

**STATE OF NEW MEXICO
BEFORE THE ENVIRONMENTAL IMPROVEMENT BOARD**

**IN THE MATTER OF PROPOSED
AMENDMENTS TO
20.3.1 NMAC, 20.3.3 NMAC,
20.3.4 NMAC, 20.3.5 NMAC, 20.3.7 NMAC,
20.3.12 NMAC, AND 20.3.15 NMAC**

No. EIB 21-09

**Radiation Control Bureau,
Environmental Protection Division of the
New Mexico Environment Department,**

Petitioner.

NOTICE OF INTENT TO PRESENT TECHNICAL TESTIMONY

Pursuant to 20.1.1.302(A) NMAC, the Radiation Control Bureau (“Bureau”) of the Environmental Protection Division (“Division”) of the New Mexico Environment Department (“Department”) files this Notice of Intent to Present Technical Testimony (“NOI”) for the hearing in this matter currently scheduled for June 25, 2021.

1. **Entity for whom the witnesses will testify:** The New Mexico Environment Department Radiation Control Bureau.

2. **Identity of witnesses:** Thomas Collins is an environmental scientist with the Bureau. His resume is attached as **NMED Exhibit 4**, which describes his qualifications, including a description of his educational and work backgrounds.

3. **Hearing Location(s):** The Environmental Improvement Board (“EIB”) will hold the public hearing in this matter on June 25, 2021, beginning at 1:00 p.m. via internet (Zoom) and via telephone. The Department’s witness will be available on the virtual platform as specified in the hearing notice.

4. The direct written testimony of Thomas Collins is attached as **NMED Exhibit 3**.

5. **The text of any recommended modifications to the proposed regulatory change:** There are no recommended modifications to the proposed amendments in Attachment 3 to the Petition filed with the EIB on March 5, 2021. There was an oversight with the proposed amendments in Attachment 2 to the Petition. The proposed amendment to 20.3.3.315 NMAC was not inserted into Attachment 2 to the Petition yet it was addressed in Attachment 3 to the Petition. The proposed amendment to 20.3.3.315 NMAC was to add the following language as 20.3.3.315(E)(1)(f) NMAC: "The device has been registered in the Sealed Source and Device Registry."

This proposed amendment is federally mandated. As required by NMSA 1978, Section 74-3-5(A) (2000), this proposed amendment was provided to the Radiation Technology Advisory Council ("RTAC") at its March 3, 2021, meeting. The RTAC reviewed this proposed amendment in Attachment 3 of the Petition and in a PowerPoint presentation that the Bureau presented to the RTAC (*see NMED Exhibit 25* of this NOI). The RTAC approved of the amendment as proposed.

6. **List of Exhibits:** A complete list of exhibits the Department intends to offer into evidence in this matter is attached to this NOI. The Department reserves the right to introduce and move for admission any other exhibit in support of rebuttal testimony at the hearing.

Respectfully submitted,

NEW MEXICO ENVIRONMENT DEPARTMENT
OFFICE OF GENERAL COUNSEL

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CERTIFICATE OF SERVICE

I hereby certify that on June 2, 2021, a true and correct copy of the foregoing Notice of Intent to Present Technical Testimony was served via electronic mail on the following:

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EIB 21-09 (R)—LIST OF EXHIBITS

Exhibit No.	Description
1	Proposed Revisions to 20.3 NMAC
2	Matrix of the Proposed Revisions to 20.3 NMAC
3	Written Testimony of Thomas Collins
4	Resume of Thomas Collins, Environmental Scientist, Radiation Control Bureau, New Mexico Environment Department
5	Agreement Between the United States Atomic Energy Commission and the State of New Mexico for Discontinuance of Certain Commission Regulatory Authority and Responsibility within the State Pursuant to Section 274 of the Atomic Energy Act of 1954, As Amended
6	Requirements for Distribution of Byproduct Material-RATS ID 2012-4; Physical Protection of Byproduct Material-RATS ID 2013-1; Distribution of Source Material to Exempt Persons and General Licensees and Revision of General License and Exemptions-RATS ID 2013-2; Revisions to Transportation Safety Requirements and Harmonization with International Atomic Energy Agency Transportation Requirements-RATS 2015-3; Miscellaneous Corrections-RATS ID 2015-5
7	Compatibility Categories and Health and Safety Identification for NRC Regulations and Other Program Elements
8	August 9, 2017 NRC correspondence to RCB re: RATS ID#'s 2012-4, 2013-1, and 2013-2
9	January 16, 2018 NRC correspondence to RCB re: RATS ID# 2015-3
10	Public Notice in English and Spanish
11	Public Notice of Proposed Rulemaking as published in the Santa Fe New Mexican-April 14, 2021
12	Public Notice of Proposed Rulemaking as published in the Albuquerque Journal-April 29, 2021
13	Public Notice of Proposed Rulemaking as Published in the New Mexico Register-April 20, 2021
14	Screenshot of Public Notice on Environmental Improvement Board website
15	Screenshot of Public Notice on NMED RCB website
16	Screenshot of Public Notice on the Sunshine Portal
17	Public Notice sent to the Legislative Council
18	Public Notice sent via email to RCB licensees
19	Public Notice sent via certified mail return receipt requested to RCB licensees
20	Spreadsheet of RCB licensee postal addresses
21	Spreadsheet of RCB licensee email addresses
22	Public Notice sent via email to the EIB rulemaking listserv
23	Letter to the Small Business Regulatory Advisory Commission regarding Proposed Amendments to 20.3 NMAC sent via April 6, 2021

24	Response from the Small Business Regulatory Advisory Commission regarding Proposed Amendments to 20.3 NMAC
25	PowerPoint Presentation on Proposed Regulations Given at the March 3, 2021 RTAC meeting
26	Public Notice for March 3, 2021 RTAC meeting and Screenshot of RTAC Public Notice on the RCB website
27	RTAC Minutes of the March 3, 2021 meeting
28	10 CFR 71 re: "Commission" and "NRC"
29	Proposed Statement of Reasons and Order

1 **TITLE 20 ENVIRONMENTAL PROTECTION**
2 **CHAPTER 3 RADIATION PROTECTION**
3 **PART 1 GENERAL PROVISIONS**
4

5 **20.3.1.1 ISSUING AGENCY:** Environmental Improvement Board.
6 [20.3.1.1 NMAC - Rp, 20.3.1.1 NMAC, 4/30/2009]
7

8 **20.3.1.2 SCOPE:** Except as otherwise specifically provided, this part applies to all persons who receive,
9 possess, use, transfer, own or acquire any source of radiation; provided, however, that nothing in this part shall apply
10 to any person to the extent that such person is subject to regulations by the NRC. Regulation by the state of source
11 material, byproduct material and special nuclear material in quantities not sufficient to form a critical mass is subject
12 to the provisions of the agreement between the state and the NRC and 10 CFR Part 150.
13 [20.3.1.2 NMAC - Rp, 20.3.1.2 NMAC, 4/30/2009]
14

15 **20.3.1.3 STATUTORY AUTHORITY:** Sections 74-1-9, 74-3-5 and 74-3-9 NMSA 1978.
16 [20.3.1.3 NMAC - Rp, 20.3.1.3 NMAC, 4/30/2009]
17

18 **20.3.1.4 DURATION:** Permanent.
19 [20.3.1.4 NMAC - Rp, 20.3.1.4 NMAC, 4/30/2009]
20

21 **20.3.1.5 EFFECTIVE DATE:** April 30, 2009, unless a later date is cited at the end of a section.
22 [20.3.1.5 NMAC - Rp, 20.3.1.5 NMAC, 4/30/2009]
23

24 **20.3.1.6 OBJECTIVES:**

25 **A.** To protect the public and occupationally exposed individuals from unnecessary exposure to
26 ionizing radiation.

27 **B.** To provide for the safe possession and use of radioactive materials and radiation machines in
28 keeping with the ALARA principle, as defined in 20.3.4.7 NMAC.
29 [20.3.1.6 NMAC - Rp, 20.3.1.6 NMAC, 4/30/2009]
30

31 **20.3.1.7 DEFINITIONS:** As used in these regulations, these terms have the definitions as set forth below.

32 **A.** “Accelerator” (See particle accelerator).

33 **B.** “Accelerator produced material” means any material made radioactive by exposure to radiation
34 from a particle accelerator.

35 **C.** “Act” means the Radiation Protection Act (Sections 74-3-1 through 74-3-16, NMSA 1978).

36 **D.** “Agreement state” means any state with which the United States nuclear regulatory commission
37 (NRC) or the United States atomic energy commission (AEC) has entered into an effective agreement under Section
38 274b of the Atomic Energy Act, as amended (73 Stat. 689).

39 **E.** “Board” means the environmental improvement board.

40 **F.** “Byproduct material” means:

41 **(1)** any radioactive material, (except special nuclear material), yielded in or made radioactive
42 by exposure to the radiation incident to the process of producing or utilizing special nuclear material;

43 **(2)** the tailings or wastes produced by the extraction or concentration of uranium or thorium
44 from any ore processed primarily for its source material content, including discrete surface wastes resulting from
45 uranium or thorium solution extraction processes; underground ore bodies depleted by these solution extraction
46 operations do not constitute byproduct material within this definition;

47 **(3)** any discrete source of radium-226 that is produced, extracted or converted after
48 extraction, before, on, or after August 8, 2005, for use for a commercial, medical or research activity;

49 **(4)** any material that:
50 **(a)** has been made radioactive by use of a particle accelerator; and
51 **(b)** is produced, extracted or converted after extraction, before, on, or after August
52 8, 2005, for use for a commercial, medical or research activity; or

53 **(5)** any discrete source of naturally occurring radioactive material, other than source
54 material, that

55 **(a)** NRC, in consultation with the administrator of the environmental protection
56 agency (EPA), the secretary of energy, the secretary of homeland security, and the head of any other appropriate

1 federal agency, determines would pose a threat similar to the threat posed by a discrete source of radium-226 to the
2 public health and safety or the common defense and security; and

3 **(b)** before, on, or after August 8, 2005, is extracted or converted after extraction for
4 use in a commercial, medical or research activity.

5 **G. “Calibration”** means the quantitative evaluation and adjustment, as deemed necessary by the
6 department, of radiation measuring instruments by a department approved laboratory. Calibration includes the
7 determination of: ~~{1}~~

8 **(1)** the response or reading of an instrument relative to a series of known radiation values over the
9 range of the instrument; ~~{7}~~ or ~~{2}~~

10 **(2)** the strength of a source of radiation relative to a standard using national institute of standards
11 and technology (NIST) traceable sources and approved techniques.

12 **H. “CFR”** means code of federal regulations.

13 **I. “Chelating agent”** means amine polycarboxylic acids, hydroxycarboxylic acids, gluconic acid
14 and polycarboxylic acids.

15 **J. “Commercial waste disposal”** means disposal of radioactive waste as a business enterprise.

16 **K. “Consortium”** means an association of medical use licensees and a PET radionuclide production
17 facility in the same geographical area that jointly own or share in the operation and maintenance cost of the PET
18 radionuclide production facility that produces PET radionuclides for use in producing radioactive drugs within the
19 consortium for noncommercial distributions among its associated members for medical use. The PET radionuclide
20 production facility within the consortium must be located at an educational institution or a federal facility or a
21 medical facility.

22 **L. “Council”** means the radiation technical advisory council (RTAC).

23 **M. “Curie”** means that amount of radioactive material which disintegrates at the rate of 37 billion
24 atoms per second.

25 **N. “Cyclotron”** means a particle accelerator in which the charged particles travel in an outward
26 spiral or circular path. A cyclotron accelerates charged particles at energies usually in excess of 10 megaelectron
27 volts and is commonly used for production of short half-life radionuclides for medical use.

28 **O. “Decommission”** means to remove a facility or site safely from service and reduce residual
29 radioactivity to a level that permits:

30 **(1)** release of the property for unrestricted use and termination of the license; or

31 **(2)** release of the property under restricted conditions and termination of the license.

32 **P. “Department”** means the environment department, its successors, or its predecessors, the
33 environmental improvement agency, or the environmental protection ~~[improvement]~~ division of the ~~[health and~~
34 ~~environment]~~ environment department.

35 **Q. “Depleted uranium”** means the source material uranium which the isotope uranium-235 is less
36 than 0.711 weight percent of the total uranium present. Depleted uranium does not include special nuclear material.

37 **R. “Discrete source”** means a radionuclide that has been processed so that its concentration within a
38 material has been purposely increased for use for commercial, medical or research activities.

39 **S. “DOE”** means the United States department of energy established by the Department of Energy
40 Organization Act (Public Law 95-91, 91 Stat. 565, 42 U.S.C. 7101 et. seq.) to the extent that the DOE, or its duly
41 authorized representatives, exercises functions formerly vested in the United States atomic energy commission
42 (AEC), its chairman, members, officers and components and transferred to the United States energy research and
43 development administration (ERDA) and to the administrator thereof pursuant to sections 104(b), (c) and (d) of the
44 Energy Reorganization Act (Public Law 93-438, 88 Stat. 1233 at 1237, 42 U.S.C. 5814) and retransferred to the
45 secretary of energy pursuant to section 301(a) of the Department of Energy Organization Act (Public Law 95-91, 91
46 Stat. 565 at 577-578, 42 U.S.C. 7151).

47 **T. “DOT”** means the United States department of transportation.

48 **U. “EPA”** means the United States environmental protection agency.

49 **V. “FDA”** means the United States food and drug administration.

50 **W. “Former U.S. atomic energy commission (AEC) or NRC licensed facilities”** means nuclear
51 reactors, nuclear fuel reprocessing plants, uranium enrichment plants or critical mass experimental facilities where
52 AEC or NRC licenses have been terminated.

53 **X. “Government agency”** means any state or federal executive department, commission,
54 independent establishment, corporation, wholly or partly owned by any state or the United States of America which
55 is an instrumentality of the state or United States, or any board, bureau, division, service, office, officer, authority,
56 administration or other establishment in the executive branch of the government.

- 1 **Y.** **“Hazardous waste”** means those wastes designated as hazardous by EPA regulations in 40 CFR
2 Part 261.
- 3 **Z.** **“Healing arts”** means those professional disciplines authorized by the laws of this state to use x-
4 rays or radioactive material in the diagnosis or treatment of human or animal disease.
- 5 **AA.** **“Human use”** means the internal or external administration of radiation or radioactive material to
6 human beings for the purpose of medical diagnosis or therapy.
- 7 **BB.** **“Individual”** means any human being.
- 8 **CC.** **“Inspection”** means an official examination or observation including, but not limited to, tests,
9 surveys and monitoring to determine compliance with rules, regulations, orders, requirements and license or
10 registration conditions of the department.
- 11 **DD.** **“License”** means a license issued by the department in accordance with 20.3 NMAC.
- 12 **EE.** **“Licensed material”** means radioactive material received, possessed, used, transferred or
13 disposed of under a general or specific license issued by the department.
- 14 **FF.** **“Licensee”** means the holder of a license.
- 15 **GG.** **“Licensing state”** means any state with regulations equivalent to the suggested state regulations
16 for control of radiation (SSRCR) relating to, and an effective program for, the regulatory control of NARM (as
17 defined in 20.3.1.7 NMAC) and which has been granted final designation by the conference of radiation control
18 program directors, incorporated (CRCPD).
- 19 **HH.** **“Lost or missing licensed material”** means licensed material whose location is unknown. This
20 definition includes, but is not limited to, material that has been shipped but has not reached its planned destination
21 and whose location cannot be readily traced in the transportation system.
- 22 **II.** **“Major processor”** means a user processing, handling or manufacturing radioactive material
23 exceeding type A quantities as unsealed sources or material, or exceeding four[4] times type B quantities as sealed
24 sources, but does not include nuclear medicine programs, universities, industrial radiographers or small industrial
25 programs. Type A and B quantities are defined in 10 CFR Part 71.4.
- 26 **JJ.** **“Mixed waste”** contains both hazardous waste (as defined by Resource Conservation and
27 Recovery Act (RCRA) and its amendments) and radioactive waste (as defined by Atomic Energy Act (AEA) and its
28 amendments). It is jointly regulated by NRC or NRC's agreement states and EPA or EPA's RCRA authorized states.
29 The fundamental and most comprehensive statutory definition is found in the Federal Facilities Compliance Act
30 (FFCA) where Section 1004(41) was added to RCRA: “The term 'mixed waste' means waste that contains both
31 hazardous waste and source, special nuclear, or byproduct material subject to the Atomic Energy Act.”
- 32 **KK.** **“NARM”** means any naturally occurring or accelerator-produced radioactive material. It does not
33 include source or special nuclear material.
- 34 **LL.** **“Natural radioactivity”** means radioactivity of naturally occurring nuclides.
- 35 **MM.** **“NRC”** means the United States nuclear regulatory commission or its duly authorized
36 representatives.
- 37 **NN.** **“Ore refineries”** means all processors of a radioactive material ore including uranium mills or
38 other source material extraction facilities.
- 39 **OO.** **“Particle accelerator”** (accelerator) means any machine capable of accelerating electrons,
40 protons, deuterons or other charged particles in a vacuum and of discharging the resultant particulate or other
41 radiation into a medium at energies usually in excess of 1 megaelectron volt. For purposes of this definition,
42 “accelerator” is an equivalent term. Particle accelerators which intentionally produce radioactive materials or
43 produce radioactive materials incidental to the operation of an accelerator shall be subject to the licensing
44 requirements in 20.3.3 NMAC. Particle accelerators which produce radiation for research, diagnostic or therapeutic
45 purposes shall be subject to the registration requirements in 20.3.2 and 20.3.9 NMAC.
- 46 **PP.** **“Person”** means: [1]
47 **(1)** any individual, corporation, partnership, firm, association, trust, estate, public or private
48 institution, group, government agency other than NRC or DOE, any state or any political subdivision of or any
49 political entity within a state, any foreign government or nation or any political subdivision of any such government
50 or nation, or other entity; and [2]
51 **(2)** any legal successor, representative, agent or agency of the foregoing.
- 52 **QQ.** **“PET”** means positron emission tomography.
- 53 **RR.** **“Qualified expert”** means an individual having the knowledge and training to measure ionizing
54 radiation, to evaluate safety techniques, and to advise regarding radiation protection needs; for example, individuals
55 certified in the appropriate field by the American board of radiology (ABR), or the American board of health
56 physics (ABHP), or the American board of medical physics (ABMP) or those having equivalent qualifications.

1 With reference to the calibration of radiation therapy equipment, an individual having, in addition to the above
2 qualifications, training and experience in the clinical applications of radiation physics to radiation therapy; for
3 example, individuals certified in therapeutic radiological physics or x-ray and radium physics by the ABR, or those
4 having equivalent qualifications. With reference to providing medical physics services to certified mammographic
5 facilities, such individuals must meet the requirements as defined by the FDA.

6 **SS. “Radiation”** (ionizing radiation), as used in this chapter, means alpha particles, beta particles,
7 gamma rays, x-rays, neutrons, high-speed electrons, high-speed protons and other particles capable of producing
8 ions. Radiation, as used in this chapter, does not include non-ionizing radiation, such as radiowaves or microwaves,
9 visible, infrared or ultraviolet light.

10 **TT. “Radiation machine”** means any device capable of producing radiation except those devices with
11 radioactive material as the only source of radiation.

12 **UU. “Radiation safety officer”** means one who has the knowledge and responsibility to apply
13 appropriate radiation protection regulations.

14 **VV. “Radioactive material”** means any material in any physical or chemical form which emits
15 radiation spontaneously.

16 **WW. “Radioactivity”** means the transformation of unstable atomic nuclei by the emission of radiation.

17 **XX. “Radioisotope”** (see radioactive material).

18 **YY. “Radionuclide”** (see radioactive material).

19 **ZZ. “Registrant”** means a holder of a registration and any person who is registered or legally
20 obligated to register with the department pursuant to 20.3.2 NMAC or 20.3.9 NMAC.

21 **AAA. “Registration”** (certificate of registration) means a registration issued by the department pursuant
22 to 20.3.2 NMAC or 20.3.9 NMAC.

23 **BBB. “Regulation”** means any rule adopted pursuant to the act.

24 **CCC. “Regulations of the U.S. department of transportation” (DOT)** means the regulations in 49
25 CFR Parts 100-185.

26 **DDD. “Research and development”** means: [1]

27 (1) theoretical analysis, exploration or experimentation; or [2]

28 (2) the extension of investigative findings and theories of a scientific or technical nature into
29 practical application for experimental and demonstration purposes, including the experimental production and
30 testing of models, devices, equipment, materials and processes. Research and development does not include the
31 internal or external administration of radiation or radioactive material to human beings.

32 **EEE. “Sealed source”** means any radioactive material that is encased in a capsule designed to prevent
33 leakage or escape of the radioactive material.

34 **FFF. “Sealed source and device registry”** means the national registry that contains all the registration
35 certificates, generated by both NRC and the agreement states that summarize the radiation safety information for the
36 sealed sources and devices and describe the licensing and use conditions approved for the product.

37 **GGG. “Secretary”** means the secretary of the New Mexico environment department.

38 **HHH. “SI”** means the international system of units.

39 **III. “Site boundary”** means that line beyond which the land or property is not owned, leased or
40 otherwise controlled by the licensee or registrant.

41 **JJJ. “Source material”** means:

42 (1) uranium or thorium, or any combination thereof, in any physical or chemical form; or

43 (2) ores that contain by weight one-twentieth of one percent (0.05 percent) or more of
44 uranium, thorium or any combination thereof; source material does not include special nuclear material.

45 **KKK. “Source material milling”** means any activity which results in the production of byproduct as
46 defined in Paragraph (2) of Subsection F of this section.

47 **LLL. “Source of radiation”** means any radioactive material, device or equipment emitting or capable
48 of producing radiation.

49 **MMM. “Special form radioactive material”** means radioactive material that satisfies the conditions in
50 10 CFR 71.75

51 **NNN. “Special nuclear material”** means:

52 (1) plutonium, uranium-233, uranium enriched in the isotope 233 or in the isotope 235, and
53 any other material which the NRC, pursuant to the provisions of Section 51 of the Atomic Energy Act determines to
54 be special nuclear material, but does not include source material; or

55 (2) any material artificially enriched by any of the foregoing but does not include source
56 material.

1 **OOO. “Special nuclear material in quantities not sufficient to form a critical mass”** means uranium
2 enriched in the isotope U-235 in quantities not exceeding 350 grams of contained U-235; uranium-233 in quantities
3 not exceeding 200 grams; plutonium in quantities not exceeding 200 grams or any combination of them in
4 accordance with the following formula: for each kind of special nuclear material, determine the ratio between the
5 quantity of that special nuclear material and the quantity specified above for the same kind of special nuclear
6 material. The sum of such ratios for all of the kinds of special nuclear material in combination shall not exceed 1
7 (i.e. unity). For example, the following quantities in combination would not exceed the limitation and are within
8 the formula: $175 \text{ (grams contained U-235)} / 350 + 50 \text{ (grams U-233)} / 200 + 50 \text{ (grams Pu)} / 200 = 1$.

9 **PPP. “Test”** means a method for determining the characteristics of conditions of sources of radiation or
10 components thereof.

11 **QQQ. “These regulations”** means all parts of 20.3 NMAC.

12 **RRR. “Unrefined and unprocessed ore”** means ore in its natural form prior to any processing such as
13 grinding, roasting, beneficiating or refining.

14 **SSS. “Waste”** (radioactive waste) means those low-level radioactive wastes containing radioactive
15 material which is acceptable for disposal in a land disposal facility. For the purposes of this chapter, excluded from
16 the definition of “waste” are:

17 (1) high-level radioactive waste or spent nuclear fuel as defined in section 2 of the Nuclear
18 Waste Policy Act;

19 (2) transuranic waste as defined in section 11.(ee) of the Atomic Energy Act; or

20 (3) byproduct material as defined in Paragraphs (2), (3), (4) and (5) of the definition of
21 byproduct material set forth in this section.

22 [20.3.1.7 NMAC - Rp, 20.3.1.7 NMAC, 4/30/2009; A, 6/13/2017]

23
24 **20.3.1.8 through 20.3.1.106 NMAC [RESERVED]**

25
26 **20.3.1.107 EXEMPTIONS FROM THE REGULATORY REQUIREMENTS:**

27 **A. General Provisions.** The department may, upon application of any interested person or upon its
28 own initiative, grant such exemptions from the requirements of this chapter as it determines are authorized by law,
29 will not endanger public health and safety or property and are otherwise in the public interest.

30 **B. DOE contractors and NRC contractors.** Any DOE contractor or subcontractor and any NRC
31 contractor or subcontractor of the following categories operating within this state is exempt from these regulations to
32 the extent that such contractor or subcontractor under his contract receives, possesses, uses, transfers or acquires
33 sources of radiation:

34 (1) prime contractors performing work for the DOE at United States government-owned or
35 controlled sites, including the transportation of sources of radiation to or from such sites and the performance of
36 contract services during temporary interruptions of such transportation;

37 (2) prime contractors of the DOE performing research in, or development, manufacture,
38 storage, testing or transportation of atomic weapons or components thereof;

39 (3) prime contractors of the DOE using or operating nuclear reactors or other nuclear devices
40 in a United States government-owned vehicle or vessel; and

41 (4) any other prime contractor or subcontractor of the DOE or NRC when the state and the
42 NRC jointly determine:

43 (a) that the exemption of the prime contractor or subcontractor is authorized by law;
44 and

45 (b) that, under the terms of the contract or subcontract, there is adequate assurance
46 that the work thereunder can be accomplished without undue risk to the public health and safety.

47 **C.** Common and contract carriers, freight forwarders, warehousemen and United States postal service
48 are exempt from the regulations in 10 CFR parts 31 through 37 and 39 as well as the requirements for a license set
49 forth in section 81 of the Atomic Energy Act to the extent that they transport or store byproduct material in the
50 regular course of carriage for another or storage incident thereto.

51 **D.** Mining, extracting, processing, storage or transportation of radioactive ores or uranium
52 concentrates that are regulated by the mine safety and health administration (MSHA), United States department of
53 labor (DOL), or any other federal or state agency having authority are exempt unless the authority is ceded by such
54 agency to the board.

55 [20.3.1.107 NMAC - Rp, 20.3.1.107 NMAC, 4/30/2009; A, 6/13/2017]

56

1 **20.3.1.108 RECORDS:** Each licensee and registrant shall maintain records showing the receipt, transfer and
2 disposal of all sources of radiation. Additional record requirements are specified elsewhere in these regulations.
3 [20.3.1.108 NMAC - Rp, 20.3.1.108 NMAC, 4/30/2009]
4

5 **20.3.1.109 INSPECTIONS:**

6 **A.** Each licensee and registrant shall afford the department at all reasonable times, opportunity to
7 inspect sources of radiation and the premises and facilities wherein such sources of radiation are used or stored.

8 **B.** Each licensee and registrant shall make available to the department for inspection upon reasonable
9 notice, records maintained pursuant to the requirements in this chapter.
10 [20.3.1.109 NMAC - Rp, 20.3.1.109 NMAC, 4/30/2009]
11

12 **20.3.1.110 TESTS:** Each licensee and registrant shall perform, or permit the department to perform such
13 tests as the department deems appropriate or necessary for the administration of the requirements in this chapter,
14 including, but not limited to, tests of:

15 **A.** sources of radiation;

16 **B.** facilities wherein sources of radiation are used or stored;

17 **C.** radiation detection and monitoring instruments; and

18 **D.** other equipment and devices used in connection with utilization or storage of sources of radiation.

19 [20.3.1.110 NMAC - Rp, 20.3.1.110 NMAC, 4/30/2009]
20

21 **20.3.1.111 ADDITIONAL REQUIREMENTS:** The department may impose upon a licensee or registrant
22 such requirements in addition to those established in this chapter as it deems appropriate or necessary to minimize
23 danger to public health and safety or property.

24 [20.3.1.111 NMAC - Rp, 20.3.1.111 NMAC, 4/30/2009]
25

26 **20.3.1.112 VIOLATIONS:**

27 **A.** Violation of any requirement of the act, this chapter or a license or registration condition may
28 result in enforcement proceedings under Section 74-3-11.1, NMSA 1978, including, but not limited to, the
29 following:

30 **(1)** issuing a compliance order or assessing a civil penalty of up to \$ 15,000 per day for each
31 violation or both; or

32 **(2)** commencing a civil action in district court for appropriate relief, including injunctive
33 relief.

34 **B.** A person who knowingly commits a violation of any provision of the act, this chapter or order
35 issued thereunder may be guilty of a misdemeanor under Section 74-3-12.1, NMSA 1978. A person who knowingly
36 makes a false statement, representation or certification in an application, record, report, plan or other document filed
37 or required to be maintained pursuant to the act or this chapter may be guilty of a petty misdemeanor under Section
38 74-3-12.1, NMSA 1978.

39 [20.3.1.112 NMAC - Rp, 20.3.1.112 NMAC, 4/30/2009]
40

41 **20.3.1.113 IMPOUNDING:** Sources of radiation shall be subject to impounding pursuant to the act.

42 [20.3.1.113 NMAC - Rp, 20.3.1.113 NMAC, 4/30/2009]
43

44 **20.3.1.114 PROHIBITED USES:**

45 **A.** A hand-held fluoroscopic screen shall not be used with x-ray equipment unless it has been listed in
46 the *registry of sealed sources and devices* or accepted for certification by the FDA, or the center for devices and
47 radiological health (CDRH).

48 **B.** A shoe-fitting fluoroscopic device shall not be used.

49 **C.** The use of a source of radiation for the purpose of screening or inspecting individuals for
50 concealed weapons, hazardous materials, stolen property, illegal goods or contraband, is prohibited without prior
51 written approval from the department.

52 **D.** The exposure of any individual to the primary beam of a radiation machine for training or
53 demonstration purposes is prohibited.

54 [20.3.1.114 NMAC - Rp, 20.3.1.114 NMAC, 4/30/2009]
55

56 **20.3.1.115 INTERPRETATIONS:** Except as specifically authorized by the department in writing, no

1 interpretation of these regulations by an officer or employee of the department other than a written interpretation by
2 the legal counsel will be recognized to be binding upon the department.
3 [20.3.1.115 NMAC - Rp, 20.3.1.115 NMAC, 4/30/2009]

4
5 **20.3.1.116 COMMUNICATIONS:** All communications and reports concerning these regulations and
6 applications filed thereunder should be addressed to the department at its office as follows: New Mexico
7 e[~~E~~]nvironment d[~~D~~]epartment, r[~~R~~]adiation c[~~C~~]ontrol b[~~B~~]ureau, P.O. Box 5469, Santa Fe, NM 87502-5469.
8 [20.3.1.116 NMAC - Rp, 20.3.1.116 NMAC, 4/30/2009; A, 6/13/2017]

9
10 **20.3.1.117 through 20.3.1.120 [RESERVED]**

11
12 **20.3.1.121 DOCUMENTS AND FORMS:**

13 **A.** All documents referenced in these regulations are available for review at the offices of the
14 department's radiation control bureau.

15 **B.** All forms referenced in these regulations may be obtained for review at the offices of the
16 department's radiation control bureau.

17 [20.3.1.121 NMAC - Rp, 20.3.1. 121 NMAC, 4/30/2009]

18
19 **20.3.1.122 DELIBERATE MISCONDUCT:**

20 **A.** Any licensee, registrant, applicant for a license or registration, employee of a licensee, employee
21 of a registrant or registration applicant; or any contractor (including a supplier or consultant), subcontractor,
22 employee of a contractor or subcontractor of any licensee or registrant or applicant for a license or registration, who
23 knowingly provides to any licensee, registrant, applicant, contractor, or subcontractor, any components, equipment,
24 materials, or other goods or services that relate to a licensee's, registrant's or applicant's activities in 20.3 NMAC,
25 may not:

26 **(1)** engage in deliberate misconduct that causes or would have caused, if not detected, a
27 licensee, registrant, or applicant to be in violation of any rule, regulation, or order; or any term, condition, or
28 limitation of any license or registration issued by the department; or

29 **(2)** deliberately submit to the department, a licensee, registrant, an applicant, or a licensee's,
30 registrant's or applicant's, contractor or subcontractor, information that the person submitting the information knows
31 to be incomplete or inaccurate in some respect material to the department.

32 **B.** A person who violates Paragraphs (1) or (2) of Subsection A of this section may be subject to
33 enforcement action in accordance with all applicable provisions of the act and 20.3 NMAC.

34 **C.** For the purposes of Paragraph (1) of Subsection A of this section, deliberate misconduct by a
35 person means an intentional act or omission that the person knows:

36 **(1)** would cause a licensee, registrant or applicant to be in violation of any rule, regulation, or
37 order; or any term, condition, or limitation, of any license or registration issued by the department; or

38 **(2)** constitutes a violation of a requirement, procedure, instruction, contract, purchase order
39 or policy of a licensee, registrant, applicant, contractor or subcontractor.

40 [20.3.1.122 NMAC - Rp, 20.3.1.122 NMAC, 4/30/2009]

41
42 **20.3.1.123 COMPLETENESS AND ACCURACY OF INFORMATION:**

43 **A.** Information provided to the department by an applicant for a license or registration, or by a
44 licensee or registrant or information required by statute or by the department's regulations, orders, or license or
45 registration conditions to be maintained by the applicant or the licensee or registrant shall be complete and accurate
46 in all material respects.

47 **B.** Each applicant, licensee or registrant shall notify the department of information identified by the
48 applicant, licensee or registrant as having for the regulated activity a significant implication for public health and
49 safety. An applicant, licensee or registrant violates this paragraph only if the applicant, licensee or registrant fails to
50 notify the department of information that the applicant, licensee or registrant has identified as having a significant
51 implication for public health and safety. Notification shall be provided to the department within two working days
52 of identifying the information. This requirement is not applicable to information which is already required to be
53 provided to the department by other reporting or updating requirements.

54 [20.3.1.123 NMAC - N, 4/30/2009]

55
56 **20.3.1.124 SAVING CLAUSE:** Amendment and supersession of this chapter shall not affect any

1 administrative or judicial enforcement action pending on the effective date of such amendment nor the validity of
2 any license or registration issued pursuant to this chapter.
3 [20.3.1.124 NMAC - N, 4/30/2009]

4
5 **HISTORY of 20.3.1 NMAC:**

6 **Pre-NMAC History:** The material in this part was derived from that previously filed as follows:
7 EIB 73-2, Regulations for Governing the Health and Environmental Aspects of Radiation filed on 7/9/1973;
8 EIB 73-2, Amendment 1, Regulations for Governing the Health and Environmental Aspects of Radiation filed on
9 4/17/1978;
10 EIB RPR-1, Radiation Protection Regulations filed on 4/21/1980;
11 EIB RPR-1, Amendment 1, Radiation Protection Regulations filed on 10/13/1981;
12 EIB RPR-1, Amendment 2, Radiation Protection Regulations filed on 12/15/1982; and
13 EIB RPR-1, Radiation Protection Regulations filed on 3/10/1989.

14
15 **History of Repealed Material:** 20.3.1 NMAC, General Provisions (filed 3/15/2004) repealed 4/30/2009.

16
17 **Other History:** EIB RPR 1, Radiation Protection Regulations (filed 3/10/1989) renumbered and reformatted to 20
18 NMAC 3.1, Radioactive Materials and Radiation Machines, effective 5/3/1995;
19 20 NMAC 3.1, Radioactive Materials and Radiation Machines (filed 4/3/1995) internally renumbered, reformatted
20 and replaced by 20 NMAC 3.1, Radioactive Materials and Radiation Machines, effective 7/30/1999.
21 20 NMAC 3.1.Subpart 1, General (filed 06/17/1999) reformatted, amended and replaced by 20.3.1 NMAC, General
22 Provisions, effective 4/15/2004.
23 20.3.1 NMAC, General Provisions (filed 3/15/2004) replaced by 20.3.1 NMAC, General Provisions, effective
24 4/30/2009.

1 **TITLE 20 ENVIRONMENTAL PROTECTION**
2 **CHAPTER 3 RADIATION PROTECTION**
3 **PART 3 LICENSING OF RADIOACTIVE MATERIAL**
4

5 **20.3.3.1 ISSUING AGENCY:** Environmental Improvement Board.
6 [20.3.3.1 NMAC - Rp, 20.3.3.1 NMAC, 4/30/2009]
7

8 **20.3.3.2 SCOPE:**

9 **A.** This part provides for the licensing of radioactive material. Except for persons exempt as
10 provided in this part, no person shall manufacture, produce, receive, possess, use, own, transfer or acquire
11 radioactive material except as authorized in a specific or general license issued pursuant to the requirements in this
12 part.

13 **B.** In addition to the requirements of this part, all licensees are subject to the requirements of 20.3.1
14 NMAC, 20.3.4 NMAC, 20.3.10 NMAC and 20.3.16 NMAC.

15 **C.** The requirements of this part are in addition to, and not in substitution for, other requirements of
16 this chapter. In any conflict between a requirement in this part and a specific requirement in another part of this
17 chapter, the specific requirement governs.

18 [20.3.3.2 NMAC - Rp, 20.3.3.2 NMAC, 4/30/2009]
19

20 **20.3.3.3 STATUTORY AUTHORITY:** Sections 74-1-9, 74-3-5 and 74-3-9 NMSA 1978.
21 [20.3.3.3 NMAC - Rp, 20.3.3.3 NMAC, 4/30/2009]
22

23 **20.3.3.4 DURATION:** Permanent.

24 [20.3.3.4 NMAC - Rp, 20.3.3.4 NMAC, 4/30/2009]
25

26 **20.3.3.5 EFFECTIVE DATE:** April 30, 2009, unless a later date is cited at the end of a section.

27 [20.3.3.5 NMAC - Rp, 20.3.3.5 NMAC, 4/30/2009]
28

29 **20.3.3.6 OBJECTIVE:** This part sets forth rules applicable to all persons in the state of New Mexico
30 governing licensing of radioactive material under the act, and exemptions from the licensing requirements.

31 [20.3.3.6 NMAC - Rp, 20.3.3.6 NMAC, 4/30/2009]
32

33 **20.3.3.7 DEFINITIONS:**

34 **A.** “Alert” means events that may occur, are in progress, or have occurred that could lead to a release
35 of radioactive material but that the release is not expected to require a response by offsite response organizations to
36 protect persons offsite.

37 **B.** “Principal activities” means activities authorized by the license which are essential to achieving
38 the purpose(s) for which the license was issued or amended. Storage during which no licensed material is accessed
39 for use or disposal and activities incidental to decontamination or decommissioning are not principal activities.

40 **C.** “Site area emergency” means events that may occur, are in progress, or have occurred that could
41 lead to a significant release of radioactive material and that could require a response by offsite response
42 organizations to protect persons offsite.

43 **D.** “Indian [‡]Tribe” means an Indian or Alaska native I[‡]ribe, band, nation, pueblo, village, or
44 community that the secretary of the interior acknowledges to exist as an Indian I[‡]ribe pursuant to the Federally
45 Recognized Indian Tribe List Act of 1994, 25 U.S.C. 479a.

46 **E.** “Tribal official” means the highest ranking individual that represents I[‡]ribe leadership, such as
47 the chief, president, or I[‡]ribe council leadership.

48 **F.** “Unrefined and unprocessed ore” means ore in its natural form prior to any processing, such as
49 grinding, roasting or beneficiating, or refining. Processing does not include sieving or encapsulation of ore or
50 preparation of samples for laboratory analysis.

51 [20.3.3.7 NMAC - N, 04/30/2009; A, 06/13/2017; A, XX/XX/XXXX]
52

53 **20.3.3.8 to 20.3.3.300 [RESERVED]**
54

55 **20.3.3.301 EXEMPTIONS - UNIMPORTANT QUANTITIES OF SOURCE MATERIAL:**

56 **A.** Any person is exempt from the requirements in this part to the extent that such person receives,

1 possesses, uses, transfers or delivers source material in any chemical mixture, compound, solution or alloy in which
2 the source material is by weight less than one twentieth of one percent of the mixture, compound, solution or alloy.
3 The exemption contained in this subsection does not include *byproduct material* as defined in Paragraph (2) of
4 Subsection F of 20.3.1.7 NMAC.

5 **B.** Any person is exempt from the requirements in this part to the extent that such person receives,
6 possesses, uses or transfers unrefined and unprocessed ore containing source material; provided that, except as
7 authorized in a specific license, such person shall not refine or process such ore.

8 **C.** Any person is exempt from the requirements for a license set forth in the Radiation Protection Act,
9 NMSA 1978, Sections 74-3-1 through 16 [~~section 62 of the Atomic Energy~~] and from the regulations in this part and
10 in 10 CFR Parts 19, 20, and 21 to the extent that such person receives, possesses, uses or transfers:

- 11 (1) any quantities of thorium contained in:
- 12 (a) incandescent gas mantles;
 - 13 (b) vacuum tubes;
 - 14 (c) welding rods;
 - 15 (d) electric lamps for illuminating purposes; provided, that each lamp does not
16 contain more than 50 milligrams of thorium;
 - 17 (e) germicidal lamps, sunlamps, and lamps for outdoor or industrial lighting;
18 provided, that each lamp does not contain more than two grams of thorium;
 - 19 (f) rare earth metals and compounds, mixtures and products containing not more
20 than one fourth of one percent by weight, thorium, uranium or any combination of these; or
 - 21 (g) personnel neutron dosimeters; provided, that each dosimeter does not contain
22 more than 50 milligrams of thorium;
- 23 (2) source material contained in the following products:
- 24 (a) glazed ceramic tableware manufactured before August 27, 2013, provided that
25 the glaze does not contain more than twenty percent by weight source material;
 - 26 (b) glassware, containing not more than two percent by weight source material or,
27 for glassware manufactured before August 27, 2013, ten percent by weight source material; but not including
28 commercially manufactured glass brick, pane glass, ceramic tile or other glass, glass enamel or ceramic used in
29 construction;
 - 30 (c) glass enamel or glass enamel frit containing not more than ten percent by weight
31 source material imported or ordered for importation into the United States, or initially distributed by manufacturers
32 in the United States, before July 25, 1983 (On July 25, 1983, the exemption of glass enamel frit was suspended. The
33 exemption was eliminated on September 11, 1984); or
 - 34 (d) piezoelectric ceramic containing not more than two percent by weight source
35 material;
 - 36 (3) photographic film, negatives and prints containing uranium or thorium;
 - 37 (4) any finished product or part fabricated of, or containing, tungsten or magnesium-thorium
38 alloys, provided that the thorium content of the alloy does not exceed four percent by weight and that this exemption
39 shall not be deemed to authorize the chemical, physical or metallurgical treatment or processing of any such product
40 or part;
 - 41 (5) uranium contained in counterweights installed in aircraft, rockets, projectiles and
42 missiles, or stored or handled in connection with installation or removal of such counterweights; provided, that:
- 43 (a) each counterweight has been impressed with the following legend clearly legible
44 through any plating or other covering: "depleted uranium." (the requirements specified in Subparagraphs (a) and (b)
45 of this paragraph need not be met by counterweights manufactured prior to December 31, 1969; provided, that such
46 counterweights are impressed with the legend, "caution - radioactive material - uranium");
 - 47 (b) each counterweight is durably and legibly labeled or marked with the
48 identification of the manufacturer and the statement: "unauthorized alterations prohibited"; (the requirements
49 specified in Subparagraphs (a) and (b) of this paragraph need not be met by counterweights manufactured prior to
50 December 31, 1969; provided, that such counterweights are impressed with the legend, "caution - radioactive
51 material - uranium");
 - 52 (c) the exemption contained in this paragraph shall not be deemed to authorize the
53 chemical, physical or metallurgical treatment or processing of such counterweights other than repair or restoration of
54 any plating or other covering; and
 - 55 (d) consistent with 10 CFR 40.56, the counterweights are not manufactured for
56 military purpose using Australian-obligated source material;

1 (6) natural or depleted uranium metal used as shielding constituting part of any shipping
2 container which is conspicuously and legibly impressed with the legend, "caution - radioactive shielding - uranium"
3 and the uranium metal is encased in mild steel or equally fire resistant metal of minimum wall thickness of one-
4 eighth of an inch (3.2 millimeters);

5 (7) thorium or uranium contained in or on finished optical lenses and mirrors, provided that
6 each lens or mirror does not contain more than ten percent by weight of thorium or uranium or, for lenses
7 manufactured before August 27, 2013, thirty percent by weight of thorium; and that the exemption contained in this
8 paragraph does not authorize either:

9 (a) the shaping, grinding or polishing of such lens or mirror or manufacturing
10 processes other than the assembly of such lens or mirror into optical systems and devices without any alternation of
11 the lens; or

12 (b) the receipt, possession, use or transfer of uranium or thorium contained in
13 contact lenses, spectacles, eyepieces in binoculars or other optical instruments;

14 (8) uranium contained in detector heads for use in fire detection units, provided that each
15 detector head contains not more than 0.005 microcurie of uranium; or

16 (9) thorium contained in any finished aircraft engine part containing nickel-thoria alloy,
17 provided, that:

18 (a) the thorium is dispersed in the nickel-thoria alloy in the form of finely divided
19 thoria (thorium-dioxide); and

20 (b) the thorium content in the nickel-thoria alloy does not exceed four percent by
21 weight.

22 **D.** No person may initially transfer for sale or distribution a product containing source material to
23 persons exempt in accordance with 10 CFR 40.13(c), or equivalent regulations of an agreement state, unless
24 authorized by a license issued pursuant to 10 CFR 40.52 to initially transfer such products for sale or distribution.

25 (1) Persons initially distributing source material in products covered by the exemptions in
26 this paragraph 10 CFR 40.13(c) before August 27, 2013, without specific authorization may continue such
27 distribution for 1 year beyond this date. Initial distribution may also be continued until the NRC commission takes
28 final action on a pending application for license or license amendment to specifically authorize distribution
29 submitted no later than 1 year beyond this date.

30 (2) Persons authorized to manufacture, process, or produce these materials or products
31 containing source material by an agreement state, and persons who import finished products of parts, for sale or
32 distribution must be authorized by a license issued pursuant to 10 CFR 40.52 for distribution only and are exempt
33 from the requirements of 10 CFR 19 and 10 CFR 20 [~~20.3.3 NMAC and 20.3.4 NMAC~~], and 10 CFR 40.32(b) and
34 (c).

35 **E.** The exemptions in Subsection C of this section do not authorize the manufacture of any of the
36 products described.

37 [20.3.3.301 NMAC - Rp, 20.3.3.301 NMAC, 4/30/2009; A, XX/XX/XXXX]

38 [Editorial Note:

39 ¹On July 25, 1983, the exemption of glass enamel or glass enamel frit was suspended. The exemption was
40 eliminated on September 11, 1984.

41 ²The requirements specified in Subsection C(5)(a) and (b) of this section need not be met by counterweights
42 manufactured prior to Dec. 31, 1969, provided that such counterweights were manufactured under a specific license
43 issued by the atomic energy commission and were impressed with the legend required by 10 CFR 40.13(c)(5)(ii) in
44 effect on June 30, 1969.]

45
46 **20.3.3.302 EXEMPTIONS - RADIOACTIVE MATERIAL OTHER THAN SOURCE MATERIAL:**

47 **A. Exempt concentrations.**

48 (1) Except as provided in Paragraphs (3) and (4) of this subsection, any person is exempt
49 from the license requirements in this part to the extent that such person receives, possesses, uses, transfers, owns or
50 acquires products or materials containing radioactive material in concentrations not in excess of those listed in
51 20.3.3.329 NMAC.

52 (2) This subsection shall not be deemed to authorize the import of radioactive material or
53 products containing radioactive material.

54 (3) A manufacturer, processor or producer of a product or material is exempt from the
55 license requirements in this part to the extent that they transfer radioactive material contained in a product or
56 material in concentrations not in excess of those specified in 20.3.3.329 NMAC and introduced into the product or

1 material by a licensee holding a specific license issued by the NRC expressly authorizing such introduction. This
2 exemption does not apply to the transfer of radioactive material contained in any food, beverage, cosmetic, drug or
3 other commodity or product designed for ingestion or inhalation by, or application to, a human being.

4 (4) No person may introduce radioactive material into a product or material knowing or
5 having reason to believe that it will be transferred to persons exempt under this subsection or equivalent regulations
6 of the NRC or an agreement state, except in accordance with a specific license issued pursuant to Paragraph (1) of
7 Subsection A of 20.3.3.315 NMAC.

8 **B. Exempt quantities.**

9 (1) Except as provided in Paragraphs (3) through (5) of this subsection, any person is exempt
10 from the license requirements in this part to the extent that such person receives, possesses, uses, transfers, owns or
11 acquires radioactive material in individual quantities each of which does not exceed the applicable quantity set forth
12 in 20.3.3.330 NMAC.

13 (2) Any person who possesses byproduct material received or acquired prior to September
14 25, 1971 under the general license then provided in 10 CFR 31.4 or similar general license of an agreement state, is
15 exempt from the requirements for a license set forth in this part to the extent that such person possesses, uses,
16 transfers or owns byproduct material.

17 (3) This subsection does not authorize for the purposes of commercial distribution the
18 production, packaging, repackaging or transfer of radioactive material or the incorporation of radioactive material
19 into products intended for commercial distribution.

20 (4) No person may, for purposes of commercial distribution, transfer radioactive material in
21 the individual quantities set forth in 20.3.3.330 NMAC, knowing or having reason to believe that such quantities of
22 radioactive material will be transferred to persons exempt under this subsection or equivalent regulations of the
23 NRC or an agreement state, except in accordance with a specific license issued by the NRC pursuant to 10 CFR
24 32.18 which license states that the radioactive material may be transferred by the licensee to persons exempt under
25 this subsection or the equivalent regulations of the NRC or an agreement state.

26 (5) No person may, for purposes of producing an increased radiation level, combine
27 quantities of radioactive material covered by this exemption so that the aggregate quantity exceed the limits set forth
28 in 20.3.3.330 NMAC, except for radioactive material combined within a device placed in use before May 3, 1999, or
29 as otherwise permitted by the rules in this chapter.

30 **C. Exempt items.**

31 (1) **Certain items containing radioactive material.** Any person who desires to apply
32 byproduct material to, or to incorporate byproduct material into, the products exempted in this paragraph, or who
33 desires to initially transfer for sale or distribution such products containing byproduct material, shall apply for a
34 specific license to NRC pursuant to 10 CFR 32.14, which license states that the product may be distributed by the
35 licensee to persons exempt from the regulations pursuant to this paragraph or equivalent NRC or agreement state
36 regulations. Except for persons who apply radioactive material to, or persons who incorporate radioactive material
37 into, the following products, or persons who initially transfer for sale or distribution (specifically licensed by NRC
38 pursuant to 10 CFR 32.14) the following products containing radioactive material, any person is exempt from the
39 license requirements in this part to the extent that such person receives, possesses, uses, transfers, owns or acquires
40 the following products:

41 (a) timepieces or hands or dials containing not more than the following specified
42 quantities of radioactive material and not exceeding the following specified levels of radiation:

43 (i) 25 millicuries (925 megabecquerels) of tritium per timepiece;

44 (ii) 5 millicuries (185 megabecquerels) of tritium per hand;

45 (iii) 15 millicuries (555 megabecquerels) of tritium per dial (bezels when
46 used shall be considered as part of the dial);

47 (iv) 100 microcuries (3.7 megabecquerels) of promethium-147 per watch
48 hand or 200 microcuries (7.4 megabecquerels) of promethium-147 per any other timepiece;

49 (v) 20 microcuries (0.74 megabecquerel) of promethium-147 per watch
50 hand or 40 microcuries (1.48 megabecquerels) of promethium-147 per other timepiece hand;

51 (vi) 60 microcuries (2.22 megabecquerels) of promethium-147 per watch
52 dial or 120 microcuries (4.44 megabecquerels) of promethium-147 per other timepiece dial (bezels when used shall
53 be considered as part of the dial);

54 (vii) the levels of radiation from hands and dials containing promethium-147
55 shall not exceed, when measured through 50 milligrams per square centimeter of absorber: 1) for wrist watches, 0.1
56 millirad (1 milligray) per hour at 10 centimeters from any surface; 2) for pocket watches, 0.1 millirad (1 milligray)

1 per hour at 1 centimeter from any surface; or 3) for any other timepiece, 0.2 millirad (2 milligray) per hour at 10
2 centimeters from any surface; or

3 **(viii)** 1 microcurie (37 kilobecquerels) of radium-226 per timepiece in intact
4 timepieces manufactured prior to November 30, 2007;

5 **(b)** Static elimination device. Devices designed for use as static eliminators which
6 contain, as a sealed source or sources, byproduct material consisting of a total of not more than 500 microcuries
7 (18.5 megabecquerels) of polonium-210 per device.

8 **(c)** Ion generating tube. Devices designed for ionization of air which contain, as a
9 sealed source or sources, byproduct material consisting of a total of not more than 500 microcuries (18.5
10 megabecquerels) of polonium-210 per device or a total of not more than 50 millicuries (1.85 gigabecquerels) of
11 hydrogen-3 (tritium) per device.

12 **(d)**~~(e)~~ precision balances containing not more than 1 millicurie (37 megabecquerels) of
13 tritium per balance or not more than 0.5 millicurie (18.5 megabecquerels) of tritium per balance part manufactured
14 before December 17, 2007;

15 **(e)**~~(d)~~ [RESERVED];

16 **(f)**~~(e)~~ marine compasses containing not more than 750 millicuries (27.8
17 gigabecquerels) of tritium gas and other marine navigational instruments containing not more than 250 millicuries
18 (9.25 gigabecquerels) of tritium gas manufactured before December 17, 2007;

19 **(g)**~~(f)~~ ionization chamber smoke detectors containing not more than 1 microcurie (37
20 kilobecquerels) of americium-241 per detector in the form of a foil and designed to protect life and property from
21 fires;

22 **(h)**~~(g)~~ electron tubes; provided, that each tube does not contain more than one of the
23 following specified quantities of radioactive material (for purposes of this exemption, "electron tubes" include spark
24 gap tubes, power tubes, gas tubes including glow lamps, receiving tubes, microwaves tubes, indicator tubes, pick-up
25 tubes, radiation detection tubes and any other completely sealed tube that is designed to conduct or control electrical
26 currents):

27 **(i)** 150 millicuries (5.55 gigabecquerels) of tritium per microwave receiver
28 protector tube or 10 millicuries (370 megabecquerels) of tritium per any other electron tube;

29 **(ii)** 1 microcurie (37 kilobecquerels) of cobalt-60;

30 **(iii)** 5 microcuries (185 kilobecquerels) of nickel-63;

31 **(iv)** 30 microcuries (1.11 megabecquerels) of krypton-85;

32 **(v)** 5 microcuries (185 kilobecquerels) of cesium-137;

33 **(vi)** 30 microcuries (1.11 megabecquerels) of promethium-147; and

34 provided further, that the levels of radiation from each electron tube containing radioactive materials do not exceed
35 1 millirad (10 milligray) per hour at 1 centimeter from any surface when measured through 7 milligrams per square
36 centimeter of absorber; and

37 **(i)**~~(h)~~ ionizing radiation measuring instruments containing, for purposes of internal
38 calibration or standardization, one or more sources of radioactive material; provided, that:

39 **(i)** each source contains no more than one exempt quantity set forth in
40 20.3.3.330 NMAC;

41 **(ii)** each instrument contains no more than ten exempt quantities; for this
42 requirement, an instrument's source(s) may contain either one type or different types of radionuclides and an
43 individual exempt quantity may be composed of fractional parts of one or more of the exempt quantities in
44 20.3.3.330 NMAC provided that the sum of such fractions shall not exceed unity; and

45 **(iii)** for purposes of this subparagraph, 0.05 microcurie (1.85
46 kilobecquerels) of americium-241 is considered an exempt quantity under 20.3.3.330 NMAC.

47 **(2)** **Self-luminous products containing tritium, krypton-85, promethium-147 or radium-**
48 **226.**

49 **(a)** Except for persons who manufacture, process, produce, or initially transfer for
50 sale or distribution self-luminous products containing tritium, krypton-85, promethium-147 or radium-226, and
51 except as provided in Subparagraph (c) of this paragraph, any person is exempt from the license requirements in this
52 part to the extent that such person receives, possesses, uses, transfers, owns or acquires tritium, krypton-85,
53 promethium-147 or radium-226 in self-luminous products manufactured, processed, produced or initially transferred
54 in accordance with a specific license issued by the NRC pursuant to 10 CFR 32.22 which license authorizes the
55 initial transfer of the product for use under this paragraph.

56 **(b)** Any person who desires to manufacture, process or produce, or initially transfer

1 for sale or distribution self-luminous products containing tritium, krypton-85 or promethium-147 for use pursuant to
2 Subparagraph (a) of this paragraph, shall apply to NRC for a license pursuant to 10 CFR 32.22, and for a certificate
3 of registration in accordance with 10 CFR 32.210, [~~which license states that the product may be transferred by the~~
4 ~~licensee to persons exempt from the regulations pursuant to Subparagraph (a) of this paragraph or equivalent~~
5 ~~regulations of the NRC or an agreement state~~].

6 (c) The exemption in this paragraph does not apply to tritium, krypton-85, promethium-147 or radium-226
7 used in products primarily for frivolous purposes or in toys or adornments.

8 (3) **Radium-226 acquired previously.** Any person is exempt from the licensing
9 requirements in this part to the extent that such person possesses, uses or transfers, articles containing less than 0.1
10 microcurie (3.7 kilobecquerels) of radium-226 which were acquired prior to May 3, 1995 (the date when these rules
11 were codified).

12 (4) **Gas and aerosol detectors containing radioactive material.**

13 (a) Except for persons who manufacture, process, produce or initially transfer for
14 sale or distribution gas and aerosol detectors containing byproduct material, any person is exempt from the licensing
15 requirements in this part to the extent that such person receives, possesses, uses, transfers, owns or acquires
16 byproduct material, in gas and aerosol detectors designed to protect life or property [~~from fires and airborne~~
17 ~~hazards~~], and manufactured, processed, produced or initially transferred in accordance with a specific license issued
18 by the NRC, pursuant to 10 CFR 32.26, which license authorizes the initial transfer of the product for use under this
19 paragraph. This exemption also covers gas and aerosol detectors manufactured or distributed before November 30,
20 2007 in accordance with a specific license issued by the department, agreement state or non-agreement state under
21 comparable provisions to 10 CFR 32.26 authorizing distribution to persons exempt from regulatory requirements.

22 (b) Any person who desires to manufacture, process or produce gas and aerosol
23 detectors containing byproduct material, or to initially transfer such products for use pursuant to Subparagraph (a) of
24 this paragraph, shall apply for a license to the NRC pursuant to 10 CFR 32.26, [~~which license states that the product~~
25 ~~may be initially transferred by the licensee to persons exempt from the regulations pursuant to Subparagraph (a)] of
26 this paragraph and for a certificate of registration in accordance with 10 CFR 32.210.~~

27 (5) **Certain industrial devices.**

28 (a) Except for persons who manufacture, process, produce, or initially transfer for
29 sale or distribution industrial devices containing byproduct material designed and manufactured for the purpose of
30 detecting, measuring, gauging or controlling thickness, density, level, interface location, radiation, leakage, or
31 qualitative or quantitative chemical composition, or for producing an ionized atmosphere, any person is exempt from
32 the requirements for a license set forth in section 81 of the Atomic Energy Act of 1954, as amended and from the
33 regulations in 10 CFR parts 19, 20, 21, 30 through 36, and 39 to the extent that such person receives, possesses,
34 uses, transfers, owns, or acquires byproduct material, in these certain detecting, measuring, gauging, or controlling
35 devices and certain devices for producing an ionized atmosphere, and manufactured, processed, produced, or
36 initially transferred in accordance with a specific license issued under 10 CFR 32.30 of this chapter, which license
37 authorizes the initial transfer of the device for use under this section. This exemption does not cover sources not
38 incorporated into a device, such as calibration and reference sources.

39 (b) Any person who desires to manufacture, process, produce, or initially transfer
40 for sale or distribution industrial devices containing byproduct material for use under subparagraph (a) of this
41 paragraph, should apply for a license under 10 CFR 32.30 and for a certificate of registration in accordance with 10
42 CFR 32.210.

43 **D. Radioactive drug - capsules containing carbon-14 urea for “in vivo” diagnostic use for**
44 **humans.**

45 (1) Except as provided in Paragraphs (2) and (3) of this subsection, any person is exempt
46 from the requirements for a license set forth in this part and 20.3.7 NMAC provided that such person receives,
47 possesses, uses, transfers, owns or acquires capsules containing 1microcurie (37 kilobecquerels) carbon-14 urea
48 (allowing for nominal variation that may occur during the manufacturing process) each, for “in vivo” diagnostic use
49 for humans.

50 (2) Any person who desires to use the capsules for research involving human subjects shall
51 apply for and receive a specific license pursuant to 20.3.7 NMAC.

52 (3) Any person who desires to manufacture, prepare, process, produce, package, repackage
53 or transfer for commercial distribution such capsules shall apply for and receive a specific license by NRC pursuant
54 to 10 CFR 32.21.

55 (4) Nothing in this section relieves persons from complying with applicable FDA, other
56 federal and state requirements governing receipt, administration and use of drugs.

1 [20.3.3.302 NMAC - Rp, 20.3.3.302 NMAC, 4/30/2009; A, 6/30/2011; A, XX/XX/XXXX]
2

3 **20.3.3.303 TYPES OF LICENSES:** Licenses for radioactive materials are of two types: general and
4 specific.

5 **A. General License.** A general license is provided by regulation, grants authority to a person for
6 certain activities involving radioactive material, and is effective without the filing of an application with the
7 department or the issuance of a licensing document to a particular person. However, registration with the
8 department may be required by the particular general license.

9 **B. Specific License.** A specific license is issued by the department to a named person who has filed
10 an application for the license under the specific licensing provisions of 20.3.3 NMAC, 20.3.5 NMAC, 20.3.7
11 NMAC, 20.3.12 NMAC, 20.3.13 NMAC, 20.3.14 NMAC and 20.3.15 NMAC.
12 [20.3.3.303 NMAC - Rp, 20.3.3.303 NMAC, 4/30/2009]
13

14 **20.3.3.304 GENERAL LICENSES - SOURCE MATERIAL:**

15 **A. General license to receive title to source material or byproduct material (as defined in**
16 **Paragraph (2) of Subsection F of 20.3.1.7 NMAC).** A general license is hereby issued authorizing the receipt of
17 title to source material or byproduct material (as defined in Paragraph (2) of Subsection F of 20.3.1.7 NMAC)
18 without regard to quantity. This general license does not authorize any person to receive, possess, deliver, use or
19 transfer source material or byproduct material (as defined in Paragraph (2) of Subsection F of 20.3.1.7 NMAC).
20

21 **B. Small quantities of source material.**

22 A general license is hereby issued authorizing commercial and industrial firms; research, educational, and medical
23 institutions; and federal, state, and local government agencies to receive, possess, use, and transfer uranium and
24 thorium, in their natural isotopic concentrations and in the form of depleted uranium, for research, development,
25 educational, commercial, or operational purposes in the following forms and quantities:

26 **(1)** No more than 1.5 kg (3.3 lb) of uranium and thorium in dispersible forms (e.g., gaseous,
27 liquid, powder, etc.) at any one time. Any material processed by the general licensee that alters the chemical or
28 physical form of the material containing source material must be accounted for as a dispersible form. A person
29 authorized to possess, use, and transfer source material under Subsection B of this section may not receive more
30 than a total of 7 kg (15.4 lb) of uranium and thorium in any one calendar year. Persons possessing source material in
31 excess of these limits as of August 27, 2013, may continue to possess up to 7 kg (15.4 lb) of uranium and thorium at
32 any one time for one year beyond this date, or until the department takes final action on a pending application
33 submitted on or before August 27, 2014, for a specific license for such material and receive up to 70 kg (154 lb) of
34 uranium or thorium in any one calendar year until December 31, 2014, or until the department takes final action on a
35 pending application submitted on or before August 27, 2014, for a specific license for such material; and

36 **(2)** No more than a total of 7 kg (15.4 lb) of uranium and thorium at any one time. A person
37 authorized to possess, use, and transfer source material under Subsection B of this section may not receive more
38 than a total of 70 kg (154 lb) of uranium and thorium in any one calendar year. A person may not alter the chemical
39 or physical form of the source material possessed under this paragraph unless it is accounted for under the limits of
40 Subsection B(1) of this section; or

41 **(3)** No more than 7 kg (15.4 lb) of uranium, removed during the treatment of drinking water,
42 at any one time. A person may not remove more than 70 kg (154 lb) of uranium from drinking water during a
43 calendar year under Subsection B of this section; or

44 **(4)** No more than 7 kg (15.4 lb) of uranium and thorium at laboratories for the purpose of
45 determining the concentration of uranium and thorium contained within the material being analyzed at any one time.
46 A person authorized to possess, use, and transfer source material under Subsection B of this section may not receive
47 more than a total of 70 kg (154 lb) of source material in any one calendar year.

48 **C.** Any person who receives, possess, uses, or transfers source material pursuant to the general
49 license in Subsection B of this section:

50 **(1)** is prohibited from administering source material, or the radiation
51 therefrom, either externally or internally, to human beings except as may be authorized by the department in a
52 specific license;

53 **(2)** shall not abandon such source material. Source material may be disposed of as follows:
54 **(a)** A cumulative total of 0.5 kg (1.1 lb) of source material in a solid, non-
55 dispersible form may be transferred each calendar year, by a person authorized to receive, possess, use, and transfer
56 source material under a general license to persons receiving the material for permanent disposal.

(b) The recipient of source material transferred under the provisions of this section

1 is exempt from the requirements to obtain a license under this part to the extent the source material is permanently
2 disposed. This provision does not apply to any person who is in possession of source material under a specific
3 license issued under this chapter or in accordance with 20.3.4.433 NMAC.

4 (3) is subject to the provisions in accordance with 10 CFR 40.1 through 40.10, 10 CFR
5 40.41(a) through (e), 10 CFR 40.46, 10 CFR 40.51, 10 CFR 40.56, 10 CFR 40.60 through 40.63, 10 CFR 40.71, 10
6 CFR 40.81, and the equivalent regulations in 20.3.3 NMAC; and

7 (4) shall not export such source material except in accordance with 10 CFR 110.

8 **D.** Any person who receives, possesses, uses, or transfers source material in accordance with
9 subsection B of this section shall conduct activities so as to minimize contamination of the facility and the
10 environment. When activities involving such source material are permanently ceased at any site, if evidence of
11 significant contamination is identified, the general licensee shall notify the department by an appropriate method
12 listed in 20.3.1.116 NMAC about such contamination and may consult with the department as to the appropriateness
13 of sampling and restoration activities to ensure that any contamination or residual source material remaining at the
14 site where source material was used under this general license is not likely to result in exposures that exceed the
15 limits in 20.3.4.426.B NMAC.

16 **E.** Any person who receives, possesses, uses, or transfers source material in accordance with the
17 general license granted in Subsection B of this section is exempt from the provisions of 20.3.10 NMAC, and 20.3.4
18 NMAC to the extent that such receipt, possession, use, and transfer are within the terms of this general license,
19 except that such person shall comply with the provisions of 20.3.4.426.A NMAC and 20.3.4.433 NMAC to the
20 extent necessary to meet the provisions of 20.3.3.304.B NMAC. However, this exemption does not apply to any
21 person who also holds a specific license issued under 20.3.3 NMAC.

22 **F.** No person may initially transfer or distribute source material to persons generally licensed under
23 Subsection B(1) and (2) of this section, or equivalent regulations of an agreement state, unless authorized by a
24 specific license in accordance with 10 CFR 40.54 ~~[and] or equivalent provisions of an agreement state [regulations~~
25 ~~under 20.3.3.307 NMAC]~~. This prohibition does not apply to analytical laboratories returning processed samples to
26 the client who initially provided the sample. Initial distribution of source material to persons generally licensed by
27 Subsection A of this section before August 27, 2013, without specific authorization may continue for 1 year beyond
28 this date. Distribution may also be continued until the NRC takes final action on a pending application for a license
29 or license amendment to specifically authorize distribution submitted on or before August 27, 2014.

30 **G. Depleted uranium in industrial products and devices.**

31 (1) A general license is hereby issued to receive, acquire, possess, use or transfer, in
32 accordance with the provisions in Paragraphs (2), (3), (5) and (6) of this subsection, depleted uranium contained in
33 industrial products or devices for the purpose of providing a concentrated mass in a small volume of the product or
34 device.

35 (2) The general license in Paragraph (1) of this subsection applies only to industrial products
36 or devices which have been manufactured or initially transferred either in accordance with a specific license issued
37 to the manufacturer of the products or devices pursuant to Subsection L of 20.3.3.315 NMAC or in accordance with
38 a specific license issued by the NRC or an agreement state which authorizes manufacture of the products or devices
39 for distribution to persons generally licensed by the NRC or an agreement state.

40 (3) Persons who receive, acquire, possess or use depleted uranium pursuant to the general
41 license established by Paragraph (1) of this subsection shall file a form, *registration certificate - use of depleted*
42 *uranium under general license*, with the department. The form shall be submitted within 30 days after the first
43 receipt or acquisition of such depleted uranium. The general licensee shall furnish on the registration form the
44 following information and such other information as may be required by that form:

45 (a) name and address of the general licensee;

46 (b) a statement that the general licensee has developed and will maintain procedures
47 designed to establish physical control over the depleted uranium described in Paragraph (1) of this subsection and
48 designed to prevent transfer of such depleted uranium in any form, including metal scrap, to persons not authorized
49 to receive the depleted uranium; and

50 (c) name and title, address and telephone number of the individual duly authorized
51 to act for and on behalf of the general licensee in supervising the procedures identified in Subparagraph (b) of this
52 paragraph.

53 (4) The general licensee possessing or using depleted uranium under the general license
54 established by Paragraph (1) of this subsection shall report in writing to the department any changes in information
55 furnished by them in the form *registration certificate-use of depleted uranium under general license*. The report
56 shall be submitted within 30 days after the effective date of such change.

1 (5) A person, who receives, acquires, possesses or uses depleted uranium pursuant to the
2 general license established by Paragraph (1) of this subsection:
3 (a) shall not introduce such depleted uranium, in any form, into a chemical, physical
4 or metallurgical treatment or process, except a treatment or process for repair or restoration of any plating or other
5 covering of the depleted uranium;
6 (b) shall not abandon such depleted uranium;
7 (c) shall transfer or dispose of such depleted uranium only by transfer in accordance
8 with the provisions of 20.3.3.323 NMAC; in the case where the transferee receives the depleted uranium pursuant to
9 the general license established by Paragraph (1) of this subsection, the transferor shall furnish the transferee a copy
10 of this subsection and a copy of the registration form; in cases where the transferee receives the depleted uranium
11 pursuant to a general license contained in the NRC or agreement state's regulation equivalent to this subsection,
12 Subsection C of 20.3.3.304 NMAC, the transferor shall furnish the transferee a copy of this subsection and a copy of
13 the registration form accompanied by a note explaining that use of the product or device is regulated by the NRC or
14 agreement state under requirements substantially the same as those in this subsection;
15 (d) shall report in writing, within 30 days of any transfer, to the department the
16 name and address of the person receiving the depleted uranium pursuant to such transfer; and
17 (e) shall not export such depleted uranium except in accordance with a license
18 issued by the NRC pursuant to 10 CFR 110.
19 (6) Any person receiving, acquiring, possessing, using or transferring depleted uranium
20 pursuant to the general license established by Paragraph (1) of this subsection is exempt from the requirements of
21 20.3.4 NMAC and 20.3.10 NMAC with respect to the depleted uranium covered by that general license.
22 [20.3.3.304 NMAC - Rp, 20.3.3.304 NMAC, 4/30/2009; A, XX/XX/XXXX]
23

24 **20.3.3.305 GENERAL LICENSES - RADIOACTIVE MATERIAL OTHER THAN SOURCE**
25 **MATERIAL:**

26 **A. ~~Reserved [Certain devices and equipment.~~** ~~A general license is hereby issued to transfer,~~
27 ~~receive, acquire, own, possess and use radioactive material incorporated in the following devices or equipment~~
28 ~~which have been manufactured, tested and labeled by the manufacturer in accordance with the specifications in a~~
29 ~~specific license issued to the manufacturer by the NRC.~~

30 ~~(1) **Static elimination device.** Devices designed for use as static eliminators which contain,~~
31 ~~as a sealed source or sources, byproduct material consisting of a total of not more than 500 microcuries (18.5~~
32 ~~megabecquerels) of polonium-210 per device.~~

33 ~~(2) **Ion generating tube.** Devices designed for ionization of air which contain, as a sealed~~
34 ~~source or sources, byproduct material consisting of a total of not more than 500 microcuries (18.5 megabecquerels)~~
35 ~~of polonium-210 per device or a total of not more than 50 millicuries (1.85 gigabecquerels) of hydrogen-3 (tritium)~~
36 ~~per device.~~

37 ~~(3) — Devices authorized before October 23, 2012 for use under the general license provided in~~
38 ~~10 CFR 31.3 and in this section and manufactured, tested, and labeled by the manufacturer in accordance with the~~
39 ~~specifications contained in a specific license issued by the NRC or an agreement state.]~~

40 **B. Certain detecting, measuring, gauging or controlling devices and certain devices for**
41 **producing light or an ionized atmosphere.**

42 (1) A general license is hereby issued as required by Subparagraph (m) of Paragraph (3) of
43 this subsection to commercial and industrial firms and research, educational and medical institutions, individuals in
44 the conduct of their business, and federal, state or local government agencies to receive, acquire, possess, use or
45 transfer, in accordance with the provisions of Paragraphs (2), (3), and (4) of this subsection, [~~radioactive~~] byproduct
46 material contained in devices designed and manufactured for the purpose of detecting, measuring, gauging or
47 controlling thickness, density, level, interface location, radiation, leakage, or qualitative or quantitative chemical
48 composition, or for producing light or an ionized atmosphere, and the device has been registered in the sealed source
49 and device registry.

50 (2) The general license in Paragraph (1) of this subsection applies only to [~~radioactive~~]
51 byproduct material contained in devices which have been manufactured or initially transferred and labeled in
52 accordance with the specifications contained in:

53 (a) a specific license issued by the department pursuant to Subsection E of
54 20.3.3.315 NMAC; or

55 (b) an equivalent specific license issued by the NRC or an agreement state; or

56 (c) an equivalent specific license issued by a state with provisions comparable to

1 Subsection E of 20.3.3.315 NMAC. The devices must have been received from one of the specific licensees
2 described in this paragraph, or through a transfer made under Subparagraph (h) of Paragraph (3) of this subsection.

3 **(3)** Any person who receives, acquires, possesses, uses or transfers [~~radioactive~~] byproduct
4 material in a device pursuant to the general license in Paragraph (1) of this subsection shall comply with the
5 following.

6 **(a)** The general licensee shall assure that all labels affixed to the device at the time
7 of receipt and bearing a statement that removal of the label is prohibited are maintained thereon and shall comply
8 with all instructions and precautions provided by such labels.

9 **(b)** The general licensee shall assure that the device is tested for leakage of
10 radioactive material and proper operation of the on-off mechanism and indicator, if any, at no longer than six month
11 intervals or at such other intervals as are specified in the label; however:

12 **(i)** devices containing only krypton need not be tested for leakage of
13 radioactive material; and

14 **(ii)** devices containing only tritium or not more than 100 microcuries (3.7
15 megabecquerels) of other beta or gamma emitting material or 10 microcuries (0.37 megabecquerel) of alpha
16 emitting material and devices held in storage in the original shipping container prior to initial installation need not
17 be tested for any purpose.

18 **(c)** The general licensee shall assure that the test required by Subparagraph (b) of
19 Paragraph (3) of this subsection and other testing, installation, servicing and removal from installation involving the
20 radioactive materials, its shielding or containment are performed:

21 **(i)** in accordance with the instructions provided by the labels; or

22 **(ii)** by a person holding a specific license pursuant to this part from the
23 department, the NRC, or an agreement state to perform such activities.

24 **(d)** The general licensee shall maintain records showing compliance with the
25 requirements of Subparagraphs (b) and (c) of Paragraph (3) of this subsection. The records must show the results of
26 tests. The records must also show the dates of performance of, and the names of persons performing, testing,
27 installing, servicing and removing from the installation radioactive material and its shielding or containment. The
28 licensee shall retain these records as follows:

29 **(i)** each record of a test for leakage or radioactive material required by
30 Subparagraph (b) of Paragraph (3) of this subsection shall be retained for three years after the next required leak test
31 is performed or until the sealed source is transferred or disposed of;

32 **(ii)** each record of a test of the on-off mechanism and indicator required by
33 Subparagraph (b) of Paragraph (3) of this subsection shall be retained for three years after the next required test of
34 the on-off mechanism and indicator is performed or until the sealed source is transferred or disposed of; and

35 **(iii)** each record that is required by Subparagraph (c) of Paragraph (3) of
36 this subsection shall be retained for 3 years from the date of the recorded event or until the device is transferred or
37 disposed of.

38 **(e)** The general licensee shall immediately suspend operation of the device if there
39 is a failure of, or damage to, or any indication of a possible failure of or damage to, the shielding of the radioactive
40 material or the on-off mechanism or indicator, or upon the detection of 0.005 microcuries (185 becquerels) or more
41 removable radioactive material. The device may not be operated until it has been repaired by the manufacturer or
42 other person holding a specific license to repair such devices that was issued pursuant to this part by the department,
43 the NRC or an agreement state. The device and any radioactive material from the device, shall only be disposed of
44 by transfer to a person authorized by a specific license to receive the radioactive material in the device, or as
45 otherwise approved by the department. A report shall be furnished to the department within 30 days containing a
46 brief description of the event and the remedial action taken. In the case of detection of 0.005 microcurie or more
47 removable radioactive material or failure of, or damage to, a source likely to result in contamination of the premises
48 or the environs, the report shall include a plan for ensuring that the premises and environs are acceptable for
49 unrestricted use. Under these circumstances, the criteria set out in Subsection B of 20.3.4.426 NMAC, *radiological*
50 *criteria for unrestricted use*, shall be applicable, as determined by the department on a case-by-case basis.

51 **(f)** The general licensee shall not abandon the device containing radioactive
52 material.

53 **(g)** The general licensee shall not export the device containing radioactive material
54 except in accordance with 10 CFR 110.

55 **(h) Device transfer requirements.**

56 **(i)** The general licensee shall transfer or dispose of the device containing

1 radioactive material only by export as provided by Subparagraph (g) of this paragraph, by transfer to another general
2 licensee as authorized in Subparagraph (i) of this paragraph , or to a person authorized to receive the device by a
3 specific license issued by the department pursuant under this part, or by a specific license issued by the department
4 authorizing waste collection pursuant to this part, or equivalent provisions of the NRC or an agreement state, or as
5 otherwise approved under Item (iii) of this subparagraph.

6 **(ii)** The general licensee shall within 30 days after the transfer of a device
7 to a specific licensee or export, furnish a report to the department at the address indicated in 20.3.1.116 NMAC. The
8 report shall contain the identification of the device by manufacturer's (or initial transferor's) name, model number
9 and serial number; the name, address and license number of the person receiving the device (license number not
10 applicable if exported); and the date of the transfer.

11 **(iii)** The general licensee shall obtain written department approval before
12 transferring the device to any other specific licensee not specifically identified in Item (i) of this subparagraph.
13 However, a holder of a specific license may transfer a device for possession and use under its own specific license
14 without prior approval, if, the holder: verifies that the specific license authorizes the possession and use, or applies
15 for and obtains amendment to the license authorizing the possession and use; removes, alters, covers, or clearly and
16 unambiguously augments the existing label (otherwise required by Subparagraph (a) of this paragraph) so that the
17 device is labeled in compliance with 20.3.4.430 NMAC, however, the manufacturer, model number, and serial
18 number must be retained; obtains the manufacturer's or initial transferor's information concerning maintenance that
19 would be applicable under the specific license (such as leak testing procedures); and reports the transfer under Item
20 (ii) of this subparagraph.

21 **(i)** The general licensee shall transfer the device to another general licensee only if:
22 **(i)** the device remains in use at a particular location, in which case: 1) the
23 transferor shall give the transferee a copy of this subsection (Subsection B of 20.3.3.305 NMAC), a copy of
24 Subsection F of 20.3.3.317 NMAC, a copy of 20.3.3.326 NMAC, a copy of 20.3.4.451 NMAC, a copy of 20.3.4.452
25 NMAC and any safety documents identified in the label of the device; 2) within 30 days of the transfer, the
26 transferor shall report to the department at the address indicated in 20.3.1.116 NMAC, stating the manufacturer's (or
27 initial transferor's) name, the model number and the serial number of the device transferred, the transferee's name
28 and mailing address for the location of use, and the name, title and phone number of the responsible individual
29 identified by the transferee in accordance with Subparagraph (l) of this paragraph to have knowledge of and
30 authority to take actions to ensure compliance with the appropriate regulations and requirements; or

31 **(ii)** the device is held in storage by an intermediate person in the original
32 shipping container at its intended location of use prior to initial use by a general licensee.

33 **(j)** The general licensee shall comply with the provisions of 20.3.4.451 NMAC and
34 20.3.4.452 NMAC for reporting radiation incidents, theft or loss of licensed material, but shall be exempt from the
35 other requirements of 20.3.4 NMAC and 20.3.10 NMAC.

36 **(k)** The general licensee shall respond to written requests from the department to
37 provide information relating to the general license within 30 calendar days of the date of the request, or other time
38 specified in the request. If the general licensee cannot provide the requested information within the allotted time, it
39 shall, within that same time period, request a longer period to supply the information by providing the department
40 with a written justification for the request.

41 **(l)** The general licensee shall appoint an individual responsible for having
42 knowledge of the appropriate regulations and requirements and the authority for taking required actions to comply
43 with appropriate regulations and requirements. The general licensee, through this individual, shall ensure the day-to-
44 day compliance with appropriate regulations and requirements. This appointment does not relieve the general
45 licensee of any of its responsibility in this regard.

46 **(m) Registration requirements.**

47 **(i)** The general licensee shall register on a department registration form, in
48 accordance with Items (ii) and (iii) of this subparagraph, devices containing at least 10 millicuries (370
49 megabecquerels) of cesium-137, 0.1 millicuries (3.7 megabecquerels) of strontium-90, 1 millicurie (37
50 megabecquerels) of cobalt-60, 0.1 millicurie (3.7 megabecquerels) of radium-226, 1 millicurie (37 megabecquerels)
51 of americium-241 or any other transuranic (i.e., element with atomic number greater than uranium (92)), based on
52 the activity indicated on the label. Each address of a location of use, as described under Item (iii) of this
53 subparagraph, represents a separate general licensee and requires a separate registration.

54 **(ii)** If in possession of a device meeting the criteria of Item (i) of this
55 subparagraph, the general licensee shall register these devices annually with the department. Registration shall be
56 done by verifying, correcting or adding to the information provided in a request for registration received from the

1 department. The registration information shall be submitted to the department within 30 days of the date of the
2 request for registration or as otherwise indicated in the request. In addition, a general licensee holding devices
3 meeting the criteria of Item (i) of this subparagraph is subject to the bankruptcy notification requirement in
4 Subsection E of 20.3.3.317 NMAC.

5 (iii) In registering devices, the general licensee shall furnish the following
6 information and any other information specifically requested by the department: 1) name and mailing address of the
7 general licensee; 2) information about each device: the manufacturer (or initial transferor), model number, serial
8 number, the radioisotope and activity (as indicated on the label); 3) name, title and telephone number of the
9 responsible person designated as a representative of the general licensee under Subparagraph (l) of this paragraph; 4)
10 address or location at which the device(s) are used or stored; for portable devices, the address of the primary place of
11 storage; 5) certification by the responsible representative of the general licensee that the information concerning the
12 device(s) has been verified through a physical inventory and checking of label information; and 6) certification by
13 the responsible representative of the general licensee that they are aware of the requirements of the general license.

14 (iv) Persons generally licensed by the NRC and an agreement state with
15 respect to devices meeting the criteria in Item (i) of this subparagraph are not subject to registration requirements if
16 the devices are used in areas subject to department jurisdiction for a period less than 180 days in any calendar year.
17 The department will not request registration information from such licensees.

18 (n) The general licensee shall report changes to the mailing address for the location
19 of use (including change in name of general licensee) to the department at the address indicated in 20.3.1.116
20 NMAC, within 30 days of the effective date of the change. For a portable device, a report of address change is only
21 required for a change in the device's primary place of storage.

22 (o) The general licensee shall not hold devices that are not in use for longer than 2
23 years. If devices with shutters are not being used, the shutter shall be locked in the closed position. The testing
24 required by Subparagraph (b) of Paragraph (3) of this subsection need not be performed during the period of storage
25 only. However, when devices are put back into service or transferred to another person, and have not been tested
26 within the required test interval, they shall be tested for leakage before use or transfer and the shutter tested before
27 use. Devices kept in standby for future use are excluded from the two-year time limit if the general licensee
28 performs quarterly physical inventories of these devices while they are in standby.

29 (4) The general license in Paragraph (1) of this subsection does not authorize the
30 manufacture or import of devices containing radioactive material.

31 **C. Luminous safety devices for use in aircraft.**

32 (1) A general license is hereby issued to own, receive, acquire, possess and use tritium or
33 promethium-147 contained in luminous safety devices for use in aircraft, provided:

34 (a) each device contains not more than 10 curies (370 gigabecquerels) of tritium or
35 300 millicuries (11.1 gigabecquerels) of promethium-147; and

36 (b) each device has been manufactured, assembled or initially transferred in
37 accordance with a license issued under the provisions [~~in~~ 10 CFR 32.53 [~~Subsection F of 20.3.3.315 NMAC~~], or
38 manufactured or assembled in accordance with a specific license issued by the NRC [~~or an agreement state which~~
39 ~~authorizes manufacture or assembly of the device for distribution to persons generally licensed by the NRC or an~~
40 ~~agreement state,~~] [~~and the device has been registered in the sealed source and device registry~~];

41 (c) quality assurance procedures are in place that are sufficient to ensure
42 compliance with 10 CFR 32.55; and

43 (d) prototypes of the device have been subjected to and have satisfactorily passed
44 the tests required in 10 CFR 32.53(e) and outlined in Subsection C(2) of this section.

45 (2) The applicant [~~Each person licensed under 10 CFR 32.53 or equivalent agreement state~~
46 ~~regulations~~] shall subject at least five prototypes of the device to tests [~~the required tests and satisfactorily pass the~~
47 ~~required tests~~] as follows:

48 (a) the devices are subjected to tests that adequately take into account the
49 individual, aggregate, and cumulative effects of environmental conditions expected in service that could adversely
50 affect the effective containment of tritium or promethium-147, such as temperature, moisture, absolute pressure,
51 water immersion, vibration, shock, and weathering;

52 (b) the devices are inspected for evidence of physical damage and for loss of tritium
53 or promethium-147, after each stage of testing, using methods of inspection adequate for determining compliance
54 with the criteria in subparagraph C(2) of this section; and

55 (c) the device designs are rejected for which the following has been detected for any
56 unit; a leak resulting in a loss of one tenth of one percent or more of the original amount of tritium or promethium-

1 147 from the device; or surface contamination of tritium or promethium-147 on the device of more than 2,200
2 disintegrations per minute per 100 square centimeters of surface area; or any other evidence of physical damage.

3 (3) Each person licensed under 10 CFR 32.55 or 20.3.3.305(C) NMAC [~~equivalent~~
4 ~~agreement state regulations~~] shall visually inspect each device and shall reject any that has an observable physical
5 defect that could adversely affect containment of the tritium or promethium-147.

6 (4) Each person licensed under 10 CFR 32.53 or 20.3.3.305(C) NMAC [~~equivalent~~
7 ~~agreement state regulations~~] shall:

8 (a) maintain quality assurance systems in the manufacture of the luminous safety
9 device in a manner sufficient to provide reasonable assurance that the safety-related components of the distributed
10 devices are capable of performing their intended functions; and

11 (b) subject inspection lots to acceptance sampling procedures, by procedures
12 specified in Subparagraph C(2) of this section and in the license issued under 10 CFR 32.53 or 20.3.3.305(C)
13 NMAC [~~equivalent agreement state regulations~~] to provide at least ninety-five percent confidence that the lot
14 tolerance percent defective of five percent will not be exceeded.

15 (5) The licensee shall subject each inspection lot to:

16 (a) tests that adequately take into account the individual, aggregate, and cumulative
17 effects of environmental conditions expected in service that could adversely affect the effective containment of
18 tritium or promethium-147, such as absolute pressure and water immersion; and

19 (b) inspection [~~inspect the inspection lot~~] for evidence of physical damage,
20 containment failure, or loss of tritium or promethium-147 after each stage of testing, using methods of inspection
21 adequate for applying the following criteria for defective: [~~using the following methods of inspection~~]:

22 (i) a leak resulting in a loss of one tenth of one percent or more of the
23 original amount of tritium or promethium-147 from the device;

24 (ii) levels of radiation in excess of 5 microgray (0.5 millirad) per hour at
25 10 centimeters from any surface when measured through 50 milligrams per square centimeter of absorber, if the
26 device contains promethium-147; and

27 (iii) any other criteria specified in the license issued under 10 CFR 32.53 or
28 20.3.3.305(C) NMAC [~~equivalent agreement state regulations~~].

29 (6) No person licensed under 10 CFR 32.53 or 20.3.3.305(C) NMAC [~~equivalent agreement~~
30 ~~state regulations~~] shall transfer [~~the following luminous safety devices~~] to persons generally licensed pursuant to 10
31 CFR 31.7 or under an equivalent general license of an agreement state:

32 (a) any luminous safety device tested and found defective under any condition of a
33 license issued under Subsection C of this section, unless the defective luminous safety device has been repaired or
34 reworked, retested, and determined by an independent inspector to meet the applicable acceptance criteria; or

35 (b) any luminous safety device contained within any lot that has been sampled and
36 rejected as a result of the procedures in Subsection C(4)(b) of this section, unless a procedure for defining sub-lot
37 size, independence, and additional testing procedures is contained in the license issued under 10 CFR 32.53 or
38 20.3.3.305(C) NMAC [~~equivalent agreement state regulations~~] and each individual sub-lot is sampled, tested, and
39 accepted in accordance with Subsection C(2) of this section and any other criteria that may be required as a
40 condition of the license issued under 10 CFR 32.53 or 20.3.3.305(C) NMAC [~~equivalent agreement state~~
41 ~~regulations~~].

42 (7) Persons who own, receive, acquire, possess or use luminous safety devices pursuant to
43 this general license are exempt from the requirements of 20.3.4 NMAC and 20.3.10 NMAC except that they shall
44 comply with the reporting and notification provisions of 20.3.4.451 NMAC and 20.3.4.452 NMAC.

45 (8) This general license does not authorize the manufacture, assembly, repair or import of
46 luminous safety containing tritium or promethium-147.

47 (9) This general license does not authorize the export of luminous safety devices containing
48 tritium or promethium-147.

49 (10) This general license does not authorize the ownership, receipt, acquisition, possession or
50 use of promethium-147 contained in instrument dials.

51 **D. Calibration and reference sources.**

52 (1) A general license is hereby issued to those persons listed in this paragraph to own,
53 receive, acquire, possess, use and transfer, in accordance with the provisions of Paragraphs (4) and (5) of this
54 subsection americium-241 in the form of calibration or reference sources.

55 (a) Any person who holds a specific license issued by the department which
56 authorizes them to receive, possess, use and transfer radioactive material.

1 (b) Any government agency, as defined in 20.3.1.7 NMAC, which holds a specific
2 license issued pursuant to this chapter which authorizes it to receive, possess, use and transfer radioactive material.

3 (2) A general license is hereby issued to those persons listed below to receive title to, own,
4 acquire, deliver, receive, possess, use and transfer in accordance with the provisions of Paragraph (4) and (5)
5 plutonium in the form of calibration or reference sources.

6 (a) Any person who holds a specific license issued by the department which
7 authorizes them to receive, possess, use and transfer radioactive material.

8 (b) Any government agency, as defined in 20.3.1.7 NMAC, which holds a specific
9 license issued pursuant to 20.3 NMAC which authorizes it to receive, possess, use and transfer radioactive material.

10 (c) Any person who holds a specific license issued by the NRC or an agreement
11 state which authorizes them to receive, possess, use and transfer special nuclear material.

12 (3) A general license is hereby issued to receive, possess, use and transfer radium-226 in the
13 form of calibration or reference sources in accordance with Paragraphs (4) and (5) of this subsection to any person
14 who holds a specific license issued by the department which authorizes them to receive, possess, use and transfer
15 radioactive material.

16 (4) The general licenses in Paragraphs (1), (2) and (3) of this subsection apply only to
17 calibration or reference sources which have been manufactured or initially transferred in accordance with the
18 specifications contained in a specific license issued the department pursuant to Subsection G of 20.3.3.315 NMAC
19 or in accordance with the specifications contained in a specific license issued by the NRC or an agreement state
20 pursuant to equivalent licensing requirements which authorizes the manufacturer of the sources for distribution to
21 persons generally licensed by the NRC or an agreement state.

22 (5) The general licenses provided in Paragraphs (1), (2) and (3) of this subsection are subject
23 to the provisions of Subsection F of 20.3.3.317 NMAC. In addition, persons who receive, acquire, possess, use or
24 transfer one or more calibration or reference sources pursuant to these general licenses:

25 (a) shall not possess at any one time, at any one location of storage or use, more
26 than 5 microcuries (185 kilobecquerels) of americium-241, 5 microcuries (185 kilobecquerels) of plutonium and 5
27 microcuries (185 kilobecquerels) of radium-226 in such sources;

28 (b) shall not receive, possess, use or transfer such source unless the source, or the
29 storage container, bears a label which includes the following statement or a substantially similar statement which
30 contains the information called for in the following statement:

31 *The receipt, possession, use and transfer of this source, model _____, serial number _____, are subject to a*
32 *general license and the regulations of the United States nuclear regulatory commission or of a state with which the*
33 *commission has entered into an agreement for the exercise of regulatory authority. Do not remove this label.*

34 *Caution - radioactive material - this source contains [describe one of the following radioactive materials*
35 *americium-241, plutonium or radium-226 as appropriate]. Do not touch radioactive portion of this source.*

36 _____
37 (name of manufacturer or initial transferor)

38 (c) shall not transfer, abandon or dispose of such source except by transfer to a
39 person authorized by a license issued by the department, the NRC or an agreement state to receive the source;

40 (d) shall store such source, except when the source is being used, in a closed
41 container adequately designated and constructed to contain americium-241, plutonium or radium-226 which might
42 otherwise escape during storage; and

43 (e) shall not use such source for any purpose other than the calibration of radiation
44 detectors or the standardization of other sources.

45 (6) These general licenses do not authorize the manufacture or import of calibration or
46 reference sources containing americium-241, plutonium or radium-226.

47 **E. General license to install devices generally licensed in Subsection B of 20.3.3.305 NMAC.**

48 Any person who holds a specific license issued by the NRC or an agreement state authorizing the holder to
49 manufacture, install or service a device described in Subsection B of this section within such agreement state issuing
50 the specific license or within a location subject to NRC jurisdiction, is hereby granted a general license to install and
51 service such device in this state; provided, that:

52 (1) the device has been manufactured, labeled, installed and serviced in accordance with
53 applicable provisions of the specific license issued to such person by the NRC or an agreement state; and

54 (2) such person assures that any labels required to be affixed to the device under regulations
55 of the NRC or agreement state which licensed manufacture of the device bear a statement that removal of the label is
56 prohibited.

1 **F. General license for use of radioactive material for certain in-vitro clinical or laboratory**
2 **testing.**

3 **(1)** A general license is hereby issued to any physician, veterinarian in the practice of
4 veterinary medicine, clinical laboratory or hospital to receive, acquire, possess, transfer or use, for any of the
5 following stated tests, in accordance with the provisions of Paragraphs (2) through (6) of this subsection, the
6 following radioactive materials in prepackaged units, each for use for in-vitro clinical or laboratory tests not
7 involving internal or external administration of radioactive material, or the radiation therefrom, to human beings or
8 animals:

- 9 **(a)** iodine-125, in units not exceeding 10 microcuries (370 kilobecquerels) each;
- 10 **(b)** iodine-131, in units not exceeding 10 microcuries (370 kilobecquerels) each;
- 11 **(c)** carbon-14, in units not exceeding 10 microcuries (370 kilobecquerels) each;
- 12 **(d)** hydrogen-3, in units not exceeding 50 microcuries (1.85 megabecquerels) each;
- 13 **(e)** iron-59, in units not exceeding 20 microcuries (740 kilobecquerels) each;
- 14 **(f)** cobalt-57, in units not exceeding 10 microcuries (370 kilobecquerels) each;
- 15 **(g)** selenium-75, in units not exceeding 10 microcuries (370 kilobecquerels) each;

16 and

17 **(h)** mock iodine-125 for use as reference or calibration sources not to exceed 0.05
18 microcurie (1.85 kilobecquerels) of iodine-129 and 0.005 microcurie (1.85 becquerels) of americium-241 each.

19 **(2)** No person shall receive, acquire, possess, use or transfer radioactive material pursuant to
20 the general license established by Paragraph (1) of this subsection unless that person

21 **(a)** has filed a form, *registration certificate-in vitro testing with radioactive*
22 *material under general license*, with the department and received from the department a validated copy of the
23 registration certificate with a registration number assigned. The physician, clinical laboratory or hospital shall
24 furnish on the registration certificate the following information and such other information as may be required by the
25 form:

- 26 **(i)** name and address of the physician, clinical laboratory or hospital;
- 27 **(ii)** the location of use; and
- 28 **(iii)** a statement that the physician, veterinarian, clinical laboratory or

29 hospital has appropriate radiation measuring instruments to carry out in vitro clinical or laboratory tests with
30 radioactive material as authorized under the general license in Paragraph (1) of this subsection and that such tests
31 will be performed only by personnel competent in the use of such instruments and in the handling of the radioactive
32 material; or

33 **(b)** has a license that authorizes the medical use of radioactive material that was
34 issued under 20.3.7 NMAC.

35 **(3)** A person who receives, acquires, possesses or uses radioactive material pursuant to the
36 general license established by Paragraph (1) of this subsection shall comply with the following:

37 **(a)** the general licensee shall not possess at any one time, pursuant to the general
38 license in Paragraph (1) of this subsection at any one location of storage or use, a total amount of iodine-125, iodine-
39 131, iron-59, cobalt-57 or selenium-75 in excess of 200 microcuries (7.4 megabecquerels);

40 **(b)** the general licensee shall store the radioactive material, until used, in the
41 original shipping container or in a container providing equivalent radiation protection;

42 **(c)** the general licensee shall use the radioactive material only for the uses
43 authorized by Paragraph (1) of this subsection;

44 **(d)** the general licensee shall neither transfer the radioactive material except by
45 transfer to a person authorized to receive it pursuant to a license issued by the department, the NRC or an agreement
46 state, nor transfer the radioactive material in any manner other than in the unopened, labeled shipping container as
47 received from the supplier; and

48 **(e)** the general licensee shall dispose of mock iodine reference or calibration
49 sources in accordance with 20.3.4.433 NMAC.

50 **(4)** The general licensee shall not receive, acquire, possess or use radioactive material
51 pursuant to Paragraph (1) of this subsection:

52 **(a)** except as prepackaged units which are labeled in accordance with the provisions
53 of a specific license issued under Subsection H of 20.3.3.315 NMAC, or in accordance with the provisions of a
54 specific license issued by the NRC or an agreement state, or labeled before November 30, 2007 in accordance with
55 the provisions of a specific license issued by a state with comparable provisions to Subsection H of 20.3.3.315
56 NMAC, which authorizes the manufacture and distribution of iodine-125, iodine-131, carbon-14, hydrogen-3

1 (tritium), iron-59, cobalt-57, selenium-75, or mock iodine-125 for distribution to persons generally licensed by the
2 NRC, the agreement state or the state with comparable provisions to Subsection H of 20.3.3.315 NMAC; and

3 **(b)** unless the following statement, or a substantially similar statement, which
4 contains the information called for in the following statement appears on a label affixed to each prepackaged unit or
5 appears in a leaflet or brochure which accompanies the package:

6 *This radioactive material shall be received, acquired, possessed and used only by physicians, veterinarians in the*
7 *practice of veterinary medicine, clinical laboratories or hospitals and only for in-vitro clinical or laboratory tests*
8 *not involving internal or external administration of the material, or the radiation therefrom, to human beings or*
9 *animals. Its receipt, acquisition, possession, use and transfer are subject to the regulations and a general license of*
10 *the U.S. nuclear regulatory commission or of a State with which the commission has entered into an agreement for*
11 *the exercise of regulatory authority.*

12 _____
13 (name of manufacturer)

14 **(5)** The general licensee possessing or using radioactive material under the general license of
15 Paragraph (1) of this subsection shall report in writing to the department, any changes in the information furnished
16 by them in the *certificate-in-vitro testing with radioactive material under general license* form. The report shall be
17 furnished within 30 days after the effective date of such change.

18 **(6)** Any person using radioactive material pursuant to the general license of Paragraph (1) of
19 this subsection is exempt from the requirements of 20.3.4 NMAC and 20.3.10 NMAC with respect to radioactive
20 material covered by that general license except that such person using a mock iodine-125 shall comply with the
21 provisions of 20.3.4.433 NMAC, 20.3.4.451 NMAC and 20.3.4.452 NMAC.

22 **G. General license for strontium 90 in ice detection devices.**

23 **(1)** A general license is hereby issued to own, receive, acquire, possess, use and transfer
24 strontium-90 contained in ice detection devices, provided each device contains not more than 50 microcuries (1.85
25 megabecquerels) of strontium-90 and each device has been manufactured or initially transferred in accordance with
26 a specific license issued by the department, the NRC or an agreement state, which authorizes manufacture of the ice
27 detection devices for distribution to persons generally licensed by the department, NRC or an agreement state.

28 **(2)** Persons who own, receive, acquire, possess, use or transfer strontium-90 contained in ice
29 detection devices pursuant to the general license in Paragraph (1) of this subsection:

30 **(a)** shall, upon occurrence of visually observable damage, such as a bend or crack or
31 discoloration from overheating, to the device, discontinue use of the device until it has been inspected, tested for
32 leakage and repaired by a person holding a specific license from the department, the NRC or an agreement state to
33 manufacture or service such devices; or shall dispose of the device pursuant to the provisions of 20.3.4.433 NMAC;

34 **(b)** shall assure that all labels affixed to the device at the time of receipt, and which
35 bear a statement which prohibits removal of the labels, are maintained thereof; and

36 **(c)** are exempt from the requirement of 20.3.4 NMAC and 20.3.10 NMAC except
37 that such persons shall comply with the provisions of 20.3.4.433 NMAC, 20.3.4.451 NMAC and 20.3.4.452 NMAC.

38 **(3)** This general license does not authorize the manufacture, assembly, disassembly, repair or
39 import of strontium-90 in ice detection devices.

40 **H. General license for certain items and self-luminous products containing radium-226.**

41 **(1)** A general license is hereby issued to any person to acquire, receive, possess, use or
42 transfer, in accordance with the provisions of Paragraphs (2), (3) and (4) of this subsection, radium-226 contained in
43 the following products manufactured prior to November 30, 2007.

44 **(a)** Antiquities originally intended for use by the general public. For the purposes
45 of this paragraph, antiquities mean products originally intended for use by the general public and distributed in the
46 late 19th and early 20th centuries, such as radium emanator jars, revigators, radium water jars, radon generators,
47 refrigerator cards, radium bath salts and healing pads.

48 **(b)** Intact timepieces containing greater than 0.037 megabecquerel (1 microcurie),
49 non-intact timepieces, and timepiece hands and dials no longer installed in timepieces.

50 **(c)** Luminous items installed in air, marine or land vehicles.

51 **(d)** All other luminous products, provided that no more than 100 items are used or
52 stored at the same location at any one time.

53 **(e)** Small radium sources containing no more than 1 microcurie (0.037
54 megabecquerel) of radium-226. For the purposes of this paragraph, "small radium sources" means discrete survey
55 instrument check sources, sources contained in radiation measuring instruments, sources used in educational
56 demonstrations (such as cloud chambers and spinthariscopes), electron tubes, lightning rods, ionization sources,

1 static eliminators or as designated by the department or NRC.

2 (2) Persons who acquire, receive, possess, use or transfer byproduct material under the
3 general license issued in Paragraph (1) of this subsection are exempt from the provisions of 20.3.3.325 NMAC,
4 20.3.3.326 NMAC, 20.3.4 NMAC and 20.3.10 NMAC to the extent that the receipt, possession, use or transfer of
5 radioactive material is within the terms of the general license; provided, however, that this exemption shall not be
6 deemed to apply to any such person specifically licensed under this chapter.

7 (3) Any person who acquires, receives, possesses, uses or transfers radioactive material in
8 accordance with the general license in Paragraph (1) of this section shall:

9 (a) notify the department should there be any indication of possible damage to the
10 product so that it appears it could result in a loss of the radioactive material. A report containing a brief description
11 of the event, and the remedial action taken, must be furnished to the department at the address specified in
12 20.3.1.116 NMAC within 30 days of the event;

13 (b) not abandon products containing radium-226; the product, and any radioactive
14 material from the product, may only be disposed of according to 20.3.4.437 NMAC or by transfer to a person
15 authorized by a specific license to receive the radium-226 in the product or as otherwise approved by the
16 department;

17 (c) not export products containing radium-226 except in accordance with 10 CFR
18 110;

19 (d) dispose of products containing radium-226 at a disposal facility authorized to
20 dispose of radioactive material in accordance with any federal or state solid or hazardous waste law, including the
21 Solid Waste Disposal Act, as authorized under the Energy Policy Act, by transfer to a person authorized to receive
22 radium-226 by a specific license issued under this part, or equivalent regulations of the NRC, an agreement state or
23 as otherwise approved by the department or NRC;

24 (e) respond to written requests from the department to provide information relating
25 to the general license within 30 calendar days of the date of the request, or other time specified in the request. If the
26 general licensee cannot provide the requested information within the allotted time, it shall, within that same time
27 period, request a longer period to supply the information by providing the department a written justification for the
28 request.

29 (4) The general license in Paragraph (1) of this section does not authorize the manufacture,
30 assembly, disassembly, repair or import of products containing radium-226, except when timepieces may be
31 disassembled and repaired.

32 **I. General license to own radioactive material.** A general license is hereby issued to receive title
33 to and own radioactive material without regard to quantity. Notwithstanding any other provision of this chapter, a
34 general licensee under this subsection is not authorized to acquire, deliver, manufacture, produce, transfer, receive,
35 possess, use, import or export radioactive material, except as authorized in a specific license.
36 [20.3.3.305 NMAC - Rp, 20.3.3.305 NMAC, 04/30/2009; A, XX/XX/XXXX]

37
38 **20.3.3.306 TRANSPORTATION OF RADIOACTIVE MATERIAL:**

39 **A.** Except as specified in Subsection D of this section, the regulations of the United States NRC set
40 forth in 10 CFR 71 are hereby incorporated by reference.

41 **B.** Shipment and transport of radioactive material shall be in accordance with the provisions of
42 Subsection A of this section.

43 **C.** The following modifications are made to the incorporated federal regulations in this section:

44 (1) **“commission”** means the ~~[department or]~~ NRC except a specified in subsection (4)
45 below;

46 (2) **“act”** means the Radiation Protection Act, Sections 74-3-1 through 74-3-16 NMSA 1978;
47 and

48 (3) **“byproduct material”** means radioactive material as defined in 20.3.1.7 NMAC.

49 (4) all reference in 10 CFR 71 to “commission” are changed to Department as follows:
50 71.17(a), 71.17(b), 71.21, 71.91(b), 71.91(c), 71.91(d), 71.101(c)(1), 71.106(a), 71.106(a)(1), 71.106(b) and
51 71.106(b)(1).

52 (5) all reference in 10 CFR 71 to “certificate holder”, “applicant” and “applicant for a
53 certificate of compliance (COC)” apply to the NRC as follows 71.91(c), 71.91(d), 71.101(a), 71.101(b), 71.103(a)
54 and 71.135.

55 **D.** The following provisions contained in 10 CFR 71 are applicable to the NRC and not
56 incorporated in this section: 71.11, 71.14(b), 71.19, 71.31, 71.33, 71.35, 71.37, 71.38, 71.39, 71.41, 71.43, 71.45,

1 71.51, 71.55, 71.59, 71.61, 71.63, 71.64, 71.65, 71.70, 71.71, 71.73, 71.74, 71.75, 71.77, 71.85(a)-(c),
2 71.91(b), 71.101(c)(2), (d), and (e), 71.107, 71.109, 71.111, 71.113, 71.115, 71.117, 71.119, 71.121, 71.123, and
3 71.125.

4 [20.3.3.306 NMAC - Rp, 20.3.3.306 NMAC & 20.3.3.325 NMAC, 04/30/2009; A, 06/30/2011, A, XX/XX/XXXX]

5
6 **20.3.3.307 FILING APPLICATION FOR SPECIFIC LICENSES:**

7 **A.** Except where otherwise determined by the department, applications for specific licenses shall be
8 filed in duplicate on a form prescribed by the department (*application for a radioactive material license*) in
9 accordance with the instructions to the form. Additional copies of the application may be required by the
10 department. Information contained in previous application, statements or reports filed with the department may be
11 incorporated by reference, provided that the reference is clear and specific.

12 **B.** The department may at any time after the filing of the original application, and before the
13 expiration of the license, require further statements in order to enable the department to determine whether the
14 application shall be granted or denied or whether a license shall be modified or revoked.

15 **C.** Each application shall be signed by the applicant or licensee or a person duly authorized to act for
16 and on their behalf.

17 **D.** An application for a license may include a request for a license authorizing more than one activity,
18 provided that the application specifies the additional activities for which licenses are requested and complies with
19 the requirements in this chapter as to applications for such licenses. In such cases, annual fees for all types of
20 activities authorized by the license may be charged as determined by 20.3.16 NMAC.

21 **E.** An application for a specific license of category 1 and category 2 quantities of radioactive material
22 shall comply with 10 CFR 37. The licensee shall comply with 10 CFR 37 except as follows:

23 (1) any reference to the commission or NRC shall be deemed a reference to the department;

24 (2) 10 CFR 37.5 definitions of agreement state, byproduct material, commission and person
25 shall not be applicable;

26 (3) 10 CFR 37.7, 10 CFR 37.9, 10 CFR 37.11(a) and (b), 10 CFR 37.13, 10 CFR 37.27(c),
27 10 CFR 37.43(d)(9), 10 CFR 37.105, and 10 CFR 37.107 shall not be applicable; and

28 (4) the license required report of events or notification in 10 CFR 37.45, 10 CFR 37.57, 10
29 CFR 37.77(a) through (d), and 10 CFR 37.81 shall use the following address: New Mexico Environment
30 Department/RCB, P.O. Box 5469, Santa Fe, NM 87502-5469.

31 **F.** An application for a specific license to use radioactive material in the form of a sealed source or in
32 a device that contains the sealed source must identify the source and (or) the device by manufacturer name and
33 model number as registered with the *sealed source and device registry*.

34 (1) Except as provided in Subsection (F)(2), (F)(3), and (F)(4) of this section, an application
35 for a specific license to use byproduct material in the form of a sealed source or in a device that contains the sealed
36 source must either:

37 (a) identify the source or device by manufacturer and model number registered with
38 the NRC pursuant to 10 CFR 32.210, with an agreement state, or for a source or a device containing radium-226 or
39 accelerator-produced radioactive material with a state under provisions comparable to 10 CFR 32.210; or

40 (b) contain the information identified in 10 CFR 32.210(c).
41 (2) For sources or devices manufactured before October 23, 2012 that are not registered with
42 the NRC under 10 CFR 32.210 or with an agreement state, and for which the applicant is unable to provide all
43 categories of information specified in 10 CFR 32.210(c), the application must include:

44 (a) all available information identified in 10 CFR 32.210(c) concerning the source,
45 and, if applicable, the device; and

46 (b) sufficient additional information to demonstrate that there is reasonable
47 assurance that the radiation safety properties of the source or device are adequate to protect health and minimize
48 danger to life and property. Such information must include a description of the source or device, a description of
49 radiation safety features, the intended use and associated operating experience, and the results of a recent leak test.

50 (3) For sealed sources and devices allowed to be distributed without registration of safety
51 information in accordance with 10 CFR 32.210(g)(1), the applicant may supply only the manufacturer, model
52 number, and radionuclide and quantity.

53 (4) If it is not feasible to identify each sealed source and device individually, the applicant
54 may propose constraints on the number and type of sealed sources and devices to be used and the conditions under
55 which they will be used, in lieu of identifying each sealed source and device.

56 **G.** As provided by 20.3.3.311 NMAC, certain applications for a new or renewal specific license must

1 contain a proposed decommissioning funding plan or a certification of financial assurance for decommissioning.

2 **H.** An application for a license to receive and possess radioactive material for the conduct of any
3 activity which the department has determined pursuant to Subpart A of 10 CFR 51 will significantly affect the
4 quality of the environment shall be filed at least nine months prior to commencement of construction of the plant or
5 facility in which the activity will be conducted and shall be accompanied by an environmental impact report
6 required pursuant to Subpart A of 10 CFR 51.

7 **I.** None of the following applications shall be accepted for review unless it is accompanied by an
8 environmental impact report, submitted by the applicant, that specifically addresses the short-term and long-term
9 environmental, radiological and public health and safety aspects of the applications and alternatives to the proposed
10 action:

11 (1) an initial application for a radioactive material license for a commercial radioactive waste
12 disposal site license;

13 (2) the first renewal of any such license not previously accompanied by an environmental
14 impact report;

15 (3) an application for an amendment to an existing license that may result in additional
16 significant impacts from radiation on the environment or public health or safety beyond those impacts addressed in
17 the existing license and accompanying documents; and

18 (4) any other application that the secretary determines may have significant impacts from
19 radiation on the environment or public health or safety.

20 **J.** The application for a radioactive material license for a commercial radioactive waste disposal site,
21 or for any renewal thereof, or for an amendment thereto as described in Paragraph (3) of Subsection H of this
22 section, shall demonstrate that the activity for which such license is requested will comply with all laws and
23 regulations enforceable by the department.

24 **K.** An application from a medical facility or educational institution to produce PET radioactive drugs
25 for noncommercial transfer to licensees in its consortium authorized for medical use under 20.3.7 NMAC shall
26 include:

27 (1) a request for authorization for the production of PET radionuclides or evidence of an
28 existing license issued under 20.3.3 NMAC or under equivalent NRC or agreement state requirements for a PET
29 radionuclide production facility within its consortium from which it receives PET radionuclides;

30 (2) evidence that the applicant is qualified to produce radioactive drugs for medical use by
31 meeting one of the criteria in Subparagraph (b) of Paragraph (1) of Subsection J of 20.3.3.315 NMAC;

32 (3) identification of individual(s) authorized to prepare the PET radioactive drugs if the
33 applicant is a pharmacy, and documentation that each individual meets the requirements of an authorized nuclear
34 pharmacist as specified in Subparagraph (b) of Paragraph (2) of Subsection J of 20.3.3.315 NMAC; and

35 (4) information identified in Subparagraph (c) of Paragraph (1) of Subsection J of 20.3.3.315
36 NMAC on the PET drugs to be non-commercially transferred to members of its consortium.

37 **L.** An application for a specific license to transfer source material under this section [~~10 CFR~~
38 ~~40~~].

39 (1) An application for a specific license to initially transfer source material for use under [~~10~~
40 ~~CFR 40.22, and equivalent regulations~~] 20.3.3.307 [~~20.3.3.304.B~~] NMAC, will be approved if:

41 (a) the applicant satisfies the general requirements specified in this section [~~10 CFR~~
42 ~~40.32 and equivalent regulations~~] 20.3.3.307 NMAC]; and

43 (b) the applicant submits adequate information on, and the department [~~NRC~~]
44 approves the methods to be used for quality control, labeling, and providing safety instructions to recipients.

45 (2) Each person licensed under this section [~~10 CFR 40.54~~] shall label the immediate
46 container of each quantity of source material with the type of source material and quantity of material and the words,
47 “radioactive material.”

48 (3) Each person licensed under this section [~~10 CFR 40.54~~] shall ensure that the quantities
49 and concentrations of source material are as labeled and indicated in any transfer records.

50 (4) Each person licensed under this section [~~10 CFR 40.54~~] shall provide the information
51 specified in this paragraph to each person to whom source material is transferred for use under this section [~~10 CFR~~
52 ~~40.22 and 20.3.3.304.B~~] NMAC]. This information must be transferred before the source material is transferred for
53 the first time in each calendar year to the particular recipient. The required information includes:

54 (a) a copy of 20.3.3.304.B NMAC [~~10 CFR 40.22~~] and 10 CFR 40.51 or equivalent
55 regulations under 20.3.3.307.L [~~20.3.3.304~~] NMAC; and

56 (b) appropriate radiation safety precautions and instructions relating to handling,

1 use, storage, and disposal of the material.

2 (5) Each person licensed under this section [~~10 CFR 40.54~~] shall report transfers as follows:

3 (a) File a report with the department under 20.3.1.116 NMAC. The report shall
4 include the following information:

5 (i) The name, address, and license number of the person who transferred
6 the source material; and

7 (ii) For each general licensee under 10 CFR 40.22 or [~~and~~] 20.3.3.304
8 [~~20.3.3.307~~] NMAC to whom greater than 50 grams (0.11 lb) of source material has been transferred in a single
9 calendar quarter, the name and address of the general licensee to whom source material is distributed; a responsible
10 agent, by name and [~~or~~] position and phone number, of the general licensee to whom the material was sent; and the
11 type, physical form, and quantity of source material transferred; and

12 (iii) The total quantity of each type and physical form of source material
13 transferred in the reporting period to all such generally licensed recipients.

14 (b) File a report with each responsible agreement state agency that identifies all
15 persons, operating under the provisions equivalent to 10 CFR 40.22, to whom greater than 50 grams (0.11 lb) of
16 source material has been transferred within a single calendar quarter. The report shall include the following
17 information specific to those transfers made to the agreement state:

18 (i) The name, address, and license number of the person who transferred
19 the source material;

20 (ii) The name and address of the general licensee to whom source material
21 was distributed; a responsible agent, by name and/or position and phone number, of the general licensee to whom
22 the material was sent; and the type, physical form, and quantity of source material transferred; and

23 (iii) The total quantity of each type and physical form of source material
24 transferred in the reporting period to all such generally licensed recipients within the Agreement State.

25 (c) Submit each report by January 31 of each year covering all transfers for the
26 previous calendar year. If no transfers were made to persons generally licensed under 10 CFR 40.22 or equivalent
27 agreement state provisions during the current period, a report shall be submitted to the NRC indicating so. If no
28 transfers have been made to general licensees in a particular agreement state during the reporting period, this
29 information shall be reported to the responsible agreement state agency upon request of the agency.

30 (d) Each person licensed under 20.3.3.304 NMAC [~~10 CFR 40.54~~] shall maintain
31 all information that supports the reports required by this section concerning each transfer to a general licensee for a
32 period of one year after the event is included in a report to the NRC or to an agreement state agency.

33 [~~20.3.3.307 NMAC - Rp, 20.3.3.307 NMAC, 04/30/2009; A, XX/XX/XXXX~~]

34
35 **20.3.3.308 GENERAL REQUIREMENTS FOR THE ISSUANCE OF SPECIFIC LICENSES:**

36 A. An application for a specific license shall be approved if all of the following requirements are met.

37 (1) The application is for a purpose authorized by the act.

38 (2) The applicant is qualified by training and experience to use the material for the purpose
39 requested in accordance with the provisions in this chapter and in such a manner as to minimize the danger to public
40 health and safety or property.

41 (3) The applicant's proposed equipment, facilities and procedures are adequate to minimize
42 danger to public health and safety or property.

43 (4) The applicant satisfies the requirements in this section, and any special requirements in
44 20.3.3.307 NMAC and 20.3.3.309 NMAC, 20.3.3.313 NMAC, 20.3.3.314 NMAC or 20.3.3.315 NMAC.

45 B. Upon a determination that an application meets the requirements of the act and the 20.3 NMAC,
46 the department will issue a specific license authorizing the possession and use of radioactive material.

47 C. The secretary may deny an application if an applicant:

48 (1) fails to demonstrate that the requirements of the act and 20.3 NMAC have been
49 addressed;

50 (2) fails to meet the requirements for completeness and accuracy of information in
51 20.3.1.123 NMAC;

52 (3) has demonstrated deliberate misconduct as described in 20.3.1.122 NMAC; and

53 (4) fails to respond to a request for additional information within 30 days from the date of the
54 request, or within such other time as may be specified in the request for information.

55 [~~20.3.3.308 NMAC - Rp, 20.3.3.308 NMAC, 4/30/2009; A, 6/13/2017~~]

56 **20.3.3.309 REQUIREMENTS FOR EMERGENCY RESPONSE PLANS FOR CERTAIN**

1 **LICENSEES:**

2 **A.** Each application to possess radioactive materials in unsealed forms, on foils or plated sources, or
3 sealed in glass in excess of the quantities in 20.3.3.333 NMAC (Schedule E - Quantities of Radioactive Materials
4 Requiring Consideration of the Need for an Emergency Plan for Responding to a Release), must contain either:

- 5 (1) an evaluation showing that the maximum dose to a person offsite due to a release of
6 radioactive materials would not exceed 1 rem effective dose equivalent or 5 rems (50 millisieverts) to the thyroid; or
- 7 (2) an emergency plan for responding to a release of radioactive material.

8 **B.** One or more of the following factors may be used to support an evaluation submitted under
9 Paragraph (1) of Subsection A of this section:

- 10 (1) the radioactive material is physically separated so that only a portion could be involved in
11 an accident;
- 12 (2) all or part of the radioactive material is not subject to release during an accident because
13 of the way it is stored or packaged;
- 14 (3) the release fraction in the respirable size range would be lower than the release fraction
15 shown in 20.3.3.333 NMAC of this part due to the chemical or physical form of the material;
- 16 (4) the solubility of the radioactive material would reduce the dose received;
- 17 (5) facility design or engineered safety features in the facility would cause the release
18 fraction to be lower than shown in 20.3.3.333 NMAC;
- 19 (6) other factors appropriate for the specific facility; or
- 20 (7) operating restrictions or procedures would prevent a release fraction as large as that
21 shown in 20.3.3.333 NMAC.

22 **C.** An emergency plan for responding to a release of radioactive material submitted under Paragraph
23 (2) of Subsection A of this section must include the following information.

- 24 (1) **Facility description:** a brief description of the licensee's facility and area near the site.
- 25 (2) **Types of accidents:** an identification of each type of radioactive materials accident for
26 which protective actions may be needed.
- 27 (3) **Classification of accidents:** a system for classifying each accident as "alert" or "site
28 area emergencies".
- 29 (4) **Detection of accidents:** identification of the means of detecting each type of accident in
30 a timely manner.
- 31 (5) **Mitigation of consequences:** a brief description of the means and equipment for
32 mitigating the consequences of each type of accident, including those provided to protect workers onsite, and a
33 description of the program for maintaining the equipment.
- 34 (6) **Assessment of releases:** a brief description of the methods and equipment to assess
35 releases of radioactive materials.
- 36 (7) **Responsibilities:** a brief description of the responsibilities of licensee personnel should
37 an accident occur, including identification of personnel responsible for promptly notifying offsite response
38 organizations and the secretary; also responsibilities for developing, maintaining, and updating the plan.
- 39 (8) **Notification and coordination:** a commitment to and a brief description of the means to
40 promptly notify offsite response organizations and request offsite assistance, including medical assistance for the
41 treatment of contaminated injured onsite workers when appropriate. A control point must be established. The
42 notification and coordination must be planned so that unavailability of some personnel, parts of the facility, and
43 some equipment will not prevent the notification and coordination. The licensee shall also commit to notify the
44 secretary immediately and ensure notification of other appropriate offsite response organizations "and not later than
45 one hour after the licensee declares an emergency".
- 46 (9) **Information to be communicated:** a brief description of the types of information
47 regarding facility status, radioactive releases and, if necessary, recommended protective actions.
- 48 (10) **Training:** a brief description of the frequency, performance objectives and plans for the
49 training that the licensee will provide workers on how to respond to an emergency including any special instructions
50 and orientation tours the licensee would offer to fire, police, medical and other emergency personnel. The training
51 shall familiarize personnel with site-specific emergency procedures. Also, the training shall thoroughly prepare site
52 personnel for their responsibilities in the event of accident scenarios postulated as most probable for the specific site,
53 including the use of team training for such scenarios.
- 54 (11) **Safe shutdown:** a brief description of the means of restoring the facility to a safe
55 condition after an accident.
- 56 (12) **Exercises:** provisions for conducting quarterly communications checks with offsite

1 response organizations and biennial onsite exercises to test response to simulated emergencies. Quarterly
2 communications checks with offsite response organizations must include the check and update of all necessary
3 telephone numbers. The licensee shall invite offsite response organizations to participate in the biennial exercises.
4 Participation of offsite response organizations in biennial exercises, although recommended, is not required.
5 Exercises must use accident scenarios postulated as most probable for the specific site and the scenarios shall not be
6 known to most exercise participants. The licensee shall critique each exercise using individuals not having direct
7 implementation responsibility for the plan. Critiques of exercises must evaluate the appropriateness of the plan,
8 emergency procedures, facilities, equipment and training of personnel and overall effectiveness of the response.
9 Deficiencies found by the critiques must be corrected.

10 **(13) Hazardous chemicals:** a certification that the applicant has met its responsibilities under
11 the Emergency Planning and Community Right-to-Know Act (title III, pub. l. 99-499), if applicable to the
12 applicant's activities at the proposed place of use of the radioactive material.

13 **D.** The licensee shall allow the offsite response organizations expected to respond in case of an
14 accident 60 days to comment on the licensee's emergency plan before submitting it in final form to the department.
15 The licensee shall provide any comments received within the 60 days to the department with the emergency plan.
16 [20.3.3.309 NMAC - Rp, 20.3.3.309 NMAC, 4/30/2009]

17
18 **20.3.3.310 PUBLIC NOTICE, PARTICIPATION AND HEARING:**

19 **A.** Within 60 days following:

20 (1) initial receipt of a new license application, or each additional submission of information
21 by the applicant, the secretary will either accept the application for a new license for a review and give notice
22 pursuant to Subsection B of this section, or notify the applicant in writing of any deficiencies in the application that
23 must be corrected in order for the application to be accepted for review;

24 (2) a license amendment or license renewal application requesting a change of the location
25 where radioactive material will be stored or used, the secretary will issue notices pursuant to Subsection B of this
26 section;

27 (3) a license amendment or license renewal application requesting a change of principal
28 activity, the secretary will issue notices pursuant to Subsection B of this section.

29 **B. Notices.** The secretary shall give a notice of acceptance of a new application, license amendment
30 or renewal license application described in Subsection A of this section:

31 (1) to the applicant, by certified mail; and

32 (2) to the public, by the publication of a notice in at least one newspaper of general
33 circulation in the area of the proposed activity in the license application, and in other newspapers as deemed
34 appropriate by the secretary;

35 (3) the secretary shall make a good faith effort to notify of acceptance of a new application,
36 license amendment or renewal license application described in of Subsection A of this section by first-class mail:

37 (a) any local, state, Indian T [tribal government or federal government agency that
38 the secretary determines may be significantly affected or interested; and

39 (b) any other person who, prior to such notice, has requested in writing such notices.

40 **C.** The notice specified in Paragraph (2) of Subsection B of this section shall include:

41 (1) the name and address of the applicant;

42 (2) the location of the proposed activity;

43 (3) a brief description of the procedures to be followed by the secretary in making a final
44 determination;

45 (4) a brief description of the proposed activity;

46 (5) the time within which written comments and requests for public hearings will be
47 accepted; and

48 (6) the means by which interested persons may obtain further information;

49 (7) the following sample notice satisfies the requirements of this section:

50
51 **PUBLIC NOTICE**

52 The New Mexico Environment Department (the Department) has received an application for a Radioactive Material
53 License from _____ (company name and address) for

54 _____ (proposed activity) to be located at _____ (location).

55 During the early part of the evaluation period, the Department will review and comment upon the application. The
56 NMED may, at its discretion, retain consultants to assist it in its evaluation of the application. Relevant comments

1 and questions received by the NMED from various agencies and interested parties will be forwarded to the applicant
2 for its response. Correspondence associated with the application will be on file with the Radiation Control Bureau
3 and will be available for inspection by the applicant and any other interested parties.

4 The Department has required the applicant to provide complete plans and other materials addressing, among other
5 things, the public health, safety and environmental aspects of the proposed activity.

6 The Department will analyze the license application carefully. During this analysis, the application will be reviewed
7 to ensure that there are no deficiencies, that the application meets all applicable requirements and that there is no
8 reason to believe that the operation will violate any laws or regulations. If the Department is so satisfied, it will
9 issue a Radioactive Material License, to expire in five years.

10 The activities of all licensees are inspected periodically to assure compliance with regulations and license
11 conditions.

12 The application is available for review at NMED's offices of the r[R]adiation c[C]ontrol b[B]ureau in Santa Fe,
13 New Mexico.

14 It is anticipated that the review period will require about _____ months. Written comments and requests for
15 public hearing will be accepted for _____ days after publication of this notice.

16 Written comments regarding this license application should be directed to r[R]adiation c[C]ontrol b[B]ureau,
17 e[E]nvironment d[D]epartment, P.O. Box 5469, Santa Fe, New Mexico 87502-5469.

18 **D.** The department shall maintain all licensees' administrative record, which shall be available for
19 public inspection at the department office in Santa Fe.

20 **E. Public comment period.**

21 **(1)** Following the notice pursuant to Subsections B and C of this section and prior to ruling
22 on any new application, or amendment request or renewal license application of the type described in Subsection A
23 of this section, the secretary shall allow for a period of at least 30 days during which written comments or questions
24 about the license application may be submitted by any interested person. If the secretary determines that the
25 questions are relevant to the requirements in 20.3.3.307 NMAC, 20.3.3.308 NMAC and any specific requirements
26 for the type of license requested, the secretary shall require the applicant to answer them.

27 **(2)** Following the notice of acceptance of the license application pursuant to Subsections A
28 through C of this section and prior to ruling on any application required to be accompanied by an environmental
29 report pursuant to Subsection H of 20.3.3.307 NMAC, the secretary shall allow a period of at least 60 days during
30 which written comments or questions may be submitted by any interested person. If the secretary determines that
31 the questions are relevant to the considerations enumerated in Subsection H of 20.3.3.307 NMAC or 20.3.3.308
32 NMAC, the secretary shall require the applicant to answer them.

33 The secretary may allow an additional written comment period upon submission of additional information to the
34 license application, amendment request or renewal license application described by Subsection A of this section by
35 the applicant, or upon request by members of the public. A written request for a hearing may be made by the
36 members of the public within the time period specified in the public notice described in Subsection C of this section.

37 **F.** If the secretary determines that there is significant public interest, or that there is a need to resolve
38 issues not resolvable in writing, the secretary shall order a public hearing be held to provide guidance on any issue
39 relevant to the license proceeding. Notice of the public hearing shall be given at least 30 days prior to the hearing to
40 the persons and in the manner specified in Subsection C of 20.1.4.200 NMAC. Any such public hearing shall be
41 conducted pursuant to the hearing procedures in 20.1.4 NMAC.

42 [20.3.3.310 NMAC - Rp, 20.3.3.310 NMAC, 4/30/2009; A, 6/13/2017]

43
44 **20.3.3.311 FINANCIAL ASSURANCE AND RECORD KEEPING FOR DECOMMISSIONING:**

45 **A. Decommissioning funding plan required.**

46 **(1)** Each applicant for a specific license authorizing the possession and use of unsealed
47 radioactive material (except source material which is subject to Paragraph (3) of this subsection) of half-life greater
48 than 120 days in quantities exceeding 100,000 (1E+5) times the applicable quantities set forth in 20.3.3.338 NMAC,
49 shall submit a decommissioning funding plan as described in Subsection E of this section. The decommissioning
50 funding plan must also be submitted when a combination of radioisotopes is involved if R divided by 100,000
51 (1E+5) is greater than 1 (unity rule), where R is defined here as the sum of the ratios of the quantity of each
52 radioisotope to the applicable value in 20.3.3.338 NMAC.

53 **(2)** Each applicant for a specific license authorizing the possession and use of sealed sources
54 or plated foils of half-life greater than 120 days and in quantities exceeding 10^{12} (1E+12) times the applicable
55 quantities set forth in 20.3.3.338 NMAC (or when a combination of radioisotopes is involved if R, as defined in
56 Paragraph (1) of this subsection, divided by 10^{12} is greater than 1), shall submit a decommissioning funding plan as

1 described in Subsection E of this section.

2 (3) Each applicant for a specific license authorizing the possession and use of more than 100
3 (1E+2) millicuries of source material in a readily dispersible form shall submit a decommissioning funding plan as
4 described in Subsection E of this section.

5 B. Each applicant for a specific license authorizing possession and use of radioactive material of half-
6 life greater than 120 days and in quantities specified in Subsection D of this section shall either:

7 (1) submit a decommissioning funding plan as described in Subsection E of this section; or

8 (2) submit a certification that financial assurance for decommissioning has been provided in
9 the amount prescribed by Subsection D of this section using one of the methods described in Subsection F of this
10 section; for an applicant, this certification may state that the appropriate assurance will be obtained after the
11 application has been approved and the license issued but prior to the receipt of licensed material; if the applicant
12 defers execution of the financial instrument until after the license has been issued, a signed original of the financial
13 instrument obtained to satisfy the requirements of Subsection F of this section must be submitted to the department
14 before receipt of licensed material; if the applicant does not defer execution of the financial instrument, the applicant
15 shall submit to the department, as part of the certification, a signed original of the financial instrument obtained to
16 satisfy the requirements of Subsection F of this section.

17 C. **Financial assurance for holders of specific license.** Each holder of a specific license issued
18 before the effective date of these regulations which is of a type described in Subsection A or B of this section shall
19 provide financial assurance for decommissioning in accordance with the criteria set forth in this section.

20 (1) Each holder of a specific license issued before the effective date of these regulations, and
21 of a type described in Subsection A of this section shall submit a decommissioning funding plan as described in
22 Subsection E of this section.

23 (2) Each holder of a specific license issued before the effective date of these regulations, and
24 of a type described in Subsection B of this section shall submit a decommissioning funding plan as described in
25 Subsection E of this section, or a certification of financial assurance for decommissioning in accordance with the
26 criteria set forth in Subsection D of this section.

27 (3) Any licensee who has submitted an application before the effective date of these
28 regulations for renewal of license in accordance with 20.3.3.319 NMAC shall provide financial assurance for
29 decommissioning in accordance with Subsections A and B of this section.

30 (4) Waste collectors and waste processors, as defined in 20.3.4.466 NMAC, must provide
31 financial assurance in an amount based on a decommissioning funding plan as described in Subsection E of this
32 section. The decommissioning funding plan must include the cost of disposal of the maximum amount (in curies) of
33 radioactive material permitted by license, and the cost of disposal of the maximum quantity, by volume, of
34 radioactive material which could be present at the licensee's facility at any time, in addition to the cost to remediate
35 the licensee's site to meet the license termination criteria of 20.3.4.426 NMAC.

36 D. **Required amounts of financial assurance for decommissioning by quantity of material.**
37 Licensees exceeding the upper bounds of this subsection must base financial assurance on a decommissioning
38 funding plan as described in Subsection E of this section.

39 (1) Greater than 10,000 (1E+4) but less than or equal to 100,000 (1E+5) times the applicable
40 quantities of 20.3.3.338 NMAC, in unsealed form. (For a combination of radioisotopes, if R as defined in
41 Subsection A of this section, divided by 10,000 (1E+4) is greater than 1 but R divided by 100,000 (1E+5) is less
42 than or equal to 1): at least equal to \$1,125,000.

43 (2) Greater than 1,000 (1E+3) but less than or equal to 10,000 (1E+4) times the applicable
44 quantities of 20.3.3.338 NMAC, in unsealed form. (For a combination of radioisotopes, if R, as defined in
45 Subsection A of this section, divided by 1,000 (1E+3) is greater than 1 but R divided by 10,000 (1E+4) is less than
46 or equal to 1): at least equal to \$225,000.

47 (3) Greater than 10^{10} (1E+10) but less than or equal to 10^{12} (1E+12) times the applicable
48 quantities of 20.3.3.338 NMAC, in sealed sources or plated foils. (For a combination of radioisotopes, if R, as
49 defined in Subsection A of this section, divided by 10^{10} is greater than 1, but R divided by 10^{12} is less than or equal
50 to 1): at least equal to \$113,000.

51 (4) For source material, greater than 10 millicuries but less than or equal to 100 millicuries:
52 at least equal to \$225,000.

53 E. **Decommissioning funding plan.**

54 (1) Each decommissioning funding plan must be submitted for review and approval and must
55 contain a detailed cost estimate for decommissioning in an amount reflecting:

56 (a) the cost of an independent contractor to perform all decommissioning activities;

1 (b) the cost of meeting the 20.3.4.426.B NMAC criteria for unrestricted use,
2 provided that, if the applicant or licensee can demonstrate its ability to meet the provisions of 20.3.4.426.C NMAC,
3 the cost estimate may be based on meeting the 20.3.4.426.C NMAC department approved criteria;

4 (c) the volume of onsite subsurface material containing residual radioactivity that
5 will require remediation to meet the criteria for license termination;

6 (d) an adequate contingency factor with identification of and justification for using
7 the key assumptions contained in the decommissioning cost estimate;

8 (e) a description of the method of assuring funds for decommissioning from
9 20.3.3.311.F NMAC including means for adjusting cost estimates and associated funding levels periodically over
10 the life of the facility;

11 (f) a certification by the licensee that financial assurance for decommissioning has
12 been provided in the amount of the cost estimate for decommissioning; and

13 (g) a signed original of the financial instrument obtained to satisfy the requirement
14 of Subsection F of this section (unless a previously submitted and accepted financial instrument continues to cover
15 the cost estimate for decommissioning).

16 (2) At the time of license renewal and at intervals not to exceed three years, the
17 decommissioning funding plan must be resubmitted with adjustments as necessary to account for changes in costs
18 and the extent of contamination. If the amount of financial assurance will be adjusted downward, this cannot be
19 done until the updated decommissioning funding plan is approved. The decommissioning funding plan must update
20 the information submitted with the original or prior approved plan, and must specifically consider the effect of the
21 following events on decommissioning costs:

22 (a) spills of radioactive material producing additional residual radioactivity in onsite
23 subsurface material;

24 (b) waste inventory increasing above the amount previously estimated;

25 (c) waste disposal costs increasing above the amount previously estimated;

26 (d) facility modifications;

27 (e) changes in authorized possession limits;

28 (f) actual remediation costs that exceed the previous cost estimate;

29 (g) onsite disposal; and

30 (h) use of a settling pond.

31 **F. Methods of financial assurance.** Financial assurance for decommissioning must be provided by
32 one or more of the following methods.

33 (1) **Prepayment.** Prepayment is the deposit prior to the start of operation into an account
34 segregated from licensee assets and outside the licensee's administrative control of cash or liquid assets such that the
35 amount of funds would be sufficient to pay decommissioning costs. Prepayment may be in the form of a trust,
36 escrow account, government fund, certificate of deposit or deposit of government securities.

37 (2) **A surety method, insurance or other guarantee method.** These methods guarantee
38 that decommissioning costs will be paid. A surety method may be in the form of a surety bond, letter of credit or
39 line of credit. A parent company guarantee of funds for decommissioning costs based on a financial test may be
40 used if the guarantee and test are as contained in 20.3.3.334 NMAC. A parent company guarantee may not be used
41 in combination with other financial methods to satisfy the requirements of this section. For commercial corporations
42 that issue bonds, a guarantee of funds by the applicant or licensee for decommissioning costs based on a financial
43 test may be used if the guarantee and test are as contained in 20.3.3.335 NMAC. For commercial companies that do
44 not issue bonds, a guarantee of funds by the applicant or licensee for decommissioning costs may be used if the
45 guarantee and test are as contained in 20.3.3.336 NMAC. For nonprofit entities, such as colleges, universities and
46 nonprofit hospitals, a guarantee of funds by the applicant or licensee may be used if the guarantee and test are as
47 contained in 20.3.3.337 NMAC. A guarantee by the applicant or licensee may not be used in combination with any
48 other financial methods to satisfy the requirements of this section or in any situation where the applicant or licensee
49 has a parent company holding majority control of the voting stock of the company. Any surety method or insurance
50 used to provide financial assurance for decommissioning must contain the following conditions.

51 (a) The surety method or insurance must be open-ended or, if written for a specified
52 term, such as five years, must be renewed automatically unless 90 days or more prior to the renewal date, the issuer
53 notifies the department, the beneficiary, and the licensee of its intention not to renew. The surety method or
54 insurance must also provide that the full face amount be paid to the beneficiary automatically prior to the expiration
55 without proof of forfeiture if the licensee fails to provide a replacement acceptable to the department within 30 days
56 after receipt of notification of cancellation.

1 (b) The surety method or insurance must be payable to a trust established for
2 decommissioning costs. The trustee and trust must be acceptable to the department. An acceptable trustee includes
3 an appropriate state or federal government agency or an entity which has the authority to act as a trustee and whose
4 trust operations are regulated and examined by a federal or state agency.

5 (c) The surety method or insurance must remain in effect until the department has
6 terminated the license.

7 (3) **An external sinking fund in which deposits are made at least annually, coupled with**
8 **a surety method or insurance, the value of which may decrease by the amount being accumulated in the**
9 **sinking fund.** An external sinking fund is a fund established and maintained by setting aside funds periodically in
10 an account segregated from licensee assets and outside the licensee's administrative control in which the total
11 amount of funds would be sufficient to pay decommissioning costs at the time termination of operation is expected.
12 An external sinking fund may be in the form of a trust, escrow account, government fund, certificate of deposit, or
13 deposit of government securities. The surety or insurance provisions must be as stated in Paragraph (2) of this
14 subsection.

15 (4) In the case of federal, state or local government licensees, a statement of intent containing
16 a cost estimate for decommissioning or an amount based on Subsection D of this section, and indicating that funds
17 for decommissioning will be obtained when necessary.

18 (5) When a governmental entity is assuming custody and ownership of a site, an arrangement
19 that is deemed acceptable by such governmental entity.

20 **G. Record keeping requirements.** Each person licensed under this part or Parts 5, 7, 12, 13 and 15
21 of this chapter shall keep records of information important to the decommissioning of the facility in an identified
22 location until the site is released for unrestricted use. Before licensed activities are transferred or assigned in
23 accordance with 20.3.3.317 NMAC, licensees shall transfer all records described in this paragraph to the new
24 licensee. In this case, the new licensee will be responsible for maintaining these records until the license is
25 terminated. If records important to the decommissioning of a facility are kept for other purposes, reference to these
26 records and their locations may be used. Information the department considers important to decommissioning
27 consists of:

28 (1) records of spills or other unusual occurrences involving the spread of contamination in
29 and around the facility, equipment or site; these records may be limited to instances when contamination remains
30 after any cleanup procedures or when there is reasonable likelihood that contaminants may have spread to
31 inaccessible areas as in the case of possible seepage into porous materials such as concrete; these records must
32 include any known information on identification of involved nuclides, quantities, forms and concentrations;

33 (2) as-built drawings and modifications of structures and equipment in restricted areas where
34 radioactive materials are used or stored, and of locations of possible inaccessible contamination such as buried pipes
35 which may be subject to contamination; if required drawings are referenced, each relevant document need not be
36 indexed individually; if drawings are not available, the licensee shall substitute appropriate records of available
37 information concerning these areas and locations;

38 (3) except for areas containing only sealed sources (provided the sources have not leaked or
39 no contamination remains after any leak) or radioactive materials having only half-lives of less than 65 days, a list
40 contained in a single document and updated every two years, of the following:

41 (a) all areas designated and formerly designated restricted areas as defined in
42 20.3.4.7 NMAC;

43 (b) all areas outside of restricted areas that require documentation under Paragraph
44 (1) of this subsection;

45 (c) all areas outside of restricted areas where current and previous wastes have been
46 buried as documented under 20.3.4.448 NMAC; and

47 (d) all areas outside of restricted areas that contain material such that, if the license
48 expired, the licensee would be required to either decontaminate the area to meet the criteria for decommissioning in
49 20.3.4.426 NMAC, or apply for approval for disposal under 20.3.4.434 NMAC; and

50 (4) records of the cost estimate performed for the decommissioning funding plan or of the
51 amount certified for decommissioning, and records of the funding method used for assuring funds if either a funding
52 plan or certification is used.

53 [20.3.3.311 NMAC - Rp, 20.3.3.311 NMAC, 4/30/2009; A, 6/13/2017]

54
55 **20.3.3.312 [RESERVED]**
56

1 **20.3.3.313 SPECIAL REQUIREMENTS FOR ISSUANCE OF CERTAIN SPECIFIC LICENSES FOR**
2 **RADIOACTIVE MATERIAL:**

3 **A. Industrial radiographic operations.** In addition to the requirements set forth in 20.3.3.307
4 NMAC and 20.3.3.308 NMAC, a specific license for use of sealed sources in industrial radiography will be issued if
5 the applicant or licensee meets the specific requirements in 20.3.5 NMAC.

6 **B. Medical use of radioactive materials.** In addition to the requirements set forth in 20.3.3.307
7 NMAC and 20.3.3.308 NMAC, a specific license for use of sealed sources and unsealed radioactive materials for
8 medical use will be issued if the applicant or licensee meets the specific requirements in 20.3.7 NMAC.

9 **C. Well logging operations and subsurface tracer studies.** In addition to the requirements set forth
10 in 20.3.3.307 NMAC and 20.3.3.308 NMAC, a specific license for use of sealed sources in wireline service
11 operations, including mineral-logging, radioactive markers or subsurface tracer studies will be issued if the applicant
12 or licensee meets the specific requirements in 20.3.12 NMAC.

13 **D. Land disposal of radioactive waste.** In addition to the requirements set forth in 20.3.3.308
14 NMAC, a specific license for any method of land disposal of low-level radioactive waste will be issued if the
15 applicant or licensee meets the specific requirements in 20.3.13 NMAC.

16 **E. Naturally occurring radioactive materials in the oil and gas industry.** In addition to the
17 requirements set forth in 20.3.3.308 NMAC, a specific license for use of naturally occurring radioactive materials
18 (NORM) in the gas and oil industry will be issued if the applicant or licensee meets the specific requirements in
19 20.3.14 NMAC.

20 **F. Irradiators.** In addition to the requirements set forth in 20.3.3.307 NMAC and 20.3.3.308
21 NMAC, a specific license for use of sealed sources in irradiators will be issued if the applicant or licensee meets the
22 specific requirements in 20.3.15 NMAC.

23 [20.3.3.313 NMAC - Rp, 20.3.3.313 NMAC, 4/30/2009; A, 6/13/2017]

24
25 **20.3.3.314 SPECIAL REQUIREMENTS FOR SPECIFIC LICENSES OF BROAD SCOPE:** This
26 section prescribes requirements for the issuance of specific licenses of broad scope for radioactive material (“broad
27 licenses”) and certain regulations governing holders of such licenses.

28 **A. Types of specific licenses of broad scope.**

29 **(1)** A “type A specific license of broad scope” is a specific license authorizing receipt,
30 acquisition, ownership, possession, use and transfer of any chemical or physical form of the radioactive material
31 specified in the license, but not exceeding quantities specified in the license, for purposes authorized by the act. The
32 quantities specified are usually in the multicurie range.

33 **(2)** A “type B specific license of broad scope” is a specific license authorizing receipt,
34 acquisition, ownership, possession, use and transfer of any chemical or physical form of radioactive material
35 specified in 20.3.3.332 NMAC, for purposes authorized by the act. The possession limit for a type B broad license,
36 if only one radionuclide is possessed thereunder, is the quantity specified for that radionuclide in column I of
37 20.3.3.332 NMAC. If two or more radionuclides are possessed thereunder, the possession limit for each is
38 determined as follows: for each radionuclide determine the ratio of the quantity possessed to the applicable quantity
39 specified in column I of 20.3.3.332 NMAC, for that radionuclide. The sum of the ratios for all radionuclides
40 possessed under the license shall not exceed unity.

41 **(3)** A “type C specific license of broad scope” is a specific license authorizing receipt,
42 acquisition, ownership, possession, use and transfer of any chemical or physical form of radioactive material
43 specified in 20.3.3.332 NMAC, for any purposes authorized by the act. The possession limit for a type C broad
44 license, if only one radionuclide is possessed thereunder, is the quantity specified for that radionuclide in column II
45 of 20.3.3.332 NMAC. If two or more radionuclides are possessed thereunder, the possession limit is determined for
46 each as follows: [4]

47 **(a)** for each radionuclide determine the ratio of the quantity possessed to the
48 applicable quantity specified in Column II of 20.3.3.332 NMAC, for the radionuclide; [2] and

49 **(b)** the sum of the ratios for all radionuclides possessed under the license shall not
50 exceed unity.

51 **B. Requirements for the issuance of a type A specific license of broad scope.** An application for a
52 type A specific license of broad scope will be approved if the following requirements are met.

53 **(1)** The applicant satisfies the general requirements specified in 20.3.3.307 NMAC and
54 20.3.3.308 NMAC.

55 **(2)** The applicant has engaged in a reasonable number of activities involving the use of
56 radioactive materials.

1 **(3)** The applicant has established administrative controls and provisions relating to
2 organization and management, procedures, record keeping, material control, material accounting and management
3 review that are necessary to assure safe operations, including:

4 **(a)** the establishment of a radiation safety committee composed of such persons as a
5 radiation safety officer, a representative of management, and persons trained and experienced in the safe use of
6 radioactive material;

7 **(b)** the appointment of a radiation safety officer who is qualified by training and
8 experience in radiation protection and who is available for advice and assistance on radiation safety matters; and

9 **(c)** the establishment of appropriate administrative procedures to assure:

10 **(i)** control of procurement and use of radioactive material;

11 **(ii)** completion of safety evaluations of proposed uses of radioactive
12 material which take into consideration such matters as the adequacy of facilities and equipment, training and
13 experience of the user and the operating or handling procedures; and

14 **(iii)** review, approval and recording by the radiation safety committee of
15 safety evaluation of proposed uses prepared in accordance with Item (ii) of this subparagraph prior to use of the
16 radioactive material.

17 **C. Requirements for the issuance of a type B specific license of broad scope.** An application for a
18 type B specific license of broad scope will be approved if the following requirements are met.

19 **(1)** The applicant satisfies the general requirements specified in 20.3.3.307 NMAC and
20 20.3.3.308 NMAC.

21 **(2)** The applicant has established administrative controls and provisions relating to
22 organization and management, procedures, record keeping, material control, material accounting and management
23 review that are necessary to assure safe operations, including:

24 **(a)** the appointment of a radiation safety officer who is qualified by training and
25 experience in radiation protection and who is available for advice and assistance on radiation safety matters; and

26 **(b)** the establishment of appropriate administrative procedures to assure:

27 **(i)** control of procurement and use of radioactive material;

28 **(ii)** completion of safety evaluations of proposed uses of radioactive
29 materials which take into consideration such matters as the adequacy of facilities and equipment, training and
30 experience of the user, and the operating or handling procedures; and

31 **(iii)** review, approval and recording by the radiation safety officer of safety
32 evaluations of proposed uses prepared in accordance with Item (ii) of this subparagraph.

33 **D. Requirements for the issuance of a type C specific license of broad scope.** An application for a
34 type C specific license of broad scope will be approved if the following requirements are met.

35 **(1)** The applicant satisfies the general requirements specified in 20.3.3.307 NMAC and
36 20.3.3.308 NMAC.

37 **(2)** The applicant submits a statement that radioactive material will be used only by, or under
38 the direct supervision of, individuals who have received:

39 **(a)** a college degree at the bachelor level, or equivalent training and experience, in
40 the physical or biological sciences or in engineering; and

41 **(b)** at least 40 hours of training and experience in the safe handling of radioactive
42 materials, and in the characteristics of ionizing radiation, units of radiation dose and quantities, radiation detection
43 instrumentation and biological hazards of exposure to radiation appropriate to the type and forms of radioactive
44 material to be used.

45 **(3)** The applicant has established administrative controls and provisions relating to
46 procurement of radioactive material, procedures, record keeping, material control, material accounting and
47 management review necessary to assure safe operations.

48 **E. Conditions of specific licenses of broad scope.**

49 **(1)** Unless specifically authorized pursuant to other parts of this chapter, persons licensed
50 under this section shall not:

51 **(a)** conduct tracer studies in the environment involving direct release of radioactive
52 material;

53 **(b)** receive, acquire, own, possess, use, transfer or import devices containing
54 100,000 curies or more of radioactive material in sealed sources used for irradiation of material;

55 **(c)** conduct activities for which a specific license issued by the department under
56 20.3.5 NMAC, 20.3.7 NMAC or 20.3.3.315 NMAC is required; or

1 (d) add or cause the addition of radioactive material to any food, beverage,
2 cosmetic, drug or other product designed for ingestion or inhalation by, or application to, a human being.

3 (2) Each type A specific license of broad scope issued under this section shall be subject to
4 the condition that radioactive material possessed under the license shall only be used by, or under the direct
5 supervision of, individuals approved by the licensee's radiation safety committee.

6 (3) Each type B specific license of broad scope issued under this section shall be subject to
7 the condition that radioactive material possessed under the license shall only be used by, or under the direct
8 supervision of, individuals approved by the licensee's radiation safety officer.

9 (4) Each type C specific license of broad scope issued under this section shall be subject to
10 the condition that radioactive material possessed under the license shall only be used by, or under the direct
11 supervision of, individuals who satisfy the requirements of Paragraph (2) of Subsection D of this section.
12 [20.3.3.314 NMAC - Rp, 20.3.3.314 NMAC, 4/30/2009; A, 6/13/2017]
13

14 **20.3.3.315 SPECIAL REQUIREMENTS FOR A SPECIFIC LICENSE TO MANUFACTURE,
15 ASSEMBLE, REPAIR OR DISTRIBUTE COMMODITIES, PRODUCTS OR DEVICES WHICH
16 CONTAIN RADIOACTIVE MATERIAL:**

17 **A. Introduction of radioactive material in exempt concentrations into products or materials.**

18 (1) **Licensing.** A specific license authorizing the introduction of radioactive material into a
19 product or material owned by or in the possession of the licensee or another and the transfer of ownership or
20 possession of the product or material containing the radioactive material to be transferred to persons exempt under
21 Paragraph (1) of Subsection A of 20.3.3.302 NMAC will be issued by NRC pursuant to 10 CFR 32.11.

22 (2) **Prohibition of introduction.** No person may introduce radioactive material into a
23 product or material knowing or having reason to believe that it will be transferred to persons exempt under
24 Subsection A of 20.3.3.302 NMAC or equivalent regulations of the NRC or an agreement state, except in
25 accordance with a license issued by NRC pursuant to 10 CFR 32.11.

26 **B. Radioactive material in exempt quantities or in certain items.**

27 (1) **Manufacture, distribution and transfer of exempt quantities of byproduct material.**
28 An application for a specific license to manufacture, process, produce, package, repackage or transfer exempt
29 quantities of byproduct material for commercial distribution to persons exempt pursuant to Subsection B of
30 20.3.3.302 NMAC or the equivalent regulations of the NRC or an agreement state shall be issued by NRC pursuant
31 to 10 CFR 32.18.

32 (2) **Certain items containing byproduct material.** An application for a specific license to
33 apply byproduct material to, or to incorporate byproduct material into, the products specified in Paragraph (1) of
34 Subsection C of 20.3.3.302 NMAC or to initially transfer for sale or distribution such products containing byproduct
35 material for use pursuant to Paragraph (1) of Subsection C of 20.3.3.302 NMAC to persons exempt from 20.3
36 NMAC shall be submitted to NRC pursuant to 10 CFR 32.14.

37 (3) Except as specified in Paragraphs (1) and (2) of this subsection, in addition to the
38 requirements set forth in 20.3.3.308 NMAC, an application for a specific license to manufacture, process, produce,
39 package, repackage or initially transfer naturally occurring or accelerator produced radioactive material (NARM) in
40 exempt quantities as specified in 20.3.3.330 NMAC of this part to persons exempt from licensing pursuant to
41 Subsection B of 20.3.3.302 NMAC will be approved if:

42 (a) the radioactive material is not contained in any food, beverage, cosmetic, drug
43 or other commodity designed for ingestion or inhalation by, or application to, a human being;

44 (b) the radioactive material is in the form of processed chemical elements,
45 compounds, mixtures, tissue samples, bioassay samples, counting standards, plated or encapsulated sources, or
46 similar substances, identified as radioactive and to be used for its radioactive properties, but is not incorporated into
47 any manufactured or assembled commodity, product or device intended for commercial distribution; and

48 (c) the applicant submits copies of prototype labels and brochures and the
49 department approves such labels and brochures.

50 (4) The license issued under Paragraph (3) of Subsection B of this subsection is subject to the
51 following conditions:

52 (a) no more than 10 exempt quantities shall be sold or transferred in any single
53 transaction; however, an exempt quantity may be composed of fractional parts of one or more of the exempt quantity
54 provided the sum of the fractions shall not exceed unity;

55 (b) each exempt quantity shall be separately and individually packaged; no more
56 than 10 such packaged exempt quantities shall be contained in any outer package for transfer to persons exempt

1 pursuant to Subsection B of 20.3.3.302 NMAC; the outer package shall be such that the dose rate at the external
2 surface of the package does not exceed 0.5 millirem per hour;

3 (c) the immediate container of each quantity or separately packaged fractional
4 quantity of radioactive material shall bear a durable and legible label which:

5 (i) identifies the radionuclide and the quantity of radioactivity; and

6 (ii) bears the words “*radioactive material*”; and

7 (d) in addition to the labeling information required by Subparagraph (c) of this
8 paragraph, the label affixed to the immediate container, or an accompanying brochure shall

9 (i) state that the contents are exempt from these regulations;

10 (ii) bear the words “*radioactive material - not for human use - introduction*
11 *into foods, beverages, cosmetics, drugs or medicinal product, or into products manufactured for commercial*
12 *distribution is prohibited - exempt quantities shall not be combined*”; and

13 (iii) set forth appropriate additional radiation safety precautions and
14 instructions relating to the handling, use, storage and disposal of the radioactive material.

15 (5) Each person licensed under Subsection B of 20.3.3.315 NMAC shall maintain records
16 identifying, by name and address, each person to whom radioactive material is transferred for use under Subsection
17 B of 20.3.3.302 NMAC and stating the kinds and quantities of radioactive material transferred. An annual summary
18 report stating the total quantity of each radionuclide transferred under the specific license shall be filed with the
19 department. Each report shall cover the year ending June 30 and shall be filed within 30 days thereafter. If no
20 transfers of radioactive material have been made pursuant to Subsection B of 20.3.3.315 NMAC, during the report
21 period, the report shall so indicate.

22 **C. Licensing of byproduct material by NRC.**

23 (1) **Gas and aerosol detectors.** An application for a specific license to manufacture, process
24 or produce gas and aerosol detectors containing byproduct material and designed to protect life or property from
25 fires and airborne hazards, or to initially transfer such products for use pursuant to Paragraph (4) of Subsection C of
26 20.3.3.302 NMAC or equivalent regulations of the NRC or an agreement state, shall be submitted to NRC pursuant
27 to 10 CFR 32.26.

28 (2) **Self-luminous products.** An application for a specific license to manufacture, process or
29 produce self-luminous products containing tritium, krypton-85, promethium-147 or radium-226, or to initially
30 transfer such products for use pursuant to Paragraph (2) of Subsection C of 20.3.3.302 NMAC or equivalent
31 regulations of the NRC or an agreement state, shall be submitted to NRC pursuant to 10 CFR 32.22 and for
32 distribution submit to the NRC pursuant to 10 CFR 32.53.

33 (3) **Capsules containing carbon-14.** An application for a specific license to manufacture,
34 prepare, process, produce, package, repackage or transfer for commercial distribution capsules containing 1
35 microcurie (37 kilobecquerels) carbon-14 urea (allowing for nominal variation that may occur during the
36 manufacturing process) each for *in vivo* diagnostic use, to persons exempt from licensing under Subsection D of
37 20.3.3.302 NMAC or the equivalent regulations of the NRC or an agreement state shall be submitted to NRC
38 pursuant to 10 CFR 32.21.

39 **D. [RESERVED]**

40 **E. Licensing the manufacture and distribution of devices to persons generally licensed under**
41 **Subsection B of 20.3.3.305 NMAC.**

42 (1) **Requirements for approval of a license application.** An application for a specific
43 license to manufacture or initially transfer devices containing radioactive material to persons generally licensed
44 under Subsection B of 20.3.3.305 NMAC or equivalent regulations of the NRC or an agreement state will be
45 approved if:

46 (a) the applicant satisfies the general requirements of 20.3.3.308 NMAC;

47 (b) the applicant submits sufficient information relating to the design, manufacture,
48 prototype testing, quality control, labels, proposed uses, installation, servicing, leak testing, operating and safety
49 instructions and potential hazards of the device to provide reasonable assurance that:

50 (i) the device can be safely operated by persons not having training in
51 radiological protection;

52 (ii) under ordinary conditions of handling, storage and use of the device,
53 the radioactive material contained in the device will not be released or inadvertently removed from the device, and it
54 is unlikely that any person will receive in one year a dose in excess of ten percent of the limits specified in
55 Subsection A of 20.3.4.405 NMAC; and

56 (iii) under accident conditions (such as fire and explosion) associated with

1 handling, storage and use of the device, it is unlikely that any person would receive an external radiation dose or
2 dose commitment in excess of the following organ doses: 1) whole body, head and trunk, active blood-forming
3 organs, gonads or lens of eye: 15 rems (150 millisieverts); 2) hands and forearms, feet and ankles, and localized
4 areas of skin averaged over areas no larger than 1 square centimeter: 200 rems (2 sieverts); and 3) other organs: 50
5 rems (500 millisieverts);

6 (c) each device bears a durable, legible, clearly visible label or labels approved by
7 the department, which contain in a clearly identified and separate statement:

8 (i) instructions and precautions necessary to assure safe installation,
9 operation and servicing of the device (documents such as operating and service manuals may be identified in the
10 label and used to provide this information);

11 (ii) the requirement, or lack of requirement, for leak testing, or for testing
12 any on-off mechanism and indicator, including the maximum time interval for such testing, and the identification of
13 radioactive material by isotope, quantity of radioactivity; and date of determination of the quantity; and

14 (iii) the information called for in the following statement in the same or
15 substantially similar form:

16 *The receipt, possession, use and transfer of this device model _____, serial number _____, are*
17 *subject to general license or the equivalent and the regulations of the United States nuclear regulatory commission*
18 *or a state with which the nuclear regulatory commission has entered into an agreement for the exercise of*
19 *regulatory authority. This label shall be maintained on the device in a legible condition. Removal of this label is*
20 *prohibited. The model, serial number, and name of manufacturer or distributor may be omitted from this label*
21 *provided this information is specified elsewhere in labeling affixed.*

22 *Caution-radioactive material*

23 _____;
24 *(name of manufacturer or distributor)*

25 (d) each device having a separable source housing that provides the primary
26 shielding for the source also bears, on the source housing, a durable label containing the device model number and
27 serial number, the isotope and quantity, the words, “*caution-radioactive material*,” the radiation symbol described in
28 20.3.4.427 NMAC, and the name of the manufacturer or initial distributor; and

29 (e) each device meeting the criteria of Item (i) in Subparagraph (m) of Paragraph
30 (3) of Subsection B of 20.3.3.305 NMAC, bears a permanent (e.g., embossed, etched, stamped or engraved) label
31 affixed to the source housing if separable, or the device if the source housing is not separable, that includes the
32 words, “*caution-radioactive material*,” and, if practicable, the radiation symbol described in 20.3.4.427 NMAC.

33 (f) The device has been registered in the Sealed Source and Device Registry.

34 (2) **Requests for lengthening of test intervals:** In the event the applicant desires that the
35 device be required to be tested at longer intervals than six months, either for proper operation of the on-off
36 mechanism and indicator, if any, or for leakage of radioactive material or for both, the applicant shall include in its
37 application sufficient information to demonstrate that such longer interval is justified by performance characteristics
38 of the device or similar devices and by design features which have a significant bearing on the probability or
39 consequences of leakage of radioactive material from the device or failure of the on-off mechanism and indicator. In
40 determining the acceptable interval for the test for leakage of radioactive material, the department will consider
41 information which includes, but is not limited to:

42 (a) primary containment (source capsule);

43 (b) protection of primary containment;

44 (c) method of sealing containment;

45 (d) containment construction materials;

46 (e) form of contained radioactive material;

47 (f) maximum temperature withstood during prototype test;

48 (g) maximum pressure withstood during prototype test;

49 (h) maximum quantity of contained radioactive material;

50 (i) radiotoxicity of contained radioactive material; and

51 (j) operating experience with identical devices or similarly designed and

52 constructed devices.

53 (3) **Authorizations for general licensees to perform certain activities.** In the event the
54 applicant desires that the general licensee under Subsection B of 20.3.3.305 NMAC, or under equivalent regulations
55 of the NRC or an agreement state, be authorized to install the device, collect the sample to be analyzed by a specific
56 licensee for leakage of radioactive material, service the device, test the on-off mechanism and indicator or remove

1 the device from installation, the applicant shall include in its application written instructions to be followed by the
2 general licensee, estimated calendar quarter doses associated with such activity or activities and the bases for such
3 estimates. The submitted information must demonstrate that performance of such activity or activities by an
4 individual untrained in radiological protection, in addition to other handling, storage and use of devices under the
5 general license, is unlikely to cause that individual to receive a yearly dose in excess of ten percent of the limits
6 specified in Subsection A of 20.3.4.405 NMAC.

7 **(4) Transfer provisions:**

8 ~~(a) Reserved [If a device containing radioactive material is to be transferred for use~~
9 ~~under the general license contained in Subsection B of 20.3.3.305 NMAC, each person that is licensed under~~
10 ~~Paragraph (1) of Subsection D of 20.3.3.315 NMAC shall provide the information specified in this paragraph to~~
11 ~~each person to whom a device is to be transferred. This information shall be provided before the device may be~~
12 ~~transferred. In the case of a transfer through an intermediate person, the information shall also be provided to the~~
13 ~~intended user prior to initial transfer to the intermediate person. The required information includes:~~

14 ~~(i) a copy of the general license contained in Paragraph (1) of Subsection~~
15 ~~D of 20.3.3.315 NMAC; if Subparagraphs (b) through (d) of Paragraph (3) of Subsection B of 20.3.3.305 NMAC or~~
16 ~~Subparagraph (m) of Paragraph (3) of Subsection B of 20.3.3.305 NMAC do not apply to the particular device,~~
17 ~~those paragraphs may be omitted;~~

18 ~~(ii) a copy of Subsection F of 20.3.3.317 NMAC, 20.3.3.326 NMAC,~~
19 ~~20.3.4.451 NMAC and 20.3.4.452 NMAC;~~

20 ~~(iii) a list of the services that can only be performed by a specific licensee;~~

21 ~~(iv) information on acceptable disposal options including estimated costs of~~
22 ~~disposal; and~~

23 ~~(v) a statement indicating that improper disposal of radioactive material is~~
24 ~~subject to civil and criminal penalties pursuant to 20.3.1 NMAC].~~

25 **(b)** If radioactive material is to be transferred in a device for use under an equivalent
26 general license of the NRC or an agreement state, each person that is licensed under this subsection shall provide the
27 information specified in this subparagraph to each person to whom a device is to be transferred. This information
28 shall be provided before the device may be transferred. In the case of a transfer through an intermediate person, the
29 information shall also be provided to the intended user prior to initial transfer to the intermediate person. The
30 required information includes:

31 **(i)** a copy of the NRC's or agreement state's regulations equivalent to
32 Subsection B of 20.3.3.305 NMAC, Subsection F of 20.3.3.317 NMAC, 20.3.3.326 NMAC, 20.3.4.451 NMAC, and
33 20.3.4.452 NMAC or a copy of 10 CFR Sections 31.5, 31.2, 30.51, 20.2201 and 20.2202; if a copy of the NRC
34 regulations is provided to a prospective general licensee in lieu of the agreement state's regulations, it shall be
35 accompanied by a note explaining that use of the device is regulated by the agreement state; if certain paragraphs of
36 the regulations do not apply to the particular device, those paragraphs may be omitted;

37 **(ii)** a list of the services that can only be performed by a specific licensee;

38 **(iii)** information on acceptable disposal options including estimated costs of
39 disposal; and

40 **(iv)** the name or title, address and phone number of the contact at the
41 agreement state regulatory agency from which additional information may be obtained.

42 **(c)** An alternative approach to informing customers may be proposed by the
43 licensee for approval by the department.

44 **(d)** Each device shall meet the labeling requirements in Subparagraphs (c) through
45 (e) of Paragraph (1) of this subsection.

46 **(e)** If a notification of bankruptcy ~~is submitted [has been made]~~ under Subsection E
47 of 20.3.3.317 NMAC of this part ~~and each specific licensee~~ or the license is to be terminated, each person licensed
48 under Paragraph (1) of this subsection shall provide, upon request, to the department, NRC and any agreement state,
49 records of final disposition required under 10 CFR 30.34(h) ~~[Subparagraph (e) of Paragraph (5) of Subsection D of~~
50 ~~20.3.3.315 NMAC].~~

51 **(5) Material transfer reports and records:** Each person licensed under 20.3.3.305 NMAC
52 of this subsection to initially transfer devices to generally licensed persons shall comply with the requirements of
53 this section.

54 **(a)** The person shall report to the department in accordance with 20.3.1.116 NMAC,
55 all transfers of such devices to persons for use under the general license in Subsection B of 20.3.3.305 NMAC and
56 all receipts of devices from persons licensed under Subsection B of 20.3.3.305 NMAC. The report shall be clear and

1 legible, submitted on a quarterly basis containing all of the following data.

2 **(i)** The required information for transfers to general licensees includes: 1)
3 the identity of each general licensee by name and mailing address for the location of use; if there is no mailing
4 address for the location of use, an alternate address for the general licensee shall be submitted along with
5 information on the actual location of use; 2) the name, title and phone number of the person identified by the general
6 licensee as having knowledge of and authority to take required actions to ensure compliance with the appropriate
7 regulations and requirements; 3) the date of transfer; 4) the type, model number, and serial number of the device
8 transferred; and 5) the quantity and type of radioactive material contained in the device.

9 **(ii)** If one or more intermediate persons will temporarily possess the device
10 at the intended place of use before its possession by the user, the report shall include the same information for both
11 the intended user and each intermediate person, and clearly designate the intermediate person(s).

12 **(iii)** For devices received from a person licensed pursuant to Subsection B
13 of 20.3.3.305 NMAC, the report shall include the identity of the general licensee by name and address, the type,
14 model number, and serial number of the device received, the date of receipt, and, in the case of devices not initially
15 transferred by the reporting licensee, the name of the manufacturer or initial transferor.

16 **(iv)** If the licensee makes changes to a device possessed by a person
17 licensed pursuant to Subsection B of 20.3.3.305 NMAC, such that the label must be changed to update required
18 information, the report shall identify the general licensee, the device and the changes to information on the device
19 label.

20 **(v)** The report shall cover each calendar quarter, shall be filed within 30
21 days of the end of the calendar quarter, and shall clearly indicate the period covered by the report.

22 **(vi)** The report shall clearly identify the specific licensee submitting the
23 report and include the license number of the specific licensee.

24 **(vii)** If no transfers have been made to or from persons generally licensed
25 under Subsection B of 20.3.3.305 NMAC during the reporting period, the report shall so indicate.

26 **(b)** The person shall report all transfers of devices to persons for use under a general
27 license under NRC's or an agreement state's regulations that are equivalent to Subsection B of 20.3.3.305 NMAC,
28 and all receipts of devices from general licensees in the NRC's or agreement state's jurisdiction, to the responsible
29 NRC or agreement state agency. The report shall be clear and legible, containing all of the data required as
30 described below.

31 **(i)** The required information for transfers to general licensees includes: 1)
32 the identity of each general licensee by name and mailing address for the location of use; if there is no mailing
33 address for the location of use, an alternate address for the general licensee shall be submitted along with
34 information on the actual location of use; 2) the name, title and phone number of the person identified by the general
35 licensee as having knowledge of and authority to take required actions to ensure compliance with the appropriate
36 regulations and requirements; 3) the date of transfer; 4) the type, model number and serial number of the device
37 transferred; and 5) the quantity and type of radioactive material contained in the device.

38 **(ii)** If one or more intermediate persons will temporarily possess the device
39 at the intended place of use before its possession by the user, the report shall include the same information for both
40 the intended user and each intermediate person, and clearly designate the intermediate person(s).

41 **(iii)** For devices received from a general licensee, the report shall include
42 the identity of the general licensee by name and address, the type, model number, serial number of the device
43 received, the date of receipt, and, in the case of devices not initially transferred by the reporting licensee, the name
44 of the manufacturer or initial transferor.

45 **(iv)** If the licensee makes changes to a device possessed by a general
46 licensee, such that the label must be changed to update required information, the report shall identify the general
47 licensee, the device and the changes to information on the device label.

48 **(v)** The report shall cover each calendar quarter, shall be filed within 30
49 days of the end of the calendar quarter, and shall clearly indicate the period covered by the report.

50 **(vi)** The report shall clearly identify the specific licensee submitting the
51 report and must include the license number of the specific licensee.

52 **(vii)** If no transfers have been made to or from NRC or a particular
53 agreement state during the reporting period, this information shall be reported to NRC or the responsible agreement
54 state agency upon request of the agency.

55 **(c)** The person shall maintain all information concerning transfers and receipts of
56 devices that supports the reports required by Subparagraphs (a) and (b) of this paragraph. Records required by this

1 paragraph shall be maintained for a period of three years following the date of the recorded event.

2 **F. Special requirements for the manufacture, assembly, repair or initial transfer of luminous**
3 **safety devices for use in aircraft.** An application for a specific license to manufacture, assemble, repair or initially
4 transfer luminous safety devices containing tritium or promethium-147 for use in aircraft, for distribution to persons
5 generally licensed under Subsection C of 20.3.3.305 NMAC will be approved subject to the following conditions:

6 (1) the applicant satisfies the general requirements specified in 20.3.3.308 NMAC;
7 (2) the applicant satisfies the requirements of 10 CFR 32.53, 10 CFR 32.54, 10 CFR 32.55
8 and 10 CFR 32.56 or their equivalent;

9 (3) each person licensed under 10 CFR 32.53 shall file an annual report with the director,
10 office of ~~Nuclear Materials Safety and Safeguards [federal and state materials and environmental management~~
11 ~~programs]~~, ATTN: document control desk/GLTS by an appropriate method listed in 10 CFR 30.6(a) which must
12 state the total quantity of tritium or promethium-147 transferred to persons generally licensed under 10 CFR 31.7.
13 The report must identify each general licensee by name, state the kinds and number of luminous devices transferred,
14 and specify the quantity of tritium or promethium-147 in each kind of device. Each report must cover the year
15 ending June 30 and must be filed within 30 days thereafter. If no transfers have been made to persons generally
16 licensed under 10 CFR 31.7 during the reporting period, the report must so indicate; and

17 (4) each person licensed under 10 CFR 32.53 shall report annually all transfers of devices to
18 persons for use under a general license in an agreement state's regulations that are equivalent to 10 CFR 31.7 of this
19 paragraph to the responsible agreement state agency. The report must state the total quantity of tritium or
20 promethium-147 transferred, identify each general licensee by name, state the kinds and numbers of luminous
21 devices transferred, and specify the quantity of tritium or promethium-147 in each kind of device. If no transfers
22 have been made to a particular agreement state during the reporting period, this information must be reported to the
23 responsible agreement state agency upon request of the agency.

24 **G. Special requirements for license to manufacture or initially transfer calibration or reference**
25 **sources containing americium-241, plutonium or radium-226 for distribution to persons generally licensed**
26 **under Subsection D of 20.3.3.305 NMAC.** An application for a specific license to manufacture or initially transfer
27 calibration or reference sources containing americium-241, plutonium or radium-226 for distribution to persons
28 generally licensed under Subsection D of 20.3.3.305 NMAC will be approved subject to the following conditions:

29 (1) the applicant satisfies the general requirements of 20.3.3.307 NMAC and 20.3.3.308
30 NMAC, and

31 (2) the applicant satisfies the requirements of 10 CFR 32.57, 10 CFR 32.58, 10 CFR 32.59
32 and 10 CFR 70.39 or their equivalent.

33 **H. Manufacture and distribution of radioactive material for certain in-vitro clinical or**
34 **laboratory testing under general license.** An application for a specific license to manufacture or distribute
35 radioactive material for use under the general license of Subsection F of 20.3.3.305 NMAC will be approved if:

36 (1) the applicant satisfies the general requirements specified in 20.3.3.307 NMAC and
37 20.3.3.308 NMAC;

38 (2) the radioactive material is to be prepared for distribution in prepackaged units of:
39 (a) iodine-125 in units not exceeding 10 microcuries (370 kilobecquerels) each;
40 (b) iodine-131 in units not exceeding 10 microcuries (370 kilobecquerels) each;
41 (c) carbon-14 in units not exceeding 10 microcuries (370 kilobecquerels) each;
42 (d) hydrogen-3 (tritium) in units not exceeding 50 microcuries (1.85
43 megabecquerels) each;

44 (e) iron-59 in units not exceeding 20 microcuries (740 kilobecquerels) each;
45 (f) cobalt-57 in units not exceeding 10 microcuries (370 kilobecquerels) each;
46 (g) selenium-75 in units not exceeding 10 microcuries (370 kilobecquerels) each; or
47 (h) mock iodine-125 reference or calibration sources in units not exceeding 0.05
48 microcurie (1.85 kilobecquerels) of iodine-129 and 0.005 microcurie (185 becquerels) of americium-241 each;

49 (3) each prepackaged unit bears a durable, clearly visible label:

50 (a) identifying the radioactive contents as to chemical form and radionuclide, and
51 indicating that the amount of radioactivity does not exceed 10 microcuries (370 kilobecquerels) of iodine-125,
52 iodine-131, carbon-14, cobalt-57 or selenium-75; 50 microcuries (1.85 megabecquerels) of hydrogen-3 (tritium); 20
53 microcuries (740 kilobecquerels) of iron-59; or 0.05 microcurie (1.85 kilobecquerels) of iodine-129 and 0.005
54 microcurie (185 becquerels) of americium-241; and

55 (b) displaying the radiation caution symbol described in Paragraph (1) of Subsection
56 A of 20.3.4.427 NMAC and the words, "*caution, radioactive material*" and "*not for internal or external use in*

1 *humans or animals”;*

2 (4) the following statement, or a substantially similar statement which contains the
3 information called for in the following statement, appears on a label affixed to each prepackaged unit or appears in a
4 leaflet or brochure which accompanies the package:

5 *This radioactive material may be received, acquired, possessed, and used only by physicians, veterinarians, clinical*
6 *laboratories or hospitals and only for in-vitro clinical or laboratory tests not involving internal or external*
7 *administration of the material, or the radiation therefrom, to human beings or animals. Its receipt, acquisition,*
8 *possession, use, and transfer are subject to the regulations and a general license of the United States nuclear*
9 *regulatory commission or of a state with which the NRC has entered into an agreement for the exercise of*
10 *regulatory authority.*

11 _____
12 *(name of manufacturer); and*

13 (5) the label affixed to the unit, or the leaflet or brochure which accompanies the package,
14 contains adequate information as to the precautions to be observed in handling, storing and disposal of such
15 radioactive material; in the case of the mock iodine-125 reference or calibration source, the information
16 accompanying the source must also contain directions to the licensee regarding the waste disposal requirements set
17 out in 20.3.4.433 NMAC.

18 **I. Licensing the manufacture and distribution of ice detection devices.** An application for a
19 specific license to manufacture and distribute ice detection devices to persons generally licensed under Subsection G
20 of 20.3.3.305 NMAC will be approved subject to the following conditions:

21 (1) the applicant satisfies the general requirements of 20.3.3.307 NMAC and 20.3.3.308
22 NMAC; and

23 (2) the criteria of 10 CFR 32.61 and 32.62 are met.

24 **J. Manufacture, preparation or transfer for commercial distribution of radioactive drugs**
25 **containing radioactive material for medical use under 20.3.7 NMAC.**

26 (1) An application for a specific license to manufacture, prepare or transfer for commercial
27 distribution, radioactive material for use by persons authorized pursuant to 20.3.7 NMAC will be approved if the
28 following conditions are met.

29 (a) The applicant satisfies the general requirements specified in 20.3.3.307 NMAC
30 and 20.3.3.308 NMAC;

31 (b) The applicant submits evidence that the applicant is at least one of the
32 following:

33 (i) registered with the FDA as the owner or operator of a drug
34 establishment that engages in the manufacture, preparation, propagation, compounding or processing of a drug under
35 21 CFR 207.20(a);

36 (ii) registered or licensed with a state agency as a drug manufacturer;

37 (iii) licensed as a pharmacy by a state board of pharmacy;

38 (iv) operating as a nuclear pharmacy within a federal medical institution; or

39 (v) a PET drug production facility registered with a state agency.

40 (c) The applicant submits information on the radionuclide; the chemical and
41 physical form; the maximum activity per vial, syringe, generator, or other container of the radioactive drug; and the
42 shielding provided by the packaging to show it is appropriate for the safe handling and storage of the radioactive
43 drugs by medical use licensees.

44 (d) The applicant satisfies the following labeling requirements.

45 (i) A label is affixed to each transport radiation shield, whether it is
46 constructed of lead, glass, plastic or other material, of a radioactive drug to be transferred for commercial
47 distribution; the label must include the radiation symbol and the words “*caution, radioactive material*” or “*danger,*
48 *radioactive material*”; the name of the radioactive drug or its abbreviation; and the quantity of radioactivity at a
49 specified date and time. For radioactive drugs with a half-life greater than 100 days, the time may be omitted; and

50 (ii) A label is affixed to each syringe, vial or other container used to hold a
51 radioactive drug to be transferred for commercial distribution; the label must include the radiation symbol and the
52 words “*caution, radioactive material*” or “*danger, radioactive material*” and an identifier that ensures that the
53 syringe, vial or other container can be correlated with the information on the transport radiation shield label.

54 (2) A licensee described by Items (iii) or (iv) of Subparagraph (b) of Paragraph (1) of this
55 subsection:

56 (a) may prepare radioactive drugs for medical use, as defined in 20.3.7.7 NMAC,

1 provided that the radioactive drug is prepared by either an authorized nuclear pharmacist, as specified in
2 Subparagraphs (b) and (d) of this paragraph, or an individual under the supervision of an authorized nuclear
3 pharmacist as specified in Subsection F of 20.3.7.702 NMAC;

4 (b) may allow a pharmacist to work as an authorized nuclear pharmacist if:
5 (i) the individual qualifies as an authorized nuclear pharmacist as defined
6 in 20.3.7.7 NMAC;

7 (ii) the individual meets the requirements specified in Subsection C of
8 20.3.7.714 NMAC, incorporating 10 CFR 35.55(b) and Subsection E of 20.3.7.714 NMAC, incorporating 10 CFR
9 35.59, and the licensee has received an approved license amendment identifying this individual as an authorized
10 nuclear pharmacist; or

11 (iii) the individual is designated as an authorized nuclear pharmacist in
12 accordance with Subparagraph (d) of this paragraph;

13 (c) may conduct the actions authorized in Subparagraphs (a) and (b) of this
14 paragraph in spite of more restrictive language in license conditions;

15 (d) may designate a pharmacist (as defined in 20.3.7.7 NMAC) as an authorized
16 nuclear pharmacist if:

17 (i) the individual was a nuclear pharmacist preparing only radioactive
18 drugs containing accelerator-produced radioactive material, and

19 (ii) the individual practiced at a pharmacy at a government agency or
20 federally recognized Indian Tribe before November 30, 2007, or at all other pharmacies in non-licensing states, as
21 defined in 20.3.1.7 NMAC, before August 8, 2009, or an earlier date as noticed by the NRC;

22 (e) may designate a pharmacist (as defined in 20.3.7.7 NMAC) as an authorized
23 nuclear pharmacist if the individual is identified as of May 3, 1995, as an “authorized user” in a nuclear pharmacy
24 license issued by the department under this part; and

25 (f) shall provide to the department a copy of

26 (i) each individual’s certification by a specialty board whose certification
27 process has been recognized by the department, NRC or agreement state as specified in Subsection C of 20.3.7.714
28 NMAC, incorporating 10 CFR 35.55(a), with the written attestation signed by a preceptor as required by Subsection
29 C of 20.3.7.714 NMAC, incorporating 10 CFR 35.55(b)(2); or

30 (ii) the department, NRC or agreement state license, or

31 (iii) the permit issued by a NRC master material licensee, or

32 (iv) the permit issued by a department, NRC or agreement state licensee, or
33 NRC master materials permittee of broad scope, or the authorization from a commercial nuclear pharmacy
34 authorized to list its own authorized nuclear pharmacist, or

35 (v) documentation that only accelerator-produced radioactive materials
36 were used in the practice of nuclear pharmacy at a government agency or federally recognized Indian Tribe before
37 November 30, 2007, or at all other pharmacies in non-licensing states, as defined in 20.3.1.7 NMAC, before August
38 8, 2009, or an earlier date as noticed by the NRC; and

39 (vi) the state pharmacy licensure or registration, no later than 30 days after
40 the date that the licensee allows, under Items (i) and (iii) of Subparagraph (b) of this paragraph, the individual to
41 work as an authorized nuclear pharmacist.

42 (3) A licensee shall possess and use instrumentation to measure the radioactivity of
43 radioactive drugs. The licensee shall have procedures for use of the instrumentation. The licensee shall measure, by
44 direct measurement or by combination of measurements and calculations, the amount of radioactivity in dosages of
45 alpha, beta or photon emitting radioactive drugs prior to transfer for commercial distribution. In addition, the
46 licensee shall:

47 (a) perform tests before initial use, periodically and following repair, on each
48 instrument for accuracy, linearity and geometry dependence, as appropriate for the use of the instrument; and make
49 adjustments when necessary; and

50 (b) check each instrument for constancy and proper operation at the beginning of
51 each day of use.

52 (4) Nothing in this section relieves the licensee from complying with applicable FDA, or
53 other federal and state requirements governing radioactive drugs.

54 **K. Manufacture and distribution of sources or devices containing radioactive material for**
55 **medical use.** An application for a specific license to manufacture and distribute sources and devices containing
56 radioactive material to persons licensed pursuant to 20.3.7 NMAC for use as a calibration, transmission or reference

1 source or for the uses listed in 20.3.7.710 NMAC, 20.3.7.711 NMAC and 20.3.7.712 NMAC will be approved if:
2 (1) the applicant satisfies the general requirements in 20.3.3.307 NMAC and 20.3.3.308
3 NMAC; and

4 (2) the applicant satisfies the requirements in 10 CFR 32.74.

5 **L. Requirements for license to manufacture and distribute industrial products containing**
6 **depleted uranium for mass-volume applications.**

7 (1) An application for a specific license to manufacture industrial products and devices
8 containing depleted uranium for use pursuant to Subsection E of 20.3.3.304 NMAC or equivalent regulations of the
9 NRC or an agreement state will be approved if:

10 (a) the applicant satisfies the general requirements specified in 20.3.3.307 NMAC
11 and 20.3.3.308 NMAC;

12 (b) the applicant submits sufficient information relating to the design, manufacture,
13 prototype testing, quality control procedures, labeling and marking, proposed uses, and potential hazards of the
14 industrial product or device to provide reasonable assurance that possession, use, or transfer of the depleted uranium
15 in the product or device is not likely to cause any individual to receive in one year a radiation dose in excess of ten
16 percent of the limits specified in Subsection A of 20.3.4.405 NMAC; and

17 (c) the applicant submits sufficient information regarding the industrial product or
18 device and the presence of depleted uranium for a mass-volume application in the product or device to provide
19 reasonable assurance that unique benefits will accrue to the public because of the usefulness of the product or
20 device.

21 (2) In the case of an industrial product or device whose unique benefits are questionable, the
22 department will approve an application for a specific license under this subsection only if the product or device is
23 found to combine a high degree of utility and low probability of uncontrolled disposal and dispersal of significant
24 quantities of depleted uranium into the environment.

25 (3) The department may deny application for a specific license under this subsection if the
26 end use of the industrial product or device cannot be reasonably foreseen.

27 (4) Each person licensed pursuant to this subsection shall:

28 (a) maintain the level of quality control required by the license in the manufacture
29 of the industrial product or device, and in the installation of the depleted uranium into the product or device;

30 (b) label or mark each unit to:

31 (i) identify the manufacturer or initial transferor of the product or device
32 and the number of the license under which the product or device was manufactured or initially transferred, the fact
33 that the product or device contains depleted uranium, and the quantity of depleted uranium in each product or
34 device; and

35 (ii) state that the receipt, possession, use and transfer of the product or
36 device are subject to a general license or the equivalent and the regulations of the NRC or of an agreement state;

37 (c) assure that the depleted uranium before being installed in each product or device
38 has been impressed with the following legend clearly legible through any plating or other covering: "*depleted*
39 *uranium*";

40 (d) furnish a copy of the general license contained in Subsection C of 20.3.3.304
41 NMAC and a copy of the department form to each person to whom they transfer depleted uranium in a product or
42 device for use pursuant to the general license contained in Subsection C of 20.3.3.304 NMAC; or furnish a copy of
43 the general license contained in the NRC or agreement state's regulation equivalent to Subsection C of 20.3.3.304
44 NMAC and a copy of the NRC or agreement state's certificate; or alternatively, furnish a copy of the general license
45 contained in Subsection C of 20.3.3.304 NMAC and a copy of department form to each person to whom they
46 transfer depleted uranium in a product or device for use pursuant to the general license of the NRC or an agreement
47 state, with a note explaining that use of the product or device is regulated by the NRC or an agreement state under
48 requirements substantially the same as those in Subsection C of 20.3.3.304 NMAC;

49 (e) report to the department all transfers of industrial products or devices to persons
50 for use under the general license in Subsection C of 20.3.3.304 NMAC; such report shall identify each general
51 licensee by name and address, an individual by name and (or) position who may constitute a point of contact
52 between the department and the general licensee, the type and model number of device transferred, and the quantity
53 of depleted uranium contained in the product or device; the report shall be submitted within 30 days after the end of
54 each calendar quarter in which such a product or device is transferred to the generally licensed person; if no transfers
55 have been made to persons generally licensed under Subsection C of 20.3.3.304 NMAC during the reporting period,
56 the report shall so indicate;

1 (f) report to the director of the office of nuclear material safety and safeguards, by
2 an appropriate method listed in 10 CFR 40.5 all transfers of industrial products or devices to persons for use under
3 the U.S. nuclear regulatory commission general license in 10 CFR 40.25; the report shall contain all information
4 described in Subparagraph (e) of this paragraph;

5 (g) report to the responsible state agency all transfers of devices manufactured and
6 distributed pursuant to Subsection L of 20.3.3.315 NMAC for use under a general license in that agreement state's
7 regulations equivalent to Subsection C of 20.3.3.304 NMAC; the report shall contain all information described in
8 Subparagraph (e) of this paragraph;

9 (h) keep records showing the name, address and point of contact for each general
10 licensee to whom they transfer depleted uranium in industrial products or devices for use pursuant to the general
11 license provided in Subsection C of 20.3.3.304 NMAC or equivalent regulations of the NRC or of an agreement
12 state; the records shall be retained for three years and show the date of each transfer, the quantity of depleted
13 uranium in each product or device transferred and compliance with the report requirements of this subsection.

14 **M. Licensing the manufacture, assembly, repair or distribution of commodities, products or**
15 **devices which contain radioactive material other than those enumerated above.** The department shall require
16 substantially the same information as required for licensing of similar items by 10 CFR Part 32 not specifically
17 named in this section.

18 **N. Serialization of nationally tracked sources.** Each licensee who manufactures a nationally
19 tracked source, as defined in 20.3.4.7 NMAC, after February 6, 2007 shall assign a unique serial number to each
20 nationally tracked source. Serial numbers must be composed only of alpha-numeric characters.
21 [20.3.3.315 NMAC - Rp, 20.3.3.315 NMAC, 04/30/2009; A, XX/XX/XXXX]
22
23

24 **20.3.3.316 ISSUANCE OF SPECIFIC LICENSES:**

25 **A.** Upon a determination that an application meets the requirements of the act and 20.3 NMAC, the
26 department will issue a specific license authorizing the proposed activity in such form and containing such
27 conditions and limitations as it deems appropriate or necessary to effectuate the purposes of the act.

28 **B.** The department may incorporate in any license at the time of issuance, or thereafter by license
29 amendment, rule, regulation, or order, such additional requirements and conditions with respect to the licensee's
30 receipt, possession, use and transfer of radioactive material subject to this part as it deems appropriate or necessary
31 in order to:

- 32 (1) minimize danger to public health and safety or property; or
33 (2) require reports and the keeping of records, or to provide for inspections of activities
34 under the license as may be appropriate or necessary; or
35 (3) prevent loss or theft of material subject to this chapter.

36 **C.** The department may request, and the licensee shall provide, additional information after the
37 license has been issued to enable the department to determine whether the license shall be modified in accordance
38 with 20.3.3.322 NMAC.

39 [20.3.3.316 NMAC - Rp, 20.3.3.316 NMAC, 4/30/2009]
40

41 **20.3.3.317 TERMS AND CONDITIONS OF LICENSES:**

42 **A.** Each license issued pursuant to the requirements in this part shall be subject to all the provisions
43 of the act, now or hereafter in effect, and to all rules, regulations and orders of the board or department.

44 **B.** No license issued or granted under this part nor any right under a license issued pursuant to this
45 part shall be transferred, assigned, or in any manner disposed of, either voluntarily, or involuntarily, directly or
46 indirectly, through transfer of control of any license to any person unless the department shall, after securing full
47 information, find that the transfer is in accordance with the provisions of the act, and shall give its consent in
48 writing. An application for transfer of license must include:

- 49 (1) the identity, technical and financial qualifications of the proposed transferee; and
50 (2) financial assurance for decommissioning information required by 20.3.3.311 NMAC.

51 **C.** Each person licensed by the department pursuant to this part shall confine their use and possession
52 of material licensed to the locations and purposes authorized in the license. Except as otherwise provided in the
53 license, a license issued pursuant to the rules in this part shall carry with it the right to receive, acquire, own and
54 possess radioactive material. Preparation for shipment and transport of radioactive material shall be in accordance
55 with the provisions of 20.3.3.306 NMAC, incorporating 10 CFR 71.

56 **D.** Each license issued pursuant to the regulations in this part shall be deemed to contain the

1 applicable provisions set forth in the act and 20.3 NMAC, whether or not these provisions are expressly set forth in
2 the license.

3 **E. Filing for bankruptcy.**

4 (1) Each general licensee that is required to register by Paragraph (m) of Subsection B of
5 20.3.3.305 NMAC and each specific licensee shall notify the department in writing, immediately following the filing
6 of a voluntary or involuntary petition for bankruptcy under any chapter of title 11 (bankruptcy) of the United States
7 Code by or against:

- 8 (a) the licensee;
 - 9 (b) an entity (as that term is defined in 11 U.S.C. 101(15)) controlling the licensee
10 or listing the license or licensee as property of the estate; or
 - 11 (c) an affiliate (as that term is defined in 11 U.S.C. 101(2)) of the licensee.
- 12 (2) The notification must indicate:
- 13 (a) the bankruptcy court in which the petition for bankruptcy was filed; and
 - 14 (b) the date of the filing of the petition.

15 **F.** The general licenses provided in this part are subject to the provisions in 20.3.1 NMAC, Paragraph
16 (4) of Subsection A of 20.3.3.302 NMAC, Subsection A of 20.3.3.317 NMAC, 20.3.3.322 NMAC, 20.3.3.323
17 NMAC, 20.3.3.326 NMAC, 20.3.4 NMAC and 20.3.10 NMAC unless indicated otherwise by a particular provision
18 of the general license.

19 **G.** Licensees required submitting emergency plans by 20.3.3.309 NMAC shall follow the emergency
20 plan approved by the department. The licensee may change the approved plan without department approval only if
21 the changes do not decrease the effectiveness of the plan. The licensee shall furnish the change to the department
22 and to affected offsite response organizations prior to the effective date of the change. Proposed changes that
23 decrease, or potentially decrease, the effectiveness of the approved emergency plan may not be implemented without
24 prior application to and prior approval by the department.

25 **H. Security requirements for portable gauges.** Each portable gauge licensee shall use a minimum
26 of two independent physical controls that form tangible barriers to secure portable gauges from unauthorized
27 removal, whenever portable gauges are not under the control and constant surveillance of the licensee.

28 **I. Generators.** Each licensee preparing technetium-99m radiopharmaceuticals from molybdenum-
29 99/technetium-99m generators or rubidium-82 from strontium-82/rubidium-82 generators shall test the generator
30 eluates for molybdenum-99 breakthrough or strontium-82 and strontium-85 contamination, respectively, in
31 accordance with 20.3.7.706 NMAC of this chapter. The licensee shall record the results of each test and retain each
32 record for 3 years after the record is made.

33 **J. PET drugs for non-commercial distribution.**

34 (1) Authorization under Subsection J of 20.3.3.307 NMAC to produce PET radioactive drugs
35 for non-commercial transfer to medical use licensees in its consortium does not relieve the licensee from complying
36 with applicable FDA, or other federal and state requirements governing radioactive drugs.

37 (2) Each licensee authorized under Subsection J of 20.3.3.307 NMAC to produce PET
38 radioactive drugs for non-commercial transfer to medical use licensees in its consortium shall:

39 (a) satisfy the labeling requirements in Subparagraph (d) of Paragraph (1) of
40 Subsection J of 20.3.3.315 NMAC for each PET radioactive drug transport radiation shield and each syringe, vial or
41 other container used to hold a PET radioactive drug intended for non-commercial distribution to members of its
42 consortium; and

43 (b) possess and use instrumentation to measure the radioactivity of the PET
44 radioactive drugs intended for non-commercial distribution to members of its consortium and meet the procedural,
45 radioactivity measurement, instrument test, instrument check and instrument adjustment requirements in Paragraph
46 (3) of Subsection J of 20.3.3.315 NMAC.

47 (3) A licensee that is a pharmacy authorized under Subsection J of 20.3.3.307 NMAC to
48 produce PET radioactive drugs for non-commercial transfer to medical use licensees in its consortium shall require
49 that any individual that prepares PET radioactive drugs shall be:

50 (a) an authorized nuclear pharmacist that meets the requirements in Subparagraph
51 (b) of Paragraph (2) of Subsection J of 20.3.3.315 NMAC; or

52 (b) an individual under the supervision of an authorized nuclear pharmacist as
53 specified in Subsection F of 20.3.7.702 NMAC.

54 (4) A pharmacy, authorized under Subsection J of 20.3.3.307 NMAC to produce PET
55 radioactive drugs for non-commercial transfer to medical use licensees in its consortium that allows an individual to
56 work as an authorized nuclear pharmacist, shall meet the requirements of Subparagraph (e) of Paragraph (2) of

1 Subsection J of 20.3.3.315 NMAC.
2 [20.3.3.317 NMAC - Rp, 20.3.3.317 NMAC, 4/30/2009; A, 6/30/2011; A, 6/13/2017]

3
4 **20.3.3.318 EXPIRATION AND TERMINATION OF LICENSES AND DECOMMISSIONING OF**
5 **SITES AND SEPARATE BUILDINGS OR OUTDOOR AREAS:**

6 **A.** The term of a specific license is five years unless the department granted a different term. Except
7 as provided in Subsection B of this section, each specific license expires at the end of the day on the expiration date
8 stated in the license unless the licensee has filed an application for renewal under 20.3.3.319 NMAC not less than 30
9 days before the expiration date stated in the existing license. If an application for renewal has been filed at least 30
10 days before the expiration date stated in the existing license, the existing license expires at the end of the day on
11 which the department makes a final determination to deny the renewal application or, if the determination states an
12 expiration date, the expiration date stated in the determination.

13 **B.** If the licensee failed to pay outstanding annual fees to the department as required by 20.3.16
14 NMAC, the specific license expires at the end of the day on the expiration date stated in the license. The licensee
15 shall follow the requirements in Subsection F through M of this section for termination of the specific license, or
16 apply for a license pursuant to 20.3.3.307 NMAC after the outstanding annual fee(s) has been paid.

17 **C.** Each specific license revoked by the department expires at the end of the day on the date of the
18 department's final determination to revoke the license, or on the expiration date stated in the determination, or as
19 otherwise provided by department order.

20 **D.** Expiration of the specific license does not relieve the licensee from the requirements in 20.3
21 NMAC. All license provisions continue in effect, beyond the expiration date if necessary, with respect to possession
22 of radioactive material until the department notifies the licensee in writing that the license is terminated. During this
23 time, the licensee shall:

24 (1) limit actions involving radioactive material to those related to decommissioning; and
25 (2) continue to control entry to restricted areas until they are suitable for release in
26 accordance with department requirements.

27 **E.** Within 60 days of the occurrence of any of the following, each licensee shall provide notification
28 to the department in writing of such occurrence, and either begin decommissioning its site, or any separate building
29 or outdoor area that contains residual radioactivity so that the building or outdoor area is suitable for release in
30 accordance with department requirements, or submit within 12 months of notification a decommissioning plan, if
31 required by Subsection H of this section, and begin decommissioning upon approval of that plan if:

32 (1) the license has expired or has been revoked pursuant to Subsections A, B or C of this
33 section; or

34 (2) the licensee has decided to permanently cease principal activities, as defined in 20.3.3.7
35 NMAC, at the entire site or in any separate building or outdoor area that contains residual radioactivity such that the
36 building or outdoor area is unsuitable for release in accordance with department requirements; or

37 (3) no principal activities under the license have been conducted for a period of 24 months;
38 or

39 (4) no principal activities have been conducted for a period of 24 months in any separate
40 building or outdoor area that contains residual radioactivity such that the building or outdoor area is unsuitable for
41 release in accordance with department requirements.

42 **F.** Coincident with the notification required by Subsection E of this section, the licensee shall
43 maintain in effect all decommissioning financial assurances established by the licensee pursuant to 20.3.3.311
44 NMAC in conjunction with a license issuance or renewal or as required by this section. The amount of the financial
45 assurance must be increased, or may be decreased, as appropriate, to cover the detailed cost estimate for
46 decommissioning established pursuant to Subparagraph (e) of Paragraph (4) of Subsection H of this section.

47 **G.** The department may grant a request to extend the time periods established in Subsection E of this
48 section, if the department determines that this relief is not detrimental to the public health and safety and is
49 otherwise in the public interest. The request must be submitted no later than 30 days before notification pursuant to
50 Subsection E of this section. The schedule for decommissioning set forth in Subsection E of this section may not
51 commence until the department has made a determination on the request.

52 **H. Decommissioning Plan.**

53 (1) A decommissioning plan must be submitted if required by license condition or if the
54 procedures and activities necessary to carry out decommissioning of the site or separate building or outdoor area
55 have not been previously approved by the department and these procedures could increase potential health and
56 safety impacts to workers or to the public, such as in any of the following cases:

1 (a) procedures would involve techniques not applied routinely during cleanup or
2 maintenance operations;
3 (b) workers would be entering areas not normally occupied where surface
4 contamination and radiation levels are significantly higher than routinely encountered during operation;
5 (c) procedures could result in significantly greater airborne concentrations of
6 radioactive materials than are present during operation; or
7 (d) procedures could result in significantly greater releases of radioactive material to
8 the environment than those associated with operation.

9 (2) The department may approve an alternate schedule for submittal of a decommissioning
10 plan required pursuant to Subsection E of this section if the department determines that the alternative schedule is
11 necessary to the effective conduct of decommissioning operations and presents no undue risk from radiation to the
12 public health and safety and is otherwise in the public interest.

13 (3) Procedures, such as those listed in Paragraph (1) of this subsection, with potential health
14 and safety impacts may not be carried out prior to approval of the decommissioning plan.

15 (4) The proposed decommissioning plan for the site or separate building or outdoor area
16 must include:

17 (a) a description of the conditions of the site or separate building or outdoor area
18 sufficient to evaluate the acceptability of the plan;

19 (b) a description of planned decommissioning activities;

20 (c) a description of methods used to ensure protection of workers and the
21 environment against radiation hazards during decommissioning;

22 (d) a description of the planned final radiation survey;

23 (e) an updated detailed cost estimate for decommissioning, comparison of that
24 estimate with present funds set aside for decommissioning, and a plan for assuring the availability of adequate funds
25 for completion of decommissioning; and

26 (f) for decommissioning plans calling for completion of decommissioning later than
27 24 months after plan approval, the plan shall include a justification for the delay based on the criteria in Subsection J
28 of this section.

29 (5) The proposed decommissioning plan will be approved by the department if the
30 information therein demonstrates that the decommissioning will be completed as soon as practicable and that the
31 health and safety of workers and the public will be adequately protected.

32 **I. Deadline for Decommissioning.**

33 (1) Except as provided in Subsection J of this section, licensees shall complete
34 decommissioning of the site or separate building or outdoor area as soon as practicable but no later than 24 months
35 following the initiation of decommissioning.

36 (2) Except as provided in Subsection J of this section, when decommissioning involves the
37 entire site, the licensee shall request license termination as soon as practicable but no later than 24 months following
38 the initiation of decommissioning.

39 **J.** The department may approve a request for an alternative schedule for completion of
40 decommissioning of the site or separate building or outdoor area, and license termination if appropriate, if the
41 department determines that the alternative is warranted by consideration of the following:

42 (1) whether it is technically feasible to complete decommissioning within the allotted 24-
43 month period;

44 (2) whether sufficient waste disposal capacity is available to allow completion of
45 decommissioning within the allotted 24-month period;

46 (3) whether a significant volume reduction in wastes requiring disposal will be achieved by
47 allowing short-lived radionuclides to decay;

48 (4) whether a significant reduction in radiation exposure to workers can be achieved by
49 allowing short-lived radionuclides to decay; and

50 (5) other site-specific factors which the department may consider appropriate on a case-by-
51 case basis, such as the regulatory requirements of other government agencies, lawsuits, ground-water treatment
52 activities, monitored natural ground-water restoration, actions that could result in more environmental harm than
53 deferred cleanup, and other factors beyond the control of the licensee.

54 **K.** As the final step in decommissioning, the licensee shall:

55 (1) certify the disposition of all licensed material, including accumulated wastes, by
56 submitting a completed *certificate - disposition of radioactive material* form or equivalent information; and

1 (2) conduct a radiation survey of the premises where the licensed activities were carried out
2 and submit a report of the results of this survey, unless the licensee demonstrates in some other manner that the
3 premises are suitable for release in accordance with the criteria for decommissioning in 20.3.4.426 NMAC; the
4 licensee shall, as appropriate:

5 (a) report levels of gamma radiation in units of millisievert (microrentgen) per
6 hour at one meter from surfaces, and report levels of radioactivity, including alpha and beta, in units of
7 megabecquerels (disintegrations per minute or microcuries) per 100 square centimeters, removable and fixed, for
8 surfaces, megabecquerels (microcuries) per milliliter for water, and becquerels (picocuries) per gram for solids such
9 as soils or concrete; and

10 (b) specify the survey instrument(s) used and certify that each instrument is
11 properly calibrated and tested.

12 L. Specific licenses, including expired licenses, will be terminated by written notice to the licensee
13 when the department determines that:

14 (1) radioactive material has been properly disposed;

15 (2) reasonable effort has been made to eliminate residual radioactive contamination, if
16 present; and

17 (3) a radiation survey has been performed which demonstrates that the premises are suitable
18 for release in accordance with the criteria for decommissioning in 20.3.4.426 NMAC; or other information
19 submitted by the licensee is sufficient to demonstrate that the premises are suitable for release in accordance with
20 the criteria for decommissioning in 20.3.4.426 NMAC; and

21 (4) records required by Subsections D and F of 20.3.3.326 NMAC, have been received by the
22 department.

23 [20.3.3.318 NMAC - Rp, 20.3.3.318 NMAC, 4/30/2009]

24 25 **20.3.3.319 RENEWAL OF LICENSES:**

26 A. Applications for renewal of specific licenses shall be filed in accordance with 20.3.3.307 NMAC
27 not less than 30 days before the expiration date stated in the existing license.

28 B. In any case in which a licensee, not less than 30 days prior to expiration of their existing license,
29 has filed an application in proper form for renewal or for a new license authorizing the same activities, such existing
30 license shall not expire until the application has been finally determined by the department.

31 C. An application for renewal of a license shall be approved if the department determines that the
32 requirements of this part have been satisfied, and the licensee has paid any outstanding annual fee(s) pursuant to
33 20.3.16 NMAC.

34 [20.3.3.319 NMAC - Rp, 20.3.3.319 NMAC and 20.3.3.321 NMAC, 4/30/2009]

35 36 **20.3.3.320 AMENDMENT OF LICENSES AT REQUEST OF LICENSEE:**

37 A. An license amendment may be requested by filing a form prescribed by the department pursuant to
38 20.3.3.307 NMAC which shall specify the proposed amendment and the grounds for the amendment.

39 B. Supporting documentation (e.g. training records, certificates, procedures, etc.) shall be submitted
40 with the amendment, or provided upon request by the department within 30 days from the date of the request or
41 other time as may be specified in the request. Failure to provide the appropriate supporting documentation within
42 the prescribed time frame will be grounds for denial of the amendment.

43 C. A request for a license amendment shall be approved if the department determines that the
44 requirements of this part have been satisfied, and the licensee has paid any outstanding annual fee(s) pursuant to
45 20.3.16 NMAC.

46 [20.3.3.320 NMAC - Rp, 20.3.3.320 NMAC and 20.3.3.321 NMAC, 4/30/2009]

47 48 **20.3.3.321 [RESERVED]**

49 50 **20.3.3.322 MODIFICATION, SUSPENSION AND REVOCATION OF LICENSES:**

51 A. The terms and conditions of all licenses shall be subject to amendment or modification by the
52 department by reason of amendments to the act, or by reason of rules, regulations and orders issued by the board or
53 department.

54 B. Any license may be modified, suspended or revoked, in whole or in part by the department, for
55 any material false statement in the application or any statement of fact required under provisions of the act; or
56 because of conditions revealed by such application or statement of fact or any report, record, or inspection or other

1 means which would warrant the department to refuse to grant a license on an original application; or for violation of,
2 or failure to observe any of the terms and conditions of the act, conditions of the license, or of any rule, regulation,
3 or order of the board or department; or the department determines that existing conditions constitute a substantial
4 threat to the public health and safety or the environment.

5 C. Except in cases of willfulness or those in which the public health, interest or safety requires
6 otherwise, no license shall be modified, suspended, or revoked unless, prior to the institution of proceedings
7 therefore, facts or conduct which may warrant such actions shall have been called to the attention of the licensee in
8 writing and the licensee shall have been accorded an opportunity to demonstrate or achieve compliance with all
9 lawful requirements.

10 [20.3.3.322 NMAC - Rp, 20.3.3.322 NMAC, 4/30/2009]

11
12 **20.3.3.323 TRANSFER OF MATERIAL:**

13 A. No licensee shall transfer radioactive material except as authorized by this section.

14 B. Except as otherwise provided in their license and subject to the provisions of Sections C and D
15 this section any licensee may transfer radioactive material:

16 (1) to the department after receiving prior approval from the department;

17 (2) to the agency in any agreement state which regulates radioactive material pursuant to an
18 agreement under Section 274 of the Atomic Energy Act;

19 (3) to the United States department of energy;

20 (4) to any person exempt from the Radiation Protection Act to the extent permitted under
21 such exemptions; or to any person in the NRC jurisdiction or an agreement state, subject to the jurisdiction of that
22 state, who has been exempted from the licensing requirements and regulations of the NRC or the agreement state, to
23 the extent permitted under such exemption;

24 (5) to any person authorized to receive such material under terms of a general license or a
25 specific license or equivalent licensing document issued by the department, the NRC or an agreement state; or

26 (6) as otherwise authorized by the department in writing.

27 C. Before transferring radioactive material to a specific licensee of the department, the NRC or an
28 agreement state, or to a general licensee who is required to register with the department, the NRC or an agreement
29 state prior to receipt of the radioactive material, the licensee transferring the material shall verify that the transferee's
30 license authorizes the receipt of the type, form and quantity of radioactive material to be transferred.

31 D. The following methods for the verification required by Subsection C of this section are acceptable:

32 (1) the transferor may have in their possession, and read, a current copy of the transferee's
33 specific license or registration certificate;

34 (2) the transferor may have in their possession a written certification by the transferee that
35 they are authorized by license or registration certificate to receive the type, form and quantity of radioactive material
36 to be transferred, specifying the license or registration certificate number, issuing agency and expiration date;

37 (3) for emergency shipments, the transferor may accept oral certification by the transferee
38 that they are authorized by license or registration certificate to receive the type, form and quantity of radioactive
39 material to be transferred, specifying registration certificate number, issuing agency and expiration date; provided
40 that the oral certification is confirmed in writing within 10 days;

41 (4) the transferor may obtain other sources of information compiled by a reporting service
42 from official records of the department, the NRC or an agreement state as to the identity of licensees and the scope
43 and expiration dates of licenses and registration; or

44 (5) when none of the methods of verification described in Paragraphs (1) to (4) of this
45 subsection are readily available or when a transferor desires to verify that information received by one of such
46 methods is correct or up-to-date, the transferor may obtain and record confirmation from the department, the NRC or
47 an agreement state that the transferee is licensed to receive the radioactive material.

48 [20.3.3.323 NMAC - Rp, 20.3.3.323 NMAC, 4/30/2009]

49
50 **20.3.3.324 RECIPROCAL RECOGNITION OF LICENSES:**

51 A. Provided that the requirements of this section have been met, any person who holds a specific
52 license from the NRC or an agreement state, and issued by the regulatory authority having jurisdiction where the
53 licensee maintains an office for directing the licensed activity and at which radiation safety records are normally
54 maintained, is hereby granted a general license to conduct the activities authorized in such licensing document
55 within the state of New Mexico for a period not in excess of 180 days in any calendar year provided that:

56 (1) the licensing document does not limit the activity authorized by such document to

1 specified installations or locations;

2 (2) the out-of-state licensee notifies the department in writing at least three business days
3 prior to engaging in such activity, filing a form, *reciprocity application - proposed activities*; such notification shall
4 indicate the location of work, period of work, and type, manufacturer name and model number of radioactive
5 material to be brought within the state, the client's name and address, and shall be accompanied by a copy of the
6 pertinent licensing document and application fee as determined by 20.3.16 NMAC charged once for each calendar
7 year; if, for a specific case, the three-day period would impose an undue hardship on the out-of-state licensee, they
8 may, upon application to the department, obtain permission to proceed sooner; the department may waive the
9 requirements for filing additional written notifications during the calendar year following the receipt of the initial
10 notification from a person engaging in activities under the general license provided in this section;

11 (3) the out-of-state licensee complies with all applicable provisions of 20.3 NMAC, all
12 provisions of the act, now or hereafter in effect, and orders of the board or department and with all the terms and
13 conditions of their licensing document, except any such terms and conditions which may be inconsistent with
14 requirements in this chapter;

15 (4) the out-of-state licensee supplies such other information as the department may request;
16 and

17 (5) the out-of-state licensee shall not transfer or dispose of radioactive material possessed or
18 used under the general license provided in this section except by transfer to a person specifically licensed by the
19 department, an agreement state or by the NRC to receive such material.

20 **B.** Notwithstanding the provisions of Subsection A of this section, any person who holds a specific
21 license issued by the NRC or an agreement state authorizing the holder to manufacture, transfer, install or service a
22 device described in Paragraph (1) of Subsection B of 20.3.3.305 NMAC within areas subject to the jurisdiction of
23 the licensing body is hereby granted a general license to install, transfer, demonstrate or service such a device in this
24 state provided that:

25 (1) such person shall file a report with the department within 30 days after the end of each
26 calendar quarter in which any device is transferred to or installed in this state; each such report shall identify each
27 general license to whom such device is transferred by name and address, the type of device transferred, and the
28 quantity and type of radioactive material contained in the device;

29 (2) the device has been manufactured, labeled, installed and serviced in accordance with
30 applicable provisions of the specific license issued to such person by the NRC or an agreement state;

31 (3) such person shall assure that any labels required to be affixed in the device under
32 regulations of the authority which licensed manufacture of the device bear a statement that "*removal of this label is*
33 *prohibited*"; and

34 (4) the holder of the specific license shall furnish to each general licensee to whom they
35 transfer such device or on whose premises they install such device a copy of the general license contained in
36 Subsection B of 20.3.3.305 NMAC.

37 **C.** The department may withdraw, limit or qualify its acceptance of any specific license or equivalent
38 licensing document issued by another department, or any product distributed pursuant to such licensing document,
39 upon determining that such action is necessary in order to prevent undue hazard to public health and safety or
40 property.

41 **D. Reciprocity in Areas of Exclusive Federal Jurisdiction:**

42 (1) Before radioactive material can be used at temporary jobsites at any federal facility, the
43 jurisdictional status of the jobsites shall be determined. If a temporary jobsite is under exclusive federal jurisdiction,
44 the general license authorized under Subsection A of this section is subject to all the rules, regulations, orders and
45 fees of the NRC.

46 (2) Authorizations for use of radioactive materials in areas of exclusive federal jurisdiction
47 shall be obtained from the NRC by:

48 (a) filing an NRC form 241 in accordance with 10 CFR 150.20(b); or

49 (b) applying for a specific NRC license.

50 **E. Reciprocity in Other States:**

51 (1) Before radioactive material can be used at a temporary jobsite in another state,
52 authorization shall be obtained from the state if it is an agreement state or from NRC for any non-agreement state,
53 either by filing for reciprocity or applying for a specific license.

54 (2) The general license authorized under Subsection A of this section is subject to all the
55 rules, regulations, orders and fees of the agreement state, or those of the NRC for any non-agreement state.

56 [20.3.3.324 NMAC - Rp, 20.3.3.324 NMAC, 4/30/2009]

1
2 **20.3.3.325 REPORTING REQUIREMENTS:**

3 **A. Immediate Report.** Each licensee shall notify the department as soon as possible but not later
4 than 4 hours after the discovery of an event that prevents immediate protective actions necessary to avoid exposures
5 to radiation or radioactive materials that could exceed regulatory limits or releases of licensed material that could
6 exceed regulatory limits (events may include fires, explosions, toxic gas releases, etc.).

7 **B. Twenty-Four Hour Report.** Each licensee shall notify the department within 24 hours after the
8 discovery of any of the following events involving licensed material.

9 (1) An unplanned contamination event that:

10 (a) requires access to the contaminated area, by workers or the public, to be
11 restricted for more than 24 hours by imposing additional radiological controls or by prohibiting entry into the area;

12 (b) involves a quantity of material greater than five times the lowest annual limit on
13 intake specified in 20.3.4.461 NMAC for the material; and

14 (c) has access to the area restricted for a reason other than to allow radioactive
15 material with a half-life of less than 24 hours to decay prior to decontamination.

16 (2) An event in which equipment is disabled or fails to function as designed when:

17 (a) the equipment is required by regulation or license condition to prevent releases
18 exceeding regulatory limits, to prevent exposures to radiation and radioactive materials exceeding regulatory limits,
19 or to mitigate the consequences of an accident;

20 (b) the equipment is required to be available and operable when it is disabled or
21 fails to function; and

22 (c) no redundant equipment is available and operable to perform the required safety
23 function.

24 (3) An event that requires unplanned medical treatment at a medical facility of an individual
25 with spreadable radioactive contamination on the individual's clothing or body.

26 (4) An unplanned fire or explosion damaging any licensed material or any device, container
27 or equipment containing licensed material when:

28 (a) the quantity of material involved is greater than five times the lowest annual
29 limit on intake specified in 20.3.4.461 NMAC for the material; and

30 (b) the damage affects the integrity of the licensed material or its container.

31 **C. Preparation and Submission of Reports.** Reports made by licensees in response to the
32 requirements of this section must be made as follows.

33 (1) Licensees shall make reports required by Subsections A and B of this section by
34 telephone to the department. To the extent that the information is available at the time of notification, the
35 information provided in these reports must include:

36 (a) the caller's name and call back telephone number;

37 (b) a description of the event, including date and time;

38 (c) the exact location of the event;

39 (d) the radioactive material, quantities and chemical and physical form of the
40 licensed material involved; and

41 (e) any personnel radiation exposure data available;

42 (2) **Written report.** Each licensee who makes a report required by Subsections A and B of
43 this section shall submit a written follow-up report within 30 days of the initial report. Written reports prepared
44 pursuant to other regulations may be submitted to fulfill this requirement if the reports contain all of the necessary
45 information and the appropriate distribution is made. These written reports must be sent to the department at the
46 address in 20.3.1.116 NMAC. The reports must include the following:

47 (a) a description of the event, including the probable cause and the manufacturer
48 and model number (if applicable) of any equipment that failed or malfunctioned;

49 (b) the exact location of the event;

50 (c) the radioactive material, quantities and chemical and physical form of the
51 licensed material involved;

52 (d) date and time of the event;

53 (e) corrective actions taken or planned and the results of any evaluations or
54 assessments; and

55 (f) the extent of exposure of individuals to radiation or to radioactive materials
56 without identification of individuals by name.

1 [20.3.3.325 NMAC - Rp, 20.3.3.312 NMAC, 4/30/2009]

2
3 **20.3.3.326 RECORDS:** Each person who receives radioactive material pursuant to a license and the
4 regulations in this part and parts 20.3.5 NMAC, 20.3.7 NMAC, 20.3.12 NMAC, 20.3.13 NMAC, 20.3.14 NMAC
5 and 20.3.15 NMAC is subject to the requirements of this section.

6 **A.** The licensee shall keep records showing the receipt, transfer and disposal of the radioactive
7 material as follows.

8 (1) The licensee shall retain each record of receipt of radioactive material as long as the
9 material is possessed and for three years following transfer or disposal of the material.

10 (2) The licensee who transferred the material shall retain each record of transfer for three
11 years after each transfer unless a specific requirement in another part of the regulations in this chapter dictates
12 otherwise.

13 (3) The licensee who disposed of the material shall retain each record of disposal of
14 radioactive material until the department terminates each license that authorizes disposal of the material.

15 **B.** The licensee shall retain each record required by applicable parts of 20.3 NMAC or by license
16 condition for the period specified by the applicable regulation or license condition. If a retention period is not
17 otherwise specified by regulation or license condition, the record shall be retained until the department terminates
18 each license that authorizes the activity that is subject to the recordkeeping requirement.

19 **C. Records Format and Retention Period.**

20 (1) Records which must be maintained pursuant to 20.3 NMAC may be the original or a
21 reproduced copy or microform if such reproduced copy or microform is duly authenticated by authorized personnel
22 and the microform is capable of producing a clear and legible copy after storage for the period specified by 20.3
23 NMAC. The record may also be stored in electronic media with the capability for producing legible, accurate and
24 complete records during the required retention period. Records such as letters, drawings, specifications, shall
25 include all pertinent information such as stamps, initials and signatures. The licensee shall maintain adequate
26 safeguards against tampering with and loss of records.

27 (2) If there is a conflict between the retention period in 20.3 NMAC, license condition or
28 other written department approval or authorization pertaining to the retention period for the same type of record, the
29 retention period specified in 20.3 NMAC for such records shall apply unless the department, pursuant to Subsection
30 A of 20.3.1.107 NMAC, has granted a specific exemption from the record retention requirements specified in 20.3
31 NMAC.

32 **D.** Prior to license termination, each licensee authorized to possess radioactive material with a half-
33 life greater than 120 days, in an unsealed form, shall forward the following records to the department:

34 (1) records of disposal of licensed material made under Sections 434 (including burials
35 authorized before January 28, 1981), 435, 436 and 437 of 20.3.4 NMAC; and

36 (2) records required by Paragraph (4) of Subsection B of 20.3.4.442 NMAC.

37 **E.** If licensed activities are transferred or assigned in accordance with Subsection B of 20.3.3.317
38 NMAC, each licensee authorized to possess radioactive material, with a half-life greater than 120 days, in an
39 unsealed form, shall transfer the following records to the new licensee and the new licensee will be responsible for
40 maintaining these records until the license is terminated:

41 (1) records of disposal of licensed material made under Sections 434 (including burials
42 authorized before January 28, 1981), 435, 436 and 437 of 20.3.4 NMAC;

43 (2) records required by Paragraph (4) of Subsection B of 20.3.4.442 NMAC; and

44 (3) the records required under Subsection G of 20.3.3.311 NMAC.

45 **F.** Prior to license termination, each licensee shall forward the records required by Subsection G of
46 20.3.3.311 NMAC to the department.

47 [20.3.3.326 NMAC - Rp, 20.3.3.300 NMAC, 4/30/2009]

48
49 **20.3.3.327 [RESERVED]**

50
51 **20.3.3.328 [RESERVED]**

52
53 **20.3.3.329 SCHEDULE A - EXEMPT CONCENTRATIONS:**

54 **A. Table 339.1.**

TABLE 329.1			
Element (Atomic Number)	Isotope	Column I Gas Concentration microcurie/milliliter ¹	Column II Liquid and Solid Concentration microcurie/milliliter ²
Antimony (51)	Sb-122 Sb-124 Sb-125		3x10 ⁻⁴ 2x10 ⁻⁴ 1x10 ⁻³
Argon (18)	Ar-37 Ar-41	1x10 ⁻³ 4x10 ⁻⁷	
Arsenic (33)	As-73 As-74 As-76 As-77		5x10 ⁻³ 5x10 ⁻⁴ 2x10 ⁻⁴ 8x10 ⁻⁴
Barium (56)	Ba-131 Ba-140		2x10 ⁻³ 3x10 ⁻⁴
Beryllium (4)	Be-7		2x10 ⁻²
Bismuth (83)	Bi-206		4x10 ⁻⁴
Bromine (35)	Br-82	4x10 ⁻⁷	3x10 ⁻³
Cadmium (48)	Cd-109 Cd-115m Cd-115		2x10 ⁻³ 3x10 ⁻⁴ 3x10 ⁻⁴
Calcium (20)	Ca-45 Ca-47		9x10 ⁻⁵ 5x10 ⁻⁴
Carbon (6)	C-14	1x10 ⁻⁶	8x10 ⁻³
Cerium (58)	Ce-141 Ce-143 Ce-144		9x10 ⁻⁴ 4x10 ⁻⁴ 1x10 ⁻⁴
Cesium (55)	Cs-131 Cs-134m Cs-134		2x10 ⁻² 6x10 ⁻² 9x10 ⁻⁵
Chlorine (17)	Cl-38	9x10 ⁻⁷	4x10 ⁻³
Chromium (24)	Cr-51		2x10 ⁻²
Cobalt (27)	Co-57 Co-58 Co-60		5x10 ⁻³ 1x10 ⁻³ 5x10 ⁻⁴
Copper (29)	Cu-64		3x10 ⁻³
Dysprosium (66)	Dy-165 Dy-166		4x10 ⁻³ 4x10 ⁻⁴
Erbium (68)	Er-169 Er-171		9x10 ⁻⁴ 1x10 ⁻³
Europium (63)	Eu-152 (T _{1/2} = 9.2 h) Eu-155		6x10 ⁻⁴ 2x10 ⁻³
Fluorine (9)	F-18	2x10 ⁻⁶	8x10 ⁻³
Gadolinium (64)	Gd-153 Gd-159		2x10 ⁻³ 8x10 ⁻⁴
Gallium (31)	Ga-72		4x10 ⁻⁴
Germanium (32)	Ge-71		2x10 ⁻²
Gold (79)	Au-196 Au-198 Au-199		2x10 ⁻³ 5x10 ⁻⁴ 2x10 ⁻³

TABLE 329.1			
Element (Atomic Number)	Isotope	Column I Gas Concentration microcurie/milliliter ¹	Column II Liquid and Solid Concentration microcurie/milliliter ²
Hafnium (72)	Hf-181		7x10 ⁻⁴
Hydrogen (1)	H-3	5x10 ⁻⁶	3x10 ⁻²
Indium (49)	In-113m		1x10 ⁻²
	In-114m		2x10 ⁻⁴
Iodine (53)	I-126	3x10 ⁻⁹	2x10 ⁻⁵
	I-131	3x10 ⁻⁹	2x10 ⁻⁵
	I-132	8x10 ⁻⁸	6x10 ⁻⁴
	I-133	1x10 ⁻⁸	7x10 ⁻⁵
	I-134	2x10 ⁻⁷	1x10 ⁻³
Iridium (77)	Ir-190		2x10 ⁻³
	Ir-192		4x10 ⁻⁴
	Ir-194		3x10 ⁻⁴
Iron (26)	Fe-55		8x10 ⁻³
	Fe-59		6x10 ⁻⁴
Krypton (36)	Kr-85m	1x10 ⁻⁶	
	Kr-85	3x10 ⁻⁶	
Lanthanum (57)	La-140		2x10 ⁻⁴
Lead (82)	Pb-203		4x10 ⁻³
Lutetium (71)	Lu-177		1x10 ⁻³
Manganese (25)	Mn-52		3x10 ⁻⁴
	Mn-54		1x10 ⁻³
	Mn-56		1x10 ⁻³
Mercury (80)	Hg-197m		2x10 ⁻³
	Hg-197		3x10 ⁻³
	Hg-203		2x10 ⁻⁴
Molybdenum (42)	Mo-99		2x10 ⁻³
Neodymium (60)	Nd-147		6x10 ⁻⁴
	Nd-149		3x10 ⁻³
Nickel (28)	Ni-65		1x10 ⁻³
Niobium (Columbium) (41)	Nb-95		1x10 ⁻³
	Nb-97		9x10 ⁻³
Osmium (76)	Os-185		7x10 ⁻⁴
	Os-191m		3x10 ⁻²
	Os-191		2x10 ⁻³
	Os-193		6x10 ⁻⁴
Palladium (46)	Pd-103		3x10 ⁻³
	Pd-109		9x10 ⁻⁴
Phosphorous (15)	P-32		2x10 ⁻⁴
Platinum (78)	Pt-191		1x10 ⁻³
	Pt-193m		1x10 ⁻²
	Pt-197m		1x10 ⁻²
	Pt-197		1x10 ⁻³
Potassium (19)	K-42		3x10 ⁻³
Praseodymium (59)	Pr-142		3x10 ⁻⁴
	Pr-143		5x10 ⁻⁴
Promethium (61)	Pm-147		2x10 ⁻³
	Pm-149		4x10 ⁻⁴

TABLE 329.1			
Element (Atomic Number)	Isotope	Column I Gas Concentration microcurie/milliliter ¹	Column II Liquid and Solid Concentration microcurie/milliliter ²
Rhenium (75)	Re-183 Re-186 Re-188		6x10 ⁻³ 9x10 ⁻⁴ 6x10 ⁻⁴
Rhodium (45)	Rh-103m Rh-105		1x10 ⁻¹ 1x10 ⁻³
Rubidium (37)	Rb-86		7x10 ⁻⁴
Ruthenium (44)	Ru-97 Ru-103 Ru-105 Ru-106		4x10 ⁻³ 8x10 ⁻⁴ 1x10 ⁻³ 1x10 ⁻⁴
Samarium (62)	Sm-153		8x10 ⁻⁴
Scandium (21)	Sc-46 Sc-47 Sc-48		4x10 ⁻⁴ 9x10 ⁻⁴ 3x10 ⁻⁴
Selenium (34)	Se-75		3x10 ⁻³
Silicon (14)	Si-31		9x10 ⁻³
Silver (47)	Ag-102 Ag-110m Ag-111		1x10 ⁻³ 3x10 ⁻⁴ 4x10 ⁻⁴
Sodium (11)	Na-24		2x10 ⁻³
Strontium (38)	Sr-85 Sr-89 Sr-91 Sr-92		1x10 ⁻³ 1x10 ⁻⁴ 7x10 ⁻⁴ 7x10 ⁻⁴
Sulfur (16)	S-35	9x10 ⁻⁸	6x10 ⁻⁴
Tantalum (73)	Ta-182		4x10 ⁻⁴
Technetium (43)	Tc-96m Tc-96		1x10 ⁻¹ 1x10 ⁻³
Tellurium (52)	Te-125m Te-127m Te-127 Te-129m Te-131m Te-132		2x10 ⁻³ 6x10 ⁻⁴ 3x10 ⁻³ 3x10 ⁻⁴ 6x10 ⁻⁴ 3x10 ⁻⁴
Terbium (65)	Tb-160		4x10 ⁻⁴
Thallium (81)	Tl-200 Tl-201 Tl-202 Tl-204		4x10 ⁻³ 3x10 ⁻³ 1x10 ⁻³ 1x10 ⁻³
Thulium (69)	Tm-170 Tm-171		5x10 ⁻⁴ 5x10 ⁻³
Tin (50)	Sn-113 Sn-125		9x10 ⁻⁴ 2x10 ⁻⁴
Tungsten (Wolfram) (74)	W-181 W-187		4x10 ⁻³ 7x10 ⁻⁴
Vanadium (23)	V-48		3x10 ⁻⁴
Xenon (54)	Xe-131m Xe-133	4x10 ⁻⁶ 3x10 ⁻⁶	

TABLE 329.1			
Element (Atomic Number)	Isotope	Column I Gas Concentration microcurie/milliliter ¹	Column II Liquid and Solid Concentration microcurie/milliliter ²
	Xe-135	1x10 ⁻⁶	
Ytterbium (70)	Yb-175		1x10 ⁻³
Yttrium (39)	Y-90 Y-91m Y-91 Y-92 Y-93		2x10 ⁻⁴ 3x10 ⁻² 3x10 ⁻⁴ 6x10 ⁻⁴ 3x10 ⁻⁴
Zinc (30)	Zn-65 Zn-69m Zn-69		1x10 ⁻³ 7x10 ⁻⁴ 2x10 ⁻²
Zirconium (40)	Zr-95 Zr-97		6x10 ⁻⁴ 2x10 ⁻⁴
Beta or gamma emitting radioactive material not listed above with half-life less than 3 years.		1x10 ⁻¹⁰	1x10 ⁻⁶

Table 329.1 notes:

¹ values are given in column I only for those materials normally used as gases;

² microcuries per gram for solids.

