 FR 7900	1995-2	3/13/98	Proposed (1/26/99)
★Low-Level Waste Shipment Manifest Information and Reporting	60 FR 15649 60 FR 25983	1995-3	3/1/98	Proposed (1/26/99)
Performance Requirements for Radiography Equipment	60 FR 28323	1995-4	6/30/98	
★Radiation Protection Requirements: Amended Definitions and Criteria	60 FR 36038	1995-5	8/14/98	Proposed (1/26/99)
★Clarification of Decommissioning Funding Requirements	60 FR 38235	1995-6	11/24/98	Proposed (1/26/99)
★Medical Administration of Radiation and Radioactive Materials	60 FR 48623	1995-7	10/20/98	Proposed (1/26/99)

<b>NRC Chronology Identification</b>	<b>FR Notice</b>	<b>RATS ID</b>	<b>Due Date</b>	<b>State Status (Effective Date)</b>
★10 CFR Part 71: Compatibility with the International Atomic Energy Agency	60 FR 50248 61 FR 28724	1996-1	4/1/99	Proposed (1/26/99)
One Time Extension of Certain Byproduct, Source and Special Nuclear Materials Licenses	61 FR 1109	1996-2	none	Not required
★Termination or Transfer of Licensed Activities: Recordkeeping Requirements	61 FR 24669	1996-3	6/17/99	Proposed (1/26/99)
Resolution of Dual Regulation of Airborne Effluents of Radioactive Materials; Clean Air Act	61 FR 65119	1997-1	1/9/00	
Fissile Material Shipments and Exemptions	62 FR 5907	1997-4	none	Not required
Recognition of Agreement State Licenses in Areas Under Exclusive Federal Jurisdiction Within an Agreement State	62 FR 1662	1997-2	2/27/00	
★Criteria for the Release of Individuals Administered Radioactive Material	62 FR 4120	1997-3	5/29/00	Proposed (1/26/99)
Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiography Operations	62 FR 28948	1997-5	6/27/00	
Radiological Criteria for License Termination	62 FR 39057	1997-6	8/20/00	
Exempt Distribution of a Radioactive Drug Containing One Microcurie of Carbon-14 Urea	62 FR 63634	1997-7	1/2/01	
Deliberate Misconduct by Unlicensed Persons	63 FR 1890 63 FR 13773	1998-1	2/12/01	
Self-Guarantee of Decommissioning Funding by Nonprofit and Non-Bond-Issuing Licensees	63 FR 29535	1998-2	none	Not required
License Term for Medical Use Licenses	63 FR 31604	1998-3	none	Not required
Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations	63 FR 37059	1998-4	7/9/01	
Minor Corrections, Clarifying Changes, and a Minor Policy Change	63 FR 393477 63 FR 45393	1998-5	10/26/01	
Transfer for Disposal and Manifests: Minor Technical Conforming Amendment	63 FR 50127	1998-6	11/20/01	

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We have also summarized on the RATS Data Sheet our knowledge of the status of other New Mexico regulations that require promulgation. Please confirm the accuracy of the RATS Data Sheet.

If you have any questions regarding the comments, the compatibility and health and safety categories, or any of the NRC regulations used in the review, please contact me or Ms. Cardelia H. Maupin of my staff at (301) 415-2312 or you may e-mail Ms. Maupin at CHM@NRC.GOV.

Sincerely,

Paul H. Lohaus, Director  
Office of State Programs

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As stated

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**\*See previous concurrence.**

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*5/13/99*

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William M. Floyd

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*not legal direction*  
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April 14, 1999

NOTE FOR: Paul Lohaus  
Steve Salomon

FROM:

*Cardelia*  
Cardelia

SUBJECT: REVIEW OF NEW MEXICO REGULATIONS

Enclosed for your review and comment is the above subject document .  
I am ready to discuss at your convenience.

# STATE PROGRAMS OFFICE TRACKING SYSTEM

## ACTIVE PROJECTS

Date: 2/25/99

ProjectID: 9-38

ProjectDescription: REVIEW NEW MEXICO REGULATIONS

AltDate: 2/25/99

Original Date: 5/14/99

ProjectLead: MAUPIN

Completion Date:

Due Date: 5/14/99

Notes:

Request/Office: FLOYD/NEW MEXICO

Extension Requested: ☐

Extension Date:

PA Code: J00046

PA No: