



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
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July 26, 2007

Mr. Walter Medina, Program Manager
Radiation Control Bureau
Environmental Health Division
New Mexico Environment Department
P.O. Box 26110
Santa Fe, NM 87502-6110

Dear Mr. Medina:

A periodic meeting with New Mexico was held on June 28, 2007. The purpose of this meeting was to review and discuss the status of New Mexico's Agreement State Program. The NRC was represented by myself and Leonard Wert from NRC's Region IV office.

I have completed and enclosed a general meeting summary, including any specific actions resulting from the discussions.

If you feel that our conclusions do not accurately summarize the meeting discussion, or have any additional remarks about the meeting in general, please contact me at (817) 860-8116 or e-mail MLM1@NRC.GOV to discuss your concerns.

Sincerely,

/RA/
Linda McLean
Regional State Agreements Officer
Region IV

ENCLOSURE:
As stated

cc w/enclosure:
Janet Schlueter, Director
Office of Federal and State Materials and
Environmental Management Programs (FSME)

John Parker, Chief
New Mexico Radiation Control Bureau
Ana Marie Ortiz, Director
Environmental Health Division

PERIODIC MEETING SUMMARY FOR NEW MEXICO

DATE OF MEETING: June 28, 2007

ATTENDEES:

State	NRC
John Parker, Bureau Chief Walter Medina, Program Manager Ana Marie Ortiz, Director Daniela Bowman, Environmental Scientist Michael Ortiz, Environmental Scientist Santiago Rodriguez, Environmental Scientist Margaret Roybal, Environmental Scientist Carl Sullivan, Environmental Scientist Edward Vigil, Environmental Scientist	Linda McLean, Regional State Agreements Officer Leonard Wert, Division Director

DISCUSSION:

The following is a summary of the meeting held in Santa Fe, New Mexico, on June 28, 2007, between representatives of the NRC and the State of New Mexico. During the meeting, the topics suggested in the letter dated May 3, 2007, from Mrs. McLean to Mr. Medina were discussed. The discussion pertaining to each topic is summarized below.

The New Mexico Agreement State Program is administered by the Radiation Control Bureau in the Environmental Health Division of the New Mexico Environment Department. The Program regulates approximately 194 specific licenses authorizing Agreement materials.

The last Integrated Materials Performance Evaluation Program (IMPEP) Review was conducted during the week of June 6-10, 2005. The review team found New Mexico's performance to be satisfactory for five of the performance indicators reviewed, and one to be satisfactory but needs improvement (Technical Quality of Licensing Actions). Therefore, the review team recommended and the MRB concurred, that the next full review will be in approximately four years. Two recommendations from the IMPEP Review are described below.

Status of State's actions to address open previous IMPEP review findings and/or open recommendations.

1. The review team recommended that the Program retrain its staff with regard to following its established procedure for termination of radioactive material licenses and follow-up actions by the inspectors regarding closeout surveys or additional documentation to support the termination request.

Current Status

The Program is performing decommissioning surveys and requiring Certificates of Disposition of the material before terminating licenses. In addition, state of the art instrumentation has been purchased to conduct the surveys. It is recommended that this item be closed at the next IMPEP Review.

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2. The review team recommended that the Program develop and implement a process that ensures an adequate evaluation of license renewal information.

Current Status

The Program requires licensees to submit completed applications for all renewals. The renewal frequency is every five years. It is recommended that this item be closed at the next IMPEP Review.

Strengths and/or weaknesses of the State program as identified by the State or NRC including identification of actions that could diminish weaknesses.

Strengths: The Program has an experienced and motivated staff. The State's fee schedule has provided the Program with greater opportunities for staff training and for public outreach. The fees have provided adequate money for staff training, better radiation detection equipment, and other equipment needed for the Program.

Weaknesses: The Program usually has one vacant position due to staff turnover. Currently, there is one vacancy, and the position has been posted. Another weakness is that the Program's procedures need to be updated.

Feedback on NRC's program as identified by the State and including identification of any action that should be considered by NRC.

- The Program said that the fingerprinting rule should be risked informed, have clear procedures, and appropriate adjudication criteria.
- NRC needs to increase the number of spaces in the increased controls training course for State staff.
- The Program asked that the training course list be issued earlier in the year for budget planning.

Status of State Program including:

Staffing and training: number of staff in the program and status of their training and qualifications; program vacancies; staff turnover; adequacy of FTEs for the materials program.

- The Program is authorized for eight positions. These positions include one Program Manager and seven Environmental Specialists. Inspectors are crossed trained in X-ray and radioactive materials inspections. There is one inspector vacancy. The Program may need additional staff in the future due to additional work loads being done with no additional staff (e.g., increased controls inspections).

Materials Inspection Program: Status of the inspection program including if an inspection backlog exists and the steps being taken to work off backlog.

- The Program has no overdue inspections and no backlog in licensing actions.

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Regulations and Legislative changes: Status of State's regulations and actions to keep regulations up to date. The Program is working on the following two overdue regulations. In addition, the State Regulation Status (SRS) sheet has some effective dates not listed. The Manager said that they would update the SRS.

- "Medical Use of Byproduct Material," 10 CFR Parts 20, 32, and 35 amendment (67 FR 20249) that became effective October 24, 2002, and is due for Agreement State adoption by October 24, 2005.
- "Financial Assurance for Materials Licensees," 10 CFR Parts 30, 40, and 70 (68 FR 57327) that became effective December 3, 2003, and is due for Agreement State adoption by December 3, 2006.

The State will need to address the following three regulations in upcoming rulemakings or by adopting alternate legally binding requirements:

- "Compatibility with IAEA Transportation Safety Standards and Other Transportation Safety Amendments," 10 CFR Part 71 amendment (69 FR 3697) that became effective on October 1, 2004, and is due for Agreement State adoption by October 1, 2007.
- "Minor Amendments," 10 CFR Parts 20, 30, 32, 35, 40 and 70 amendments (71 FR 15005) that became effective March 27, 2006, and is due for Agreement State adoption by March 27, 2009.
- "Medical Use of Byproduct Material - Recognition of Speciality Boards," 10 CFR Part 35 amendment (70 FR 16336) that became effective April 29, 2005, and is due for Agreement State adoption by April 29, 2008.

Program reorganizations: changes in program organization including program/staff relocations and new appointments:

- No changes in the program's organization are expected.

Changes in Program budget/funding:

- No changes are expected.

Event Reporting, including follow-up and closure information in NMED.

- Five event reports were reported in NMED. All reports were complete and closed where applicable.

Response to Incidents and Allegations: Status of allegations and concerns referred by the NRC for action; Significant events and generic implications.

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- One allegation was forwarded to the Bureau. The allegation was appropriately reviewed and closed.

Information exchange and discussion:

- Current State initiatives: A proposal to migrate data to a more secure program was sent to the Chief Information Officer. The changes would provide a more secure system and would be more internet friendly for the State's stakeholders.
- Emerging technologies: The Program has received a license application from a company that will provide adsorptive media to municipal water supplies for removing radium, uranium and other contaminants from water.
- Large, complicated or unusual authorizations for use of radioactive materials: (e.g., major decommissioning and license termination actions): The Program is processing the decommissioning of Thermo-Electron, Company's radiochemistry laboratory.
- State's mechanisms to evaluate performance: Management reviews all licenses and inspections reports. Monthly reports are generated for the status of licensing actions and inspections. The Program has performance measures that include licensing and inspection timeliness and inspection frequencies. The report is sent to senior management. Inspector accompaniments by management are conducted regularly.

Summary: The New Mexico Radiation Control Program appears to be a strong, stable Agreement State program. The program has a strong core of cross-trained staff and the training level for staff members is good. There appears to be good management support for the Program.

Schedule for the next IMPEP review: Based on the results of the last IMPEP review, the review team recommended and the MRB concurred, that the next full review would be in approximately four years. Hence, the next review will be in FY 2009.

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