B. Notes.

(1) Many radioisotopes disintegrate into isotopes which are also radioactive. In expressing the concentrations in Subsection A the activity stated is that of the parent isotope and takes into account the daughters.

(2) For purposes of 20.3.3.302 NMAC where there is involved a combination of isotopes, the limit for the combination shall be derived as follows: determine for each isotope in the product the ratio between the concentration present in the product and the exempt concentration established in Subsection A of this section for the specific isotope when not in combination. The sum of such ratios may not exceed "1" (i.e., unity). Example: (concentration of isotope A in product) / (exempt concentration of isotope A) + (concentration of isotope B in product) / (exempt concentration of isotope B) < 1.

(3) The values in this table are presented in scientific notation. In this notation, a value of 3 x 10⁻⁴ represents a value of 3E-4 or 0.0003.

(4) To convert microcuries to SI units of kilobecquerels multiply the above values by 37. For example: Zirconium-97 of 2x10⁻⁴ microcurie multiplied by 37 is equivalent to 0.0074 kilobecquerel or 7.4 becquerels.

[20.3.3.329 NMAC - Rp, 20.3.3.329 NMAC, 4/30/2009]

20.3.3.330 SCHEDULE B - EXEMPT QUANTITIES:

TABLE 330.1		
Radioactive Material	Acronym	Microcuries
Antimony-122	(Sb-122)	100
Antimony-124	(Sb-124)	10
Antimony-125	(Sb-125)	10
Arsenic-73	(As-73)	100
Arsenic-74	(As-74)	10
Arsenic-76	(As-76)	10
Arsenic-77	(As-77)	100
Barium-131	(Ba-131)	10
Barium-133	(Ba-133)	10

TABLE 330.1		
Radioactive Material	Acronym	Microcuries
Barium-140	(Ba-140)	10
Bismuth-210	(Bi-210)	1
Bromine-82	(Br-82)	10
Cadmium-109	(Cd-109)	10
Cadmium-115m	(Cd-115m)	10
Cadmium-115	(Cd-115)	100
Calcium-45	(Ca-45)	10
Calcium-47	(Ca-47)	10
Carbon-14	(C-14)	100
Cerium-141	(Ce-141)	100
Cerium-143	(Ce-143)	100
Cerium-144	(Ce-144)	1
Cesium-129	(Cs-129)	100
Cesium-131	(Cs-131)	1,000
Cesium-134m	(Cs-134m)	100
Cesium-134	(Cs-134)	1
Cesium-135	(Cs-135)	10
Cesium-136	(Cs-136)	10
Cesium-137	(Cs-137)	10
Chlorine-36	(Cl-36)	10
Chlorine-38	(Cl-38)	10
Chromium-51	(Cr-51)	1,000
Cobalt-57	(Co-57)	100
Cobalt-58m	(Co-58m)	10
Cobalt-58	(Co-58)	10
Cobalt-60	(Co-60)	1
Copper-64	(Cu-64)	100
Dysprosium-165	(Dy-165)	10
Dysprosium-166	(Dy-166)	100
Erbium-169	(Er-169)	100
Erbium-17	(Er-171)	100
Europium-152(9.2h)	(Eu-152)	100
Europium-152(13y)	(Eu-152)	1
Europium-154	(Eu-154)	1
Europium-155	(Eu-155)	10
Fluorine-18	(F-18)	1,000
Gadolinium-153	(Gd-153)	10
Gadolinium-159	(Gd-159)	100
Gallium-67	(Ga-67)	100
Gallium-72	(Ga-72)	10
Germanium-68	(Ge-68)	10
Germanium-71	(Ge-71)	100
Gold-195	(Au-195)	10
Gold-198	(Au-198)	100
Gold-199	(Au-199)	100
Hafnium-181	(Hf-181)	10
Holmium-166	(Ho-166)	100
Hydrogen-3	(H-3)	1,000
Indium-111	(In-111)	100
Indium-113m	(In-113m)	100

TABLE 330.1		
Radioactive Material	Acronym	Microcuries
Indium-114m	(In-114m)	10
Indium-115m	(In-115m)	100
Indium-115	(In-115)	10
Iodine-123	(I-123)	100
Iodine-125	(I-125)	1
Iodine-126	(I-126)	1
Iodine-129	(I-129)	0.1
Iodine-131	(I-131)	1
Iodine-132	(I-132)	10
Iodine-133	(I-133)	1
Iodine-134	(I-134)	10
Iodine-135	(I-135)	10
Iridium-192	(Ir-192)	10
Iridium-194	(Ir-194)	100
Iron-52	(Fe-52)	10
Iron-55	(Fe-55)	100
Iron-59	(Fe-59)	10
Krypton-85	(Kr-85)	100
Krypton-87	(Kr-87)	10
Lanthanum-140	(La-140)	10
Lutetium-177	(Lu-177)	100
Manganese-52	(Mn-52)	10
Manganese-54	(Mn-54)	10
Manganese-56	(Mn-56)	10
Mercury-197m	(Hg-197m)	100
Mercury-197	(Hg-197)	100
Mercury-203	(Hg-203)	10
Molybdenum-99	(Mo-99)	100
Neodymium-147	(Nd-147)	100
Neodymium-149	(Nd-149)	100
Nickel-59	(Ni-59)	100
Nickel-63	(Ni-63)	10
Nickel-65	(Ni-65)	100
Niobium-93m	(Nb-93m)	10
Niobium-95	(Nb-95)	10
Niobium-97	(Nb-97)	10
Osmium-185	(Os-185)	10
Osmium-191m	(Os-191m)	100
Osmium-191	(Os-191)	100
Osmium-193	(Os-193)	100
Palladium-103	(Pd-103)	100
Palladium-109	(Pd-109)	100
Phosphorus-32	(P-32)	10
Platinum-191	(Pt-191)	100
Platinum-193m	(Pt-193m)	100
Platinum-193	(Pt-193)	100
Platinum-197m	(Pt-197m)	100
Platinum-197	(Pt-197)	100
Polonium-210	(Po-210)	0.1
Potassium-42	(K-42)	10

TABLE 330.1		
Radioactive Material	Acronym	Microcuries
Potassium-43	(K-43)	10
Praseodymium-142	(Pr-142)	100
Praseodymium-143	(Pr-143)	100
Promethium-147	(Pm-147)	10
Promethium-149	(Pm-149)	10
Rhenium-186	(Re-186)	100
Rhenium-188	(Re-188)	100
Rhodium-103m	(Rh-103m)	100
Rhodium-105	(Rh-105)	100
Rubidium-81	(Rb-81)	10
Rubidium-86	(Rb-86)	10
Rubidium-87	(Rb-87)	10
Ruthenium-97	(Ru-97)	100
Ruthenium-103	(Ru-103)	10
Ruthenium-105	(Ru-105)	10
Ruthenium-106	(Ru-106)	1
Samarium-151	(Sm-151)	10
Samarium-153	(Sm-153)	100
Scandium-46	(Sc-46)	10
Scandium-47	(Sc-47)	100
Scandium-48	(Sc-48)	10
Selenium-75	(Se-75)	10
Silicon-31	(Si-31)	100
Silver-105	(Ag-105)	10
Silver-110m	(Ag-110m)	1
Silver-111	(Ag-111)	100
Sodium-22	(Na-22)	10
Sodium-24	(Na-24)	10
Strontium-85	(Sr-85)	10
Strontium-89	(Sr-89)	1
Strontium-90	(Sr-90)	0.1
Strontium-91	(Sr-91)	10
Strontium-92	(Sr-92)	10
Sulphur-35	(S-35)	100
Tantalum-182	(Ta-182)	10
Technetium-96	(Tc-96)	10
Technetium-97m	(Tc-97m)	100
Technetium-97	(Tc-97)	100
Technetium-99m	(Tc-99m)	100
Technetium-99	(Tc-99)	10
Tellurium-125m	(Te-125m)	10
Tellurium-127m	(Te-127m)	10
Tellurium-127	(Te-127)	100
Tellurium-129m	(Te-129m)	10
Tellurium-129	(Te-129)	100
Tellurium-131m	(Te-131m)	10
Tellurium-132	(Te-132)	10
Terbium-160	(Tb-160)	10
Thallium-200	(Tl-200)	100
Thallium-201	(Tl-201)	100

TABLE 330.1		
Radioactive Material	Acronym	Microcuries
Thallium-202	(Tl-202)	100
Thallium-204	(Tl-204)	10
Thulium-170	(Tm-170)	10
Thulium-171	(Tm-171)	10
Tin-113	(Sn-113)	10
Tin-125	(Sn-125)	10
Tungsten-181	(W-181)	10
Tungsten-185	(W-185)	10
Tungsten-187	(W-187)	100
Vanadium-48	(V-48)	10
Xenon-131m	(Xe-131m)	1,000
Xenon-133	(Xe-133)	100
Xenon-135	(Xe-135)	100
Ytterbium-175	(Yb-175)	100
Yttrium-87	(Y-87)	10
Yttrium-88	(Y-88)	10
Yttrium-90	(Y-90)	10
Yttrium-91	(Y-91)	10
Yttrium-92	(Y-92)	100
Yttrium-93	(Y-93)	100
Zinc-65	(Zn-65)	10
Zinc-69m	(Zn-69m)	100
Zinc-69	(Zn-69)	1,000
Zirconium-93	(Zr-93)	10
Zirconium-95	(Zr-95)	10
Zirconium-97	(Zr-97)	10
Any radioactive material not listed above other than alpha emitting radioactive material		0.1

Table 330.1 note: to convert microcuries to SI units of kilobecquerels multiply the above values by 37. For example: Zirconium-97 of 10 microcuries multiplied by 37 is equivalent to 370 kilobecquerels.

[20.3.3.330 NMAC - Rp, 20.3.3.330 NMAC, 4/30/2009]

20.3.3.331 [RESERVED]

[20.3.3.331 NMAC - Rp, 20.3.3.331 NMAC, 4/30/2009; Repealed, 6/30/2011]

20.3.3.332 SCHEDULE D - RADIOACTIVE MATERIAL QUANTITIES FOR BROAD SCOPE LICENSES:

A. Table 332.1

TABLE 332.1		
Radioactive Material	Column I curies	Column II curies
Antimony-122	1	0.01
Antimony-124	1	0.01
Antimony-125	1	0.01
Arsenic-73	10	0.1
Arsenic-74	1	0.01
Arsenic-76	1	0.01
Arsenic-77	10	0.1
Barium-131	10	0.1
Barium-140	1	0.01
Beryllium-7	10	0.1

TABLE 332.1		
Radioactive Material	Column I curies	Column II curies
Bismuth-210	0.1	0.001
Bromine-82	10	0.1
Cadmium-109	1	0.01
Cadmium-115m	1	0.01
Cadmium-115	10	0.1
Calcium-45	1	0.01
Calcium-47	10	0.1
Carbon-14	100	1.0
Cerium-141	10	0.1
Cerium-143	10	0.1
Cerium-144	0.1	0.001
Cesium-131	100	1.0
Cesium-134m	100	1.0
Cesium-134	0.1	0.001
Cesium-135	1	0.01
Cesium-136	10	0.1
Cesium-137	0.1	0.001
Chlorine-36	1	0.01
Chlorine-38	100	1.0
Chromium-51	100	1.0
Cobalt-57	10	0.1
Cobalt-58m	100	1.0
Cobalt-58	1	0.01
Cobalt-60	0.1	0.001
Copper-64	10	0.1
Dysprosium-165	100	1.0
Dysprosium-166	10	0.1
Erbium-169	10	0.1
Erbium-171	10	0.1
Europium-152 (9.2 h)	10	0.1
Europium-152 (13 y)	0.1	0.001
Europium-154	0.1	0.001
Europium-155	1	0.01
Fluorine-18	100	1.0
Gadolinium-153	1	0.01
Gadolinium-159	10	0.1
Gallium-72	10	0.1
Germanium-71	100	1.0
Gold-198	10	0.1
Gold-199	10	0.1
Hafnium-181	1	0.01
Holmium-166	10	0.1
Hydrogen-3	100	1.0
Indium-113m	100	1.0
Indium-114m	1	0.01
Indium-115m	100	1.0
Indium-115	1	0.01
Iodine-125	0.1	0.001
Iodine-126	0.1	0.001

TABLE 332.1		
Radioactive Material	Column I curies	Column II curies
Iodine-129	0.1	0.01
Iodine-131	0.1	0.001
Iodine-132	10	0.1
Iodine-133	1	0.01
Iodine-134	10	0.1
Iodine-135	1	0.01
Iridium-192	1	0.01
Iridium-194	10	0.1
Iron-55	10	0.1
Iron-59	1	0.01
Krypton-85	100	1.0
Krypton-87	10	0.1
Lanthanum-140	1	0.01
Lutetium-177	10	0.1
Manganese-52	1	0.01
Manganese-54	1	0.01
Manganese-56	10	0.1
Mercury-197m	10	0.1
Mercury-197	10	0.1
Mercury-203	1	0.01
Molybdenum-99	10	0.1
Neodymium-147	10	0.1
Neodymium-149	10	0.1
Nickel-59	10	0.1
Nickel-63	1	0.01
Nickel-65	10	0.1
Niobium-93	1	0.01
Niobium-95	1	0.01
Niobium-97	100	1.0
Osmium-185	1	0.01
Osmium-191m	100	1.0
Osmium-191	10	0.1
Osmium-193	10	0.1
Palladium-103	10	0.1
Palladium-109	10	0.1
Phosphorus-32	1	0.01
Platinum-191	10	0.1
Platinum-193m	100	1.0
Platinum-193	10	0.1
Platinum-197m	100	1.0
Platinum-197	10	0.1
Polonium-210	0.01	0.0001
Potassium-42	1	0.01
Praseodymium-142	10	0.1
Praseodymium-143	10	0.1
Promethium-147	1	0.01
Promethium-149	10	0.1
Radium-226	0.01	0.0001
Rhenium-186	10	0.1

TABLE 332.1		
Radioactive Material	Column I curies	Column II curies
Rhenium-188	10	0.1
Rhodium-103m	1,000	10.0
Rhodium-105	10	0.1
Rubidium-86	1	0.01
Rubidium-87	1	0.01
Ruthenium-97	100	1.0
Ruthenium-103	1	0.01
Ruthenium-105	10	0.1
Ruthenium-106	0.1	0.001
Samarium-151	1	0.01
Samarium-153	10	0.1
Scandium-46	1	0.01
Scandium-47	10	0.1
Scandium-48	1	0.01
Selenium-75	1	0.01
Silicon-31	10	0.1
Silver-105	1	0.01
Silver-110m	0.1	0.001
Silver-111	10	0.1
Sodium-22	0.1	0.001
Sodium-24	1	0.01
Strontium-85m	1,000	10.0
Strontium-85	1	0.01
Strontium-89	1	0.01
Strontium-90	0.01	0.0001
Strontium-91	10	0.1
Strontium-92	10	0.1
Sulphur-35	10	0.1
Tantalum-182	1	0.01
Technetium-96	10	0.1
Technetium-97m	10	0.1
Technetium-97	10	0.1
Technetium-99m	100	1.0
Technetium-99	1	0.01
Tellurium-125m	1	0.01
Tellurium-127m	1	0.01
Tellurium-127	10	0.1
Tellurium-129m	1	0.01
Tellurium-129	100	1.0
Tellurium-131m	10	0.1
Tellurium-132	1	0.01
Terbium-160	1	0.01
Thallium-200	10	0.1
Thallium-201	10	0.1
Thallium-202	10	0.1
Thallium-204	1	0.01
Thulium-170	1	0.01
Thulium-171	1	0.01
Tin-113	1	0.01

Radioactive Material	Column I curies	Column II curies
Tin-125	1	0.01
Tungsten-181	1	0.01
Tungsten-185	1	0.01
Tungsten-187	10	0.1
Vanadium-48	1	0.01
Xenon-131m	1,000	10.0
Xenon-133	100	1.0
Xenon-135	100	1.0
Ytterbium-175	10	0.1
Yttrium-90	1	0.01
Yttrium-91	1	0.01
Yttrium-92	10	0.1
Yttrium-93	1	0.01
Zinc-65	1	0.01
Zinc-69m	10	0.1
Zinc-69	100	1.0
Zirconium-93	1	0.01
Zirconium-95	1	0.01
Zirconium-97	1	0.01
Any radioactive material other than source material, special nuclear material, or alpha emitting radioactive material not listed above	0.1	0.001

B. Note. To convert curies to SI units of gigabecquerels, multiply the above values by 37. For example: Zirconium-97 (Column II) of 0.01 curie multiplied by 37 is equivalent to 0.37 gigabecquerel. [20.3.3.332 NMAC - Rp, 20.3.3.332 NMAC, 4/30/2009]

20.3.3.333 SCHEDULE E - QUANTITIES OF RADIOACTIVE MATERIALS REQUIRING CONSIDERATION OF THE NEED FOR AN EMERGENCY PLAN FOR RESPONDING TO A RELEASE:

A. Table 333.1

Radioactive Material	Release Fraction	Quantity (Curies)
Actinium-228	0.001	4,000
Americium-241	0.001	2
Americium-242	0.001	2
Americium-243	0.001	2
Antimony-124	0.01	4,000
Antimony-126	0.01	6,000
Barium-133	0.01	10,000
Barium-140	0.01	30,000
Bismuth-207	0.01	5,000
Bismuth-210	0.01	600
Cadmium-109	0.01	1,000
Cadmium-113	0.01	80
Calcium-45	0.01	20,000
Californium-252	0.001	9 (20 mg)
Carbon-14 (Non CO ₂)	0.01	50,000
Cerium-141	0.01	10,000
Cerium-144	0.01	300

TABLE 333.1		
Radioactive Material	Release Fraction	Quantity (Curies)
Cesium-134	0.01	2,000
Cesium-137	0.01	3,000
Chlorine-36	0.5	100
Chromium-51	0.01	300,000
Cobalt-60	0.001	5,000
Copper-64	0.01	200,000
Curium-242	0.001	60
Curium-243	0.001	3
Curium-244	0.001	4
Curium-245	0.001	2
Europium-152	0.01	500
Europium-154	0.01	400
Europium-155	0.01	3,000
Gadolinium-153	0.01	5,000
Germanium-68	0.01	2,000
Gold-198	0.01	30,000
Hafnium-172	0.01	400
Hafnium-181	0.01	7,000
Holmium-166m	0.01	100
Hydrogen-3	0.5	20,000
Iodine-125	0.5	10
Iodine-131	0.5	10
Indium-114m	0.01	1,000
Iridium-192	0.001	40,000
Iron-55	0.01	40,000
Iron-59	0.01	7,000
Krypton-85	1.0	6,000,000
Lead-210	0.01	8
Manganese-56	0.01	60,000
Mercury-203	0.01	10,000
Molybdenum-99	0.01	30,000
Neptunium-237	0.001	2
Nickel-63	0.01	20,000
Niobium-94	0.01	300
Phosphorus-32	0.5	100
Phosphorus-33	0.5	1,000
Polonium-210	0.01	10
Potassium-42	0.01	9,000
Promethium-145	0.01	4,000
Promethium-147	0.01	4,000
Radium-226	0.001	100
Ruthenium-106	0.01	200
Samarium-151	0.01	4,000
Scandium-46	0.01	3,000
Selenium-75	0.01	10,000
Silver-110m	0.01	1,000
Sodium-22	0.01	9,000
Sodium-24	0.01	10,000
Strontium-89	0.01	3,000

TABLE 333.1		
Radioactive Material	Release Fraction	Quantity (Curies)
Strontium-90	0.01	90
Sulfur-35	0.5	900
Technetium-99	0.01	10,000
Technetium-99m	0.01	400,000
Tellurium-127m	0.01	5,000
Tellurium-129m	0.01	5,000
Terbium-160	0.01	4,000
Thulium-170	0.01	4,000
Tin-113	0.01	10,000
Tin-123	0.01	3,000
Tin-126	0.01	1,000
Titanium-44	0.01	100
Vanadium-48	0.01	7,000
Xenon-133	1.0	900,000
Yttrium-91	0.01	2,000
Zinc-65	0.01	5,000
Zirconium-93	0.01	400
Zirconium-95	0.01	5,000
Any other beta-gamma emitter	.01	10,000
Mixed fission products	.01	1,000
Mixed corrosion products	.01	10,000
Contaminated equipment beta-gamma	.001	10,000
Irradiated material, any form other than solid. noncombustible	.01	1,000
Irradiated material solid, noncombustible	.001	10,000
Mixed radioactive waste, beta-gamma	.01	1,000
Packaged mixed waste, beta-gamma	.001	10,000
Any other alpha emitter	.001	2
Contaminated equipment alpha	.0001	20
Packaged waste, alpha ¹	.0001	20

1 **Table 333.1 note:**

2 ¹ waste packaged in Type B containers does not require an emergency plan.

3 **B. Notes.**

4 (1) To convert curies to SI units of gigabecquerels, multiply the above values by 37.

5 Example: Zirconium-95 of 5000 curies multiplied by 37 is equivalent to 185,000 gigabecquerels or 185

6 terabecquerels.

7 (2) For combinations of radioactive materials, consideration of the need for an emergency

8 plan is required if the sum of the ratios of the quantity of each radioactive material authorized to the quantity listed

9 for that material in table 333.1 exceeds one.

10 [20.3.3.333 NMAC - Rp, 20.3.3.333 NMAC, 4/30/2009]

11

12 **20.3.3.334 CRITERIA RELATING TO USE OF FINANCIAL TESTS AND PARENT COMPANY**

13 **GUARANTEES FOR PROVIDING REASONABLE ASSURANCE OF FUNDS FOR**

14 **DECOMMISSIONING:**

15 **A. Introduction.** An applicant or licensee may provide reasonable assurance of the availability of

16 funds for decommissioning based on obtaining a parent company guarantee that funds will be available for

17 decommissioning costs and on a demonstration that the parent company passes a financial test. This section

18 establishes criteria for passing the financial test and for obtaining the parent company guarantee.

19 **B. Financial Test.**

20 (1) To pass the financial test, the parent company must meet the criteria of either

1 Subparagraphs (a) or (b) of this paragraph.

2 (a) The parent company must have:
3 (i) two of the following three ratios: a ratio of total liabilities to net worth
4 less than 2.0; a ratio of the sum of net income plus depreciation, depletion and amortization to total liabilities greater
5 than 0.1; and a ratio of current assets to current liabilities greater than 1.5;
6 (ii) net working capital and tangible net worth each at least six times the
7 current decommissioning cost estimates (or prescribed amount if a certification is used);
8 (iii) tangible net worth of at least \$10 million; and
9 (iv) assets located in the United States amounting to at least 90 percent of
10 total assets or at least six times the current decommissioning cost estimates (or prescribed amount if a certification is
11 used);

12 (b) The parent company must have:
13 (i) a current rating for its most recent bond issuance of AAA, AA, A or
14 BBB as issued by Standard and Poor's or Aaa, Aa, A or Baa as issued by Moody's;
15 (ii) tangible net worth at least six times the current decommissioning cost
16 estimate (or prescribed amount if a certification is used);
17 (iii) tangible net worth of at least \$10 million; and
18 (iv) assets located in the United States amounting to at least 90 percent of
19 total assets or at least six times the current decommissioning cost estimates for the total of all facilities or parts
20 thereof (or prescribed amount if certification is used).

21 (2) The parent company's independent certified public accountant must have compared the
22 data used by the parent company in the financial test, which is derived from the independently audited, year end
23 financial statements for the latest fiscal year, with the amounts in such financial statement. In connection with that
24 procedure the licensee shall inform the department within 90 days of any matters coming to the auditor's attention
25 which cause the auditor to believe that the data specified in the financial test shall be adjusted and that the company
26 no longer passes the test.

27 (3) After the initial financial test, the parent company must repeat the passage of the test
28 within 90 days after the close of each succeeding fiscal year.

29 (4) If the parent company no longer meets the requirements of Subsection A of this section,
30 the licensee must send notice to the department of intent to establish alternate financial assurance as specified in this
31 section. The notice must be sent by certified mail within 90 days after the end of the fiscal year for which the year
32 end financial data show that the parent company no longer meets the financial test requirements. The licensee must
33 provide alternate financial assurance within 120 days after the end of such fiscal year.

34 C. **Parent Company Guarantee.** The terms of a parent company guarantee which an applicant or
35 licensee obtains must provide the following.

36 (1) The parent company guarantee will remain in force unless the guarantor sends notice of
37 cancellation by certified mail to the licensee and the department; cancellation may not occur, however, during the
38 120 days beginning on the date of receipt of the notice of cancellation by both the licensee and the department, as
39 evidenced by the return receipts.

40 (2) If the licensee fails to provide alternate financial assurance as specified in the
41 department's regulations within 90 days after receipt by the licensee and department of a notice of cancellation of
42 the parent company guarantee from the guarantor, the guarantor will provide such alternative financial assurance in
43 the name of the licensee.

44 (3) The parent company guarantee and financial test provisions must remain in effect until
45 the department has terminated the license.

46 (4) If a trust is established for decommissioning costs, the trustee and trust must be
47 acceptable to the department; an acceptable trustee includes an appropriate state or federal government agency or an
48 entity which has the authority to act as a trustee and whose trust operations are regulated and examined by a federal
49 or state agency.

50 [20.3.3.334 NMAC - Rp, 20.3.3.334 NMAC, 4/30/2009]

51
52 **20.3.3.335 CRITERIA RELATING TO USE OF FINANCIAL TESTS AND SELF-GUARANTEES**
53 **FOR PROVIDING REASONABLE ASSURANCE OF FUNDS FOR DECOMMISSIONING:**

54 A. **Introduction.** An applicant or licensee may provide reasonable assurance of the availability of
55 funds for decommissioning based on furnishing its own guarantee that funds will be available for decommissioning
56 costs and on a demonstration that the company passes the financial test of Subsection B of this section. The terms of

1 the self-guarantee are in Subsection C of this section. This section establishes criteria for passing the financial test
2 for the self-guarantee and establishes the terms for a self-guarantee.

3 **B. Financial Test.**

4 (1) To pass the financial test, a company must meet all of the following criteria:

5 (a) tangible net worth at least 10 times the total current decommissioning cost
6 estimate for the total of all facilities or parts thereof (or the current amount required if certification is used) for all
7 decommissioning activities for which the company is responsible as self-guaranteeing licensee and as parent-
8 guarantor;

9 (b) assets located in the United States amounting to at least 90 percent of total assets
10 or at least 10 times the total current decommissioning cost estimate for the total of all facilities of parts thereof (or
11 the current amount required if certification is used) for all decommissioning activities for which the company is
12 responsible as self-guaranteeing licensee and as parent-guarantor; and

13 (c) a current rating for its most recent bond issuance of AAA, AA or A as issued by
14 Standard and Poors, or Aaa, Aa or A as issued by Moodys.

15 (2) To pass the financial test, a company must meet all of the following additional
16 requirements:

17 (a) the company must have at least one class of equity securities registered under
18 the Securities Exchange Act;

19 (b) the company's independent certified public accountant must have compared the
20 data used by the company in the financial test which is derived from the independently audited, year-end financial
21 statements for the latest fiscal year, with the amounts in such financial statement; in connection with that procedure,
22 the licensee shall inform the department within 90 days of any matters coming to the attention of the auditor that
23 cause the auditor to believe that the data specified in the financial test shall be adjusted and that the company no
24 longer passes the test; and

25 (c) after the initial financial test, the company must repeat passage of the test within
26 90 days after the close of each succeeding fiscal year.

27 (3) If the licensee no longer meets the requirements of Paragraph (1) of Subsection B of this
28 section, the licensee must send immediate notice to the department of its intent to establish alternate financial
29 assurance as specified in the department's regulations within 120 days of such notice.

30 **C. Company Self-Guarantee.** The terms of a self-guarantee which an applicant or licensee
31 furnishes must provide the following.

32 (1) The guarantee will remain in force unless the licensee sends notice of cancellation by
33 certified mail to the department; cancellation may not occur, however, during the 120 days beginning on the date of
34 receipt of the notice of cancellation by the department, as evidenced by the return receipt.

35 (2) The licensee shall provide alternative financial assurance as specified in 20.3.3.311
36 NMAC within 90 days following receipt by the department of a notice of cancellation of the guarantee.

37 (3) The guarantee and financial test provisions must remain in effect until the department has
38 terminated the license or until another financial assurance method acceptable to the department has been put in
39 effect by the licensee.

40 (4) The licensee will promptly forward to the department and the licensee's independent
41 auditor all reports covering the latest fiscal year filed by the licensee with the securities and exchange commission
42 pursuant to the requirements of Section 13 of the Securities and Exchange Act.

43 (5) If, at any time, the licensee's most recent bond issuance ceases to be rated in any category
44 of "A" or above by either Standard and Poors or Moodys, the licensee will provide notice in writing of such fact to
45 the department within 20 days after publication of the change by the rating service. If the licensee's most recent
46 bond issuance ceases to be rated in any category of "A" or above by both Standard and Poors and Moodys, the
47 licensee no longer meets the requirements of Paragraph (1) of Subsection B of this section.

48 (6) The applicant or licensee must provide to the department a written guarantee (a written
49 commitment by a corporate officer) which states that the licensee will fund and carry out the required
50 decommissioning activities or, upon issuance of an order by the department, the licensee will set up and fund a trust
51 in the amount of the current cost estimates for decommissioning.

52 [20.3.3.335 NMAC - Rp, 20.3.3.335 NMAC, 4/30/2009]

53
54 **20.3.3.336 CRITERIA RELATING TO USE OF FINANCIAL TESTS AND SELF-GUARANTEES**
55 **FOR PROVIDING REASONABLE ASSURANCE OF FUNDS FOR DECOMMISSIONING BY**
56 **COMMERCIAL COMPANIES THAT HAVE NO OUTSTANDING RATED BONDS:**

1 **A. Introduction.** An applicant or licensee may provide reasonable assurance of the availability of
2 funds for decommissioning based on furnishing its own guarantee that funds will be available for decommissioning
3 costs and on a demonstration that the company passes the financial test of Subsection B of this section. The terms of
4 the self-guarantee are in Subsection C of this section. This section establishes criteria for passing the financial test
5 for the self-guarantee and establishes the terms for a self-guarantee.

6 **B. Financial Test.**

7 (1) To pass the financial test, a company must meet the following criteria:

8 (a) tangible net worth greater than \$10 million, or at least 10 times the total current
9 decommissioning cost estimate (or the current amount required if certification is used), whichever is greater, for all
10 decommissioning activities for which the company is responsible as self-guaranteeing licensee and as parent-
11 guarantor;

12 (b) assets located in the United States amounting to at least 90 percent of total assets
13 or at least 10 times the total current decommissioning cost estimate (or the current amount required if certification is
14 used) for all decommissioning activities for which the company is responsible as self-guaranteeing licensee and as
15 parent-guarantor; and

16 (c) a ratio of cash flow divided by total liabilities greater than 0.12 and a ratio of
17 total liabilities divided by net worth less than 1.5.

18 (2) In addition, to pass the financial test, a company must meet all of the following
19 requirements:

20 (a) the company's independent certified public accountant must have compared the
21 data used by the company in the financial test which is derived from the independently audited, year-end financial
22 statements for the latest fiscal year, with the amounts in such financial statement; in connection with that procedure,
23 the licensee shall inform the department within 90 days of any matters coming to the attention of the auditor that
24 cause the auditor to believe that the data specified in the financial test shall be adjusted and that the company no
25 longer passes the test;

26 (b) after the initial financial test, the company must repeat passage of the test within
27 90 days after the close of each succeeding fiscal year; and

28 (c) if the licensee no longer meets the requirements of Paragraph (1) of Subsection
29 B of this section, the licensee must send immediate notice to the department of its intent to establish alternate
30 financial assurance as specified in 20.3.3.311 NMAC; the notice must be sent by certified mail, return receipt
31 requested, within 90 days after the end of the fiscal year for which the year end financial data show that the licensee
32 no longer meets the financial test requirements; the licensee must provide alternative financial assurance within 120
33 days after the end of such fiscal year.

34 **C. Company Self-Guarantee.** The terms of a self-guarantee which an applicant or licensee
35 furnishes must provide the following.

36 (1) The guarantee will remain in force unless the licensee sends notice of cancellation by
37 certified mail to the department; cancellation may not occur until alternative financial assurance mechanism is in
38 place.

39 (2) The licensee shall provide alternative financial assurance as specified in 20.3.3.311
40 NMAC within 90 days following receipt by the department of a notice of cancellation of the guarantee.

41 (3) The guarantee and financial test provisions must remain in effect until the department has
42 terminated the license or until another financial assurance method acceptable to the department has been put in
43 effect by the licensee.

44 (4) The applicant or licensee must provide to the department a written guarantee (a written
45 commitment by a corporate officer) which states that the licensee will fund and carry out the required
46 decommissioning activities or, upon issuance of an order by the department, the licensee will set up and fund a trust
47 in the amount of the current cost estimates for decommissioning.

48 [20.3.3.336 NMAC - N, 4/30/2009]

49
50 **20.3.3.337 CRITERIA RELATING TO USE OF FINANCIAL TESTS AND SELF-GUARANTEE**
51 **FOR PROVIDING REASONABLE ASSURANCE OF FUNDS FOR DECOMMISSIONING BY**
52 **NONPROFIT COLLEGES, UNIVERSITIES AND HOSPITALS:**

53 **A. Introduction.** An applicant or licensee may provide reasonable assurance of the availability of
54 funds for decommissioning based on furnishing its own guarantee that funds will be available for decommissioning
55 costs and on a demonstration that the applicant or licensee passes the financial test of Subsection B of this section.
56 The terms of the self-guarantee are in Subsection C of this section. This section establishes criteria for passing the

1 financial test for the self-guarantee and establishes the terms for a self-guarantee.

2 **B. Financial Test.**

3 (1) For colleges and universities, to pass the financial test a college or university must meet
4 either the criteria in Subparagraph (a) or the criteria in Subparagraph (b) of this paragraph.

5 (a) For applicants or licensees that issue bonds, a current rating for its most recent
6 uninsured, uncollateralized and unencumbered bond issuance of AAA, AA or A as issued by Standard and Poors or
7 Aaa, Aa or A as issued by Moodys.

8 (b) For applicants or licensees that do not issue bonds, unrestricted endowment
9 consisting of assets located in the United States of at least \$50 million, or at least 30 times the total current
10 decommissioning cost estimate (or the current amount required if certification is used), whichever is greater, for all
11 decommissioning activities for which the college or university is responsible as a self-guaranteeing licensee.

12 (2) For hospitals, to pass the financial test a hospital must meet either the criteria in
13 Subparagraph (a) or the criteria in Subparagraph (b) of this paragraph.

14 (a) For applicants or licensees that issue bonds, a current rating for its most recent
15 uninsured, uncollateralized, and unencumbered bond issuance of AAA, AA or A as issued by Standard and Poors or
16 Aaa, Aa or A as issued by Moodys.

17 (b) For applicants or licensees that do not issue bonds, all the following tests must
18 be met:

19 (i) total revenues less total expenditures divided by total revenues must be
20 equal to or greater than 0.04;

21 (ii) long term debt divided by net fixed assets must be less than or equal to
22 0.67;

23 (iii) current assets and depreciation fund divided by current liabilities must
24 be greater than or equal to 2.55; and

25 (iv) operating revenues must be at least 100 times the total current
26 decommissioning cost estimate (or the current amount required if certification is used) for all decommissioning
27 activities for which the hospital is responsible as a self-guaranteeing licensee.

28 (3) In addition, to pass the financial test, a licensee must meet all the following requirements:

29 (a) the licensee's independent certified public accountant must have compared the
30 data used by the licensee in the financial test, which is required to be derived from the independently audited year
31 end financial statements, based on United States generally accepted accounting practices, for the latest fiscal year,
32 with the amounts in such financial statement; in connection with that procedure, the licensee shall inform the
33 department within 90 days of any matters coming to the attention of the auditor that cause the auditor to believe that
34 the data specified in the financial test shall be adjusted and that the licensee no longer passes the test;

35 (b) after the initial financial test, the licensee must repeat passage of the test within
36 90 days after the close of each succeeding fiscal year; and

37 (c) if the licensee no longer meets the requirements of Subsection B of this section,
38 the licensee must send notice to the department of its intent to establish alternative financial assurance as specified
39 in 20.3.3.311 NMAC; the notice must be sent by certified mail, return receipt requested, within 90 days after the end
40 of the fiscal year for which the year end financial data show that the licensee no longer meets the financial test
41 requirements; the licensee must provide alternate financial assurance within 120 days after the end of such fiscal
42 year.

43 **C. Self-Guarantee.** The terms of a self-guarantee which an applicant or licensee furnishes must
44 provide the following.

45 (1) The guarantee shall remain in force unless the licensee sends notice of cancellation by
46 certified mail and return receipt requested, to the department. Cancellation may not occur unless an alternative
47 financial assurance mechanism is in place.

48 (2) The licensee shall provide alternative financial assurance as specified in the 20.3.3.311
49 NMAC within 90 days following receipt by the department of a notice of cancellation of the guarantee.

50 (3) The guarantee and financial test provisions must remain in effect until the department has
51 terminated the license or until another financial assurance method acceptable to the department has been put in
52 effect by the licensee.

53 (4) The applicant or licensee must provide to the department a written guarantee (a written
54 commitment by a corporate officer or officer of the institution) which states that the licensee will fund and carry out
55 the required decommissioning activities or, upon issuance of an order by the department, the licensee will set up and
56 fund a trust in the amount of the current cost estimates for decommissioning.

(5) If, at any time, the licensee's most recent bond issuance ceases to be rated in any category of "A" or above by either Standard and Poors or Moodys, the licensee shall provide notice in writing of such fact to the department within 20 days after publication of the change by the rating service.
 [20.3.3.337 NMAC - N, 4/30/2009]

20.3.3.338 QUANTITIES FOR USE WITH DECOMMISSIONING AND QUANTITIES OF LICENSED MATERIAL REQUIRING LABELING:

A. Table 338.1

TABLE 338.1	
Radioactive Material	Microcuries¹
Americium-241	0.01
Antimony-122	100
Antimony-124	10
Antimony-125	10
Arsenic-73	100
Arsenic-74	10
Arsenic-76	10
Arsenic-77	100
Barium-131	10
Barium-133	10
Barium-140	10
Bismuth-210	1
Bromine-82	10
Cadmium-109	10
Cadmium-115m	10
Cadmium-115	100
Calcium-45	10
Calcium-47	10
Carbon-14	100
Cerium-141	100
Cerium-143	100
Cerium-144	1
Cesium-131	1,000
Cesium-134m	100
Cesium-134	1
Cesium-135	10
Cesium-136	10
Cesium-137	10
Chlorine-36	10
Chlorine-38	10
Chromium-51	1,000
Cobalt-58m	10
Cobalt-58	10
Cobalt-60	1
Copper-64	100
Dysprosium-165	10
Dysprosium-166	100
Erbium-169	100
Erbium-171	100
Europium-152 (9.2 h)	100
Europium-152 (13 yr)	1
Europium-154	1
Europium-155	10

TABLE 338.1	
Radioactive Material	Microcuries¹
Fluorine-18	1,000
Gadolinium-153	10
Gadolinium-159	100
Gallium-72	10
Germanium-71	100
Gold-198	100
Gold-199	100
Hafnium-181	10
Holmium-166	100
Hydrogen-3	1,000
Indium-113m	100
Indium-114m	10
Indium-115m	100
Indium-115	10
Iodine-125	1
Iodine-126	1
Iodine-129	0.1
Iodine-131	1
Iodine-132	10
Iodine-133	1
Iodine-134	10
Iodine-135	10
Iridium-192	10
Iridium-194	100
Iron-55	100
Iron-59	10
Krypton-85	100
Krypton-87	10
Lanthanum-140	10
Lutetium-177	100
Manganese-52	10
Manganese-54	10
Manganese-56	10
Mercury-197m	100
Mercury-197	100
Mercury-203	10
Molybdenum-99	100
Neodymium-147	100
Neodymium-149	100
Nickel-59	100
Nickel-63	10
Nickel-65	100
Niobium-93m	10
Niobium-95	10
Niobium-97	10
Osmium-185	10
Osmium-191m	100
Osmium-191	100
Osmium-193	100
Palladium-103	100

TABLE 338.1	
Radioactive Material	Microcuries¹
Palladium-109	100
Phosphorus-32	10
Platinum-191	100
Platinum-193m	100
Platinum-193	100
Platinum-197m	100
Platinum-197	100
Plutonium-239	0.01
Polonium-210	0.1
Potassium-42	10
Praseodymium-142	100
Praseodymium-143	100
Promethium-147	10
Promethium-149	10
Radium-226	0.01
Rhenium-186	100
Rhenium-188	100
Rhodium-103m	100
Rhodium-105	100
Rubidium-86	10
Rubidium-87	10
Ruthenium-97	100
Ruthenium-103	10
Ruthenium-105	10
Ruthenium-106	1
Samarium-151	10
Samarium-153	100
Scandium-46	10
Scandium-47	100
Scandium-48	10
Selenium-75	10
Silicon-31	100
Silver-105	10
Silver-110m	1
Silver-111	100
Sodium-22	1
Sodium-24	10
Strontium-89	1
Strontium-90	0.1
Strontium-91	10
Strontium-92	10
Sulfur-35	100
Tantalum-182	10
Technetium-96	10
Technetium-97m	100
Technetium-97	100
Technetium-99m	100
Technetium-99	10
Tellurium-125m	10
Tellurium-127m	10

TABLE 338.1	
Radioactive Material	Microcuries ¹
Tellurium-127	100
Tellurium-129m	10
Tellurium-129	100
Tellurium-131m	10
Tellurium-132	10
Terbium-160	10
Thallium-200	100
Thallium-201	100
Thallium-202	100
Thallium-204	10
Thorium (natural) ²	100
Thulium-170	10
Thulium-171	10
Tin-113	10
Tin-125	10
Tungsten-181	10
Tungsten-185	10
Tungsten-187	100
Uranium (natural) ³	100
Uranium-233	0.01
Uranium-234	0.01
Uranium-235	0.01
Vanadium-48	10
Xenon-131m	1,000
Xenon-133	100
Xenon-135	100
Ytterbium-175	100
Yttrium-90	10
Yttrium-91	10
Yttrium-92	100
Yttrium-93	100
Zinc-65	10
Zinc-69m	100
Zinc-69	1,000
Zirconium-93	10
Zirconium-95	10
Zirconium-97	10
Any alpha emitting radionuclide not listed above or mixtures of alpha emitters of unknown composition	0.01
Any radionuclide other than alpha emitting radionuclides, not listed above or mixtures of beta emitters of unknown composition	0.1

1 **Table 338.1 notes:**

2 ¹ to convert microcurie to kilobecquerels, multiply the microcurie value by 37;

3 ² based on alpha disintegration rate of Th-232, Th-230 and their daughter products;

4 ³ based on alpha disintegration rate of U-238, U-234 and U-235.

5 **B. Note.** Where a combination of isotopes in known amounts is involved, the limit for the
6 combination shall be derived as follows: determine, for each isotope in the combination, the ratio between the
7 quantity present in the combination and the limit otherwise established for the specific isotope when not in

1 combination. The sum of such ratios for all the isotopes in the combination may not exceed "1" (i.e. "unity").
2 [20.3.3.338 NMAC - Rp, 20.3.4.465 NMAC, 4/30/2009]

3
4 **HISTORY OF 20.3.3 NMAC:**

5 **Pre-NMAC History:** The material in this part was derived from that previously filed as follows:

6 EIB 73-2, Regulations for Governing the Health and Environmental Aspects of Radiation filed on 7/9/1973;

7 EIB 73-2, Amendment 1, Regulations for Governing the Health and Environmental Aspects of Radiation filed on
8 4/17/1978;

9 EIB RPR-1, Radiation Protection Regulations filed on 4/21/1980;

10 EIB RPR-1, Amendment 1, Radiation Protection Regulations filed on 10/13/1981;

11 EIB RPR-1, Amendment 2, Radiation Protection Regulations filed on 12/15/1982; and

12 EIB RPR-1, Radiation Protection Regulations filed on 3/10/1989.

13
14 **History of Repealed Material:**

15 20.3.3 NMAC, Licensing of Radioactive Material (filed 03/15/2004) repealed 4/30/2009.

16
17 **Other History:** EIB RPR 1, Radiation Protection Regulations (filed 3/10/1989) renumbered and reformatted to 20
18 NMAC 3.1; Radioactive Materials and Radiation Machines, effective 5/3/1995;

19 20 NMAC 3.1; Radioactive Materials and Radiation Machines (filed 4/3/1995) internally renumbered, reformatted
20 and replaced by 20 NMAC 3.1, Radioactive Materials and Radiation Machines, effective 7/30/1999.

21 20 NMAC 3.1.Subpart 3, Licensing of Radioactive Material (filed 6/17/1999), reformatted, amended and replaced
22 by 20.3.3 NMAC, Licensing of Radioactive Material, effective 4/15/2004.

23 20.3.3 NMAC, Licensing of Radioactive Material (filed 3/15/2004) replaced by 20.3.3 NMAC, Licensing of
24 Radioactive Material, effective 4/30/2009.

1 **TITLE 20 ENVIRONMENTAL PROTECTION**
2 **CHAPTER 3 RADIATION PROTECTION**
3 **PART 4 STANDARDS FOR PROTECTION AGAINST RADIATION**
4

5 **20.3.4.1 ISSUING AGENCY:** Environmental Improvement Board.
6 [20.3.4.1 NMAC - Rp, 20.3.4.1 NMAC, 4/30/2009]
7

8 **20.3.4.2 SCOPE:** Except as specifically provided in other parts of this chapter, this part applies to persons
9 licensed or registered by the department to receive, possess, use, transfer or dispose of sources of radiation. The
10 limits in this part do not apply to doses due to background radiation, to exposure of patients to radiation for the
11 purpose of medical diagnosis or therapy, to exposure from individuals administered radioactive material and
12 released under Subsection I of 20.3.7.703 NMAC or to exposure from voluntary participation in medical research
13 programs.
14 [20.3.4.2 NMAC - Rp, 20.3.4.1 NMAC, 4/30/2009]
15

16 **20.3.4.3 STATUTORY AUTHORITY:** Sections 74-1-9, 74-3-5 and 74-3-9 NMSA 1978.
17 [20.3.4.3 NMAC - Rp, 20.3.4.3 NMAC, 4/30/2009]
18

19 **20.3.4.4 DURATION:** Permanent.
20 [20.3.4.4 NMAC - Rp, 20.3.4.4 NMAC, 4/30/2009]
21

22 **20.3.4.5 EFFECTIVE DATE:** April 30, 2009, unless a later date is cited at the end of a section.
23 [20.3.4.5 NMAC - Rp, 20.3.4.5 NMAC, 4/30/2009]
24

25 **20.3.4.6 OBJECTIVE:**

26 **A.** The requirements of this part establish standards for protection against ionizing radiation resulting
27 from activities conducted pursuant to licenses or registrations issued by the department.

28 **B.** The requirements of this part are designed to control the receipt, possession, use, transfer and
29 disposal of sources of radiation by any licensee or registrant so the total dose to an individual, other than background
30 radiation, does not exceed the standards for protection against radiation prescribed in this part. However, nothing in
31 this part shall be construed as limiting actions that may be necessary to protect public health and safety.
32 [20.3.4.6 NMAC - Rp, 20.3.4.6 NMAC, 4/30/2009]
33

34 **20.3.4.7 DEFINITIONS:**

35 **A.** **“Absorbed dose”** means the energy imparted by ionizing radiation per unit mass of irradiated
36 material. The units of absorbed dose are the gray (Gy) and the rad.

37 **B.** **“Activity”** means the rate of disintegration or transformation or decay of radioactive material.
38 The units of activity are the becquerel (Bq) and the curie (Ci).

39 **C.** **“Adult”** means an individual 18 or more years of age.

40 **D.** **“Airborne radioactive material”** means any radioactive material dispersed in the air in the form
41 of dusts, fumes, particulates, mists, vapors or gases.

42 **E.** **“Airborne radioactivity area”** means a room, enclosure or area in which airborne radioactive
43 materials exist in concentrations:

44 **(1)** in excess of the derived air concentrations (DAC) specified in table I of 20.3.4.461
45 NMAC; or

46 **(2)** to such a degree that an individual in the area without respiratory protective equipment
47 could exceed, during the hours an individual is present in a week, an intake of 0.6 percent of the annual limit on
48 intake (ALI) or 12 DAC-hours.

49 **F.** **“Air-purifying respirator”** means a respirator with an air-purifying filter, cartridge or canister
50 that removes specific air contaminants by passing ambient air through the air-purifying element.

51 **G.** **“ALARA”** (acronym for “as low as is reasonably achievable”) means making every reasonable
52 effort to maintain exposures to radiation as far below the dose limits in these regulations as is practical, consistent
53 with the purpose for which the licensed or registered activity is undertaken, taking into account the state of
54 technology, the economics of improvements in relation to state of technology, the economics of improvements in
55 relation to benefits to the public health and safety and other societal and socioeconomic considerations, and in
56 relation to utilization of nuclear energy and licensed or registered sources of radiation in the public interest.

1 **H.** **“ALI”** (annual limit on intake) means the derived limit for the amount of radioactive material
2 taken into the body of an adult worker by inhalation or ingestion in a year. ALI is the smaller value of intake of a
3 given radionuclide in a year by the reference man that would result in a committed effective dose equivalent of 5
4 rems (0.05 sievert) or a committed dose equivalent of 50 rems (0.5 sievert) to any individual organ or tissue. ALI
5 values for intake by ingestion and by inhalation of selected radionuclides are given in columns 1 and 2 of table I of
6 20.3.4.461 NMAC.

7 **I.** **“APF”** (assigned protection factor) means the expected workplace level of respiratory protection
8 that would be provided by a properly functioning respirator or a class of respirators to properly fitted and trained
9 users. Operationally, the inhaled concentration can be estimated by dividing the ambient airborne concentration by
10 the APF.

11 **J.** **“Atmosphere-supplying respirator”** means a respirator that supplies the respirator user with
12 breathing air from a source independent of the ambient atmosphere, and includes supplied-air respirators (SARs)
13 and self-contained breathing apparatus (SCBA) units.

14 **K.** **“Background radiation”** means radiation from cosmic sources; naturally occurring radioactive
15 material as it occurs in nature, including radon (except as a decay product of source or special nuclear material); and
16 global fallout as it exists in the environment from the testing of nuclear explosive devices or from past nuclear
17 accidents such as Chernobyl that contribute to background radiation and are not under the control of the licensee.
18 *Background radiation* does not include radiation from radioactive material regulated by the department or NRC.

19 **L.** **“Bioassay”** (radiobioassay) means the determination of kinds, quantities or concentrations, and, in
20 some cases, the locations of radioactive material in the human body, whether by direct measurement (in vivo
21 counting) or by analysis and evaluation of materials excreted or removed from the human body.

22 **M.** **“Class”** (lung class or inhalation class) means a classification scheme for inhaled material
23 according to its rate of clearance from the pulmonary region of the lung. Materials are classified as D, W or Y,
24 which applies to a range of clearance half-times: for class D (days) of less than 10 days, for class W (weeks) from
25 10 to 100 days, and for class Y (years) of greater than 100 days.

26 **N.** **“Collective dose”** means the sum of the individual doses received in a given period of time by a
27 specified population from exposure to a specified source of radiation.

28 **O.** **“Committed dose equivalent”** ($H_{T,50}$) means the dose equivalent to organs or tissues of reference
29 (T) that will be received from an intake of radioactive material by an individual during the 50-year period following
30 the intake.

31 **P.** **“Committed effective dose equivalent”** ($H_{E,50}$) is the sum of the products of the weighting
32 factors applicable to each of the body organs or tissues that are irradiated and the committed dose equivalent to each
33 of these organs or tissues ($H_{E,50} = \{\text{sum over T}\} w_T H_{T,50}$).

34 **Q.** **“Constraint”** (dose constraint) means a value above which specified licensee actions are required.

35 **R.** **“Controlled area”** means an area, outside of a restricted area but inside the site boundary, access
36 to which can be limited by the licensee for any reason.

37 **S.** **“Critical Group”** means the group of individuals reasonably expected to receive the greatest
38 exposure to residual radioactivity for any applicable set of circumstances.

39 **T.** **“DAC”** means the derived air concentration.

40 **U.** **“DAC-hour”** means the derived air concentration - hour.

41 **V.** **“Declared pregnant woman”** means a woman who has voluntarily informed the licensee, in
42 writing, of her pregnancy and the estimated date of conception. The declaration remains in effect until the declared
43 pregnant woman withdraws the declaration in writing or is no longer pregnant.

44 **W.** **“Deep dose equivalent”** (H_d), which applies to external whole body exposure, means the dose
45 equivalent at a tissue depth of 1 centimeter (1000 mg/cm²).

46 **X.** **“Demand respirator”** means an atmosphere-supplying respirator that admits breathing air to the
47 facepiece only when a negative pressure is created inside the facepiece by inhalation.

48 **Y.** **“Derived air concentration”** (DAC) means the concentration of a given radionuclide in air
49 which, if breathed by reference man for a working year of 2,000 hours under conditions of light work, results in an
50 intake of one ALI. For purposes of these regulations, the condition of light work is an inhalation rate of 1.2 cubic
51 meters of air per hour for 2,000 hours in a year. DAC values are given in column 3 of table I of 20.3.4.461 NMAC.

52 **Z.** **“Derived air concentration-hour”** (DAC-hour) means the product of the concentration of
53 radioactive material in air, expressed as a fraction or multiple of the derived air concentration for each radionuclide,
54 and the time of exposure to that radionuclide, in hours. A licensee or registrant may take 2,000 DAC-hours to
55 represent one ALI, equivalent to a committed effective dose equivalent of 5 rems (0.05 sievert).

1 **AA. “Disposable respirator”** means a respirator for which maintenance is not intended and that is
2 designed to be discarded after excessive breathing resistance, sorbent exhaustion, physical damage or end-of-
3 service-life renders it unsuitable for use. Examples of this type of respirator are a disposable half-mask respirator or
4 a disposable escape-only self-contained breathing apparatus (SCBA).

5 **AB. “Distinguishable from background”** means that the detectable concentration of a radionuclide is
6 statistically different from the background concentration of that radionuclide in the vicinity of the site or, in the case
7 of structures, in similar materials using adequate measurement technology, survey and statistical techniques.

8 **AC. “Dose”** (radiation dose) is a generic term that means absorbed dose, dose equivalent, effective
9 dose equivalent, committed dose equivalent, committed effective dose equivalent, total organ dose equivalent or
10 total effective dose equivalent.

11 **AD. “Dose equivalent”** (H_T) means the product of the absorbed dose in tissue, quality factor and all
12 other necessary modifying factors at the location of interest. The units of dose equivalent are the sievert (Sv) and
13 rem.

14 **AE. “Dose limits”** (limits) means the permissible upper bounds of radiation doses established in
15 accordance with these regulations.

16 **AF. “Dosimetry processor”** means an individual or an organization that processes and evaluates
17 individual monitoring devices in order to determine the radiation dose delivered to the monitoring devices.

18 **AG. “Effective dose equivalent”** (H_E) means the sum of the products of the dose equivalent to each
19 organ or tissue (H_T), and the weighting factor (w_T) applicable to each of the body organs or tissues (T) that are
20 irradiated ($H_E = \{\text{sum over T}\} w_T H_T$).

21 **AH. “Embryo/fetus”** means the developing human organism from conception until the time of birth.

22 **AI. “Entrance or access point”** means any opening through which an individual could gain access to
23 radiation areas or to radioactive materials. This includes entry or exit portals of sufficient size to permit human
24 entry, irrespective of their intended use.

25 **AJ. “Exposure”** means being exposed to ionizing radiation or to radioactive material. Exposure also
26 means the quotient of dQ divided by dm where “ dQ ” is the absolute value of the total charge of the ions of one sign
27 produced in air when all the electrons (negatrons and positrons) liberated by photons in a volume element of air
28 having mass “ dm ” are completely stopped by air. The special unit of exposure is the roentgen (R). The SI unit of
29 exposure is the coulomb per kilogram (C/kg) (see 20.3.4.8 NMAC).

30 **AK. “Exposure rate”** means the exposure per unit of time, such as roentgen per minute and
31 milliroentgen per hour.

32 **AL. “External dose”** means that portion of the dose equivalent received from any source of radiation
33 outside the body.

34 **AM. “Extremity”** means hand, elbow, arm below the elbow, foot, knee and leg below the knee.

35 **AN. “Eye dose equivalent”** means the external dose equivalent to the lens of the eye at a tissue depth
36 of 0.3 centimeter (300 mg/cm^2).

37 **AO. “Filtering facepiece”** (dust mask) means a negative pressure particulate respirator with a filter as
38 an integral part of the facepiece or with the entire facepiece composed of the filtering medium, not equipped with
39 elastomeric sealing surfaces and adjustable straps.

40 **AP. “Fit factor”** means a quantitative estimate of the fit of a particular respirator to a specific
41 individual and typically estimates the ratio of the concentration of a substance in ambient air to its concentration
42 inside the respirator when worn.

43 **AQ. “Fit test”** means the use of a protocol to qualitatively or quantitatively evaluate the fit of a
44 respirator on an individual.

