

NEW MEXICO ENVIRONMENT DEPARTMENT  
RADIATION CONTROL BUREAU

TRANSCRIPT OF PROCEEDINGS  
RADIATION TECHNICAL ADVISORY COMMITTEE

April 20, 2017  
10:10 a.m.  
MONTROYA BUILDING  
1100 St. Francis Drive  
Santa Fe, New Mexico 87505

REPORTED BY: DENISE KOPAN, CCR #124  
KATHY TOWNSEND COURT REPORTERS  
110 Twelfth Street, NW  
Albuquerque, New Mexico 87102

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A P P E A R A N C E S

For the Radiation Technical Advisory Council:

- MR. DAVID HUNTER, Chair
- MR. PAUL HOOVER (Telephonically)
- MS. ANGELA KOHN
- MR. NOEL SAVIGNAC (Telephonically)

RTAC COUNSEL:

- MS. MIA NAPOLITANO
- OFFICE OF GENERAL COUNSEL
- NEW MEXICO ENVIRONMENT DEPARTMENT
- Harold Runnels Building
- 1109 St. Francis Drive
- Santa Fe, New Mexico 87501

ALSO PRESENT:

- MR. SANTIAGO RODRIGUEZ
- MR. MICHAEL ORTIZ
- MR. JAMES K. HESCH
- MR. VICTOR DIAZ

1 MR. RODRIGUEZ: Good morning, everybody.

2 Thank you for coming this morning on  
3 relatively short notice to make this meeting happen.  
4 The first thing I'm going to do is give a little  
5 housekeeping.

6 So in the event of a fire alarm, we will  
7 exit out this door, go out through the double doors, and  
8 we will congregate over there by the horseshoe parking  
9 lot. That's number one.

10 Number two, the restrooms, if you come out  
11 this door and you go out, men's is on the right, women's  
12 is around the corner on the right, as well.

13 We are here today to discuss the RATS. We  
14 have David Hunter, we have Angela Kohn, we have Noel  
15 Savignac, and we have Paul Hoover. Those two are by  
16 phone, and Mia, a representative of the Office of  
17 General Counsel.

18 We hope this meeting will be productive, it  
19 will be short, and we will be able to make a motion to  
20 approve the RATS as recommended in the PowerPoint that  
21 Mike is going to present.

22 If there are any questions, please, we would  
23 like this to be as informal as possible, but there  
24 can be discussion, but like I said, any questions thus  
25 far?

1           MR. SAVIGNAC: The phone connection is really,  
2 really bad.

3           MR. RODRIGUEZ: Noel, we are just doing the  
4 intros. Mike will have the phone near him when he is  
5 speaking, because he is going to do the presentation,  
6 and if there are any questions, comments, concerns, they  
7 can be brought up at that time.

8           Okay?

9           MR. SAVIGNAC: Okay.

10          MR. RODRIGUEZ: Okay. I will turn it over to  
11 Mike, but David Hunter first, as the Chair, to start the  
12 meeting.

13          MR. HUNTER: Thank you, Santiago.

14          I want to make sure that everybody has signed  
15 in on the sign-in sheet as you came in.

16          And of course, we are here today to approve  
17 the RCB's proposed changes of the 20.3 NMAC, as  
18 explained in the December 12, 2016, minutes.

19          And to do that, we need to have the approval  
20 of the RTAC on record at a properly noticed meeting, and  
21 that's what we are here today to do, to do that.

22          The first item that we have on the Agenda here  
23 is the approval of the Agenda, and I trust that everyone  
24 has copies of that in front of them. We have these  
25 here.

1           So I need for someone to make a motion to  
2 approve the Agenda.

3           MS. KOHN: I motion to approve.

4           MR. HUNTER: And when you do that, if you just  
5 state your name for the reporter.

6           MS. KOHN: I, Angela Kohn, make a motion to  
7 approve.

8           MR. HUNTER: We need a second.

9           MR. ORTIZ: We need a second.  
10 Paul or Noel?

11          MR. SAVIGNAC: Yes.

12          MR. ORTIZ: Yes. So identify your name.

13          MR. SAVIGNAC: This is Noel Savignac, and I  
14 will make a second.

15          MR. HUNTER: Okay.

16                 And the next item on our Agenda after the  
17 approval on that then is going to be looking into  
18 approving the minutes, if there are any additions or  
19 deletions we might have to have on that.