45 **AR. “Generally applicable environmental radiation standards”** means standards issued by the EPA
46 under the authority of the Atomic Energy Act that impose limits on radiation exposures or levels, and concentrations
47 or quantities of radioactive material in the general environment outside the boundaries of locations under the control
48 of persons possessing or using radioactive material.

49 **AS. “Gray”** (Gy) means the SI unit of absorbed dose. One gray is equal to an absorbed dose of 1
50 joule per kilogram (1 gray=100 rads).

51 **AT. “Helmet”** means a rigid respiratory inlet covering that also provides head protection against
52 impact and penetration.

53 **AU. “High radiation area”** means an area, accessible to individuals, in which radiation levels from
54 radiation sources external to the body could result in an individual receiving a dose equivalent in excess of 0.1 rem
55 (1 millisievert) in 1 hour at 30 centimeters from the radiation source or 30 centimeters from any surface that the
56 radiation penetrates.

1 **AV. "Hood"** means a respiratory inlet covering that completely covers the head and neck and may also
2 cover portions of the shoulders and torso.

3 **AW. "Individual monitoring"** means the assessment of:

4 (1) dose equivalent by the use of individual monitoring devices designed to be worn by an
5 individual; or

6 (2) committed effective dose equivalent by bioassay or by determination of the time-
7 weighted air concentrations to which an individual has been exposed, that is, DAC-hours; or

8 (3) dose equivalent by the use of survey data.

9 **AX. "Individual monitoring devices"** (individual monitoring equipment) means devices designed to
10 be worn by a single individual for the assessment of dose equivalent, such as film badges, thermoluminescence
11 dosimeters (TLDs), pocket ionization chambers and personal ("lapel") air sampling devices.

12 **AY. "Inhalation class"** (see "class").

13 **AZ. "Internal dose"** means that portion of the dose equivalent received from radioactive material
14 taken into the body.

15 **BA. "Lens dose equivalent"** (LDE) applies to the external exposure of the lens of the eye and is taken
16 as the dose equivalent at a tissue depth of 0.3 centimeter (300 mg/cm²).

17 **BB. "Limits"** (see "dose limits").

18 **BC. "Loose-fitting facepiece"** means a respiratory inlet covering that is designed to form a partial seal
19 with the face.

20 **BD. "Lung class"** (see "class").

21 **BE. "Member of the public"** means any individual except when that individual is receiving an
22 occupational dose.

23 **BF. "Minor"** means an individual less than 18 years of age.

24 **BG. "Monitoring"** (radiation monitoring, radiation protection monitoring) means the measurement of
25 radiation, radioactive material concentrations, surface area activities or quantities or radioactive material and the use
26 of the results of these measurements to evaluate potential exposures and doses.

27 **BH. "Negative pressure respirator"** (tight fitting) means a respirator in which the air pressure inside
28 the facepiece is negative during inhalation with respect to the ambient air pressure outside the respirator.

29 **BI. "Nationally tracked source"** is a sealed source containing a quantity equal to or greater than
30 category 1 or category 2 levels of any radioactive material listed in 20.3.4.467 NMAC. In this context a sealed
31 source is defined as radioactive material that is sealed in a capsule or closely bonded, in a solid form and which is
32 not exempt from regulatory control. It does not mean material encapsulated solely for disposal, or nuclear material
33 contained in any fuel assembly, subassembly, fuel rod or fuel pellet. Category 1 nationally tracked sources are those
34 containing radioactive material at a quantity equal to or greater than the category 1 threshold. Category 2 nationally
35 tracked sources are those containing radioactive material at a quantity equal to or greater than the category 2
36 threshold but less than the category 1 threshold.

37 **BJ. "Nonstochastic effect"** (deterministic effect) means a health effect, the severity of which varies
38 with the dose and for which a threshold is believed to exist. Radiation-induced cataract formation is an example of a
39 nonstochastic effect.

40 **BK. "Occupational dose"** means the dose received by an individual in the course of employment in
41 which the individual's assigned duties involve exposure to radiation or to radioactive material from licensed and
42 unlicensed sources of radiation, whether in the possession of the licensee, registrant or other person. Occupational
43 dose does not include dose received from background radiation; from any medical administration the individual has
44 received; from exposure to individuals administered radioactive materials and released under Subsection I of
45 20.3.7.703 NMAC; from voluntary participation in medical research programs; or as a member of the public.

46 **BL. "Personnel monitoring equipment"** (see "individual monitoring devices").

47 **BM. "Planned special exposure"** means an infrequent exposure to radiation, separate from and in
48 addition to the annual occupational dose limits.

49 **BN. "Positive pressure respirator"** means a respirator in which the pressure inside the respiratory
50 inlet covering exceeds the ambient air pressure outside the respirator.

51 **BO. "Powered air-purifying respirator"** (PAPR) means an air-purifying respirator that uses a blower
52 to force the ambient air through air-purifying elements to the inlet covering.

53 **BP. "Pressure demand respirator"** means a positive pressure atmosphere-supplying respirator that
54 admits breathing air to the facepiece when the positive pressure is reduced inside the facepiece by inhalation.

55 **BQ. "Public dose"** means the dose received by a member of the public from exposure to radiation or
56 radioactive material released by a licensee or registrant, or to any other sources of radiation under the control of a

1 licensee or registrant. Public dose does not include: occupational dose; dose received from background radiation;
2 dose received from any medical administration the individual has received; dose received from exposure to
3 individuals administered radioactive material and released under Subsection I of 20.3.7.703 NMAC; or dose
4 received from voluntary participation in medical research programs.

5 **BR. "Pyrophoric material"** means any liquid that ignites spontaneously in dry or moist air at or
6 below 130 degrees fahrenheit (54.4 degrees celsius) or any solid material, other than one classed as an explosive,
7 which under normal conditions is liable to cause fires through friction, retained heat from manufacturing or
8 processing, or which can be ignited readily and, when ignited, burns so vigorously and persistently as to create a
9 serious transportation, handling or disposal hazard. Included are spontaneously combustible and water-reactive
10 materials.

11 **BS. "Qualitative fit test" (QLFT)** means a pass or fail fit test to assess the adequacy of respirator fit
12 that relies on the individual's response to the test agent.

13 **BT. "Quality factor" (Q)** means the modifying factor, listed in table 8.1 of Subsection C of 20.3.4.8
14 NMAC and table 8.2 of Subsection D of 20.3.4.8 NMAC, that is used to derive dose equivalent from absorbed dose.

15 **BU. "Quantitative fit test" (QNFT)** means an assessment of the adequacy of respirator fit by
16 numerically measuring the amount of leakage into the respirator.

17 **BV. "Quarter"** means a period of time equal to one-fourth of the year observed by the licensee,
18 approximately 13 consecutive weeks, providing that the beginning of the first quarter in a year coincides with the
19 starting date of the year and that no day is omitted or duplicated in consecutive quarters.

20 **BW. "Radiation area"** means any area, accessible to individuals in which radiation levels could result
21 in an individual receiving a dose equivalent in excess of 0.005 rem (0.05 millisievert) in 1 hour at 30 centimeters
22 from the source of radiation or from any surface that the radiation penetrates.

23 **BX. "Radiation dose"** (see "dose").

24 **BY. "Radiobioassay"** (see "bioassay").

25 **BZ. "Reference man"** means a hypothetical aggregation of human physical and physiological
26 characteristics determined by international consensus. These characteristics may be used by researchers and public
27 health employees to standardize results of experiments and to relate biological insult to a common base. A
28 description of reference man is contained in the international commission on radiological protection report (ICRP),
29 publication 23, *report of the task group on reference man*.

30 **CA. "Residual radioactivity"** means radioactivity in structures, materials, soils, groundwater and
31 other media at a site resulting from activities under the licensee's control. This includes radioactivity from all
32 licensed and unlicensed sources used by the licensee, but excludes background radiation. It also includes
33 radioactive materials remaining at the site as a result of routine or accidental releases of radioactive material at the
34 site and previous burials at the site, even if those burials were made in accordance with the provisions of this part.

35 **CB. "Respiratory protective equipment"** means an apparatus, such as a respirator, used to reduce an
36 individual's intake of airborne radioactive materials.

37 **CC. "Restricted area"** means an area, access to which is limited by the licensee or registrant for
38 purposes of protection of individuals against undue risks from exposure to sources of radiation. Restricted area does
39 not include areas used as residential quarters, but separate rooms in a residential building may be set apart as a
40 restricted area.

41 **CD. "Sanitary sewerage"** means a system of public sewers for carrying off waste water and refuse,
42 but excluding sewage treatment facilities, septic tanks and leach fields owned or operated by the licensee or
43 registrant.

44 **CE. "Self-contained breathing apparatus" (SCBA)** means an atmosphere-supplying respirator for
45 which the breathing air source is designed to be carried by the user.

46 **CF. "Shallow-dose equivalent" (H_s)**, which applies to the external exposure of the skin of the whole
47 body or the skin of an extremity, is taken as the dose equivalent at a tissue depth of 0.007 centimeter (7 mg/cm²).

48 **CG. "SI"** means the international system of units.

49 **CH. "Site boundary"** means that line beyond which the land or property is not owned, leased or
50 otherwise controlled by the licensee or registrant.

51 **CI. "Stochastic effect"** (probabilistic effect) means a health effect that occurs randomly and for which
52 the probability of the effect occurring, rather than its severity, is assumed to be a linear function of dose without
53 threshold. Hereditary effects and cancer incidence are examples of stochastic effects.

54 **CJ. "Supplied-air respirator" (SAR)** or airline respirator means an atmosphere-supplying respirator
55 for which the source of breathing air is not designed to be carried by the user.

- 1 **CK.** “**TEDE**” (total effective dose equivalent) means the sum of the effective dose equivalent for
 2 external exposures and the committed effective dose equivalent for internal exposures.
 3 **CL.** “**Tight-fitting facepiece**” means a respiratory inlet covering that forms a complete seal with the
 4 face.
 5 **CM.** “**TODE**” (total organ dose equivalent) means the sum of the deep dose equivalent and the
 6 committed dose equivalent to the organ receiving the highest dose as described in Paragraph (6) of Subsection A of
 7 20.3.4.446 NMAC.
 8 **CN.** “**Unrestricted area**” means an area, access to which is neither limited nor controlled by the
 9 licensee or registrant.
 10 **CO.** “**User seal check**” (fit check) means an action conducted by the respirator user to determine if the
 11 respirator is properly seated to the face. Examples include negative pressure check, positive pressure check, irritant
 12 smoke check or isoamyl acetate check.
 13 **CP.** “**Very high radiation area**” means an area, accessible to individuals, in which radiation levels
 14 from radiation sources external to the body could result in an individual receiving an absorbed dose in excess of 500
 15 rads (5 grays) in 1 hour at 1 meter from a radiation source or 1 meter from any surface that the radiation penetrates.
 16 **CQ.** “**Waste disposal site operators**” means persons licensed to dispose of radioactive waste.
 17 **CR.** “**Waste handling licensees**” means persons licensed to receive and store radioactive wastes prior
 18 to disposal or persons licensed to dispose of radioactive waste.
 19 **CS.** “**Week**” means 7 consecutive days starting on Sunday.
 20 **CT.** “**Weighting factor**” (w_T) for an organ or tissue (T) means the proportion of the risk of stochastic
 21 effects resulting from irradiation of that organ or tissue to the total risk of stochastic effects when the whole body is
 22 irradiated uniformly. For calculating the effective dose equivalent, the values of w_T are:

Organ or Tissue	w_T
Gonads	0.25
Breast	0.15
Red bone marrow	0.12
Lung	0.12
Thyroid	0.03
Bone surfaces	0.03
Remainder	0.30 ¹
Whole Body	1.00 ²

23 **table 7.1 notes:**

24 ¹ 0.30 results from 0.06 for each of 5 “remainder” organs, excluding the skin and the lens of the eye, that receive the
 25 highest doses.

26 ² for the purpose of weighting the external whole body dose, for adding it to the internal dose, a single weighting
 27 factor, $w_T = 1.0$, has been specified. The use of other weighting factors for external exposure will be approved on a
 28 case-by-case basis until such time as specific guidance is issued.

29 **CU.** “**Whole body**” means, for purpose of external exposure, head, trunk including male gonads, arms
 30 above the elbow or legs above the knee.

31 **CV.** “**Worker**” means an individual engaged in work under a license or registration issued by the
 32 department and controlled by a licensee or registrant, but does not include the licensee or registrant.

33 **CW.** “**Working level**” (WL) means any combination of short-lived radon daughters in 1 liter of air that
 34 will result in the ultimate emission of 1.3E+5 megaelectronvolts of potential alpha particle energy. The short-lived
 35 radon daughters are for radon-222: polonium-218, lead-214, bismuth-214 and polonium-214; and for radon-220:
 36 polonium-216, lead-212, bismuth-212 and polonium-212.

37 **CX.** “**Working level month**” (WLM) means exposure to 1 working level for 170 hours (2,000
 38 working hours per year divided by 12 months per year is approximately equal to 170 hours per month).

39 **CY.** “**Year**” means the period of time beginning in January used to determine compliance with the
 40 provisions of these regulations. The licensee or registrant may change the starting date of the year used to determine

1 compliance by the licensee or registrant provided that the change is made at the beginning of the year and that no
 2 day is omitted or duplicated in consecutive years.
 3 [20.3.4.7 NMAC - Rp, 20.3.4.7 NMAC, 4/30/2009; A, 6/30/2011]

4
 5 **20.3.4.8 UNITS OF EXPOSURE AND DOSE:**

6 **A.** As used in these regulations, the unit of exposure is the coulomb per kilogram (C/kg) of air. One
 7 roentgen is equal to 2.58E-4 coulomb per kilogram of air.

8 **B.** As used in these regulations, the units of dose are:

9 (1) gray (Gy) is the SI unit of absorbed dose; one gray is equal to an absorbed dose of 1 joule
 10 per kilogram (1 gray = 100 rads);

11 (2) rad is the special unit of absorbed dose; one rad is equal to an absorbed dose of 100 erg
 12 per gram or 0.01 joule per kilogram (1 rad = 0.01 gray);

13 (3) rem is the special unit of any of the quantities expressed as dose equivalent; the dose
 14 equivalent in rem is equal to the absorbed dose in rad multiplied by the quality factor (1 rem = 0.01 sievert); and

15 (4) sievert is the SI unit of any of the quantities expressed as dose equivalent; the dose
 16 equivalent in sievert is equal to the absorbed dose in gray multiplied by the quality factor (1 sievert = 100 rems).

17 **C.** As used in these regulations, the quality factors for converting absorbed dose to dose equivalent
 18 are shown in table 8.1.

TABLE 8.1 QUALITY FACTORS AND ABSORBED DOSE EQUIVALENCIES		
Type of Radiation	Quality Factor (Q)	Absorbed Dose Equal to A Unit Dose Equivalent ¹
X, gamma, or beta radiation and high-speed electrons	1	1
Alpha particles, multiple-charged particles, fission fragments and heavy particles of unknown charge	20	0.05
Neutrons of unknown energy	10	0.1
High-energy protons	10	0.1

19 **Table 8.1 note:** ¹absorbed dose in gray equal to 1 sievert or the absorbed dose in rad equal to 1 rem.

20
 21 **D.** If it is more convenient to measure the neutron fluence rate than to determine the neutron dose
 22 equivalent rate in sievert per hour or rem per hour, as provided in Subsection C of this section, 0.01 sievert (1 rem)
 23 of neutron radiation of unknown energies may, for purposes of these regulations, be assumed to result from a total
 24 fluence of 25 million neutrons per square centimeter incident upon the body. If sufficient information exists to
 25 estimate the approximate energy distribution of the neutrons, the licensee or registrant may use the fluence rate per
 26 unit dose equivalent or the appropriate Q value from table 8.2 to convert a measured tissue dose in gray or rad to
 27 dose equivalent in sievert or rem (Note: The values in table 8.2 are presented in the “E” notation. In this notation a
 28 value of 5E-1 represents a value of 5x10⁻¹ or 0.5. A value of 4E+2 represents 4x10² or 400.)

TABLE 8.2 MEAN QUALITY FACTORS, Q, AND FLUENCE PER UNIT DOSE EQUIVALENT FOR MONOENERGETIC NEUTRONS			
Neutron Energy (megaelectronvolt)	Quality Factor ¹ (Q)	Fluence per Unit Dose Equivalent ² (neutrons centimeter ⁻² rem ⁻¹)	Fluence per Unit Dose Equivalent (neutrons centimeter ⁻² sievert ¹)
(thermal) 2.5E-8	2	980E+6	980E+8
1E-7	2	980E+6	980E+8
1E-6	2	810E+6	810E+8
1E-5	2	810E+6	810E+8
1E-4	2	840E+6	840E+8

TABLE 8.2 MEAN QUALITY FACTORS, Q, AND FLUENCE PER UNIT DOSE EQUIVALENT FOR MONOENERGETIC NEUTRONS			
Neutron Energy (megaelectronvolt)	Quality Factor ¹ (Q)	Fluence per Unit Dose Equivalent ² (neutrons centimeter ⁻² rem ⁻¹)	Fluence per Unit Dose Equivalent (neutrons centimeter ⁻² sievert ¹)
1E-3	2	980E+6	980E+8
1E-2	2.5	1010E+6	1010E+8
1E-1	7.5	170E+6	170E+8
5E-1	11	39E+6	39E+8
1	11	27E+6	27E+8
2.5	9	29E+6	29E+8
5	8	23E+6	23E+8
7	7	24E+6	24E+8
10	6.5	24E+6	24E+8
14	7.5	17E+6	17E+8
20	8	16E+6	16E+8
40	7	14E+6	14E+8
60	5.5	16E+6	16E+8
1E+2	4	20E+6	20E+8
2E+2	3.5	19E+6	19E+8
3E+2	3.5	16E+6	16E+8
4E+2	3.5	14E+6	14E+8

Table 8.2 notes:

¹ value of quality factor (Q) at the point where the dose equivalent is maximum in a 30-centimeter diameter cylinder tissue-equivalent phantom;

² monoenergetic neutrons incident normally on a 30-centimeter diameter cylinder tissue-equivalent phantom.
[20.3.4.8 NMAC - Rp, 20.3.1.117 NMAC, 4/30/2009]

20.3.4.9 UNITS OF ACTIVITY: For purposes of these regulations, activity is expressed in the SI unit of becquerel (Bq) or in the special unit of curie (Ci), or their multiples, or disintegrations or transformations per unit of time.

A. One becquerel (Bq) = 1 disintegration or transformation per second (dps or tps).

B. One curie (Ci) = 3.7×10^{10} disintegration or transformation per second (dps or tps) = 3.7×10^{10} becquerel (Bq) = 2.22×10^{12} disintegration or transformation per minute (dpm or tpm).
[20.3.4.9 NMAC - Rp, 20.3.1.7 NMAC 4/30/2009]

20.3.4.10 through 20.3.4.402 [RESERVED]

20.3.4.403 IMPLEMENTATION:

A. Any existing license or registration condition or technical specification that is more restrictive than a requirement in this part remains in force until there is a technical specification change, license amendment or renewal, or registration amendment or renewal.

B. If a license or registration condition or technical specification exempted a licensee or registrant from a requirement in the standards for protection against radiation in effect prior to May 3, 1995 (see 20.3.4 NMAC codified as of May 3, 1995), it continues to exempt the licensee or registrant from the corresponding provision of this part.

C. If a license or registration condition cites provisions of this part in effect prior to the effective date of the regulations in this part, which do not correspond to any current provisions of this part, then the license or registration condition remains in force until there is a technical specification change, an amendment or renewal of the license or registration that modifies or removes that condition.

1 [20.3.4.403 NMAC - Rp, 20.3.4.403 NMAC, 4/30/2009]

2
3 **20.3.4.404 RADIATION PROTECTION PROGRAMS:**

4 **A.** Each licensee or registrant shall develop, document and implement a radiation protection program
5 commensurate with the scope and extent of licensed or registered activities and sufficient to ensure compliance with
6 the provisions of this part (see 20.3.4.441 NMAC for recordkeeping requirements related to these programs.)

7 **B.** The licensee or registrant shall use, to the extent practical, procedures and engineering controls
8 based upon sound radiation protection principles to achieve occupational doses and doses to members of the public
9 that are ALARA.

10 **C.** The licensee or registrant shall, at intervals not to exceed 12 months, review the radiation
11 protection program content and implementation.

12 **D.** To implement the ALARA requirements of Subsection B of this section, and notwithstanding the
13 requirements in 20.3.4.413 NMAC, a constraint on air emissions of radioactive material to the environment,
14 excluding Radon-222 and its daughters, shall be established by licensees such that the individual member of the
15 public likely to receive the highest dose will not be expected to receive a total effective dose equivalent in excess of
16 10 millirems (0.1 millisievert) per year from these emissions. If a licensee subject to this requirement exceeds this
17 dose constraint, the licensee shall report the exceedance as provided in 20.3.4.453 NMAC and promptly take
18 appropriate corrective action to ensure against recurrence.

19 [20.3.4.404 NMAC - Rp, 20.3.4.404 NMAC, 4/30/2009]

20
21 **20.3.4.405 OCCUPATIONAL DOSE LIMITS FOR ADULTS:**

22 **A. Annual limits.** The licensee or registrant shall control the occupational dose to individual adults,
23 except for planned special exposures pursuant to 20.3.4.410 NMAC, to the following dose limits:

- 24 (1) an annual limit, which is the more limiting of:
25 (a) the total effective dose equivalent being equal to 5 rems (0.05 sievert); or
26 (b) the sum of the deep dose equivalent and the committed dose equivalent to any
27 individual organ or tissue other than the lens of the eye being equal to 50 rems (0.5 sievert); and
28 (2) the annual limits to the lens of the eye, to the skin of the whole body, and to the skin of
29 extremities which are:
30 (a) a lens dose equivalent of 15 rems (0.15 sievert); and
31 (b) a shallow dose equivalent of 50 rems (0.5 sievert) to the skin of the whole body
32 or to the skin of any extremity.

33 **B.** Doses received in excess of the annual limits, including doses received during accidents,
34 emergencies and planned special exposures, shall be subtracted from the limits for planned special exposures that
35 the individual may receive during the current year and during the individual's lifetime (see Subsection E of
36 20.3.4.410 NMAC).

37 **C. Determining, assessing and assigning dose equivalent.**

38 (1) When the external exposure is determined by measurement with an external personal
39 monitoring device, the deep dose equivalent must be used in place of the effective dose equivalent, unless the
40 effective dose equivalent is determined by a dosimetry method approved by the department. The assigned shallow-
41 dose equivalent must be the dose averaged over the contiguous 10 square centimeters of skin receiving the highest
42 exposure. The deep-dose equivalent, lens dose equivalent and shallow-dose equivalent may be assessed from
43 surveys or other radiation measurements for the purpose of demonstrating compliance with the occupational dose
44 limits, if the individual monitoring device was not in the region of highest potential exposure, or the results of
45 individual monitoring are unavailable.

46 (2) **Working with fluoroscopic equipment.** When a protective apron is worn while
47 working with medical fluoroscopic equipment and monitoring is conducted as specified in Paragraph (5) of
48 Subsection A of 20.3.4.417 NMAC, the effective dose equivalent for external radiation shall be determined as
49 follows:

50 (a) when only one individual monitoring device is used and it is located at the neck
51 outside the protective apron, the reported deep dose equivalent shall be the effective dose equivalent for external
52 radiation; or

53 (b) when only one individual monitoring device is used and it is located at the neck
54 outside the protective apron, and the reported dose exceeds 25 percent of the limit specified in Subsection A of this
55 section, the reported deep dose equivalent value multiplied by 0.3 shall be the effective dose equivalent for external
56 radiation; or

1 (c) when individual monitoring devices are worn, both under the protective apron at
2 the waist and outside the protective apron at the neck, the effective dose equivalent for external radiation shall be
3 assigned the value of the sum of the deep dose equivalent reported for the individual monitoring device located at
4 the waist under the protective apron multiplied by 1.5 and the deep dose equivalent reported for the individual
5 monitoring device located at the neck outside the protective apron multiplied by 0.04.

6 **D. DAC and ALI.** Derived air concentration (DAC) and annual limit on intake (ALI) values are
7 specified in table I of 20.3.4.461 NMAC, and may be used to determine the individual's dose and to demonstrate
8 compliance with the occupational dose limits.

9 **E. Uranium limits.** Notwithstanding the annual dose limits, the licensee shall limit the soluble
10 uranium intake by an individual to 10 milligrams in a week in consideration of chemical toxicity (see table note 3 of
11 20.3.4.461 NMAC.)

12 **F. Prior dose.** The licensee or registrant shall reduce the dose that an individual may be allowed to
13 receive in the current year by the amount of occupational dose received while employed by any other person during
14 the current year (see 20.3.4.409 NMAC).

15 [20.3.4.405 NMAC - Rp, 20.3.4.405 NMAC, 4/30/2009; A, 6/30/2011]

16
17 **20.3.4.406 COMPLIANCE WITH REQUIREMENTS FOR SUMMATION OF EXTERNAL AND**
18 **INTERNAL DOSES:**

19 **A.** If the licensee or registrant is required to monitor pursuant to both Subsections A and B of
20 20.3.4.417 NMAC, the licensee or registrant shall demonstrate compliance with the dose limits by summing external
21 and internal doses. If the licensee or registrant is required to monitor only pursuant to either Subsection A or
22 Subsection B of 20.3.4.417 NMAC, then summation is not required to demonstrate compliance with the dose limits.
23 The licensee or registrant may demonstrate compliance with the requirements for summation of external and internal
24 doses pursuant to Subsections B, C and D of this section. The dose equivalents for the lens of the eye, the skin and
25 the extremities are not included in the summation, but are subject to separate limits.

26 **B. Intake by Inhalation.** If the only intake of radionuclides is by inhalation, the total effective dose
27 equivalent limit is not exceeded if the sum of the deep dose equivalent divided by the total effective dose equivalent
28 limit, and one of the following, does not exceed unity:

- 29 (1) the sum of the fractions of the inhalation ALI for each radionuclide; or
30 (2) the total number of derived air concentration-hours (DAC-hours) for all radionuclides
31 divided by 2,000; or
32 (3) the sum of the calculated committed effective dose equivalents to all significantly
33 irradiated organs or tissues (T) calculated from bioassay data using appropriate biological models and expressed as a
34 fraction of the annual limit; for purposes of this requirement, an organ or tissue is deemed to be significantly
35 irradiated if, for that organ or tissue, the product of the weighting factors, w_T , and the committed dose equivalent,
36 $H_{T,50}$, per unit intake is greater than 10 percent of the maximum weighted value of $H_{T,50}$, that is, $w_T H_{T,50}$, per unit
37 intake for any organ or tissue.

38 **C. Intake by Oral Ingestion.** If the occupationally exposed individual receives an intake of
39 radionuclides by oral ingestion greater than 10 percent of the applicable oral ALI, the licensee or registrant shall
40 account for this intake and include it in demonstrating compliance with the limits.

41 **D. Intake through Wounds or Absorption through Skin.** The licensee or registrant shall evaluate
42 and, to the extent practical, account for intakes through wounds or skin absorption. The intake through intact skin
43 has been included in the calculation of DAC for hydrogen-3 and does not need to be evaluated or accounted for
44 pursuant to Subsection D of 20.3.4.406 NMAC.

45 [20.3.4.406 NMAC - Rp, 20.3.4.406 NMAC, 4/30/2009]

46
47 **20.3.4.407 DETERMINATION OF EXTERNAL DOSE FROM AIRBORNE RADIOACTIVE**
48 **MATERIAL:**

49 **A.** Licensees or registrants shall, when determining the dose from airborne radioactive material,
50 include the contribution to the deep dose equivalent, lens dose equivalent and shallow dose equivalent from external
51 exposure to the radioactive cloud (see 20.3.4.461 NMAC, table notes 1 and 2).

52 **B.** Airborne radioactivity measurements and DAC values shall not be used as the primary means to
53 assess the deep dose equivalent when the airborne radioactive material includes radionuclides other than noble gases
54 or if the cloud of airborne radioactive material is not relatively uniform. The determination of the deep dose
55 equivalent to an individual shall be based upon measurements using instruments or individual monitoring devices.

56 [20.3.4.407 NMAC - Rp, 20.3.4.407 NMAC, 4/30/2009]

1 **20.3.4.408 DETERMINATION OF INTERNAL EXPOSURE:**

2 **A.** For purposes of assessing dose used to determine compliance with occupational dose equivalent
3 limits, the licensee or registrant shall, when required pursuant to 20.3.4.417 NMAC, take suitable and timely
4 measurements of:

- 5 (1) concentrations of radioactive materials in air in work areas; or
- 6 (2) quantities of radionuclides in the body; or
- 7 (3) quantities of radionuclides excreted from the body; or
- 8 (4) combinations of these measurements.

9 **B.** Unless respiratory protective equipment is used, as provided in 20.3.4.423 NMAC, or the
10 assessment of intake is based on bioassays, the licensee or registrant shall assume that an individual inhales
11 radioactive material at the airborne concentration in which the individual is present.

12 **C.** When specific information on the physical and biochemical properties of the radionuclides taken
13 into the body or the behavior of the material in an individual is known, the licensee or registrant may:

- 14 (1) use that information to calculate the committed effective dose equivalent, and, if used, the
15 licensee or registrant shall document that information in the individual's record;
- 16 (2) upon prior approval of the department, adjust the DAC or ALI values to reflect the actual
17 physical and chemical characteristics of airborne radioactive material, for example, aerosol size distribution or
18 density; and
- 19 (3) separately assess the contribution of fractional intakes of class D, W or Y compounds of a
20 given radionuclide to the committed effective dose equivalent (see 20.3.4.461 NMAC).

21 **D.** If the licensee or registrant chooses to assess intakes of class Y material using the measurements
22 given in Paragraphs (2) or (3) of Subsection A of this section, the licensee or registrant may delay the recording and
23 reporting of the assessments for periods up to 7 months, unless otherwise required by 20.3.4.452 NMAC or
24 20.3.4.453 NMAC. This delay permits the licensee or registrant to make additional measurements basic to the
25 assessments.

26 **E.** If the identity and concentration of each radionuclide in a mixture are known, the fraction of the
27 DAC applicable to the mixture for use in calculating DAC-hours shall be either:

- 28 (1) the sum of the ratios of the concentration to the appropriate DAC value, that is, D, W or
29 Y, from 20.3.4.461 NMAC for each radionuclide in the mixture; or
- 30 (2) the ratio of the total concentration for all radionuclides in the mixture to the most
31 restrictive DAC value for any radionuclide in the mixture.

32 **F.** If the identity of each radionuclide in a mixture is known, but the concentration of one or more of
33 the radionuclides in the mixture is not known, the DAC for the mixture shall be the most restrictive DAC of any
34 radionuclide in the mixture.

35 **G.** When a mixture of radionuclides in air exists, a licensee or registrant may disregard certain
36 radionuclides in the mixture if:

- 37 (1) the licensee or registrant uses the total activity of the mixture in demonstrating
38 compliance with the dose limits in 20.3.4.405 NMAC and in complying with the monitoring requirements in
39 Subsection B of 20.3.4.417 NMAC; and
- 40 (2) the concentration of any radionuclide disregarded is less than 10 percent of its DAC; and
- 41 (3) the sum of these percentages for all of the radionuclides disregarded in the mixture does
42 not exceed 30 percent.

43 **H.** When determining the committed effective dose equivalent, the following information may be
44 considered:

- 45 (1) in order to calculate the committed effective dose equivalent, the licensee or registrant
46 may assume that the inhalation of one ALI, or an exposure of 2,000 DAC-hours, results in a committed effective
47 dose equivalent of 5 rems (0.05 sievert) for radionuclides that have their ALIs or DACs based on the committed
48 effective dose equivalent;
- 49 (2) for an ALI and the associated DAC determined by the nonstochastic organ dose limit of
50 50 rems (0.5 sievert), the intake of radionuclides that would result in a committed effective dose equivalent of 5
51 rems (0.05 sievert), that is, the stochastic ALI, is listed in parentheses in table I of 20.3.4.461 NMAC; the licensee or
52 registrant may, as a simplifying assumption, use the stochastic ALI to determine committed effective dose
53 equivalent; however, if the licensee or registrant uses the stochastic ALI, the licensee or registrant shall also
54 demonstrate that the limit in Paragraph (2) of Subsection A of 20.3.4.405 NMAC is met.

55 [20.3.4.408 NMAC - Rp, 20.3.4.408 NMAC, 4/30/2009]

56

1 **20.3.4.409 DETERMINATION OF PRIOR OCCUPATIONAL DOSE:**

2 **A.** For each individual who may enter the licensee's or registrant's restricted area and is likely to
3 receive, in a year, an occupational dose requiring monitoring pursuant to 20.3.4.417 NMAC, the licensee or
4 registrant shall determine the occupational radiation dose received during the current year.

5 **B.** Prior to permitting an individual to participate in a planned special exposure, the licensee or
6 registrant shall determine:

7 (1) the internal and external doses from all previous planned special exposures; and

8 (2) all doses in excess of the limits, including doses received during accidents and
9 emergencies, received during the lifetime of the individual.

10 **C.** In complying with the requirements of Subsections A or B of this section, a licensee or registrant
11 may:

12 (1) accept, as a record of the occupational dose that the individual received during the current
13 year, a written signed statement from the individual, or from the individual's most recent employer for work
14 involving radiation exposure, that discloses the nature and the amount of any occupational dose that the individual
15 received during the current year; and

16 (2) accept, as the record of lifetime cumulative radiation dose, a form *cumulative*
17 *occupational dose history* or equivalent, signed by the individual and countersigned by an appropriate official of the
18 most recent employer for work involving radiation exposure, or the individual's current employer, if the individual is
19 not employed by the licensee or registrant; and

20 (3) obtain reports of the individual's dose equivalent from the most recent employer for work
21 involving radiation exposure, or the individual's current employer, if the individual is not employed by the licensee
22 or registrant, by telephone, telegram, facsimile or letter; the licensee or registrant shall request a written verification
23 of the dose data if the authenticity of the transmitted report cannot be established.

24 **D. Recording exposure history.**

25 (1) The licensee or registrant shall record the exposure history of each individual, as required
26 by Subsections A and B of this section, on department form *cumulative occupational dose history*, or other clear and
27 legible record, including all the information required by that form. The form or record shall show each period in
28 which the individual received occupational exposure to radiation or radioactive material and shall be signed by the
29 individual who received the exposure. For each period for which the licensee or registrant obtains reports, the
30 licensee or registrant shall use the dose shown in the report in preparing department form *cumulative occupational*
31 *dose history* or equivalent. For any period in which the licensee or registrant does not obtain a report, the licensee or
32 registrant shall place a notation on department form *cumulative occupational dose history* or equivalent indicating
33 the periods of time for which data are not available.

34 (2) Licensees or registrants are not required to partition historical dose between external dose
35 equivalent(s) and internal committed dose equivalent(s). Further, occupational exposure histories obtained and
36 recorded on department form *cumulative occupational dose history* or equivalent before the effective date of these
37 regulations, might not have included effective dose equivalent, but may be used in the absence of specific
38 information on the intake of radionuclides by the individual.

39 **E.** If the licensee or registrant is unable to obtain a complete record of an individual's current and
40 previously accumulated occupational dose, the licensee or registrant shall assume:

41 (1) in establishing administrative controls pursuant to Subsection F of 20.3.4.405 NMAC for
42 the current year, that the allowable dose limit for the individual is reduced by 1.25 rems (12.5 millisieverts) for each
43 quarter for which records were unavailable and the individual was engaged in activities that could have resulted in
44 occupational radiation exposure; and

45 (2) that the individual is not available for planned special exposures.

46 **F.** The licensee or registrant shall retain the records on department form *cumulative occupational*
47 *dose history* or equivalent until the department terminates each pertinent license or registration requiring this record.
48 The licensee or registrant shall retain records used in preparing department form *cumulative occupational dose*
49 *history* or equivalent for 3 years after the record is made.

50 [20.3.4.409 NMAC - Rp, 20.3.4.409 NMAC, 4/30/2009; A, 6/30/2011]

51
52 **20.3.4.410 PLANNED SPECIAL EXPOSURES:** A licensee or registrant may authorize an adult worker to
53 receive doses in addition to and accounted for separately from the doses received under the limits specified in
54 20.3.4.405 NMAC provided that each of the following conditions is satisfied:

1 **A.** the licensee or registrant authorizes a planned special exposure only in an exceptional situation
2 when alternatives that might avoid the dose estimated to result from the planned special exposure are unavailable or
3 impractical;

4 **B.** the licensee or registrant, and employer if the employer is not the licensee or registrant,
5 specifically authorizes the planned special exposure, in writing, before the exposure occurs;

6 **C.** before a planned special exposure, the licensee or registrant ensures that each individual involved
7 is:

8 (1) informed of the purpose of the planned operation;
9 (2) informed of the estimated doses and associated potential risks and specific radiation
10 levels or other conditions that might be involved in performing the task; and

11 (3) instructed in the measures to be taken to keep the dose ALARA considering other risks
12 that may be present;

13 **D.** prior to permitting an individual to participate in a planned special exposure, the licensee or
14 registrant ascertains prior doses as required by Subsection B of 20.3.4.409 NMAC during the lifetime of the
15 individual for each individual involved;

16 **E.** subject to Subsection B of 20.3.4.405 NMAC, the licensee or registrant shall not authorize a
17 planned special exposure that would cause an individual to receive a dose from all planned special exposures and all
18 doses in excess of the limits to exceed:

19 (1) the numerical values of any of the dose limits in Subsection A of 20.3.4.405 NMAC in
20 any year; and

21 (2) five times the annual dose limits in Subsection A of 20.3.4.405 NMAC during the
22 individual's lifetime;

23 **F.** the licensee or registrant maintains records of the conduct of a planned special exposure in
24 accordance with 20.3.4.445 NMAC and submits a written report in accordance with 20.3.4.454 NMAC;

25 **G.** the licensee or registrant records the best estimate of the dose resulting from the planned special
26 exposure in the individual's record and informs the individual, in writing, of the dose within 30 days from the date
27 of the planned special exposure; the dose from planned special exposures shall not be considered in controlling
28 future occupational dose of the individual pursuant to Subsection A of 20.3.4.405 NMAC but shall be included in
29 evaluations required by Subsections D and E of this section.

30 [20.3.4.410 NMAC - Rp, 20.3.4.410 NMAC, 4/30/2009]

31
32 **20.3.4.411 OCCUPATIONAL DOSE LIMITS FOR MINORS:** The annual occupational dose limits for
33 minors are 10 percent of the annual occupational dose limits specified for adult workers in 20.3.4.405 NMAC.

34 [20.3.4.411 NMAC - Rp, 20.3.4.411 NMAC, 4/30/2009]

35
36 **20.3.4.412 DOSE EQUIVALENT TO AN EMBRYO/FETUS:**

37 **A.** The licensee or registrant shall ensure that the dose equivalent to the embryo/fetus during the
38 entire pregnancy, due to the occupational exposure of a declared pregnant woman, does not exceed 0.5 rem (5
39 millisieverts) (see 20.3.4.446 NMAC for recordkeeping requirements).

40 **B.** The licensee or registrant shall make efforts to avoid substantial variation above a uniform
41 monthly exposure rate to a declared pregnant woman so as to satisfy the limit in Subsection A of this section.

42 **C.** The dose equivalent to the embryo/fetus is the sum of:

43 (1) the dose equivalent to the embryo/fetus resulting from radionuclides in the embryo/fetus
44 and radionuclides in the declared pregnant woman; and

45 (2) the deep dose equivalent that is most representative of the dose to the embryo/fetus from
46 external radiation, that is, in the mother's lower torso region:

47 (a) if multiple measurements have not been made, assignment of the highest deep
48 dose equivalent for the declared pregnant woman shall be the dose to the embryo/fetus, in accordance with
49 Subsection C of 20.3.4.405 NMAC; or

50 (b) if multiple measurements have been made, assignment of the deep dose
51 equivalent for the declared pregnant woman from the individual monitoring device which is most representative of
52 the dose to the embryo/fetus shall be the dose to the embryo/fetus; assignment of the highest deep dose equivalent
53 for the declared pregnant woman to the embryo/fetus is not required unless that dose is also the most representative
54 deep dose equivalent for the region of the embryo/fetus.

55 **D.** If the dose equivalent to the embryo/fetus is found to have exceeded 0.5 rem (5 millisieverts), or is
56 within 0.05 rem (0.5 millisievert) of this dose, by the time the woman declares the pregnancy to the licensee or

1 registrant, the licensee or registrant shall be deemed to be in compliance with Subsection A of this section if the
2 additional dose equivalent to the embryo/fetus does not exceed 0.05 rem (0.5 millisievert) during the remainder of
3 the pregnancy.

4 [20.3.4.412 NMAC - Rp, 20.3.4.412 NMAC, 4/30/2009]

5
6 **20.3.4.413 DOSE LIMITS FOR INDIVIDUAL MEMBERS OF THE PUBLIC:**

7 **A.** Each licensee or registrant shall conduct operations so that:

8 (1) the total effective dose equivalent to individual members of the public from the licensed
9 or registered operation does not exceed 0.1 rem (1 millisievert) in a year, exclusive of the dose contributions from
10 background radiation, from any medical administration the individual has received, from exposure to individuals
11 administered radioactive material and released under Subsection I of 20.3.7.703 NMAC, from voluntary
12 participation in medical research programs, and from the licensee's disposal of radioactive material into sanitary
13 sewerage in accordance with 20.3.4.435 NMAC; and

14 (2) the dose in any unrestricted area from external sources, exclusive of dose contributions
15 from patients administered radioactive material and released under Subsection I of 20.3.7.703 NMAC, does not
16 exceed 0.002 rem (0.02 millisievert) in any one hour.

17 **B.** If the licensee or registrant permits members of the public to have access to controlled areas, the
18 limits for members of the public continue to apply to those individuals.

19 **C.** A licensee, registrant, or an applicant for a license or registration may apply for prior department
20 authorization to operate up to an annual dose limit for an individual member of the public of 0.5 rem (5
21 millisieverts). This application shall include the following information:

22 (1) demonstration of the need for and the expected duration of operations in excess of the
23 limit in Subsection A of this section;

24 (2) the licensee's or registrant's program to assess and control dose within the 0.5 rem (5
25 millisieverts) annual limit;

26 (3) the procedures to be followed to maintain the dose ALARA.

27 **D.** In addition to the requirements of this part, a licensee or registrant subject to the provisions of the
28 EPA's generally applicable environmental radiation standards in 40 CFR 190 shall comply with those standards.

29 **E.** The department may impose additional restrictions on radiation levels in unrestricted areas and on
30 the total quantity of radionuclides that a licensee or registrant may release in effluents in order to restrict the
31 collective dose.

32 **F.** Notwithstanding Paragraph (1) of Subsection A of this section, a licensee may permit visitors to
33 an individual who cannot be released, under Subsection I of 20.3.7.703 NMAC, to receive a radiation dose greater
34 than 0.1 rem (1 millisievert) if:

35 (1) the radiation dose received does not exceed 0.5 rem (5 millisieverts); and

36 (2) the authorized user, as defined in 20.3.7 NMAC, has determined before the visit that it is
37 appropriate.

38 [20.3.4.413 NMAC - Rp, 20.3.4.413 NMAC, 4/30/2009]

39
40 **20.3.4.414 COMPLIANCE WITH DOSE LIMITS FOR INDIVIDUAL MEMBERS OF THE PUBLIC:**

41 **A.** The licensee or registrant shall make or cause to be made surveys of radiation levels in
42 unrestricted and controlled areas and radioactive materials in effluents released to unrestricted and controlled areas
43 to demonstrate compliance with the dose limits in 20.3.4.413 NMAC for individual members of the public.

44 **B.** A licensee or registrant shall show compliance with the annual dose limit in 20.3.4.413 NMAC
45 by:

46 (1) demonstrating by measurement or calculation that the total effective dose equivalent to
47 the individual likely to receive the highest dose from the licensed or registered operation does not exceed the annual
48 dose limit; or

49 (2) demonstrating that:

50 (a) the annual average concentrations of radioactive material released in gaseous
51 and liquid effluents at the boundary of the unrestricted area do not exceed the values specified in table II of
52 20.3.4.461 NMAC; and

53 (b) if an individual were continuously present in an unrestricted area, the dose from
54 external sources would not exceed 0.002 rem (0.02 millisievert) in an hour and 0.05 rem (0.5 millisievert) in a year.

55 **C.** Upon approval from the department, the licensee or registrant may adjust the effluent
56 concentration values in table II of 20.3.4.461 NMAC for members of the public, to take into account the actual

1 physical and chemical characteristics of the effluents, such as, aerosol size distribution, solubility, density,
2 radioactive decay equilibrium and chemical form.
3 [20.3.4.414 NMAC - Rp, 20.3.4.414 NMAC, 4/30/2009]

4
5 **20.3.4.415 TESTING FOR LEAKAGE OR CONTAMINATION OF SEALED SOURCES:**

6 **A.** The licensee in possession of any sealed source shall assure that:

7 (1) each sealed source, except as specified in Subsection B of this section, is tested for
8 leakage or contamination and the test results are received before the sealed source is put into use unless the licensee
9 has a certificate from the transferor indicating that the sealed source was tested within the frequencies specified in
10 Paragraphs (2) and (3) of this subsection, before transfer to the licensee;

11 (2) each sealed source that is not designed to emit alpha particles is tested for leakage or
12 contamination at intervals not to exceed 6 months, or at alternative intervals specified by the source manufacturer
13 and as approved by the department, NRC or an agreement state;

14 (3) each sealed source that is designed to emit alpha particles is tested for leakage or
15 contamination at intervals not to exceed 3 months, or at alternative intervals specified by the source manufacturer
16 and as approved by the department, NRC or an agreement state;

17 (4) for each sealed source that is required to be tested for leakage or contamination, at any
18 other time there is reason to suspect that the sealed source might have been damaged or might be leaking, the
19 licensee shall assure that the sealed source is tested for leakage or contamination before further use;

20 (5) tests for leakage for all sealed sources, except brachytherapy sources manufactured to
21 contain radium, shall be capable of detecting the presence of 0.005 microcuries (185 becquerels) of radioactive
22 material on a test sample; test samples shall be taken from the sealed source or from the surfaces of the container in
23 which the sealed source is stored or mounted on which one might expect contamination to accumulate; for a sealed
24 source contained in a device, test samples are obtained when the source is in the "off" position;

25 (6) the test for leakage for brachytherapy sources manufactured to contain radium shall be
26 capable of detecting an absolute leakage rate of 0.001 microcuries (37 becquerels) of radon-222 in a 24 hour period
27 when the collection efficiency for radon-222 and its daughters has been determined with respect to collection
28 method, volume and time; and

29 (7) tests for contamination from radium daughters shall be taken on the interior surface of
30 brachytherapy source storage containers and shall be capable of detecting the presence of 0.005 microcuries (185
31 becquerels) of a radium daughter which has a half-life greater than 4 days.

32 **B.** A licensee need not perform tests for leakage or contamination on the following sealed sources:

33 (1) sealed sources containing only radioactive material with a half-life of less than 30 days;

34 (2) sealed sources containing only radioactive material as a gas;

35 (3) sealed sources containing 100 microcuries (3.7 megabecquerels) or less of beta or
36 photon-emitting material or 10 microcuries (370 kilobecquerels) or less of alpha-emitting material;

37 (4) sealed sources containing only hydrogen-3;

38 (5) seeds of iridium-192 encased in nylon ribbon; and

39 (6) sealed sources, except teletherapy and brachytherapy sources, which are not being used
40 and identified as in storage; however, the licensee shall test each such sealed source for leakage or contamination
41 and receive the test results before any use or transfer of the source unless it has been tested for leakage or
42 contamination within such frequency as specified in Paragraphs (2) and (3) of Subsection A of this section before
43 the date of use or transfer.

44 **C.** Tests for leakage or contamination from sealed sources shall be performed by persons specifically
45 authorized by the department.

46 **D.** Test results shall be kept in units of becquerel or microcurie and maintained for inspection by the
47 department. Records of test results for sealed sources shall be made pursuant to 20.3.4.443 NMAC.

48 **E.** The following shall be considered evidence that a sealed source is leaking:

49 (1) the presence of 0.005 microcuries (185 becquerels) or more of removable contamination
50 on any test sample;

51 (2) leakage of 0.001 microcuries (37 becquerels) of radon-222 per 24 hours for
52 brachytherapy sources manufactured to contain radium; and

53 (3) the presence of removable contamination resulting from the decay of 0.005 microcuries
54 (185 becquerels) or more of radium.

1 **F.** The licensee shall immediately withdraw a leaking sealed source from use and shall take action to
2 prevent the spread of contamination. The leaking sealed source shall be repaired or disposed of in accordance with
3 this part.

4 **G.** Reports of test results for leaking or contaminated sealed sources shall be made pursuant to
5 20.3.4.458 NMAC.
6 [20.3.4.415 NMAC - Rp, 20.3.4.415 NMAC, 4/30/2009]

7
8 **20.3.4.416 GENERAL REQUIREMENTS FOR SURVEY AND MONITORING:**

9 **A.** Each licensee or registrant shall make, or cause to be made, surveys of areas, including the
10 subsurface, that:

- 11 (1) may be necessary to demonstrate compliance with this part; and
12 (2) are necessary under the circumstances to evaluate:
13 **(a)** the magnitude and extent of radiation levels;
14 **(b)** concentrations or quantities of radioactive material and residual radioactivity;
15 **(c)** the potential radiological hazards of the radiation levels and residual
16 radioactivity detected; and
17 **(d)** notwithstanding 10 CFR 20 or equivalent state regulations of this part, records
18 from surveys describing the location and amount of subsurface residual radioactivity identified at the site must be
19 kept with records important for decommissioning, and such records must be retained in accordance with the
20 applicable regulations in 10 CFR parts 30, 40, 50, 70, or 72.30 or equivalent state regulations.

21 **B.** The licensee or registrant shall ensure that instruments and equipment used for quantitative
22 radiation measurements (e.g. dose rate and effluent monitoring) are calibrated at intervals not to exceed 12 months,
23 except when a more frequent interval is specified in another applicable part of this chapter or in a license condition.

24 **C.** All personnel dosimeters (except for direct and indirect reading pocket ionization chambers and
25 those dosimeters used to measure the dose to the extremity) that require processing to determine the radiation dose
26 and that are used by licensees and registrants to comply with 20.3.4.405 NMAC, with other applicable provisions of
27 this chapter or with conditions specified in a license or registration shall be processed and evaluated by a dosimetry
28 processor:

- 29 (1) holding current personnel dosimetry accreditation from the national voluntary laboratory
30 accreditation program (NVLAP) of the national institute of standards and technology (NIST); and
31 (2) approved in this accreditation process for the type of radiation or radiations included in
32 the national voluntary laboratory accreditation program (NVLAP) program that most closely approximates the type
33 of radiation or radiations for which the individual wearing the dosimeter is monitored.

34 **D.** The licensee or registrant shall ensure that adequate precautions are taken to prevent a deceptive
35 exposure of an individual monitoring device.
36 [20.3.4.416 NMAC - Rp, 20.3.4.416 NMAC, 4/30/2009; A, 6/13/2017]

37
38 **20.3.4.417 CONDITIONS REQUIRING INDIVIDUAL MONITORING OF EXTERNAL AND**

39 **INTERNAL OCCUPATIONAL DOSE:** Each licensee or registrant shall monitor exposures from sources of
40 radiation at levels sufficient to demonstrate compliance with the occupational dose limits of this part. As a
41 minimum the following requirements shall be met.

42 **A.** Each licensee or registrant shall monitor occupational exposure to radiation from licensed and
43 unlicensed radiation sources under the control of the licensee or registrant and shall supply and require the use of
44 individual monitoring devices by:

- 45 (1) adults likely to receive, in 1 year from sources external to the body, a dose in excess of 10
46 percent of the limits in Subsection A of 20.3.4.405 NMAC;
47 (2) minors likely to receive, in 1 year, from radiation sources external to the body, a deep
48 dose equivalent in excess of 0.1 rem (1 millisievert), a lens dose equivalent in excess of 0.15 rem (1.5 millisieverts),
49 or a shallow dose equivalent to the skin or to the extremities in excess of 0.5 rem (5 millisieverts);
50 (3) declared pregnant women likely to receive during the entire pregnancy, from radiation
51 sources external to the body, a deep dose equivalent in excess of 0.1 rem (1 millisievert) (note: all of the
52 occupational doses in Subsection A of 20.3.4.405 NMAC continue to be applicable to the declared pregnant worker
53 as long as the embryo/fetus dose limit is not exceeded);
54 (4) individuals entering a high or very high radiation area; and
55 (5) individuals working with medical fluoroscopic equipment:

1 (a) an individual monitoring device used for the dose to an embryo/fetus of a
2 declared pregnant woman, pursuant to Subsection A of 20.3.4.412 NMAC, shall be located under the protective
3 apron at the waist;

4 (b) an individual monitoring device used for eye dose equivalent shall be located at
5 the neck, or an unshielded location closer to the eye, outside the protective apron; and

6 (c) when only one individual monitoring device is used to determine the effective
7 dose equivalent for external radiation pursuant to Paragraph (2) of Subsection C of 20.3.4.405 NMAC, it shall be
8 located at the neck outside the protective apron; when a second individual monitoring device is used, for the same
9 purpose, it shall be located under the protective apron at the waist; the second individual monitoring device is
10 required for a declared pregnant woman.

11 **B.** Each licensee or registrant shall monitor (see 20.3.4.408 NMAC) the occupational intake of
12 radioactive material by and assess the committed effective dose equivalent to:

13 (1) adults likely to receive, in 1 year, an intake in excess of 10 percent of the applicable
14 ALI(s) in columns 1 and 2 of table I of 20.3.4.461 NMAC;

15 (2) minors likely to receive, in 1 year, a committed effective dose equivalent in excess of 0.1
16 rem (1 millisievert); and

17 (3) declared pregnant women likely to receive, during the entire pregnancy, a committed
18 effective dose equivalent in excess of 0.1 rem (1 millisievert).

19 **C.** Each licensee or registrant shall ensure that individuals who are required to monitor occupational
20 doses in accordance with Subsection A of this section wear individual monitoring devices as follows:

21 (1) an individual monitoring device used for monitoring the dose to the whole body shall be
22 worn at the unshielded location of the whole body likely to receive the highest exposure; when a protective apron is
23 worn, the location of the individual monitoring device is typically at the neck (collar); or

24 (2) an individual monitoring device used for monitoring the dose to an embryo/fetus of a
25 declared pregnant woman, pursuant to Subsection A of 20.3.4.412 NMAC, shall be located at the waist under any
26 protective apron being worn by the woman; or

27 (3) an individual monitoring device used for monitoring the eye dose equivalent, to
28 demonstrate compliance with Subparagraph (a) of Paragraph (2) of Subsection A of 20.3.4.405 NMAC, shall be
29 located at the neck (collar), outside any protective apron being worn by the monitored individual, or at an unshielded
30 location closer to the eye; or

31 (4) an individual monitoring device used for monitoring the dose to the extremities, to
32 demonstrate compliance with Subparagraph (b) of Paragraph (2) of Subsection A of 20.3.4.405 NMAC, shall be
33 worn on the extremity likely to receive the highest exposure; each individual monitoring device shall be oriented to
34 measure the highest dose to the extremity being monitored.

35 [20.3.4.417 NMAC - Rp, 20.3.4.417 NMAC, 4/30/2009]

36
37 **20.3.4.418 CONTROL OF ACCESS TO HIGH RADIATION AREAS:**

38 **A.** The licensee or registrant shall ensure that each entrance or access point to a high radiation area
39 has one or more of the following features:

40 (1) a control device that, upon entry into the area, causes the level of radiation to be reduced
41 below that level at which an individual might receive a deep dose equivalent of 0.1 rem (1 millisievert) in 1 hour at
42 30 centimeters from the source of radiation or from any surface that the radiation penetrates; or

43 (2) a control device that energizes a conspicuous visible or audible alarm signal so that the
44 individual entering the high radiation area and the supervisor of the activity are made aware of the entry; or

45 (3) entryways that are locked, except during periods when access to the areas is required,
46 with positive control over each individual entry.

47 **B.** In place of the controls required by Subsection A of this section for a high radiation area, the
48 licensee or registrant may substitute continuous direct or electronic surveillance that is capable of preventing
49 unauthorized entry.

50 **C.** The licensee or registrant may apply to the department for approval of alternative methods for
51 controlling access to high radiation areas.

52 **D.** The licensee or registrant shall establish the controls required by Subsections A and C of this
53 section in a way that does not prevent individuals from leaving a high radiation area.

54 **E.** The licensee or registrant is not required to control each entrance or access point to a room or
55 other area that is a high radiation area solely because of the presence of radioactive materials prepared for transport,
56 and packaged and labeled in accordance with the regulations of the DOT provided that:

- 1 (1) the packages do not remain in the area longer than 3 days; and
2 (2) the dose rate at 1 meter from the external surface of any package does not exceed 0.01
3 rem (0.1 millisievert) per hour.

4 **F.** The licensee or registrant is not required to control entrance or access to rooms or other areas in
5 hospitals solely because of the presence of patients containing radioactive material, provided that there are personnel
6 in attendance who are taking the necessary precautions to prevent the exposure of individuals to radiation or
7 radioactive material in excess of the established limits in this part and to operate within the ALARA provisions of
8 the licensee's or registrant's radiation protection program.
9 [20.3.4.418 NMAC - Rp, 20.3.4.418 NMAC, 4/30/2009]

10
11 **20.3.4.419 CONTROL OF ACCESS TO VERY HIGH RADIATION AREAS:** In addition to the
12 requirements in 20.3.4.418 NMAC, the licensee or registrant shall institute measures to ensure that an individual is
13 not able to gain unauthorized or inadvertent access to areas in which radiation levels could be encountered at 500
14 rads (5 grays) or more in 1 hour at 1 meter from a source of radiation or any surface through which the radiation
15 penetrates.
16 [20.3.4.419 NMAC - Rp, 20.3.4.419 NMAC, 4/30/2009]

17
18 **20.3.4.420 CONTROL OF ACCESS TO VERY HIGH RADIATION AREAS - IRRADIATORS:** In
19 addition to the requirements in 20.3.4.419 NMAC, the licensee shall comply with the requirements specified in
20 20.3.15 NMAC for access control.
21 [20.3.4.420 NMAC - Rp, 20.3.4.420 NMAC, 4/30/2009]

22
23 **20.3.4.421 USE OF PROCESS OR OTHER ENGINEERING CONTROLS:** The licensee or registrant
24 shall use, to the extent practicable, process or other engineering controls, such as, containment, decontamination or
25 ventilation, to control the concentrations of radioactive material in air.
26 [20.3.4.421 NMAC - Rp, 20.3.4.421 NMAC, 4/30/2009]

27
28 **20.3.4.422 USE OF OTHER CONTROLS:**

29 **A.** When it is not practical to apply process or other engineering controls to control the concentrations
30 of radioactive material in the air to values below those that define an airborne radioactivity area, the licensee or
31 registrant shall, consistent with maintaining the total effective dose equivalent ALARA, increase monitoring and
32 limit intakes by one or more of the following means:

- 33 (1) control of access;
34 (2) limitation of exposure times;
35 (3) use of respiratory protection equipment; or
36 (4) other controls.

37 **B.** If the licensee or registrant performs an ALARA analysis to determine whether or not respirators
38 should be used, the licensee or registrant may consider safety factors other than radiological factors. The licensee or
39 registrant should also consider the impact of respirator use on workers' industrial health and safety.
40 [20.3.4.422 NMAC - Rp, 20.3.4.422 NMAC, 4/30/2009]

41
42 **20.3.4.423 USE OF INDIVIDUAL RESPIRATORY PROTECTION EQUIPMENT:** The requirements
43 of this section apply to licensees and registrants who assign or permit the use of respiratory protection equipment to
44 limit the intake of radioactive material.

45 **A.** The licensee or registrant shall use only respiratory protection equipment that is tested and
46 certified by the national institute for occupational safety and health (NIOSH) except as otherwise noted in this part.

47 **B.** If the licensee or registrant wishes to use equipment that has not been tested or certified by
48 national institute for occupational safety and health (NIOSH), or for which there is no schedule for testing or
49 certification, the licensee or registrant shall submit an application to the department for authorized use of this
50 equipment except as provided in this part. The application shall include evidence that the material and performance
51 characteristics of the equipment are capable of providing the proposed degree of protection under anticipated
52 conditions of use. This shall be demonstrated either by testing made by the licensee or registrant, or on the basis of
53 reliable test information.

54 **C.** The licensee or registrant shall implement and maintain a respiratory protection program that
55 includes:

- 1 (1) air sampling sufficient to identify the potential hazard, permit proper equipment selection
- 2 and estimate doses;
- 3 (2) surveys and bioassays, as necessary, to evaluate actual intakes;
- 4 (3) testing of respirators for operability (user seal check for face sealing devices and
- 5 functional check for others) immediately prior to each use;
- 6 (4) written procedures regarding:
 - 7 (a) monitoring, including air sampling and bioassays;
 - 8 (b) supervision and training of respirator users;
 - 9 (c) fit testing;
 - 10 (d) respirator selection;
 - 11 (e) breathing air quality;
 - 12 (f) inventory and control;
 - 13 (g) storage, issuance, maintenance, repair, testing and quality assurance of
 - 14 respiratory protection equipment;
 - 15 (h) recordkeeping; and
 - 16 (i) relief from respirator use and limitations on periods of respirator use;
- 17 (5) determination by a physician that the individual user is medically fit to use respiratory
- 18 protection equipment; before:
 - 19 (a) the initial fitting of a face sealing respirator;
 - 20 (b) before the first field use of non-face sealing respirators; and
 - 21 (c) either every 12 months thereafter, or periodically at a frequency determined by a
 - 22 physician;
 - 23 (6) fit testing, with fit factor greater than or equal to 10 times the APF for negative pressure
 - 24 devices, and a fit factor that is greater than or equal to 500 for any positive pressure, continuous flow, and pressure-
 - 25 demand devices, before the first field use of tight fitting, face-sealing respirators and periodically thereafter at a
 - 26 frequency not to exceed 1 year; fit testing shall be performed with the facepiece operating in the negative pressure
 - 27 mode.

28 **D.** The licensee or registrant shall advise each respirator user that the user may leave the area at any

29 time for relief from respirator use in the event of equipment malfunction, physical or psychological distress,

30 procedural or communication failure, significant deterioration of operating conditions or any other conditions that

31 might require such relief.

32 **E.** The licensee or registrant shall also consider limitations appropriate to the type and mode of use.

33 When selecting respiratory devices the licensee or registrant shall provide for vision correction, adequate

34 communication, low temperature work environments and the concurrent use of other safety or radiological

35 protection equipment. The licensee or registrant shall use equipment in such a way as not to interfere with the

36 proper operation of the respirator.

37 **F.** Standby rescue persons are required whenever one-piece atmosphere-supplying suits, or any

38 combination of supplied air respiratory protection device and personnel protective equipment are used from which

39 an unaided individual would have difficulty extricating himself or herself. The standby persons shall be equipped

40 with respiratory protection devices or other apparatus appropriate for the potential hazards. The standby rescue

41 persons shall observe or otherwise maintain continuous communication with the workers (visual, voice, signal line,

42 telephone, radio or other suitable means), and be immediately available to assist them in case of a failure of the air

43 supply or for any other reason that requires relief from distress. A sufficient number of standby rescue persons shall

44 be immediately available to assist all users of this type of equipment and to provide effective emergency rescue if

45 needed.

46 **G.** Atmosphere-supplying respirators shall be supplied with respirable air of grade D quality or better

47 as defined by the compressed gas association in publication G-7.1, *commodity specification for air*, 1997, and

48 included in the regulations of the occupational safety and health administration at 29 CFR 1910.134(i)(1)(ii)(A)

49 through (E). Grade D quality air criteria include:

- 50 (1) oxygen content (v/v) of 19.5-23.5 percent;
- 51 (2) hydrocarbon (condensed) content of 5 milligrams per cubic meter of air or less;
- 52 (3) carbon monoxide content of 10 parts per million (ppm) or less;
- 53 (4) carbon dioxide content of 1,000 parts per million (ppm) or less; and
- 54 (5) lack of noticeable odor.

55 **H.** The licensee or registrant shall ensure that no objects, materials or substances, such as facial hair,

56 or any conditions that interfere with the face-facepiece seal or valve function, and that are under the control of the

1 respirator wearer, are present between the skin of the wearer's face and the sealing surface of a tight-fitting respirator
2 facepiece.

3 **I.** In estimating the dose to individuals from intake of airborne radioactive materials, the
4 concentration of radioactive material in the air that is inhaled when respirators are worn is initially assumed to be the
5 ambient concentration in air without respiratory protection, divided by the assigned protection factor. If the dose is
6 later found to be greater than the estimated dose, the corrected value shall be used. If the dose is later found to be
7 less than the estimated dose, the corrected value may be used.

8 **J. Application for Use of Higher Assigned Protection Factors.** The licensee or registrant shall
9 obtain authorization from the department before using assigned protection factors in excess of those specified in
10 20.3.4.460 NMAC. The department may authorize a licensee or registrant to use higher assigned protection factors
11 on receipt of an application that:

12 (1) describes the situation for which a need exists for higher protection factors; and
13 (2) demonstrates that the respiratory protection equipment provides these higher protection
14 factors under the proposed conditions of use.

15 [20.3.4.423 NMAC - Rp, 20.3.4.423 NMAC, 4/30/2009]

16 **20.3.4.424 FURTHER RESTRICTIONS ON THE USE OF RESPIRATORY PROTECTION**

17 **EQUIPMENT:** The department may impose restrictions in addition to those in sections 20.3.4.422 NMAC,
18 20.3.4.423 NMAC and 20.3.4.460 NMAC, in order to:

19 **A.** ensure that the respiratory protection program of the licensee or registrant is adequate to limit
20 doses to individuals from intakes of airborne radioactive materials consistent with maintaining total effective dose
21 equivalent ALARA; and

22 **B.** limit the extent to which a licensee or registrant may use respiratory protection equipment instead
23 of process or other engineering controls.

24 [20.3.4.424 NMAC - Rp, 20.3.4.424 NMAC, 4/30/2009]

25 **20.3.4.425 SECURITY AND CONTROL OF LICENSED OR REGISTERED SOURCES OF**
26 **RADIATION:**

27 **A.** The licensee shall secure from unauthorized removal or access licensed materials that are stored in
28 controlled or unrestricted areas. The licensee possessing category 1 and category 2 quantities of radioactive
29 materials shall comply with 10 CFR 37. The licensee shall comply with 10 CFR 37 except as follows:

30 (1) any reference to the commission or NRC shall be deemed a reference to the department;
31 (2) 10 CFR 37.5 definitions of agreement state, byproduct material, commission and person
32 shall not be applicable;

33 (3) 10 CFR 37.7, 10 CFR 37.9, 10 CFR 37.11(a) and (b), 10 CFR 37.13, 10 CFR 37.27(c),
34 10 CFR 37.71, 10 CFR 37.105, and 10 CFR 37.107 shall not be applicable; and

35 (4) for any reporting or notification requirements that the licensee must follow in 10 CFR
36 37.45, 10 CFR 37.57, 10 CFR 37.77(a) through (d), and 10 CFR 37.81, the licensee shall use the following address
37 when applicable: New Mexico Environment Department/RCB, P.O. Box 5469, Santa Fe, NM 87502-5469 address
38 information.

39 **B.** The licensee shall control and maintain constant surveillance, and use devices or administrative
40 procedures to prevent unauthorized access to licensed radioactive material that is in a controlled or unrestricted area
41 and that is not in storage.

42 **C.** The registrant shall secure registered radiation machines from unauthorized removal.

43 **D.** The registrant shall use devices or administrative procedures to prevent unauthorized use of
44 registered radiation machines.

45 [20.3.4.425 NMAC - Rp, 20.3.4.425 NMAC, 4/30/2009; A, 6/13/2017]

46 **20.3.4.426 RADIOLOGICAL CRITERIA FOR LICENSE TERMINATION:**

47 **A. General provisions and scope.**

48 (1) The criteria in this part apply to the decommissioning of any facility licensed under this
49 chapter as well as other facilities subject to the department's jurisdiction under the Act. For low-level waste disposal
50 facilities licensed under 20.3.13 NMAC, the criteria apply only to ancillary surface facilities that support radioactive
51 waste disposal activities.

52 (2) The criteria in this section do not apply to sites which:

53 (a) have been decommissioned prior to the effective date of the rule; or,

1 (b) have previously submitted and received department approval on a license
2 termination plan or decommissioning plan that is compatible with applicable department criteria.

3 (3) After a site has been decommissioned and the license terminated in accordance with the
4 criteria in this section, the department will require additional cleanup only if, based on new information, it
5 determines that the criteria of this section were not met and residual radioactivity remaining at the site could result in
6 significant threat to public health and safety.

7 (4) When calculating TEDE to the average member of the critical group the licensee shall
8 determine the peak annual TEDE dose expected within the first 1000 years after decommissioning.

9 **B. Radiological criteria for unrestricted use.** A site will be considered acceptable for unrestricted
10 use if the residual radioactivity that is distinguishable from background radiation results in a TEDE to an average
11 member of the critical group that does not exceed 25 millirems (0.25 millisievert) per year, including that from
12 groundwater sources of drinking water, and the residual radioactivity has been reduced to levels that are ALARA.
13 Determination of the levels which are ALARA must take into account consideration of any detriments, such as
14 deaths from transportation accidents, expected to potentially result from decontamination and waste disposal.

15 **C. Criteria for License Termination under Restricted Conditions.** A site will be considered
16 acceptable for license termination under restricted conditions if:

17 (1) the licensee can demonstrate that further reductions in residual radioactivity necessary to
18 comply with the provisions of Subsection B of this section would result in net public or environmental harm or were
19 not being made because the residual levels associated with restricted conditions are ALARA; determination of the
20 levels which are ALARA must take into account consideration of any detriments, such as traffic accidents, expected
21 to potentially result from decontamination and waste disposal;

22 (2) the licensee has made provisions for legally enforceable institutional controls that provide
23 reasonable assurance that the TEDE from residual radioactivity distinguishable from background to the average
24 member of the critical group will not exceed 25 millirems (0.25 millisievert) per year;

25 (3) the licensee has provided sufficient financial assurance to enable an independent third
26 party, including a governmental custodian of a site, to assume and carry out responsibilities for any necessary
27 control and maintenance of the site; acceptable financial assurance mechanisms are:

28 (a) funds placed into a trust segregated from the licensee's assets and outside the
29 licensee's administrative control, and in which the adequacy of the trust funds is to be assessed based on an assumed
30 annual one percent real rate of return on investment;

31 (b) surety method, insurance, or other guarantee method as described in Paragraph
32 (2) of Subsection F of 20.3.3.311 NMAC;

33 (c) a statement of intent in the case of federal, state, or local government licensees,
34 as described in Paragraph (4) of Subsection F of 20.3.3.311 NMAC; or

35 (d) when a governmental entity is assuming custody and ownership of a site, an
36 arrangement that is deemed acceptable by such governmental entity;

37 (4) the licensee has submitted a decommissioning plan or license termination plan to the
38 department indicating the licensee's intent to decommission in accordance with Subsection E of 20.3.3.318 NMAC,
39 and specifying that the licensee intends to decommission by restricting use of the site; the licensee shall document in
40 the license termination plan or decommissioning plan how the advice of individuals and institutions in the
41 community who may be affected by the decommissioning has been sought and incorporated, as appropriate,
42 following analysis of that advice:

43 (a) licensees proposing to decommission by restricting use of the site shall seek
44 advice from such affected parties regarding the following matters concerning the proposed decommissioning:

45 (i) whether provisions for institutional controls proposed by the licensee:
46 **1)** will provide reasonable assurance that the TEDE from residual radioactivity distinguishable from background to
47 the average member of the critical group will not exceed 25 millirems (0.25 millisievert) TEDE per year; **2)** will be
48 enforceable; and **3)** will not impose undue burdens on the local community or other affected parties;

49 (ii) whether the licensee has provided sufficient financial assurance to
50 enable an independent third party, including a governmental custodian of a site, to assume and carry out
51 responsibilities for any necessary control and maintenance of the site;

52 (b) in seeking advice on the issues identified in Subparagraph (a) of this paragraph,
53 the licensee shall provide for:

54 (i) participation by representatives of a broad cross section of community
55 interests who may be affected by the decommissioning;

1 (ii) an opportunity for a comprehensive, collective discussion on the issues
2 by the participants represented; and

3 (iii) a publicly available summary of the results of all such discussions,
4 including a description of the individual viewpoints of the participants on the issues and the extent of agreement and
5 disagreement among the participants on the issues; and

6 (5) residual radioactivity at the site has been reduced so that if the institutional controls were
7 no longer in effect, there is reasonable assurance that the TEDE from residual radioactivity distinguishable from
8 background to the average member of the critical group is ALARA and would not exceed either:

9 (a) 100 millirems (1 millisievert) per year; or

10 (b) 500 millirems (5 millisieverts) per year provided the licensee:

11 (i) demonstrates that further reductions in residual radioactivity necessary
12 to comply with the 100 millirems per year (1 millisievert per year) value of Subparagraph (a) of this paragraph are
13 not technically achievable, would be prohibitively expensive, or would result in net public or environmental harm;

14 (ii) makes provisions for durable institutional controls; and

15 (iii) provides sufficient financial assurance to enable a responsible
16 government entity or independent third party, including a governmental custodian of a site, both to carry out
17 periodic rechecks of the site no less frequently than every five years to assure that the institutional controls remain in
18 place as necessary to meet the criteria of Paragraph (2) of this subsection and to assume and carry out
19 responsibilities for any necessary control and maintenance of those controls; acceptable financial assurance
20 mechanisms are those in Paragraph (3) of this subsection.

21 **D. Alternate Criteria for License Termination.**

22 (1) The department may terminate a license using alternate criteria greater than the dose
23 criterion of Subsection B of this section, Paragraph (2) of Subsection C of this section, and Item (i) of Subparagraph
24 (a) of Paragraph (4) of Subsection C of this section, if the licensee:

25 (a) provides assurance that public health and safety would continue to be protected,
26 and that it is unlikely that the dose from all man-made sources combined, other than medical, would be more than
27 the 100 millirems per year (1 millisievert per year) limit of 20.3.4.413 NMAC, by submitting an analysis of possible
28 sources of exposure;

29 (b) has employed to the extent practical restrictions on site use according to the
30 provisions of Subsection C of this section in minimizing exposures at the site;

31 (c) reduces doses to ALARA levels, taking into consideration any detriments such
32 as traffic accidents expected to potentially result from decontamination and waste disposal; and

33 (d) has submitted a decommissioning plan or license termination plan to the
34 department indicating the licensee's intent to decommission in accordance with Subsection E of 20.3.3.318 NMAC,
35 and specifying that the licensee proposes to decommission by use of alternate criteria; the licensee shall document in
36 the decommissioning plan or license termination plan how the advice of individuals and institutions in the
37 community who may be affected by the decommissioning has been sought and addressed, as appropriate, following
38 analysis of that advice; in seeking such advice, the licensee shall provide for:

39 (i) participation by representatives of a broad cross section of community
40 interests who may be affected by the decommissioning;

41 (ii) an opportunity for a comprehensive, collective discussion on the issues
42 by the participants represented; and

43 (iii) a publicly available summary of the results of all such discussions,
44 including a description of the individual viewpoints of the participants on the issues and the extent of agreement and
45 disagreement among the participants on the issues.

46 (e) Has provided sufficient financial assurance in the form of a trust fund to enable
47 an independent third party, including a governmental custodian of a site, to assume and carry out responsibilities for
48 any necessary control and maintenance of the site.

49 (2) The use of alternate criteria to terminate a license requires the approval of the department
50 after consideration of the department staff's recommendations that will address any comments provided by state and
51 federal agencies and any public comments submitted pursuant to Subsection E of this section.

52 **E. Public Notification and Public Participation.** Upon the receipt of a license termination plan or
53 decommissioning plan from the licensee, or a proposal by the licensee for release of a site pursuant to Subsection C
54 or D of this section, or whenever the department deems such notice to be in the public interest, the department shall:

55 (1) notify and solicit comments from:

1 (a) local governments in the vicinity of the site and any Indian nation or other
2 indigenous people that have treaty or statutory rights that could be affected by the decommissioning; and

3 (b) the EPA for cases where the licensee proposes to release a site pursuant to
4 Subsection D of this section; and

5 (2) publish a notice in the state register and in a forum, such as local newspapers, letters to
6 state or local organizations, or other appropriate forum, that is readily accessible to individuals in the vicinity of the
7 site, and solicit comments from the public and affected parties; further, that the public notice may be published in
8 any language when appropriate.

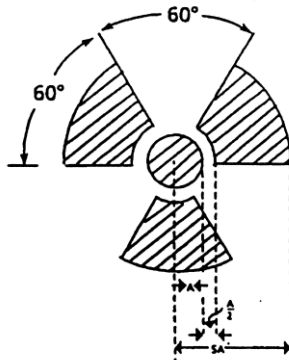
9 **F. Minimization of contamination.** Licensee shall, to the extent practical, conduct operations to
10 minimize the introduction of residual radioactivity into the site, including the subsurface, in accordance with the
11 existing radiation protection requirements in 20.3.4.404 NMAC and the radiological criteria for license termination
12 in 20.3.4.426 NMAC.

13 [20.3.4.426 NMAC - Rp, 20.3.4.426 NMAC, 4/30/2009; A, 6/13/2017]

14
15 **20.3.4.427 CAUTION SIGNS:**

16 **A. Standard Radiation Symbol.** Unless otherwise authorized by the department, the symbol
17 prescribed by this section shall use the colors magenta, purple or black on yellow background. The symbol
18 prescribed is the three-bladed design as follows:

- 19 (1) cross-hatched area is to be magenta, purple or black; and
20 (2) the background is to be yellow.



21
22 **B. Exception to Color Requirements for Standard Radiation Symbol.** Notwithstanding the
23 requirements of Subsection A of this section, licensees or registrants are authorized to label sources, source holders
24 or device components containing sources of radiation that are subjected to high temperatures, with conspicuously
25 etched or stamped radiation caution symbols and without a color requirement.

26 **C. Additional Information on Signs and Labels.** In addition to the contents of signs and labels
27 prescribed in this part, the licensee or registrant shall provide, on or near the required signs and labels, additional
28 information, as appropriate, to make individuals aware of potential radiation exposures and to minimize the
29 exposures.

30 [20.3.4.427 NMAC - Rp, 20.3.4.427 NMAC, 4/30/2009]

31
32 **20.3.4.428 POSTING REQUIREMENTS:**

33 **A. Posting of Radiation Areas.** The licensee or registrant shall post each radiation area with a
34 conspicuous sign or signs bearing the radiation symbol and the words "Caution, Radiation Area."

35 **B. Posting of High Radiation Areas.** The licensee or registrant shall post each high radiation area
36 with a conspicuous sign or signs bearing the radiation symbol and the words "Caution, High Radiation Area" or
37 "Danger, High Radiation Area."

1 **C. Posting of Very High Radiation Areas.** The licensee or registrant shall post each very high
2 radiation area with a conspicuous sign or signs bearing the radiation symbol and words "Grave Danger, Very High
3 Radiation Area."

4 **D. Posting of Airborne Radioactivity Areas.** The licensee or registrant shall post each airborne
5 radioactivity area with a conspicuous sign or signs bearing the radiation symbol and the words "Caution, Airborne
6 Radioactivity Area" or "Danger, Airborne Radioactivity Area."

7 **E. Posting of Areas or Rooms in Which Licensed or Registered Material is Used or Stored.** The
8 licensee or registrant shall post each area or room in which there is used or stored an amount of licensed or
9 registered material exceeding 10 times the quantity of such material specified in 20.3.4.462 NMAC with a
10 conspicuous sign or signs bearing the radiation symbol and the words "Caution, Radioactive Material" or "Danger,
11 Radioactive Material."

12 [20.3.4.428 NMAC - Rp, 20.3.4.428 NMAC, 4/30/2009]

13
14 **20.3.4.429 EXCEPTIONS TO POSTING REQUIREMENTS:**

15 **A.** A licensee or registrant is not required to post caution signs in areas or rooms containing sources
16 of radiation for periods of less than 8 hours, if each of the following conditions is met:

17 **(1)** the sources of radiation are constantly attended during these periods by an individual who
18 takes the precautions necessary to prevent the exposure of individuals to sources of radiation in excess of the limits
19 established in this part; and

20 **(2)** the area or room is subject to the licensee's or registrant's control.

21 **B.** Rooms or other areas in hospitals that are occupied by patients are not required to be posted with
22 caution signs pursuant to 20.3.4.428 NMAC provided that the patient could be released from licensee control
23 pursuant to Subsection I of 20.3.7.703 NMAC.

24 **C.** A room or area is not required to be posted with a caution sign because of the presence of a sealed
25 source provided the radiation level at 30 centimeters from the surface of the sealed source container or housing does
26 not exceed 0.005 rem (0.05 millisievert) per hour.

27 **D.** A room or area is not required to be posted with a caution sign because of the presence of
28 radiation machines provided the radiation level at 30 centimeters from the radiation machine housing does not
29 exceed 0.005 rem (0.05 millisievert) per hour.

30 **E.** Rooms in hospitals or clinics that are used for teletherapy are exempt from the requirement to post
31 caution signs under 20.3.4.428 NMAC if:

32 **(1)** access to the room is controlled pursuant to Subsection E of 20.3.7.711 NMAC; and

33 **(2)** personnel in attendance take necessary precautions to prevent the inadvertent exposure of
34 workers, other patients and members of the public to radiation in excess of the limits established in this part.

35 [20.3.4.429 NMAC - Rp, 20.3.4.429 NMAC, 4/30/2009]

36
37 **20.3.4.430 LABELING CONTAINERS AND RADIATION MACHINES:**

38 **A.** The licensee or registrant shall ensure that each container of licensed or registered material bears a
39 durable, clearly visible label bearing the radiation symbol and the words "Caution, Radioactive Material" or
40 "Danger, Radioactive Material." The label shall also provide information, such as the radionuclides present, an
41 estimate of the quantity of radioactivity, the date for which the activity is estimated, radiation levels, kinds of
42 materials and mass enrichment, to permit individuals handling or using the containers, or working in the vicinity of
43 the containers, to take precautions to avoid or minimize exposures.

44 **B.** Each licensee or registrant shall, prior to removal or disposal of empty uncontaminated containers
45 to unrestricted areas, remove or deface the radioactive material label or otherwise clearly indicate that the container
46 no longer contains radioactive materials.

47 **C.** Each registrant shall ensure that each radiation machine is labeled in a conspicuous manner which
48 cautions individuals that radiation is produced when it is energized.

49 [20.3.4.430 NMAC - Rp, 20.3.4.430 NMAC, 4/30/2009]

50
51 **20.3.4.431 EXEMPTIONS TO LABELING REQUIREMENTS:** A licensee is not required to label:

52 **A.** containers holding licensed material in quantities less than the quantities listed in 20.3.4.462
53 NMAC;

54 **B.** containers holding licensed material in concentrations less than those specified in table III of
55 20.3.4.461 NMAC;

1 C. containers attended by an individual who takes the precautions necessary to prevent the exposure
2 of individuals in excess of the limits established by this part;

3 D. containers when they are in transport and packaged and labeled in accordance with the regulations
4 of the DOT (labeling of packages containing radioactive materials is required by the DOT if the amount and type of
5 radioactive material exceeds the limits for an excepted quantity or article as defined and limited by DOT regulations
6 49 CFR 173.403 (m) and (w) and 173.421-424);

7 E. containers that are accessible only to individuals authorized to handle or use them, or to work in
8 the vicinity of the containers, if the contents are identified to these individuals by a readily available written record;
9 examples of containers of this type are containers in locations such as water-filled canals, storage vaults or hot cells;
10 the record shall be retained as long as the containers are in use for the purpose indicated on the record; or

11 F. installed manufacturing or process equipment, such as piping and tanks.
12 [20.3.4.431 NMAC - Rp, 20.3.4.431 NMAC, 4/30/2009]
13

14 **20.3.4.432 PROCEDURES FOR RECEIVING AND OPENING PACKAGES:**

15 A. Each licensee who expects to receive a package containing quantities of radioactive material in
16 excess of a type A quantity, as defined in Subsection A of 20.3.3.306 NMAC, incorporating 10 CFR 71.4 and
17 Appendix A of 10 CFR 71, shall make arrangements to receive:

18 (1) the package when the carrier offers it for delivery; or

19 (2) the notification of the arrival of the package at the carrier's terminal and to take
20 possession of the package expeditiously.

21 B. Each licensee shall:

22 (1) monitor the external surfaces of a labeled (with a radioactive white I, yellow II or yellow
23 III label as specified in DOT regulations 49 CFR 172.403 and 172.436-440) package for radioactive contamination
24 unless the package contains only radioactive material in the form of gas or in special form as defined in 10 CFR
25 71.4;

26 (2) monitor the external surfaces of a labeled package for radiation levels unless the package
27 contains quantities of radioactive material that are less than or equal to the type A quantity, as defined in Subsection
28 A of 20.3.3.306 NMAC, incorporating 10 CFR 71.4 and Appendix A to 10 CFR 71; and

29 (3) monitor all packages known to contain radioactive material for radioactive contamination
30 and radiation levels if there is evidence of degradation of package integrity, such as packages that are crushed, wet
31 or damaged.

32 C. The licensee shall perform the monitoring required by Subsection B of this section as soon as
33 practicable after receipt of the package, but not later than 3 hours after the package is received at the licensee's
34 facility if it is received during the licensee's normal working hours. If a package is received after working hours, the
35 package shall be monitored no later than three hours from the beginning of the next working day.

36 D. The licensee shall immediately notify the final delivery carrier and, by telephone and written
37 communication which can include e-mail, telegram, mailgram or facsimile, the department when:

38 (1) removable radioactive surface contamination exceeds the limits of 20.3.3.306 NMAC,
39 incorporating 10 CFR 71.87(i); or

40 (2) external radiation levels exceed the limits of 20.3.3.306 NMAC, incorporating 10 CFR
41 71.47.

42 E. Each licensee shall:

43 (1) establish, maintain and retain written procedures for safely opening packages in which
44 radioactive material is received; and

45 (2) ensure that the procedures are followed and that due consideration is given to special
46 instructions for the type of package being opened.

47 F. Licensees transferring special form sources in vehicles owned or operated by the licensee to and
48 from a work site are exempt from the contamination monitoring requirements of Subsection B of this section, but are
49 not exempt from the survey requirement in Subsection B of this section for measuring radiation levels that ensures
50 that the source is still properly lodged in its shield.

51 [20.3.4.432 NMAC - Rp, 20.3.4.432 NMAC, 4/30/2009]
52

53 **20.3.4.433 WASTE DISPOSAL - GENERAL REQUIREMENTS:**

54 A. A licensee shall dispose of licensed material only:

55 (1) by transfer to an authorized recipient as provided in 20.3.4.438 NMAC or 20.3.3 NMAC,
56 or to the DOE;

1 (2) by decay in storage;
2 (3) by release in effluents within the limits in 20.3.4.413 NMAC; or
3 (4) as authorized pursuant to 20.3.4.434 NMAC, 20.3.4.435 NMAC, 20.3.4.436 NMAC or
4 20.3.4.437 NMAC and in accordance with 20.3.4.439 NMAC.

5 B. A person shall be specifically licensed to receive waste containing licensed material from other
6 persons for:

7 (1) treatment prior to disposal;
8 (2) treatment or disposal by incineration;
9 (3) decay in storage;
10 (4) disposal at a land disposal facility licensed pursuant to 20.3.13 NMAC;
11 (5) storage until transferred to a storage or disposal facility authorized to receive the waste;

12 or

13 (6) disposal at a geologic repository under 10 CFR 60 or 10 CFR 63, specifically licensed by
14 NRC.

15 [20.3.4.433 NMAC - Rp, 20.3.4.433 NMAC, 4/30/2009]

16 **20.3.4.434 METHOD FOR OBTAINING APPROVAL OF PROPOSED DISPOSAL PROCEDURES:**

17 A licensee or applicant for a license may apply to the department for approval of proposed procedures, not otherwise
18 authorized in these regulations, to dispose of licensed material generated in the licensee's activities. Each
19 application shall include:

20 A. a description of the waste containing licensed material to be disposed of, including the physical
21 and chemical properties important to risk evaluation, and the proposed manner and conditions of waste disposal;
22 B. an analysis and evaluation of pertinent information on the nature of the environment;
23 C. the nature and location of other potentially affected licensed and unlicensed facilities; and
24 D. analyses and procedures to ensure that doses are maintained ALARA and within the dose limits in
25 this part.

26 [20.3.4.434 NMAC - Rp, 20.3.4.434 NMAC, 4/30/2009]

27
28
29 **20.3.4.435 DISPOSAL BY RELEASE INTO SANITARY SEWAGE:**

30 A. A licensee may discharge licensed material into sanitary sewerage if each of the following
31 conditions is satisfied:

32 (1) the material is readily soluble, or is readily dispersible biological material, in water;
33 (2) the quantity of licensed or other radioactive material that the licensee releases into the
34 sewer in 1 month divided by the average monthly volume of water released into the sewer by the licensee does not
35 exceed the concentration listed in table III of 20.3.4.461 NMAC;
36 (3) if more than one radionuclide is released, the following conditions must also be satisfied:
37 (a) the licensee shall determine the fraction of the limit in table III of 20.3.4.461
38 NMAC represented by discharges into sanitary sewerage by dividing the actual monthly average concentration of
39 each radionuclide released by the licensee or registrant into the sewer by the concentration of that radionuclide listed
40 in table III of 20.3.4.461 NMAC; and
41 (b) the sum of the fractions for each radionuclide required by Subparagraph (a) of
42 Paragraph (3) of this subsection does not exceed unity; and
43 (4) the total quantity of licensed or other radioactive material that the licensee releases into
44 the sanitary sewerage in a year does not exceed 5 curies (185 gigabecquerels) of hydrogen-3, 1 curie (37
45 gigabecquerels) of carbon-14, and 1 curie (37 gigabecquerels) of all other radioactive materials combined.

46 B. Excreta from individuals undergoing medical diagnosis or therapy with radioactive material are
47 not subject to the limitations contained in Subsection A of this section.

48 [20.3.4.435 NMAC - Rp, 20.3.4.435 NMAC, 4/30/2009]

49
50 **20.3.4.436 TREATMENT OR DISPOSAL BY INCINERATION:** A licensee may treat or dispose of
51 licensed material by incineration only in the form and concentration specified in 20.3.4.437 NMAC or as
52 specifically approved by the department pursuant to 20.3.4.434 NMAC.

53 [20.3.4.436 NMAC - Rp, 20.3.4.436 NMAC, 4/30/2009]

54
55 **20.3.4.437 DISPOSAL OF SPECIFIC WASTES:**

56 A. A licensee may dispose of the following licensed material as if it were not radioactive:

1 (1) 0.05 microcurie (1.85 kilobecquerels), or less, of hydrogen-3 or carbon-14 per gram of
2 medium used for liquid scintillation counting; and

3 (2) 0.05 microcurie (1.85 kilobecquerels), or less, of hydrogen-3 or carbon-14 per gram of
4 animal tissue, averaged over the weight of the entire animal.

5 B. A licensee shall not dispose of tissue pursuant to Paragraph (2) of Subsection A of this section in a
6 manner that would permit its use either as food for humans or as animal feed.

7 C. **Disposal of Certain Byproduct Material.**

8 (1) Licensed material as defined in Paragraphs (3), (4) and (5) of the definition of *byproduct*
9 *material* set forth in 20.3.1.7 NMAC may be disposed of in accordance with 20.3.13 NMAC even though it is not
10 defined as low-level radioactive waste. Therefore, any licensed radioactive material being disposed of at a facility,
11 or transferred for ultimate disposal at a facility licensed under 20.3.13 NMAC, must meet the requirements of
12 20.3.4.438 NMAC.

13 (2) A licensee may dispose of byproduct material as defined in Paragraphs (3), (4) and (5) of
14 the definition of *byproduct material* set forth in 20.3.1.7 NMAC, at a disposal facility authorize to dispose of such
15 material in accordance with any federal or state solid or hazardous waste law, including the Solid Waste Disposal
16 Act, as authorized under the Energy Policy Act.

17 D. The licensee shall maintain records of disposal in accordance with 20.3.4.448 NMAC.
18 [20.3.4.437 NMAC - Rp, 20.3.4.437 NMAC, 4/30/2009]

19
20 **20.3.4.438 TRANSFER FOR DISPOSAL AND MANIFESTS:**

21 A. The requirements of this section and 20.3.4.466 NMAC are designed to:

22 (1) control transfers of low-level radioactive waste by any waste generator, waste collector or
23 waste processor licensee, as defined in 20.3.4.466 NMAC (appendix G), who ships low-level waste either directly or
24 indirectly through a waste collector, waste broker or waste processor, to a licensed low-level waste land disposal
25 facility (as defined in 20.3.13 NMAC);

26 (2) establish a manifest tracking system; and

27 (3) supplement existing requirements concerning transfers and record keeping for those
28 wastes.

29 B. Each shipment of radioactive waste intended for disposal at a licensed land disposal facility must
30 be accompanied by a shipment manifest, which contains all the information on the NRC's *uniform low-level*
31 *radioactive waste manifest* (see 20.3.4.466 NMAC).

32 C. Any licensee shipping radioactive waste intended for ultimate disposal at a licensed land disposal
33 facility must document the information required on NRC's *uniform low-level radioactive waste manifest* and transfer
34 this recorded manifest information to the intended consignee in accordance with 20.3.4.466 NMAC.

35 D. Each shipment manifest must include a certification by the waste generator as specified in
36 Subsection B of 20.3.4.466 NMAC.

37 E. Each person involved in the transfer for disposal and disposal of waste, including the waste
38 generator, waste collector, waste processor and disposal facility operator, shall comply with the requirements
39 specified in Subsection C of 20.3.4.466 NMAC.

40 F. Any licensee shipping byproduct material as defined in Paragraphs (3), (4) and (5) of the
41 definition of *byproduct material* set forth in 20.3.4.7 NMAC intended for ultimate disposal at a land disposal facility
42 licensed under 20.3.13 NMAC must document the information required on the NRC's *uniform low-level radioactive*
43 *waste manifest* and transfer this recorded manifest information to the intended consignee in accordance with
44 20.3.4.466 NMAC.

45 [20.3.4.438 NMAC - Rp, 20.3.4.438 NMAC, 4/30/2009]

46
47 **20.3.4.439 COMPLIANCE WITH ENVIRONMENTAL AND HEALTH PROTECTION**

48 **REGULATIONS:** Nothing in sections 20.3.4.433 NMAC, 20.3.4.434 NMAC, 20.3.4.435 NMAC, 20.3.4.436
49 NMAC, 20.3.4.437 NMAC or 20.3.4.438 NMAC relieves the licensee from complying with other applicable
50 federal, state and local regulations governing any other toxic or hazardous properties of materials that may be
51 disposed of under these sections.

52 [20.3.4.439 NMAC - Rp, 20.3.4.439 NMAC, 4/30/2009]

53
54 **20.3.4.440 RECORDS - GENERAL PROVISIONS:**

55 A. Each licensee or registrant shall use the units: curie, rad, rem, including multiples and
56 subdivisions, and shall clearly indicate the units of all quantities on records required by this part.

1 **B.** In the records required by this part, the licensee or registrant may record quantities in SI units in
2 parentheses following each of the units specified in Subsection A of this section. However, all quantities must be
3 recorded as stated in Subsection A of this section.

4 **C.** Notwithstanding the requirements of Subsection A of this section, when recording information on
5 shipment manifests, as required in Subsection B of 20.3.4.438 NMAC, information must be recorded in the
6 international system of units (SI) or in SI and the units as specified in Subsection A of this section.

7 **D.** The licensee or registrant shall make a clear distinction among the quantities entered on the
8 records required by this part (e.g., total effective dose equivalent, shallow-dose equivalent, lens dose equivalent,
9 deep-dose equivalent, committed effective dose equivalent).

10 [20.3.4.440 NMAC - Rp, 20.3.4.440 NMAC, 4/30/2009; A, 6/30/2011]

11
12 **20.3.4.441 RECORDS OF RADIATION PROTECTION PROGRAMS:**

13 **A.** Each licensee or registrant shall maintain records of the radiation protection program, including:

- 14 (1) the provisions of the program; and
15 (2) audits and other reviews of program content and implementation.

16 **B.** The licensee or registrant shall retain the records required by Paragraph (1) of Subsection A of this
17 section until the department terminates each pertinent license or registration requiring the record. The licensee or
18 registrant shall retain the records required by Paragraph (2) of Subsection A of this section for 3 years after the
19 record is made.

20 [20.3.4.441 NMAC - Rp, 20.3.4.441 NMAC, 4/30/2009]

21
22 **20.3.4.442 RECORDS OF SURVEYS:**

23 **A.** Each licensee or registrant shall maintain records showing the results of surveys and calibrations
24 required by 20.3.4.416 NMAC and Subsection B of 20.3.4.432 NMAC. The licensee or registrant shall retain these
25 records for 3 years after the record is made.

26 **B.** The licensee or registrant shall retain each of the following records until the department terminates
27 each pertinent license or registration requiring the record:

28 (1) records of the results of surveys to determine the dose from external sources of radiation
29 and used, in the absence of or in combination with individual monitoring data, in the assessment of individual dose
30 equivalents;

31 (2) records of the results of measurements and calculations used to determine individual
32 intakes of radioactive material and used in the assessment of internal dose;

33 (3) records showing the results of air sampling, surveys and bioassays required pursuant to
34 Subparagraphs (a) and (b) of Paragraph (3) of Subsection A of 20.3.4.423 NMAC;

35 (4) records of the results of measurements and calculations used to evaluate the release of
36 radioactive effluents to the environment; and

37 (5) records from surveys describing the location and amount of subsurface residual
38 radioactivity identified at the site must be kept with records important for decommissioning, and such records must
39 be retained in accordance with 20.3.3 NMAC as applicable.

40 [20.3.4.442 NMAC - Rp, 20.3.4.442 NMAC, 4/30/2009; A, 6/13/2017]

41
42 **20.3.4.443 RECORDS OF TESTS FOR LEAKAGE OR CONTAMINATION OF SEALED**
43 **SOURCES:** Records of tests for leakage or contamination of sealed sources required by 20.3.4.415 NMAC shall be
44 kept in units of microcurie or becquerel, and maintained for inspection by the department for 5 years after the
45 records are made.

46 [20.3.4.443 NMAC - Rp, 20.3.4.443 NMAC, 4/30/2009]

47
48 **20.3.4.444 RECORDS OF PRIOR OCCUPATIONAL DOSE:**

49 **A.** The licensee or registrant shall retain the records of prior occupational dose and exposure history
50 as specified in 20.3.4.409 NMAC on department form *cumulative occupational dose history* or equivalent until the
51 department terminates each pertinent license or registration requiring this record. The licensee or registrant shall
52 retain records used in preparing department form *cumulative occupational dose history* or equivalent for 3 years
53 after the record is made.

54 **B.** Upon termination of the license or registration, the licensee or registrant shall permanently store
55 records on department form *cumulative occupational dose history* or equivalent, or shall make provision with the
56 department for transfer to the department.

1 [20.3.4.444 NMAC - Rp, 20.3.4.444 NMAC, 4/30/2009]

2
3 **20.3.4.445 RECORDS OF PLANNED SPECIAL EXPOSURES:**

4 **A.** For each use of the provisions of 20.3.4.410 NMAC for planned special exposures, the licensee or
5 registrant shall maintain records that describe:

- 6 (1) the exceptional circumstances requiring the use of a planned special exposure;
7 (2) the name of the management official who authorized the planned special exposure and a
8 copy of the signed authorization;
9 (3) what actions were necessary;
10 (4) why the actions were necessary;
11 (5) what precautions were taken to assure that doses were maintained ALARA;
12 (6) what individual and collective doses were expected to result; and
13 (7) the doses actually received in the planned special exposure.

14 **B.** The licensee or registrant shall retain the records until the department terminates each pertinent
15 license or registration requiring these records.

16 **C.** Upon termination of the license or registration, the licensee or registrant shall permanently store
17 records on department form *cumulative occupational dose history* or equivalent, or shall make provision with the
18 department for transfer to the department.

19 [20.3.4.445 NMAC - Rp, 20.3.4.445 NMAC, 4/30/2009]

20
21 **20.3.4.446 RECORDS OF INDIVIDUAL MONITORING RESULTS:**

22 **A. Record Keeping Requirement.** Each licensee or registrant shall maintain records of doses
23 received by all individuals for whom monitoring was required pursuant to 20.3.4.417 NMAC, and records of doses
24 received during planned special exposures, accidents and emergency conditions. Assessments of dose equivalent
25 and records made using units in effect before May 3, 1995 (see 20.3.4 NMAC codified as of May 3, 1995) need not
26 be changed. These records shall include, when applicable:

- 27 (1) the deep dose equivalent to the whole body, lens dose equivalent, shallow dose
28 equivalent to the skin and shallow dose equivalent to the extremities;
29 (2) the estimated intake of radionuclides (see 20.3.4.406 NMAC);
30 (3) the committed effective dose equivalent assigned to the intake of radionuclides;
31 (4) the specific information used to assess the committed effective dose equivalent pursuant
32 to Subsections A and C of 20.3.4.408 NMAC, and when required by 20.3.4.417 NMAC;
33 (5) the total effective dose equivalent when required by 20.3.4.406 NMAC; and
34 (6) the total of the deep dose equivalent and the committed dose to the organ receiving the
35 highest total dose.

36 **B. Record Keeping Frequency.** The licensee or registrant shall make entries of the records
37 specified in Subsection A of this section at intervals not to exceed 1 year.

38 **C. Record Keeping Format.** The licensee or registrant shall maintain the records specified in
39 Subsection A of this section on department form *occupational dose record for a monitoring period*, in accordance
40 with the instructions to the form, or in clear and legible records containing all the information required by the form.

41 **D.** The licensee or registrant shall maintain the records of dose to an embryo/fetus with the records of
42 dose to the declared pregnant woman. The declaration of pregnancy, including the estimated date of conception,
43 shall also be kept on file, but may be maintained separately from the dose records.

44 **E.** The licensee or registrant shall retain each required form or record until the department terminates
45 each pertinent license or registration requiring the record.

46 **F.** Upon termination of the license or registration, the licensee or registrant shall permanently store
47 records on department form *cumulative occupational dose history* or equivalent, or shall make provision with the
48 department for transfer to the department.

49 **G. Privacy Protection.** The records required under this section should be protected from public
50 disclosure because of their personal and private nature.

51 [20.3.4.446 NMAC - Rp, 20.3.4.446 NMAC, 4/30/2009]

52
53 **20.3.4.447 RECORDS OF DOSE TO INDIVIDUAL MEMBERS OF THE PUBLIC:**

54 **A.** Each licensee or registrant shall maintain records sufficient to demonstrate compliance with the
55 dose limit for individual members of the public (see 20.3.4.413 NMAC).

1 **B.** The licensee or registrant shall retain the records required by Subsection A of this section until the
2 department terminates each pertinent license or registration requiring the record.
3 [20.3.4.447 NMAC - Rp, 20.3.4.447 NMAC, 4/30/2009]

4
5 **20.3.4.448 RECORDS OF WASTE DISPOSAL:**

6 **A.** Each licensee shall maintain records of the disposal of licensed materials made pursuant to
7 20.3.4.434 NMAC, 20.3.4.435 NMAC, 20.3.4.436 NMAC, 20.3.4.437 NMAC and 20.3.3 NMAC.

8 **B.** Each registrant shall maintain records of the disposal of radiation machines.

9 **C.** The licensee or registrant shall retain the records required by Subsections A and B of this section
10 until the department terminates each pertinent license or registration requiring the record.
11 [20.3.4.448 NMAC - Rp, 20.3.4.448 NMAC, 4/30/2009]

12
13 **20.3.4.449 [RESERVED]**

14
15 **20.3.4.450 FORM OF RECORDS:** Each record required by this part shall be legible throughout the
16 specified retention period. The record shall be the original or a reproduced copy or a microform, provided that the
17 copy or microform is authenticated by authorized personnel and that the microform is capable of producing a clear
18 copy throughout the required retention period or the record may also be stored in electronic media with the
19 capability for producing legible, accurate and complete records during the required retention period. Records, such
20 as letters, drawings and specifications, shall include all pertinent information, such as stamps, initials and signatures.
21 The licensee or registrant shall maintain adequate safeguards against tampering with and loss of records.
22 [20.3.4.450 NMAC - Rp, 20.3.4.450 NMAC, 4/30/2009]

23
24 **20.3.4.451 REPORTS OF STOLEN, LOST OR MISSING LICENSED OR REGISTERED SOURCES**
25 **OF RADIATION:**

26 **A. Telephone Reports.** Each licensee shall report to the department by telephone as follows:

27 (1) immediately after its occurrence becomes known to the licensee, stolen, lost or missing
28 licensed radioactive material in an aggregate quantity equal to or greater than 1,000 times the quantity specified in
29 20.3.4.462 NMAC under such circumstances that it appears to the licensee that an exposure could result to
30 individuals in unrestricted areas; or

31 (2) within 30 days after its occurrence becomes known to the licensee, lost, stolen or missing
32 licensed radioactive material in an aggregate quantity greater than 10 times the quantity 20.3.4.462 NMAC that is
33 still missing;

34 (3) each registrant shall report immediately after its occurrence becomes known to the
35 registrant, a stolen, lost or missing radiation machine.

36 **B. Written Reports.** Each licensee or registrant required to make a report pursuant to Subsection A
37 of this section shall, within 30 days after making the telephone report, make a written report to the department
38 setting forth the following information:

39 (1) a description of the licensed or registered source of radiation involved, including, for
40 radioactive material, the kind, quantity, and chemical and physical form; and, for radiation machines, the
41 manufacturer, model and serial number, type and maximum energy of radiation emitted;

42 (2) a description of the circumstances under which the loss or theft occurred;

43 (3) a statement of disposition, or probable disposition, of the licensed or registered source of
44 radiation involved;

45 (4) exposures of individuals to radiation, circumstances under which the exposures occurred,
46 and the possible total effective dose equivalent to persons in unrestricted areas;

47 (5) actions that have been taken, or will be taken, to recover the source of radiation; and

48 (6) procedures or measures that have been, or will be, adopted to ensure against a recurrence
49 of the loss or theft of licensed or registered sources of radiation.

50 **C.** Subsequent to filing the written report, the licensee or registrant shall also report additional
51 substantive information on the loss or theft within 30 days after the licensee or registrant learns of such information.

52 **D.** The licensee or registrant shall prepare any report filed with the department pursuant to this
53 section so that names of individuals who may have received exposure to radiation are stated in a separate and
54 detachable portion of the report.

55 [20.3.4.451 NMAC - Rp, 20.3.4.451 NMAC, 4/30/2009]

1 **20.3.4.452 NOTIFICATION OF INCIDENTS:**

2 **A. Immediate Notification.** Notwithstanding other requirements for notification, each licensee or
3 registrant shall immediately report each event involving a source of radiation possessed by the licensee or registrant
4 that may have caused or threatens to cause any of the following conditions:

- 5 (1) an individual to receive:
6 (a) a total effective dose equivalent of 25 rems (0.25 sievert) or more; or
7 (b) a lens dose equivalent of 75 rems (0.75 sievert) or more; or
8 (c) a shallow dose equivalent to the skin or extremities or a total organ dose
9 equivalent of 250 rads (2.5 grays) or more; or
10 (2) the release of radioactive material, inside or outside of a restricted area, so that, had an
11 individual been present for 24 hours, the individual could have received an intake five times the occupational ALI;
12 this provision does not apply to locations where personnel are not normally stationed during routine operations, such
13 as hot-cells or process enclosures.

14 **B. Twenty-Four Hour Notification.** Each licensee or registrant shall, within 24 hours of discovery
15 of the event, report to the department each event involving loss of control of a licensed or registered source of
16 radiation possessed by the licensee or registrant that may have caused, or threatens to cause, any of the following
17 conditions:

- 18 (1) an individual to receive, in a period of 24 hours:
19 (a) a total effective dose equivalent exceeding 5 rems (0.05 sievert); or
20 (b) a lens dose equivalent exceeding 15 rems (0.15 sievert); or
21 (c) a shallow dose equivalent to the skin or extremities or a total organ dose
22 equivalent exceeding 50 rems (0.5 sievert); or
23 (2) the release of radioactive material, inside or outside of a restricted area, so that, had an
24 individual been present for 24 hours, the individual could have received an intake in excess of one occupational
25 ALI; this provision does not apply to locations where personnel are not normally stationed during routine operations,
26 such as hot-cells or process enclosures.

27 **C.** The licensee or registrant shall prepare each report filed with the department pursuant to this
28 section so that names of individuals who have received exposure to sources of radiation are stated in a separate and
29 detachable portion of the report.

30 **D.** Licensees and registrants shall make the reports required by Subsections A and B of this section to
31 the department by telephone, and shall confirm the initial contact by e-mail, telegram, mailgram or facsimile to the
32 department.

33 **E.** The provisions of this section do not apply to doses that result from planned special exposures,
34 provided such doses are within the limits for planned special exposures and are reported pursuant to 20.3.4.454
35 NMAC.

36 [20.3.4.452 NMAC - Rp, 20.3.4.452 NMAC, 4/30/2009]

37
38 **20.3.4.453 REPORTS OF EXPOSURES, RADIATION LEVELS AND CONCENTRATIONS OF**
39 **RADIOACTIVE MATERIAL EXCEEDING THE CONSTRAINTS OR LIMITS:**

40 **A. Reportable Events.** In addition to the notification required by 20.3.4.452 NMAC, each licensee
41 or registrant shall submit a written report within 30 days after learning of any of the following occurrences:

- 42 (1) incidents for which notification is required by 20.3.4.452 NMAC; or
43 (2) doses in excess of any of the following:
44 (a) the occupational dose limits for adults in 20.3.4.452 NMAC;
45 (b) the occupational dose limits for a minor in 20.3.4.411 NMAC;
46 (c) the limits for an embryo/fetus of a declared pregnant woman in 20.3.4.412
47 NMAC;
48 (d) the limits for an individual member of the public in 20.3.4.413 NMAC;
49 (e) the limit in the license or registration; or
50 (f) the ALARA constraints for air emissions established under Subsection D of

51 20.3.4.404 NMAC; or

- 52 (3) levels of radiation or concentrations of radioactive material in:
53 (a) a restricted area in excess of applicable limits in the license or registration; or
54 (b) an unrestricted area in excess of 10 times the applicable limit set forth in this
55 part (20.3.4 NMAC) or in the license or registration, whether or not involving exposure of any individual in excess
56 of the limits in 20.3.4.413 NMAC; or

1 (4) for licensees subject to the provisions of EPA generally applicable environmental
2 radiation standards in 40 CFR 190, levels of radiation or releases of radioactive material in excess of those
3 standards, or of license conditions related to those standards.

4 **B. Content of Report.**

5 (1) Each report required by Subsection A of this section shall describe the extent of exposure
6 of individuals to radiation and radioactive material, including, as appropriate:

- 7 (a) estimates of each individual's dose;
- 8 (b) the levels of radiation and concentrations of radioactive material involved;
- 9 (c) the cause of the elevated exposures, dose rates or concentrations; and
- 10 (d) corrective steps taken or planned to ensure against a recurrence, including the
11 schedule for achieving conformance with applicable limits, ALARA constraints, generally applicable environmental
12 standards and associated license or registration conditions.

13 (2) Each report filed pursuant to Subsection A of this section shall include for each
14 occupationally overexposed individual: the name, social security account number and date of birth. With respect to
15 the limit for the embryo/fetus set forth in 20.3.4.412 NMAC, the identifiers should be those of the declared pregnant
16 woman. The report shall be prepared so that this information is stated in a separate and detachable part of the report.

17 C. All licensees or registrants who make reports pursuant to Subsection A of this section shall submit
18 the report in writing to the department.

19 [20.3.4.453 NMAC - Rp, 20.3.4.453 NMAC, 4/30/2009]

20
21 **20.3.4.454 REPORTS OF PLANNED SPECIAL EXPOSURES:** The licensee or registrant shall submit a
22 written report to the department within 30 days following any planned special exposure conducted in accordance
23 with 20.3.4.410 NMAC, informing the department that a planned special exposure was conducted and indicating the
24 date the planned special exposure occurred and the information required by 20.3.4.445 NMAC.

25 [20.3.4.454 NMAC - Rp, 20.3.4.454 NMAC, 4/30/2009]

26
27 **20.3.4.455 REPORTS OF TRANSACTIONS INVOLVING NATIONALLY TRACKED SOURCES:**
28 Each licensee who manufactures, transfers, receives, disassembles or disposes of a nationally tracked source (as
29 defined in 20.3.4.7 NMAC) shall complete and submit a *national source tracking transaction report* as specified in
30 Subsections A through E of this section for each type of transaction.

31 A. Each licensee who manufactures a nationally tracked source shall complete and submit a *national*
32 *source tracking transaction report*. The report must include the following information:

- 33 (1) the name, address and license number of the reporting licensee;
- 34 (2) the name of the individual preparing the report;
- 35 (3) the manufacturer, model and serial number of the source;
- 36 (4) the radioactive material in the source;
- 37 (5) the initial source strength in becquerels (curies) at the time of manufacture; and
- 38 (6) the manufacture date of the source.

39 B. Each licensee that transfers a nationally tracked source to another person shall complete and
40 submit a *national source tracking transaction report*. The report must include the following information:

- 41 (1) the name, address and license number of the reporting licensee;
- 42 (2) the name of the individual preparing the report;
- 43 (3) the name and license number of the recipient facility and the shipping address;
- 44 (4) the manufacturer, model and serial number of the source or, if not available, other
45 information to uniquely identify the source;
- 46 (5) the radioactive material in the source;
- 47 (6) the initial or current source strength in becquerels (curies);
- 48 (7) the date for which the source strength is reported;
- 49 (8) the shipping date;
- 50 (9) the estimated arrival date; and
- 51 (10) for nationally tracked sources transferred as waste under a *uniform low-level radioactive*

52 *waste manifest*, the waste manifest number and the container identification of the container with the nationally
53 tracked source.

54 C. Each licensee that receives a nationally tracked source shall complete and submit a *national*
55 *source tracking transaction report*. The report must include the following information:

- 56 (1) the name, address and license number of the reporting licensee;

1 (2) the name of the individual preparing the report;
2 (3) the name, address and license number of the person that provided the source;
3 (4) the manufacturer, model and serial number of the source or, if not available, other
4 information to uniquely identify the source;
5 (5) the radioactive material in the source;
6 (6) the initial or current source strength in becquerels (curies);
7 (7) the date for which the source strength is reported;
8 (8) the date of receipt; and
9 (9) for material received under a *uniform low-level radioactive waste manifest*, the waste
10 manifest number and the container identification with the nationally tracked source.

11 **D.** Each licensee that disassembles a nationally tracked source shall complete and submit a *national*
12 *source tracking transaction report*. The report must include the following information:

13 (1) the name, address and license number of the reporting licensee;
14 (2) the name of the individual preparing the report;
15 (3) the manufacturer, model and serial number of the source or, if not available, other
16 information to uniquely identify the source;
17 (4) the radioactive material in the source;
18 (5) the initial or current source strength in becquerels (curies);
19 (6) the date for which the source strength is reported; and
20 (7) the disassemble date of the source.

21 **E.** Each licensee who disposes of a nationally tracked source shall complete and submit a *national*
22 *source tracking transaction report*. The report must include the following information:

23 (1) the name, address and license number of the reporting licensee;
24 (2) the name of the individual preparing the report;
25 (3) the waste manifest number;
26 (4) the container identification with the nationally tracked source;
27 (5) the date of disposal; and
28 (6) the method of disposal.

29 **F.** The reports discussed in Subsections A through E of this section must be submitted by the close of
30 the next business day after the transaction. A single report may be submitted for multiple sources and transactions.
31 The reports must be submitted to the *national source tracking system* by using:

32 (1) the on-line *national source tracking system*;
33 (2) electronically using a computer-readable format;
34 (3) by facsimile;
35 (4) by mail to the address on the *national source tracking transaction report* form (NRC
36 form 748); or
37 (5) by telephone with follow-up by facsimile or mail.