20                 I know that we received an e-mail from Paul  
21 saying that he had read it over and he approved it  
22 through the e-mail, but we need to just present that to  
23 the group this morning, and we need someone to make a  
24 motion to approve the minutes as submitted.

25          MS. KOHN: I, Angela Kohn, approve the minutes

1 as submitted.

2 MR. HUNTER: And a second on that?

3 MR. ORTIZ: Can you second that, Noel?

4 MR. HUNTER: Noel, can you be the second on  
5 the approval of the minutes from the December 12th  
6 meeting?

7 MR. SAVIGNAC: Sure.

8 I will second that.

9 MR. HUNTER: Okay. So the minutes that were  
10 submitted on the December 12th, 2016, meeting have been  
11 approved by the RTAC.

12 MR. HESCH: Point of order, David.

13 I don't think you voted on the approval of the  
14 Agenda.

15 MR. HUNTER: Yes, we did.

16 MR. ORTIZ: They already did.

17 MR. HESCH: Did you vote?

18 MR. HUNTER: Yes.

19 MR. HESCH: Okay. Sorry.

20 MR. HUNTER: Okay.

21 So the Agenda has been approved and the  
22 minutes have been approved.

23 The next item on the Agenda is the New Mexico  
24 Environment Department's presentation of Revision 20.3  
25 NMAC by Michael Ortiz.

1 MS. NAPOLITANO: Before you do that, can we  
2 just do a quick roll call and then have the two people  
3 on the phone say why they cannot be here in person?

4 MR. ORTIZ: So quick roll call.

5 Noel, can you be the first one? And please  
6 state your name and the fact that you are not able to  
7 attend the meeting today in person, but were able to by  
8 phone.

9 MR. SAVIGNAC: Yes.

10 This is Noel Savignac, and I am unable to  
11 attend the meeting in Santa Fe.

12 Today is April 20th. I am attending by  
13 telephone contact.

14 MR. ORTIZ: Paul, can you identify yourself  
15 and state the reason?

16 MR. HOOVER: Good morning.

17 This is Paul Hoover. I am attending this  
18 meeting by phone. I was otherwise unable to attend in  
19 person.

20 MR. HUNTER: David Hunter, Chair of the  
21 Committee.

22 MS. KOHN: Angela Kohn, here part of the  
23 Committee.

24 MS. NAPOLITANO: So who is absent?

25 MR. ORTIZ: Who is absent today is Anthony

1 Armijo due to an emergency in his family, Ralph Phelps  
2 passed away sadly in February of this year, and Edward  
3 Kline was not able to even attend by phone. He is on a  
4 trip to Europe. So he is not accessible.

5 MS. NAPOLITANO: Okay.

6 Go ahead.

7 MR. HUNTER: So with the completion of the  
8 roll call, then we can move ahead to the presentation.

9 MR. ORTIZ: Okay. And the presentation is  
10 really going to be rather short. There are only five  
11 material changes. The others are State Archives  
12 changes. So, basically, it's going to be the same  
13 presentation we did before.

14 The first slide actually indicates the Parts  
15 1, 3, 4, 5, 7, 12, and 15 that are changing in 20.3 New  
16 Mexico Administrative Code.

17 The second slide is the Introduction, which I  
18 will not read, but it's the same one that was approved  
19 on the December 12th meeting.

20 The third slide is Authority and  
21 Obligations. Again, that is the exact same presentation  
22 that was approved on the minutes on the December 12th,  
23 2016, meeting. The basis for proposal revisions, again,  
24 the same slide that was approved on the minutes of the  
25 meeting of December 12th, 2016.



1           The Regulatory Assessment Tracking System, or  
2 "RATS," as it's referred to here, that was also the same  
3 slide that was approved in the minutes of the December  
4 12th, 2016, meeting. The regulations not required for  
5 adoption but requiring compatibility, again, the exact  
6 same slide that was approved in the minutes of the  
7 meeting of December 12th.

8           The next slide is the compatibility  
9 categories, the exact same slide presented in the  
10 December 12th meeting. The NRC approval proposal, the  
11 exact same slide presented in the December 12th meeting.

12           And now we get to the regulations.

13           The first one is 20.3.1. Basically, we are  
14 covering 20.3.1.7, Definitions; 20.3.1.107, Exemptions  
15 from the Regulatory Requirements; and 20.3.1.116,  
16 Communications. There are no changes to these  
17 regulations on this page. They are the exact same ones  
18 that were approved and presented in the December 12th  
19 meeting.

20           The next one is 20.3.3.7, Definitions. That  
21 is, again, the exact same one presented in the December  
22 12th meeting.

23           The next slide is actually 20.3.3.301.  
24 On that slide, there are some corrections. The  
25 corrections really are only related to the percentages.

1           So basically, under (2)(a),  
2   20.3.3.301.C(2)(a), the change is instead of using "20"  
3   percent, which was approved in the December meeting, the  
4   State Archives is making a correction and spelling out  
5   "twenty."

6           And on part (b), (2)(b), of the same section,  
7   again, they made a change. This one is a difference.  
8   So basically, it was "ten" percent. We had approved "2"  
9   percent, but, again, they spelled the "two" out.

10           And then under (2)(d), same regs, they changed  
11   the number "2" to the word "two."

12           So those are State Archives changes. So they  
13   are all corrected by State Archives.

14           The next slide is, again, corrections by  
15   State Archives. So under 20.3.3.301.C(4), the change is  
16   from the number "4" to "four" percent, and I believe  
17   that's the only change in that area that needs to be  
18   addressed.

19           Then the next slide is actually  
20   20.3.3.301.C(9). And under C(9), there is -- actually,  
21   under C(7) first, there is a material change -- well,  
22   not a material change, but an archives change, where  
23   they changed the "30" percent to "ten" percent, but in  
24   the meeting, we approved "10" percent at the time, but  
25   we used the number, they spelled out the word.

1           So it's not only a change in our last meeting,  
2 but is a State Archives change. And then under C(9)(b),  
3 again, we approved "4," the number "4," "4" percent,  
4 they just spelled out the word. Another State Archives  
5 change.

6           Under the next slide, which is  
7 20.3.3.301.D(1)(2) and E, there are no changes. This is  
8 exactly the same that was approved in the December 12th  
9 meeting.

10           The next slide is 20.3.301, Exemptions. Under  
11 the Editorial, if you will look at the second line,  
12 there is "in C(5)."

13           What we had before that was approved was  
14 "C.5." State Archives removed the dot. So that was  
15 an archives change. And I believe, let me see, that is  
16 the only change -- oh, there is one more change. Yes.  
17 Actually, on the RATS for 20.3.3.302.C4)(a), we referred  
18 to "RATS 2013.2" in the December 12th meeting. That was  
19 a correction to those. RATS is actually "RATS 2012-4."  
20 Everything else was the same. It's just the change in  
21 the RATS. So that is a material change.

22           On the next slide, which is  
23 20.3.3.302.C(4)(b), we had approved "2013-2 RATS" on the  
24 December 12th meeting, but it has been corrected. It's  
25 actually "RATS 2012-4." And that's the only change on

1 that slide.

2 The next slide is 20.3.3.304.B, Small  
3 Quantities of Source Material. There are no changes.  
4 Those were approved at the December 12th meeting. So  
5 there are no changes.

6 On the next slide, which is  
7 20.3.3.304.B(2)(3)(4), there are no changes. Those  
8 remain the same as they were at the December 12th  
9 meeting.

10 The next slide. Basically, they had a  
11 replacement, again, based on State Archives review.  
12 And so under 20.3.3.304.C(2)(b), at the end of "(b),"  
13 the colon has been replaced with a period.

14 And the next slide is 20.3.3.304.D. Under  
15 "D," the first line, Subsection "B" is changed. It was  
16 originally approved as "A." It's changed to "B."  
17 Again, that was a material change.

18 And then under that same section, "F," the  
19 fourth line referred to Subsection "B" in the December  
20 12th meeting. It's been changed to Subsection "A."

21 The next slide is basically a State Archives  
22 change. We are changing titles from upper case to lower  
23 case under 20.3.3.305.A. The title there, "Devices" --  
24 "Certain devices and equipment." "Devices" and  
25 "equipment" have been changed to lower case.

1 Under this 305.B, the title "Certain  
2 detecting, measuring, gauging, or controlling devices  
3 and certain devices for producing light or an ionized  
4 atmosphere," all of the words after "Certain" have been  
5 changed to lower case from upper case. And that's the  
6 only change there.

7 On the next slide, we have a change under  
8 20.3.3.305.C. The title "Luminous safety devices for  
9 aircraft." Everything after "Luminous" has been changed  
10 to lower case.

11 Then under the same Section C, or Subsection  
12 C(2)(b), the word "subparagraph" was added to the last  
13 line of (b) before C(2) in parentheses.

14 The next slide is 20.3.3.305.C. Again, the  
15 title, "Luminous safety devices for aircraft." They  
16 changed everything after "Luminous" to lower case. And  
17 then under the same section, C(4)(b), the last line,  
18 you had approved on December 12th "95" percent as a  
19 number. They have changed the word to "ninety-five."  
20 So they have written in "ninety-five" percent. And you  
21 approved "5" percent in the last meeting, but they  
22 changed the number "5" to "five" percent. So that's the  
23 only change there.

24 The next slide is 20.3.3.305.C. Again,  
25 "Luminous safety devices for aircraft." Everything

1 after "Luminous" has been changed to lower case, and  
2 then -- and that's the only change there.

3 Under 20.3.3.305.C, the same thing. "Luminous  
4 safety devices for aircraft" has been changed.  
5 Everything after "Luminous" has been changed to lower  
6 case, State Archives.

7 The next slide is under 20.3.3.307. Let's  
8 see, it's under F, (2)(a). The very first word, "all,"  
9 a-l-l, has been changed from upper case to lower case.  
10 That was what was approved in the last meeting. Again,  
11 another State Archives change.

12 The next slide under 20.3.3.307.F(2)(b), (3)  
13 and (4), that stays the same as the December 12th  
14 meeting. So no changes there.

15 Under 20.3.3.307.L, which is the next slide,  
16 the title "An application for a specific license to  
17 transfer source material under 10 CFR 40" has been  
18 changed after the word "An" all to lower case.

19 And I think Victor identified a lot of these  
20 himself, but they are also in the State Archives  
21 changes. That's the only change there. And that was  
22 Victor Diaz of our Bureau who identified a lot of the  
23 lower case. And then we verified them in the section  
24 with the State Archives.

25 The next slide, 20.3.3.307, under L, the same

1 thing, "An application for a specific license to  
2 transfer source material under 10 CFR 40." Everything  
3 after "An" has been changed to lower case.

4 The next change is actually under 20.3.3.307  
5 L(d), and it is actually the last line there.

6 The change is under "agreement state." At the  
7 December 12th meeting, it was approved as capital "A"  
8 for "agreement" and capital "S" for "state."  
9 State Archives has changed it to lower case.

10 Under 20.3.3.311, under E, the first change  
11 was "Decommissioning funding plan." Again, "funding  
12 plan" has been changed to lower case from upper case,  
13 and under E(1)(b), the last line, "department" has been  
14 changed from upper case to lower case. Those are the  
15 only changes on that slide.

16 The next slide is under 20.3.3.311(2), and  
17 under the -- in the first line, at the December 12th  
18 meeting, you had approved "At the time of license  
19 renewal and at intervals not to exceed," the number "'3'  
20 years," State Archives changed it to the word spelled  
21 out, "'three' years." So that's the only change there.

22 Under 20.3.3.313, A, B, and C have all been  
23 changed to lower case. The only words that remain under  
24 A capitalized is "Industrial." "Radiographic  
25 operations" are both lower case.

1 Under B, "Medical" is the only one that's  
2 capitalized. "Use of radioactive materials" are all  
3 changed to lower case.

4 Under C, "Well logging operations and  
5 subsurface tracer studies," everything after "Well" has  
6 been changed to lower case.

7 Same page, same slide, 20.3.3.314, under B, we  
8 have a change to lower case from "Issuance of type A  
9 specific license of broad scope." So "issuance type,"  
10 "specific license" and "broad scope" are all lower case.  
11 Under C, "issuance type," "specific license" and "broad  
12 scope" are also lower case. Under D, "issuance type,"  
13 "specific license," and "broad scope" are all lower  
14 case. That's the end of that slide.

15 The next slide is under 20.3.3.315.F. The  
16 title, "Special requirements for the manufacture,  
17 assembly, repair, or initial transfer of luminous safety  
18 devices for use in aircraft," everything after "Special"  
19 has been changed to lower case.

20 Under F(3), the first two lines, the  
21 following words have been changed to lower case,  
22 "director," "office," "federal," "state," "environment,"  
23 "management," "programs," "document control desk."

24 Under F(4), the third line, "agreement" has  
25 been changed to lower case. The second-to-the-last line



1 under (4) has been changed to lower case. For  
2 "agreement state," they changed that "a" to an "s."  
3 It's a typo there. So correct that.

4 And then under G, the title "Special  
5 requirements for license to manufacture or initially  
6 transfer calibration or reference sources containing  
7 americium-241, plutonium or radium-226 for distribution  
8 to persons generally licensed," all of the words after  
9 "Special" are all lower case.

10 Under H, "Manufacture and distribution of  
11 radioactive material for certain in-vitro clinical or  
12 laboratory testing under general license," everything  
13 after "Manufacture" has been changed to lower case.

14 The next slide, 20.3.3.315.I. Again,  
15 "Licensing the manufacture and distribution of ice  
16 detection devices," everything after "Licensing" is  
17 lower case now. J, "Manufacture, preparation, or  
18 transfer for commercial distribution of radioactive  
19 drugs containing radioactive material for medical use,"  
20 everything after "Manufacture" is lower case.

21 Under K, "Manufacture and distribution of  
22 sources or devices containing radioactive material for  
23 medical use," everything after "Manufacture" is lower  
24 case.

25 Under L, "Requirements for license to

1 manufacture and distribute industrial products  
2 containing depleted uranium for mass-volume  
3 applications," everything after "Requirements" has been  
4 changed to lower case. That's the end of that slide.

5 And that concludes the changes.

6 Now, I will just go through -- do I need to  
7 still go through all the others we didn't change?

8 MS. NAPOLITANO: No, because those have been  
9 changed.

10 MR. ORTIZ: So that concludes the changes  
11 from the presentation from the December 12th, 2016,  
12 meeting.

13 MR. HUNTER: So at this point, Mia, we can  
14 request a vote from the RTAC for their approval of the  
15 items on here as submitted?

16 MS. NAPOLITANO: Yes.

17 MR. ORTIZ: We need a second.

18 MS. KOHN: I, Angela Kohn, second the motion  
19 to approve the changes.

20 MR. HUNTER: As submitted?

21 MS. KOHN: As submitted.

22 MR. ORTIZ: Noel, can you second that?

23 MR. SAVIGNAC: I will second the approval of  
24 the changes. I will second that.

25 MR. HUNTER: Vote.

1           Everybody in favor?

2           All in favor on the RTAC? All in favor of  
3 this? Aye, aye, aye?

4           MR. SAVIGNAC: Aye.

5           MS. KOHN: Aye.

6           MR. ORTIZ: Paul, can you vote?

7           MR. HOOVER: Aye.

8           MR. HUNTER: Okay.

9           Let it be noted then the RTAC has approved the  
10 revisions to the 20.3 licensing of radioactive material  
11 as presented by Michael Ortiz.

12          MR. ORTIZ: We are done.

13          MR. HUNTER: The next item on the Agenda was  
14 public statements, but I don't know if there are any.

15          MS. PAFFETT: I don't have any statements.

16          MR. HUNTER: There are no statements at this  
17 time.

18          Any other business?

19          I vote for adjournment.

20          MR. ORTIZ: Second?

21          MS. KOHN: I, Angela Kohn, second the vote.

22          MR. ORTIZ: Vote for adjournment?

23          MR. HUNTER: So the meeting is adjourned.

24          I want to thank Noel and Paul for joining us  
25 on the phone to give us a quorum to get to complete the

1 business at hand.

2 Thank you very much.

3 MR. ORTIZ: Thank you.

4 MR. HOOVER: You bet. Take care.

5 (Proceedings concluded at 10:37 a.m.)

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1 STATE OF NEW MEXICO )

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3 COUNTY OF BERNALILLO )

4 I, DENISE KOPAN, the undersigned Court  
5 Reporter, HEREBY CERTIFY that the foregoing hearing was  
6 recorded by me by machine shorthand; that I later caused  
7 my notes to be transcribed under my personal  
8 supervision; and that the foregoing is a true and  
9 accurate record, to the best of my ability, of said  
10 proceedings.

11 I FURTHER CERTIFY that I am not a relative or  
12 employee of any of the parties or attorneys involved in  
13 this matter and that I have no personal interest in the  
14 final disposition of this matter.

15 DATED this \_\_\_\_\_ day of April, 2017.

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*Denise Kopan*



DENISE KOPAN, NM CSR #124  
License Expiration: 12/31/17