38 **G.** Each licensee shall correct any error in previously filed reports or file a new report for any missed
39 transaction within 5 business days of the discovery of the error or missed transaction. Such errors may be detected
40 by a variety of methods such as administrative reviews or by physical inventories required by regulation. In
41 addition, each licensee shall reconcile the inventory of nationally tracked sources possessed by the licensee against
42 that licensee's data in the *national source tracking system*. The reconciliation must be conducted during the month
43 of January in each year. The reconciliation process must include resolving any discrepancies between the *national*
44 *source tracking system* and the actual inventory by filing the reports identified by Subsections A through E of this
45 section. By January 31 of each year, each licensee must submit to the *national source tracking system* confirmation
46 that the data in the *national source tracking system* is correct.

47 **H.** Each licensee that possesses category 1 nationally tracked sources shall report its initial inventory
48 of category 1 nationally tracked sources to the *national source tracking system* by January 31, 2009. Each licensee
49 that possesses category 2 nationally tracked sources shall report its initial inventory of category 2 nationally tracked
50 sources to the *national source tracking system* by January 31, 2009. The information may be submitted by using
51 any of the methods identified by Paragraph (1) through (4) of Subsection F of this section. The initial inventory
52 report must include the following information:

53 (1) the name, address and license number of the reporting licensee;
54 (2) the name of the individual preparing the report;
55 (3) the manufacturer, model and serial number of each nationally tracked source or, if not
56 available, other information to uniquely identify the source;

- 1 (4) the radioactive material in the sealed source;
- 2 (5) the initial or current source strength in becquerels (curies); and
- 3 (6) the date for which the source strength is reported.

4 [20.3.4.455 NMAC - N, 4/30/2009]

5
6 **20.3.4.456 REPORTS OF INDIVIDUAL MONITORING:**

7 **A.** This section applies to each person licensed or registered by the department to:

8 (1) possess or use sources of radiation for purposes of industrial radiography pursuant to
9 20.3.3 NMAC and 20.3.5 NMAC; or

10 (2) receive radioactive waste from other persons for disposal pursuant to 20.3.13 NMAC; or

11 (3) possess or use at any time, for processing or manufacturing for distribution pursuant to
12 20.3.3 NMAC or 20.3.7 NMAC, radioactive material in quantities exceeding any one of the following quantities:

TABLE 456.1		
Radionuclide	Activity ¹ Curies	Gigabecquerels
Cesium-137	1	37
Cobalt-60	1	37
Gold-198	100	3,700
Iodine-131	1	37
Iridium-192	10	370
Krypton-85	1,000	37,000
Promethium-147	10	370
Technetium-99m	1,000	37,000

13 **Table 456.1 note:** ¹the department may require as a license condition, or by rule, regulation or order pursuant to
14 20.3.1.111 NMAC, reports from licensees who are licensed to use radionuclides not on this list, in quantities
15 sufficient to cause comparable radiation levels.

16 **B.** Each licensee or registrant in a category listed in Subsection A of this section shall submit an
17 annual report of the results of individual monitoring carried out by the licensee or registrant for each individual for
18 whom monitoring was required by 20.3.4.417 NMAC during that year. The licensee or registrant may include
19 additional data for individuals for whom monitoring was provided but not required. The licensee or registrant shall
20 use department form *occupational dose record for a monitoring period* or equivalent, or electronic media containing
21 all the information required by department form *occupational dose record for a monitoring period*.

22 **C.** The licensee or registrant shall file the report required by Subsection B of this section, covering
23 the preceding year, on or before April 30 of each year. The licensee or registrant shall submit the report to the
24 department.

25 [20.3.4.456 NMAC - Rp, 20.3.4.456 NMAC, 4/30/2009]

26
27 **20.3.4.457 NOTIFICATIONS AND REPORTS TO INDIVIDUALS OF EXCEEDING DOSE LIMITS:**

28 **A.** Requirements for notification and reports to individuals of exposure to radiation or radioactive
29 material are specified in 20.3.10.1003 NMAC.

30 **B.** When a licensee or registrant is required pursuant to the provisions of 20.3.4.453 NMAC or
31 20.3.4.454 NMAC to report to the department any exposure of an identified occupationally exposed individual, or
32 an identified member of the public, to radiation or radioactive material, the licensee or registrant shall also provide a
33 copy of the report submitted to the department to the individual. This report must be transmitted at a time not later
34 than the transmittal to the department, and shall comply with the provisions of 20.3.10.1003 NMAC.

35 [20.3.4.457 NMAC - Rp, 20.3.4.457 NMAC, 4/30/2009; A, 6/30/2011]

36
37 **20.3.4.458 REPORTS OF LEAKING OR CONTAMINATED SEALED SOURCES:** The licensee shall
38 file a report within 5 days with the department if the test for leakage or contamination required pursuant to
39 20.3.4.415 NMAC indicates a sealed source is leaking or contaminated. The report shall include the equipment
40 involved, the test results and the corrective action taken.

41 [20.3.4.458 NMAC - Rp, 20.3.4.458 NMAC, 4/30/2009]

42
43 **20.3.4.459 VACATING PREMISES:** Each specific licensee shall, no less than 30 days before vacating or
44 relinquishing possession or control of premises which may have been contaminated with radioactive material as a

1 result of his activities, notify the department in writing of intent to vacate. When deemed necessary by the
 2 department, the licensee shall decontaminate the premises in such a manner as the department may specify.
 3 [20.3.4.459 NMAC - Rp, 20.3.4.459 NMAC, 4/30/2009]

4
 5 **20.3.4.460 APPENDIX A - PROTECTION FACTORS FOR RESPIRATORS:** The assigned protection
 6 factors specified in this section apply only in a respiratory protection program that meets the requirements of this
 7 part. They are applicable only to airborne radiological hazards and may not be appropriate to circumstances when
 8 chemical or other respiratory hazards exist instead of, or in addition to, radioactive hazards. Selection and use of
 9 respirators for such circumstances shall also comply with department of labor regulations. Radioactive
 10 contaminants for which the concentration values in column 3 of table I of 20.3.4.461 NMAC are based on internal
 11 dose due to inhalation may, in addition, present external exposure hazards at higher concentrations. Under these
 12 circumstances, limitations on occupancy may have to be governed by external dose limits.

13 **A. Air Purifying Respirators.**

Configuration (air purifying respirators only)	Operating Mode	Assigned Protection Factors
Filtering facepiece disposable. (Refer to Paragraph (4) of this subsection.)	Negative Pressure	(Refer to Paragraph (4) of this subsection.)
Facepiece, half (Refer to paragraph (5) of this subsection.)	Negative Pressure	10
Facepiece, full	Negative Pressure	100
Facepiece, half	Power air-purifying respirators	50
Facepiece, full	Power air-purifying respirators	1000
Helmet/hood	Power air-purifying respirators	1000
Facepiece, loose-fitting	Power air-purifying respirators	25

14 (1) The assigned protection factors apply for protection against particulate only.

15 (2) Air purifying respirators with APF <100 shall be equipped with particulate filters that are
 16 at least 95 percent efficient. Air purifying respirators with APF = 100 shall be equipped with particulate filters that
 17 are at least 99 percent efficient. Air purifying respirators with APFs >100 shall be equipped with particulate filters
 18 that are at least 99.97 percent efficient.

19 (3) The licensee may apply to the department for the use of an APF greater than 1 for sorbent
 20 cartridges as protection against airborne radioactive gases and vapors (e.g., radioiodine).

21 (4) **Special requirements and indications for filtering facepiece disposable respirators.**

22 Licensees may permit individuals to use this type of respirator who have not been medically screened or fit tested on
 23 the device provided that no credit is taken for their use in estimating intake or dose. It is also recognized that it is
 24 difficult to perform an effective positive or negative pressure pre-use user seal check on this type of device. All
 25 other respiratory protection program requirements listed in 20.3.4.423 NMAC apply. An assigned protection factor
 26 has not been assigned for these devices. However, an APF equal to 10 may be used if the licensee can demonstrate
 27 a fit factor of at least 100 by use of a validated or evaluated, qualitative or quantitative fit test.

28 (5) **Special requirements and indications for half facepiece, negative pressure**
 29 **respirators.** The requirements in this paragraph apply to the under-chin configuration only. No distinction is made
 30 in this section between elastomeric half-masks with replaceable cartridges and those designed with the filter medium
 31 as an integral part of the facepiece (e.g., disposable or reusable disposable). Both types are acceptable so long as the

1 seal area of the latter contains some substantial type of seal-enhancing material such as rubber or plastic, the two or
 2 more suspension straps are adjustable, the filter medium is at least 95 percent efficient and all other requirements of
 3 this part are met.

4 **B. Air-Line Respirators (Atmosphere Supplying).**

Configuration (air-line respirators only)	Operating Mode	Assigned Protection Factors
Facepiece, half	Demand	10
Facepiece, half	Continuous Flow	50
Facepiece, half	Pressure Demand	50
Facepiece, full	Demand	100
Facepiece, full	Continuous Flow	1000
Facepiece, full	Pressure Demand	1000
Helmet/hood	Continuous	1000
Facepiece, loose-fitting	Continuous	25
Suit	Continuous	(Refer to Paragraph (3) of this subsection.)

5 (1) The assigned protection factors apply for protection against particulate, gases and vapors.

6 (2) The assigned protection factors for gases and vapors are not applicable to radioactive
 7 contaminants that present an absorption or submersion hazard. For tritium oxide vapor, approximately one-third of
 8 the intake occurs by absorption through the skin so that an overall protection factor of 3 is appropriate when
 9 atmosphere-supplying respirators are used to protect against tritium oxide. Exposure to radioactive noble gases is
 10 not considered a significant respiratory hazard, and protective actions for these contaminants should be based on
 11 external (submersion) dose considerations.

12 (3) **Special requirements and indications for suits.** No national institute for occupational
 13 safety and health (NIOSH) approval schedule is currently available for atmosphere supplying suits. This equipment
 14 may be used in an acceptable respiratory protection program as long as all the other minimum program
 15 requirements, with the exception of fit testing, are met (see 20.3.4.423 NMAC).

16 **C. Self-Contained Breathing Apparatus "SCBA" (Atmosphere Supplying).**

Configuration (SCBA respirators only)	Operating Mode	Assigned Protection Factors
Facepiece, full	Demand	100 (Refer to Paragraph (3) of this subsection.)
Facepiece, full	Pressure Demand	10,000 (Refer to Paragraph (4) of this subsection.)
Facepiece, full	Demand-Recirculating	100 (Refer to Paragraph (3) of this subsection.)
Facepiece, full	Positive Pressure Recirculating	10,000 (Refer to Paragraph (4) of this subsection.)

17 (1) The assigned protection factors apply for protection against particulate, gases and vapors.

18 (2) The assigned protection factors for gases and vapors are not applicable to radioactive
 19 contaminants that present an absorption or submersion hazard. For tritium oxide vapor, approximately one-third of
 20 the intake occurs by absorption through the skin so that an overall protection factor of 3 is appropriate when
 21 atmosphere-supplying respirators are used to protect against tritium oxide. Exposure to radioactive noble gases is
 22 not considered a significant respiratory hazard, and protective actions for these contaminants should be based on
 23 external (submersion) dose considerations.

1 **(3) Special requirements and indications for demand and demand-recirculating self-**
2 **contained breathing apparatus (SCBA).** The licensee should implement institutional controls to assure that these
3 devices are not used in areas immediately dangerous to life or health (IDLH).

4 **(4) Special requirements and indications for pressure demand and positive pressure**
5 **recirculating self-contained breathing apparatus (SCBA).** This type of respirator may be used as an emergency
6 device in unknown concentrations for protection against inhalation hazards. External radiation hazards and other
7 limitations to permitted exposure such as skin absorption shall be taken into account in these circumstances. This
8 device may not be used by any individual who experiences perceptible outward leakage of breathing gas while
9 wearing the device.

10 **D. Combination Respirators.**

Configuration (combination respirators only)	Operating Mode and Assigned Protection Factors
Any combination of air-purifying and atmosphere-supplying respirators	Assigned protection factor for type and mode of operation as listed above.

11 [20.3.4.460 NMAC - Rp, 20.3.4.460 NMAC, 4/30/2009]

12
13 **20.3.4.461 APPENDIX B - ANNUAL LIMITS ON INTAKE (ALI) AND DERIVED AIR**
14 **CONCENTRATIONS (DAC) OF RADIONUCLIDES FOR OCCUPATIONAL EXPOSURE; EFFLUENT**
15 **CONCENTRATIONS; CONCENTRATIONS FOR RELEASE TO SANITARY SEWERAGE:**

16 **A. Introduction.** For each radionuclide, table I of this section indicates the chemical form which is
17 to be used for selecting the appropriate ALI or DAC value. The ALIs and DACs for inhalation are given for an
18 aerosol with an activity median aerodynamic diameter (AMAD) of 1 micrometer, and for three classes (D,W and Y)
19 of radioactive material, which refer to their retention (approximately days, weeks or years) in the pulmonary region
20 of the lung. This classification applies to a range of clearance half-times for D if less than 10 days, for W from 10 to
21 100 days and for Y greater than 100 days. The class (D,W or Y) given in the column headed "Class" applies only to
22 the inhalation ALIs and DACs given in columns 2 and 3 of table I of this section. Table II of this section provides
23 concentration limits for airborne and liquid effluents released to the general environment. Table III of this section
24 provides concentration limits for discharges to sanitary sewerage.

25 **B. Note.** The values in tables I, II and III of this section are presented in the E-notation. In this
26 notation a value of 6E-02 represents a value of 6×10^{-2} or 0.06, 6E+2 represents 6×10^2 or 600, and 6E+0 represents
27 6×10^0 or 6.

28 **C. Table I "Occupational Values".**

29 **(1)** Note that the columns in table I of this section titled "Oral Ingestion ALI," "Inhalation
30 ALI" and "DAC," are applicable to occupational exposure to radioactive material.

31 **(2)** The ALI's in this section are the annual intakes of given radionuclide by "reference man"
32 which would result in either a committed effective dose equivalent of 5 rems (0.05 sievert) (stochastic ALI), or a
33 committed dose equivalent of 50 rems (0.5 sievert) to an organ or tissue (non-stochastic ALI). The stochastic ALIs
34 were derived to result in a risk, due to irradiation of organs and tissues, comparable to the risk associated with deep
35 dose equivalent to the whole body of 5 rems (0.05 sievert). The derivation includes multiplying the committed dose
36 equivalent to an organ or tissue by a weighting factor, w_T . This weighting factor is the proportion of the risk of
37 stochastic effects resulting from irradiation of the organ or tissue, T, to the total risk of stochastic effects when the
38 whole body is irradiated uniformly. The values of w_T are listed under the definition of weighting factor in 20.3.4.7
39 NMAC. The non-stochastic ALI's were derived to avoid non-stochastic effects, such as prompt damage to tissue or
40 reduction in organ function.

41 **(3)** A value of $w_T = 0.06$ is applicable to each of the five organs or tissues in the "remainder"
42 category receiving the highest dose equivalents, and the dose equivalents of all other remaining tissues may be
43 disregarded. The following portions of the gastro-intestinal (GI) tract - stomach, small intestine, upper large
44 intestine and lower large intestine - are to be treated as four separate organs.

45 **(4)** Note that the dose equivalents for an extremity, skin and lens of the eye are not
46 considered in computing the committed effective dose equivalent, but are subject to limits that must be met
47 separately.

48 **(5)** When an ALI is defined by the stochastic dose limit, this value alone is given. When an
49 ALI is determined by the non-stochastic dose limit to an organ, the organ or tissue to which the limit applies is

1 shown, and the ALI for the stochastic limit is shown in parentheses. Abbreviated organ or tissue designations are
2 used:

- 3 (a) LLI wall = lower large intestine wall;
- 4 (b) St wall = stomach wall;
- 5 (c) Blad wall = bladder wall; and
- 6 (d) Bone surf = bone surface.

7 (6) The use of the ALI's listed first, the more limiting of the stochastic and non-stochastic
8 ALI's, will ensure that non-stochastic effects are avoided and that the risk of stochastic effects is limited to an
9 acceptably low value. If, in a particular situation involving a radionuclide for which the non-stochastic ALI is
10 limiting, use of that non-stochastic ALI is considered unduly conservative, the licensee may use the stochastic ALI
11 to determine the committed effective dose equivalent. However, the licensee shall also ensure that the 50 rems (0.5
12 sievert) dose equivalent limit for any organ or tissue is not exceeded by the sum of the external deep dose equivalent
13 plus the internal committed dose equivalent to that organ, not the effective dose. For the case where there is no
14 external dose contribution, this would be demonstrated if the sum of the fractions of the non-stochastic ALI's (ALI_{ns})
15 that contribute to the committed dose equivalent to the organ receiving the highest dose does not exceed unity, that
16 is, the sum (intake in microcuries of each radionuclide/ALI_{ns}) is less than or equal to 1.0. If there is an external deep
17 dose equivalent contribution of H_d, then this sum must be less than 1 - (H_d/50), instead of less than or equal to 1.0.
18 Note that the dose equivalents for an extremity, skin and lens of the eye are not considered in computing the
19 committed effective dose equivalent, but are subject to limits that must be met separately.

20 (7) The derived air concentration (DAC) values are derived limits intended to control chronic
21 occupational exposures. The relationship between the DAC and the ALI is given by:

22
$$\text{DAC} = \text{ALI (in microcuries)} / (2000 \text{ hours per working year} \times 60 \text{ minutes/hour} \times 20000$$

23 milliliter per minute) = (ALI / 2.4 x 10⁹ ml) microcuries/milliliter, where 20000 milliliter is the volume of air
24 breathed per minute at work by reference man under working conditions of light work.

25 (8) The DAC values relate to one of two modes of exposure: either external submersion or
26 the internal committed dose equivalents resulting from inhalation of radioactive materials. DACs based upon
27 submersion are for immersion in a semi-infinite cloud of uniform concentration and apply to each radionuclide
28 separately.

29 (9) The ALI and DAC values include contributions to exposure by the single radionuclide
30 named and any in-growth of daughter radionuclides produced in the body by decay of the parent. However, intakes
31 that include both the parent and daughter radionuclides should be treated by the general method appropriate for
32 mixtures.

33 (10) The values of ALI and DAC do not apply directly when the individual both ingests and
34 inhales a radionuclide, when the individual is exposed to a mixture of radionuclides by either inhalation or ingestion
35 or both, or when the individual is exposed to both internal and external irradiation (see 20.3.4.406 NMAC). When
36 an individual is exposed to radioactive materials which fall under several of the translocation classifications of the
37 same radionuclide, such as class D, class W or class Y, the exposure may be evaluated as if it were a mixture of
38 different radionuclides.

39 (11) It should be noted that the classification of a compound as class D, W or Y is based on
40 the chemical form of the compound and does not take into account the radiological half-life of different
41 radionuclides. For this reason, values are given for class D, W and Y compounds, even for very short-lived
42 radionuclides.

43 D. Table II "Effluent Concentrations".

44 (1) The columns in table II of this section titled "effluents," "air" and "water" are applicable
45 to the assessment and control of dose to the public, particularly in the implementation of the provisions of
46 20.3.4.414 NMAC. The concentration values given in columns 1 and 2 of table II are equivalent to the radionuclide
47 concentrations which, if inhaled or ingested continuously over the course of a year, would produce a total effective
48 dose equivalent of 0.05 rem (0.5 millisievert).

49 (2) Consideration of non-stochastic limits has not been included in deriving the air and water
50 effluent concentration limits because non-stochastic effects are presumed not to occur at or below the dose levels
51 established for individual members of the public. For radionuclides, where the non-stochastic limit was governing
52 in deriving the occupational DAC, the stochastic ALI was used in deriving the corresponding airborne effluent limit
53 in table II of this subsection. For this reason, the DAC and airborne effluent limits are not always proportional as
54 was the case in appendix A of part D of the eighth edition of volume I of the *suggested state regulations for control*
55 *of radiation*.

(3) The air concentration values listed in column 1 of table II of this subsection were derived by one of two methods. For those radionuclides for which the stochastic limit is governing, the occupational stochastic inhalation ALI was divided by 2.4×10^9 milliliter, relating the inhalation ALI to the DAC, as explained above, and then divided by a factor of 300. The factor of 300 includes the following components: a factor of 50 to relate the 5 rems (0.05 sievert) annual occupational dose limit to the 0.1 rem (1 millisievert) limit for members of the public, a factor of 3 to adjust for the difference in exposure time and the inhalation rate for a worker and that for members of the public; and a factor of 2 to adjust the occupational values, derived for adults, so that they are applicable to other age groups.

(4) For those radionuclides for which submersion, that is external dose, is limiting, the occupational DAC in column 3 of table I was divided by 219. The factor of 219 is composed of a factor of 50, as described above, and a factor of 4.38 relating occupational exposure for 2,000 hours per year to full-time exposure (8,760 hours per year). Note that an additional factor of 2 for age considerations is not warranted in the submersion case.

(5) The water concentrations were derived by taking the most restrictive occupational stochastic oral ingestion ALI and dividing by 7.3×10^7 . The factor of 7.3×10^7 milliliter includes the following components: the factors of 50 and 2 described above and a factor of 7.3×10^5 milliliter which is the annual water intake of reference man.

(6) Note 2 of Subsection F of this section provides groupings of radionuclides which are applicable to unknown mixtures of radionuclides. These groupings, including occupational inhalation ALIs and DACs, air and water effluent concentrations and releases to sewer, require demonstrating that the most limiting radionuclides in successive classes are absent. The limit for the unknown mixture is defined when the presence of one of the listed radionuclides cannot be definitely excluded as being present either from knowledge of the radionuclide composition of the source or from actual measurements.

E. Table III "Releases to Sewers". The monthly average concentrations for release to sanitary sewerage are applicable to the provisions in 20.3.4.435 NMAC. The concentration values were derived by taking the most restrictive occupational stochastic oral ingestion ALI and dividing by 7.3×10^6 milliliter. The factor of 7.3×10^6 milliliter is composed of a factor of 7.3×10^5 milliliter, the annual water intake by reference man, and a factor of 10, such that the concentrations, if the sewage released by the licensee were the only source of water ingested by reference man during a year, would result in a committed effective dose equivalent of 0.05 rem (5 millisieverts).

List of Elements and their Corresponding Atomic Numbers		
Element	Atomic Symbol	Atomic Number
Actinium	Ac	89
Aluminum	Al	13
Americium	Am	95
Antimony	Sb	51
Argon	Ar	18
Arsenic	As	33
Astatine	At	85
Barium	Ba	56
Berkelium	Bk	97
Beryllium	Be	4
Bismuth	Bi	83
Bromine	Br	35
Cadmium	Cd	48
Calcium	Ca	20
Californium	Cf	98
Carbon	C	6
Cerium	Ce	58
Cesium	Cs	55
Chlorine	Cl	17
Chromium	Cr	24

List of Elements and their Corresponding Atomic Numbers		
Element	Atomic Symbol	Atomic Number
Cobalt	Co	27
Copper	Cu	29
Curium	Cm	96
Dysprosium	Dy	66
Einsteinium	Es	99
Erbium	Er	68
Europium	Eu	63
Fermium	Fm	100
Fluorine	F	9
Francium	Fr	87
Gadolinium	Gd	64
Gallium	Ga	31
Germanium	Ge	32
Gold	Au	79
Hafnium	Hf	72
Holmium	Ho	67
Hydrogen	H	1
Indium	In	49
Iodine	I	53
Iridium	Ir	77
Iron	Fe	26
Krypton	Kr	36
Lanthanum	La	57
Lead	Pb	82
Lutetium	Lu	71
Magnesium	Mg	12
Manganese	Mn	25
Mendelevium	Md	101
Mercury	Hg	80
Molybdenum	Mo	42
Neodymium	Nd	60
Neptunium	Np	93
Nickel	Ni	28
Niobium	Nb	41
Nitrogen	N	7
Osmium	Os	76
Oxygen	O	8
Palladium	Pd	46
Phosphorus	P	15
Platinum	Pt	78
Plutonium	Pu	94
Polonium	Po	84
Potassium	K	19
Praseodymium	Pr	59
Promethium	Pm	61
Protactinium	Pa	91
Radium	Ra	88

List of Elements and their Corresponding Atomic Numbers		
Element	Atomic Symbol	Atomic Number
Radon	Rn	86
Rhenium	Re	75
Rhodium	Rh	45
Rubidium	Rb	37
Ruthenium	Ru	44
Samarium	Sm	62
Scandium	Sc	21
Selenium	Se	34
Silicon	Si	14
Silver	Ag	47
Sodium	Na	11
Strontium	Sr	38
Sulfur	S	16
Tantalum	Ta	73
Technetium	Tc	43
Tellurium	Te	52
Terbium	Tb	65
Thallium	Tl	81
Thorium	Th	90
Thulium	Tm	69
Tin	Sn	50
Titanium	Ti	22
Tungsten	W	74
Uranium	U	92
Vanadium	V	23
Xenon	Xe	54
Ytterbium	Yb	70
Yttrium	Y	39
Zinc	Zn	30
Zirconium	Zr	40

1
2

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers
			Col. 1	Col. 2	Col. 3	Col. 1	Col. 2	
			Oral Ingestion ALI (μCi)	Inhalation		Air (μCi/ml)	Water (μCi/ml)	Monthly Average Concentration (μCi/ml)
	ALI (μCi)	DAC (μCi/ml)						
1	Hydrogen-3	Water, DAC includes skin absorption	8E+4	8E+4	2E-5	1E-7	1E-3	1E-2
		Gas (HT or T ₂) Submersion ¹ : Use above values as HT and T ₂ oxidize in air and in the body to HTO.						
4	Beryllium-7	W, all compounds except those given for Y, oxides, halides, and nitrates	4E+4 -	2E+4 2E+4	9E-6 8E-6	3E-8 3E-8	6E-4 -	6E-3 -
4	Beryllium-10	W, see ⁷ Be Y, see ⁷ Be	1E+3 LLI wall (1E+3) -	2E+2 - 1E+1	6E-8 - 6E-9	2E-10 - 2E-11	- 2E-5 -	- 2E-4 -
6	Carbon-11 ²	Monoxide Dioxide Compounds	- - 4E+5	1E+6 6E+5 4E+5	5E-4 3E-4 2E-4	2E-6 9E-7 6E-7	- - 6E-3	- - 6E-2
6	Carbon-14	Monoxide Dioxide Compounds	- - 2E+3	2E+6 2E+5 2E+3	7E-4 9E-5 1E-6	2E-6 3E-7 3E-9	- - 3E-5	- - 3E-4
7	Nitrogen-13 ²	Submersion ¹	-	-	4E-6	2E-8	-	-
8	Oxygen-15 ²	Submersion ¹	-	-	4E-6	2E-8	-	-
9	Fluorine-18 ²	D, fluorides of H, Li, Na, K, Rb, Cs, and Fr W, fluorides of Be, Mg, Ca, Sr, Ba, Ra, Al, Ga, In, Tl, As, Sb, Bi, Fe, Ru, Os, Co, Ni, Pd, Pt, Cu, Ag, Au, Zn, Cd, Hg, Sc, Y, Ti, Zr, V, Nb, Ta, Mn, Tc, and Re Y, lanthanum fluoride	5E+4 St wall (5E+4) -	7E+4 - 9E+4 8E+4	3E-5 - 4E-5 3E-5	1E-7 - 1E-7 1E-7	- 7E-4 -	- 7E-3 -
11	Sodium-22	D, all compounds	4E+2	6E+2	3E-7	9E-10	6E-6	6E-5
11	Sodium-24	D, all compounds	4E+3	5E+3	2E-6	7E-9	5E-5	5E-4

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers
			Col. 1	Col. 2	Col. 3	Col. 1	Col. 2	
			Oral Ingestion ALI (μCi)	Inhalation		Air (μCi/ml)	Water (μCi/ml)	Monthly Average Concentration (μCi/ml)
ALI (μCi)	DAC (μCi/ml)							
12	Magnesium-28	D, all compounds except those given for W, oxides, hydroxides, carbides, halides, and nitrates	7E+2	2E+3	7E-7	2E-9	9E-6	9E-5
			-	1E+3	5E-7	2E-9	-	-
13	Aluminum-26	D, all compounds except those given for W, oxides, hydroxides, carbides, halides and nitrates	4E+2	6E+1	3E-8	9E-11	6E-6	6E-5
			-	9E+1	4E-8	1E-10	-	-
14	Silicon-31	D, all compounds except those given for W and Y, oxides, hydroxides, carbides, and nitrates Y, aluminosilicate glass	9E+3	3E+4	1E-5	4E-8	1E-4	1E-3
			-	3E+4	1E-5	5E-8	-	-
14	Silicon-32	D, see ³¹ Si W, see ³¹ Si Y, see ³¹ Si	2E+3 LLI wall (3E+3)	2E+2	1E-7	3E-10	-	-
			-	1E+2	5E-8	2E-10	4E-5	4E-4
15	Phosphorus-32	D, all compounds except phosphates given for W W, phosphates of Zn ²⁺ , S ³⁺ , Mg ²⁺ , Fe ³⁺ , Bi ³⁺ , and Lanthanides	6E+2	9E+2	4E-7	1E-9	9E-6	9E-5
			-	4E+2	2E-7	5E-10	-	-
15	Phosphorus-33	D, see ³² p W, see ³² p	6E+3	8E+3	4E-6	1E-8	8E-5	8E-4
			-	3E+3	1E-6	4E-9	-	-

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers
			Col. 1	Col. 2	Col. 3	Col. 1	Col. 2	
			Oral Ingestion ALI (μCi)	Inhalation		Air (μCi/ml)	Water (μCi/ml)	Monthly Average Concentration (μCi/ml)
	ALI (μCi)	DAC (μCi/ml)						
16	Sulfur-35	Vapor D, sulfides and sulfates except those given for W	-	1E+4	6E-6	2E-8	-	-
			1E+4 LLI wall (8E+3)	2E+4	7E-6	2E-8	-	-
			-	-	-	1E-4	1E-3	
16	Sulfur-35	W, elemental sulfur, sulfides of Sr, Ba, Ge, Sn, Pb, As, Sb, Bi, Cu, Ag, Au, Zn, Cd, Hg, W, and Mo. Sulfates of Ca, Sr, Ba, Ra, As, Sb, and Bi	6E+3	-	-	-	-	-
			-	2E+3	9E-7	3E-9	-	-
			-	-	-	-	-	
17	Chlorine-36	D, chlorides of H, Li, Na, K, Rb, Cs, and Fr W, chlorides of Lanthanides, Be, Mg, Ca, Sr, Ba, Ra, Al, Ga, In, Tl, Ge, Sn, Pb, As, Sb, Bi, Fe, Ru, Os, Co, Rh, Ir, Ni, Pd, Pt, Cu, Ag, Au, Zn, Cd, Hg, Sc, Y, Ti, Zr, Hf, V, Nb, Ta, Cr, Mo, W, Mn, Tc, and Re	2E+3	2E+3	1E-6	3E-9	2E-5	2E-4
			-	2E+2	1E-7	3E-10	-	-
17	Chlorine-38 ²	D, see ³⁶ Cl	2E+4	4E+4	2E-5	6E-8	-	-
		St wall (3E+4)	-	5E+4	2E-5	6E-8	3E-4	3E-3
17	Chlorine-39 ²	D, see ³⁶ Cl	2E+4	5E+4	2E-5	7E-8	-	-
		St wall (4E+4)	-	6E+4	2E-5	8E-8	5E-4	5E-3
17	Chlorine-38 ²	W, see ³⁶ Cl	-	-	-	-	-	-
18	Argon-37	Submersion ¹	-	-	1E+0	6E-3	-	-
18	Argon-39	Submersion ¹	-	-	2E-4	8E-7	-	-
18	Argon-41	Submersion ¹	-	-	3E-6	1E-8	-	-
19	Potassium-40	D, all compounds	3E+2	4E+2	2E-7	6E-10	4E-6	4E-5

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers
			Col. 1	Col. 2	Col. 3	Col. 1	Col. 2	
			Oral Ingestion ALI (μCi)	Inhalation		Air (μCi/ml)	Water (μCi/ml)	Monthly Average Concentration (μCi/ml)
	ALI (μCi)	DAC (μCi/ml)						
19	Potassium-42	D, all compounds	5E+3	5E+3	2E-6	7E-9	6E-5	6E-4
19	Potassium-43	D, all compounds	6E+3	9E+3	4E-6	1E-8	9E-5	9E-4
19	Potassium-44 ²	D, all compounds	2E+4 St wall (4E+4)	7E+4 -	3E-5 -	9E-8 -	- 5E-4	- 5E-3
19	Potassium-45 ²	D, all compounds	3E+4 St wall (5E+4)	1E+5 -	5E-5 -	2E-7 -	- 7E-4	- 7E-3
20	Calcium-41	W, all compounds	3E+3 Bone surf (4E+3)	4E+3 Bone surf (4E+3)	2E-6 -	- 5E-9	- 6E-5	- 6E-4
20	Calcium-45	W, all compounds	2E+3	8E+2	4E-7	1E-9	2E-5	2E-4
20	Calcium-47	W, all compounds	8E+2	9E+2	4E-7	1E-9	1E-5	1E-4
21	Scandium-43	Y, all compounds	7E+3	2E+4	9E-6	3E-8	1E-4	1E-3
21	Scandium-44m	Y, all compounds	5E+2	7E+2	3E-7	1E-9	7E-6	7E-5
21	Scandium-44	Y, all compounds	4E+3	1E+4	5E-6	2E-8	5E-5	5E-4
21	Scandium-46	Y, all compounds	9E+2	2E+2	1E-7	3E-10	1E-5	1E-4
21	Scandium-47	Y, all compounds	2E+3 LLI wall (3E+3)	3E+3 -	1E-6 -	4E-9 -	- 4E-5	- 4E-4
21	Scandium-48	Y, all compounds	8E+2	1E+3	6E-7	2E-9	1E-5	1E-4
21	Scandium-49 ²	Y, all compounds	2E+4	5E+4	2E-5	8E-8	3E-4	3E-3
22	Titanium-44	D, all compounds except those given for W and Y W, oxides, hydroxides, carbides, halides, and nitrates Y, SrTiO	3E+2 -	1E+1 3E+1 6E+0	5E-9 1E-8 2E-9	2E-11 4E-11 8E-12	4E-6 - -	4E-5 - -
22	Titanium-45	D, see ⁴⁴ Ti W, see ⁴⁴ Ti Y, see ⁴⁴ Ti	9E+3 - -	3E+4 4E+4 3E+4	1E-5 1E-5 1E-5	3E-8 5E-8 4E-8	1E-4 - -	1E-3 - -

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers
			Col. 1	Col. 2	Col. 3	Col. 1	Col. 2	
			Oral Ingestion ALI (μCi)	Inhalation		Air (μCi/ml)	Water (μCi/ml)	Monthly Average Concentration (μCi/ml)
ALI (μCi)	DAC (μCi/ml)							
23	Vanadium-47 ²	D, all compounds except those given for W W, oxides, hydroxides, carbides, and halides	3E+4 St wall (3E+4) -	8E+4 - 1E+5	3E-5 - 4E-5	1E-7 - 1E-7	- 4E-4 -	- 4E-3 -
23	Vanadium-48	D, see ⁴⁷ V W, see ⁴⁷ V	6E+2 -	1E+3 6E+2	5E-7 3E-7	2E-9 9E-10	9E-6 -	9E-5 -
23	Vanadium-49	D, see ⁴⁷ V W, see ⁴⁷ V	7E+4 LLI wall (9E+4) -	3E+4 Bone surf (3E+4) 2E+4	1E-5 - 8E-6	- 5E-8 2E-8	- 1E-3 -	- 1E-2 -
24	Chromium-48	D, all compounds except those given for W and Y W, halides and nitrates Y, oxides and hydroxides	6E+3 - -	1E+4 7E+3 7E+3	5E-6 3E-6 3E-6	2E-8 1E-8 1E-8	8E-5 - -	8E-4 - -
24	Chromium-49 ²	D, see ⁴⁸ Cr W, see ⁴⁸ Cr Y, see ⁴⁸ Cr	3E+4 - -	8E+4 1E+5 9E+4	4E-5 4E-5 4E-5	1E-7 1E-7 1E-7	4E-4 - -	4E-3 - -
24	Chromium-51	D, see ⁴⁸ Cr W, see ⁴⁸ Cr Y, see ⁴⁸ Cr	4E+4 - -	5E+4 2E+4 2E+4	2E-5 1E-5 8E-6	6E-8 3E-8 3E-8	5E-4 - -	5E-3 - -
25	Manganese-51 ²	D, all compounds except those given for W W, oxides, hydroxides, halides, and nitrates	2E+4 -	5E+4 6E+4	2E-5 3E-5	7E-8 8E-8	3E-4 -	3E-3 -
25	Manganese-52m ²	D, see ⁵¹ Mn W, see ⁵¹ Mn	3E+4 St Wall (4E+4) -	9E+4 - 1E+5	4E-5 - 4E-5	1E-7 - 1E-7	- 5E-4 -	- 5E-3 -
25	Manganese-52	D, see ⁵¹ Mn W, see ⁵¹ Mn	7E+2 -	1E+3 9E+2	5E-7 4E-7	2E-9 1E-9	1E-5 -	1E-4 -
25	Manganese-53	D, see ⁵¹ Mn W, see ⁵¹ Mn	5E+4 - -	1E+4 Bone surf (2E+4) 1E+4	5E-6 - 5E-6	- 3E-8 2E-8	7E-4 - -	7E-3 - -
25	Manganese-54	D, see ⁵¹ Mn W, see ⁵¹ Mn	2E+3 -	9E+2 8E+2	4E-7 3E-7	1E-9 1E-9	3E-5 -	3E-4 -

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers
			Col. 1	Col. 2	Col. 3	Col. 1	Col. 2	
			Oral Ingestion ALI (μCi)	Inhalation		Air (μCi/ml)	Water (μCi/ml)	Monthly Average Concentration (μCi/ml)
ALI (μCi)	DAC (μCi/ml)							
25	Manganese-56	D, see ⁵¹ Mn W, see ⁵¹ Mn	5E+3 -	2E+4 2E+4	6E-6 9E-6	2E-8 3E-8	7E-5 -	7E-4 -
26	Iron-52	D, all compounds except those given for W W, oxides, hydroxides, and halides	9E+2 -	3E+3 2E+3	1E-6 1E-6	4E-9 3E-9	1E-5 -	1E-4 -
26	Iron-55	D, see ⁵² Fe W, see ⁵² Fe	9E+3 -	2E+3 4E+3	8E-7 2E-6	3E-9 6E-9	1E-4 -	1E-3 -
26	Iron-59	D, see ⁵² Fe W, see ⁵² Fe	8E+2 -	3E+2 5E+2	1E-7 2E-7	5E-10 7E-10	1E-5 -	1E-4 -
26	Iron-60	D, see ⁵² Fe W, see ⁵² Fe	3E+1 -	6E+0 2E+1	3E-9 8E-9	9E-12 3E-11	4E-7 -	4E-6 -
27	Cobalt-55	W, all compounds except those given for Y Y, oxides, hydroxides, halides, and nitrates	1E+3 -	3E+3 3E+3	1E-6 1E-6	4E-9 4E-9	2E-5 -	2E-4 -
27	Cobalt-56	W, see ⁵⁵ Co Y, see ⁵⁵ Co	5E+2 4E+2	3E+2 2E+2	1E-7 8E-8	4E-10 3E-10	6E-6 -	6E-5 -
27	Cobalt-57	W, see ⁵⁵ Co Y, see ⁵⁵ Co	8E+3 4E+3	3E+3 7E+2	1E-6 3E-7	4E-9 9E-10	6E-5 -	6E-4 -
27	Cobalt-58m	W, see ⁵⁵ Co Y, see ⁵⁵ Co	6E+4 -	9E+4 6E+4	4E-5 3E-5	1E-7 9E-8	8E-4 -	8E-3 -
27	Cobalt-58	W, see ⁵⁵ Co Y, see ⁵⁵ Co	2E+3 1E+3	1E+3 7E+2	5E-7 3E-7	2E-9 1E-9	2E-5 -	2E-4 -
27	Cobalt-60m ²	W, see ⁵⁵ Co Y, see ⁵⁵ Co	1E+6 St wall (1E+6) -	4E+6 - 3E+6	2E-3 - 1E-3	6E-6 - 4E-6	- 2E-2 -	- 2E-1 -
27	Cobalt-60	W, see ⁵⁵ Co Y, see ⁵⁵ Co	5E+2 2E+2	2E+2 3E+1	7E-8 1E-8	2E-10 5E-11	3E-6 -	3E-5 -
27	Cobalt-61 ²	W, see ⁵⁵ Co Y, see ⁵⁵ Co	2E+4 2E+4	6E+4 6E+4	3E-5 2E-5	9E-8 8E-8	3E-4 -	3E-3 -
27	Cobalt-62m ²	W, see ⁵⁵ Co Y, see ⁵⁵ Co	4E+4 St wall (5E+4) -	2E+5 - 2E+5	7E-5 - 6E-5	2E-7 - 2E-7	- 7E-4 -	- 7E-3 -

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers
			Col. 1	Col. 2	Col. 3	Col. 1	Col. 2	
			Oral Ingestion ALI (μCi)	Inhalation		Air (μCi/ml)	Water (μCi/ml)	Monthly Average Concentration (μCi/ml)
	ALI (μCi)	DAC (μCi/ml)						
28	Nickel-56	D, all compounds except those given for W, oxides, hydroxides, and carbides Vapor	1E+3 - -	2E+3 1E+3 1E+3	8E-7 5E-7 5E-7	3E-9 2E-9 2E-9	2E-5 - -	2E-4 - -
28	Nickel-57	D, see ⁵⁶ Ni W, see ⁵⁶ Ni Vapor	2E+3 - -	5E+3 3E+3 6E+3	2E-6 1E-6 3E-6	7E-9 4E-9 9E-9	2E-5 - -	2E-4 - -
28	Nickel-59	D, see ⁵⁶ Ni W, see ⁵⁶ Ni Vapor	2E+4 - -	4E+3 7E+3 2E+3	2E-6 3E-6 8E-7	5E-9 1E-8 3E-9	3E-4 - -	3E-3 - -
28	Nickel-63	D, see ⁵⁶ Ni W, see ⁵⁶ Ni Vapor	9E+3 - -	2E+3 3E+3 8E+2	7E-7 1E-6 3E-7	2E-9 4E-9 1E-9	1E-4 - -	1E-3 - -
28	Nickel-65	D, see ⁵⁶ Ni W, see ⁵⁶ Ni Vapor	8E+3 - -	2E+4 3E+4 2E+4	1E-5 1E-5 7E-6	3E-8 4E-8 2E-8	1E-4 - -	1E-3 - -
28	Nickel-66	D, see ⁵⁶ Ni W, see ⁵⁶ Ni Vapor	4E+2 LLI Wall (5E+2) - -	2E+3 - 6E+2 3E+3	7E-7 - 3E-7 1E-6	2E-9 - 9E-10 4E-9	- 6E-6 - -	- 6E-5 - -
29	Copper-60 ²	D, all compounds except those given for W and Y W, sulfides, halides, and nitrates Y, oxides and hydroxides	3E+4 St wall (3E+4) - -	9E+4 - 1E+5 1E+5	4E-5 - 5E-5 4E-5	1E-7 - 2E-7 1E-7	- 4E-4 - -	- 4E-3 - -
29	Copper-61	D, see ⁶⁰ Cu W, see ⁶⁰ Cu Y, see ⁶⁰ Cu	1E+4 - -	3E+4 4E+4 4E+4	1E-5 2E-5 1E-5	4E-8 6E-8 5E-8	2E-4 - -	2E-3 - -
29	Copper-64	D, see ⁶⁰ Cu W, see ⁶⁰ Cu Y, see ⁶⁰ Cu	1E+4 - -	3E+4 2E+4 2E+4	1E-5 1E-5 9E-6	4E-8 3E-8 3E-8	2E-4 - -	2E-3 - -
29	Copper-67	D, see ⁶⁰ Cu W, see ⁶⁰ Cu Y, see ⁶⁰ Cu	5E+3 - -	8E+3 5E+3 5E+3	3E-6 2E-6 2E-6	1E-8 7E-9 6E-9	6E-5 - -	6E-4 - -
30	Zinc-62	Y, all compounds	1E+3	3E+3	1E-6	4E-9	2E-5	2E-4
30	Zinc-63 ²	Y, all compounds	2E+4 St wall (3E+4)	7E+4 - -	3E-5 - -	9E-8 - -	- 3E-4	- 3E-3
30	Zinc-65	Y, all compounds	4E+2	3E+2	1E-7	4E-10	5E-6	5E-5

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers
			Col. 1	Col. 2	Col. 3	Col. 1	Col. 2	
			Oral Ingestion ALI (μCi)	Inhalation		Air (μCi/ml)	Water (μCi/ml)	Monthly Average Concentration (μCi/ml)
ALI (μCi)	DAC (μCi/ml)							
30	Zinc-69m	Y, all compounds	4E+3	7E+3	3E-6	1E-8	6E-5	6E-4
30	Zinc-69 ²	Y, all compounds	6E+4	1E+5	6E-5	2E-7	8E-4	8E-3
30	Zinc-71m	Y, all compounds	6E+3	2E+4	7E-6	2E-8	8E-5	8E-4
30	Zinc-72	Y, all compounds	1E+3	1E+3	5E-7	2E-9	1E-5	1E-4
31	Gallium-65 ²	D, all compounds except those given for W	5E+4 St wall (6E+4)	2E+5 -	7E-5 -	2E-7 -	- 9E-4	- 9E-3
		W, oxides, hydroxides, carbides, halides, and nitrates	-	2E+5	8E-5	3E-7	-	-
31	Gallium-66	D, see ⁶⁵ Ga W, see ⁶⁵ Ga	1E+3 -	4E+3 3E+3	1E-6 1E-6	5E-9 4E-9	1E-5 -	1E-4 -
31	Gallium-67	D, see ⁶⁵ Ga W, see ⁶⁵ Ga	7E+3 -	1E+4 1E+4	6E-6 4E-6	2E-8 1E-8	1E-4 -	1E-3 -
31	Gallium-68 ²	D, see ⁶⁵ Ga W, see ⁶⁵ Ga	2E+4 -	4E+4 5E+4	2E-5 2E-5	6E-8 7E-8	2E-4 -	2E-3 -
31	Gallium-70 ²	D, see ⁶⁵ Ga	5E+4 St wall (7E+4)	2E-5 -	7E-5 -	2E-7 -	- 1E-3	- 1E-2
		W, see ⁶⁵ Ga	-	2E+5	8E-5	3E-7	-	-
31	Gallium-72	D, see ⁶⁵ Ga W, see ⁶⁵ Ga	1E+3 -	4E+3 3E+3	1E-6 1E-6	5E-9 4E-9	2E-5 -	2E-4 -
31	Gallium-73	D, see ⁶⁵ Ga W, see ⁶⁵ Ga	5E+3 -	2E+4 2E+4	6E-6 6E-6	2E-8 2E-8	7E-5 -	7E-4 -
32	Germanium-66	D, all compounds except those given for W, oxides, sulfides and halides	2E+4 -	3E+4 2E+4	1E-5 8E-6	4E-8 3E-8	3E-4 -	3E-3 -
		D, see ⁶⁶ Ge W, see ⁶⁶ Ge	3E+4 St wall (4E+4) -	9E+4 - 1E+5	4E-5 - 4E-5	1E-7 - 1E-7	- 6E-4 -	- 6E-3 -
32	Germanium-68	D, see ⁶⁶ Ge W, see ⁶⁶ Ge	5E+3 -	4E+3 1E+2	2E-6 4E-8	5E-9 1E-10	6E-5 -	6E-4 -
32	Germanium-69	D, see ⁶⁶ Ge W, see ⁶⁶ Ge	1E+4 -	2E+4 8E+3	6E-6 3E-6	2E-8 1E-8	2E-4 -	2E-3 -
32	Germanium-71	D, see ⁶⁶ Ge W, see ⁶⁶ Ge	5E+5 -	4E+5 4E+4	2E-4 2E-5	6E-7 6E-8	7E-3 -	7E-2 -

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers
			Col. 1	Col. 2	Col. 3	Col. 1	Col. 2	
			Oral Ingestion ALI (μCi)	Inhalation		Air (μCi/ml)	Water (μCi/ml)	Monthly Average Concentration (μCi/ml)
ALI (μCi)	DAC (μCi/ml)							
32	Germanium-75 ²	D, see ⁶⁶ Ge	4E+4	8E+4	3E-5	1E-7	-	-
		W, see ⁶⁶ Ge	St wall (7E+4) -	- 8E+4	- 4E-5	- 1E-7	9E-4 -	9E-3 -
32	Germanium-77	D, see ⁶⁶ Ge	9E+3	1E+4	4E-6	1E-8	1E-4	1E-3
		W, see ⁶⁶ Ge	-	6E+3	2E-6	8E-9	-	-
32	Germanium-78 ²	D, see ⁶⁶ Ge	2E+4	2E+4	9E-6	3E-8	-	-
		W, see ⁶⁶ Ge	St wall (2E+4) -	- 2E+4	- 9E-6	- 3E-8	3E-4 -	3E-3 -
33	Arsenic-69 ²	W, all compounds	3E+4	1E+5	5E-5	2E-7	-	-
			St wall (4E+4) -	-	-	-	6E-4	6E-3
33	Arsenic-70 ²	W, all compounds	1E+4	5E+4	2E-5	7E-8	2E-4	2E-3
33	Arsenic-71	W, all compounds	4E+3	5E+3	2E-6	6E-9	5E-5	5E-4
33	Arsenic-72	W, all compounds	9E+2	1E+3	6E-7	2E-9	1E-5	1E-4
33	Arsenic-73	W, all compounds	8E+3	2E+3	7E-7	2E-9	1E-4	1E-3
33	Arsenic-74	W, all compounds	1E+3	8E+2	3E-7	1E-9	2E-5	2E-4
33	Arsenic-76	W, all compounds	1E+3	1E+3	6E-7	2E-9	1E-5	1E-4
33	Arsenic-77	W, all compounds	4E+3	5E+3	2E-6	7E-9	-	-
			LLI wall (5E+3) -	-	-	-	6E-5	6E-4
33	Arsenic-78 ²	W, all compounds	8E+3	2E+4	9E-6	3E-8	1E-4	1E-3
34	Selenium-70 ²	D, all compounds except those given for W, oxides, hydroxides, carbides and elemental Se	2E+4	4E+4	2E-5	5E-8	1E-4	1E-3
			1E+4	4E+4	2E-5	6E-8	-	-
34	Selenium-73m ²	D, see ⁷⁰ Se	6E+4	2E+5	6E-5	2E-7	4E-4	4E-3
		W, see ⁷⁰ Se	3E+4	1E+5	6E-5	2E-7	-	-
34	Selenium-73	D, see ⁷⁰ Se	3E+3	1E+4	5E-6	2E-8	4E-5	4E-4
		W, see ⁷⁰ Se	-	2E+4	7E-6	2E-8	-	-
34	Selenium-75	D, see ⁷⁰ Se	5E+2	7E+2	3E-7	1E-9	7E-6	7E-5
		W, see ⁷⁰ Se	-	6E+2	3E-7	8E-10	-	-
34	Selenium-79	D, see ⁷⁰ Se	6E+2	8E+2	3E-7	1E-9	8E-6	8E-5
		W, see ⁷⁰ Se	-	6E+2	2E-7	8E-10	-	-
34	Selenium-81m ²	D, see ⁷⁰ Se	4E+4	7E+4	3E-5	9E-8	3E-4	3E-3
		W, see ⁷⁰ Se	2E+4	7E+4	3E-5	1E-7	-	-

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers
			Col. 1	Col. 2	Col. 3	Col. 1	Col. 2	
			Oral Ingestion ALI (μCi)	Inhalation		Air (μCi/ml)	Water (μCi/ml)	Monthly Average Concentration (μCi/ml)
ALI (μCi)	DAC (μCi/ml)							
34	Selenium-81 ²	D, see ⁷⁰ Se	6E+4 St wall (8E+4)	2E+5	9E-5	3E-7	-	-
		W, see ⁷⁰ Se	-	- 2E+5	- 1E-4	- 3E-7	1E-3	1E-2
34	Selenium-83 ²	D, see ⁷⁰ Se	4E+4	1E+5	5E-5	2E-7	4E-4	4E-3
		W, see ⁷⁰ Se	3E+4	1E+5	5E-5	2E-7	-	-
35	Bromine-74m ²	D, bromides of H, Li, Na, K, Rb, Cs, and Fr	1E+4 St wall (2E+4)	4E+4	2E-5	5E-8	-	-
		W, bromides of lanthanides, Be, Mg, Ca, Sr, Ba, Ra, Al, Ga, In, Tl, Ge, Sn, Pb, As, Sb, Bi, Fe, Ru, Os, Co, Rh, Ir, Ni, Pd, Pt, Cu, Ag, Au, Zn, Cd, Hg, Sc, Y, Ti, Zr, Hf, V, Nb, Ta, Mn, Tc, and Re	-	4E+4	2E-5	6E-8	-	3E-4
35	Bromine-74 ²	D, see ^{74m} Br	2E+4 St wall (4E+4)	7E+4	3E-5	1E-7	-	-
		W, see ^{74m} Br	-	- 8E+4	- 4E-5	- 1E-7	5E-4	5E-3
35	Bromine-75 ²	D, see ^{74m} Br	3E+4 St wall (4E+4)	5E+4	2E-5	7E-8	-	-
		W, see ^{74m} Br	-	- 5E+4	- 2E-5	- 7E-8	5E-4	5E-3
35	Bromine-76	D, see ^{74m} Br	4E+3	5E+3	2E-6	7E-9	5E-5	5E-4
		W, see ^{74m} Br	-	4E+3	2E-6	6E-9	-	-
35	Bromine-77	D, see ^{74m} Br	2E+4	2E+4	1E-5	3E-8	2E-4	2E-3
		W, see ^{74m} Br	-	2E+4	8E-6	3E-8	-	-
35	Bromine-80m	D, see ^{74m} Br	2E+4	2E+4	7E-6	2E-8	3E-4	3E-3
		W, see ^{74m} Br	-	1E+4	6E-6	2E-8	-	-
35	Bromine-80 ²	D, see ^{74m} Br	5E+4 St wall (9E+4)	2E+5	8E-5	3E-7	-	-
		W, see ^{74m} Br	-	- 2E+5	- 9E-5	- 3E-7	1E-3	1E-2
35	Bromine-82	D, see ^{74m} Br	3E+3	4E+3	2E-6	6E-9	4E-5	4E-4
		W, see ^{74m} Br	-	4E+3	2E-6	5E-9	-	-
35	Bromine-83	D, see ^{74m} Br	5E+4 St wall (7E+4)	6E+4	3E-5	9E-8	-	-
		W, see ^{74m} Br	-	- 6E+4	- 3E-5	- 9E-8	9E-4	9E-3

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers
			Col. 1	Col. 2	Col. 3	Col. 1	Col. 2	
			Oral Ingestion ALI (μCi)	Inhalation		Air (μCi/ml)	Water (μCi/ml)	Monthly Average Concentration (μCi/ml)
	ALI (μCi)	DAC (μCi/ml)						
35	Bromine-84 ²	D, see ^{74m} Br	2E+4 St wall (3E+4)	6E+4	2E-5	8E-8	-	-
		W, see ^{74m} Br	-	- 6E+4	- 3E-5	- 9E-8	4E-4	4E-3
36	Krypton-74 ²	Submersion ¹	-	-	3E-6	1E-8	-	-
36	Krypton-76	Submersion ¹	-	-	9E-6	4E-8	-	-
36	Krypton-77 ²	Submersion ¹	-	-	4E-6	2E-8	-	-
36	Krypton-79	Submersion ¹	-	-	2E-5	7E-8	-	-
36	Krypton-81	Submersion ¹	-	-	7E-4	3E-6	-	-
36	Krypton-83m ²	Submersion ¹	-	-	1E-2	5E-5	-	-
36	Krypton-85m	Submersion ¹	-	-	2E-5	1E-7	-	-
36	Krypton-85	Submersion ¹	-	-	1E-4	7E-7	-	-
36	Krypton-87 ²	Submersion ¹	-	-	5E-6	2E-8	-	-
36	Krypton-88	Submersion ¹	-	-	2E-6	9E-9	-	-
37	Rubidium-79 ²	D, all compounds	4E+4 St wall (6E+4)	1E+5	5E-5	2E-7	-	-
			-	-	-	8E-4	8E-3	
37	Rubidium-81m ²	D, all compounds	2E+5 St wall (3E+5)	3E+5	1E-4	5E-7	-	-
			-	-	-	4E-3	4E-2	
37	Rubidium-81	D, all compounds	4E+4	5E+4	2E-5	7E-8	5E-4	5E-3
37	Rubidium-82m	D, all compounds	1E+4	2E+4	7E-6	2E-8	2E-4	2E-3
37	Rubidium-83	D, all compounds	6E+2	1E+3	4E-7	1E-9	9E-6	9E-5
37	Rubidium-84	D, all compounds	5E+2	8E+2	3E-7	1E-9	7E-6	7E-5
37	Rubidium-86	D, all compounds	5E+2	8E+2	3E-7	1E-9	7E-6	7E-5
37	Rubidium-87	D, all compounds	1E+3	2E+3	6E-7	2E-9	1E-5	1E-4
37	Rubidium-88 ²	D, all compounds	2E+4 St wall (3E+4)	6E+4	3E-5	9E-8	-	-
			-	-	-	4E-4	4E-3	
37	Rubidium-89 ²	D, all compounds	4E+4 St wall (6E+4)	1E+5	6E-5	2E-7	-	-
			-	-	-	9E-4	9E-3	
38	Strontium-80 ²	D, all soluble compounds except SrTiO ₃	4E+3	1E+4	5E-6	2E-8	6E-5	6E-4
		Y, all insoluble compounds and SrTiO ₃	-	1E+4	5E-6	2E-8	-	-
38	Strontium-81 ²	D, see ⁸⁰ Sr Y, see ⁸⁰ Sr	3E+4 2E+4	8E+4 8E+4	3E-5 3E-5	1E-7 1E-7	3E-4 -	3E-3 -

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers
			Col. 1	Col. 2	Col. 3	Col. 1	Col. 2	
			Oral Ingestion ALI (μCi)	Inhalation		Air (μCi/ml)	Water (μCi/ml)	Monthly Average Concentration (μCi/ml)
ALI (μCi)	DAC (μCi/ml)							
38	Strontium-82	D, see ⁸⁰ Sr Y, see ⁸⁰ Sr	3E+2 LLI wall (2E+2) 2E+2	4E+2 - 9E+1	2E-7 - 4E-8	6E-10 - 1E-10	- 3E-6 -	- 3E-5 -
38	Strontium-83	D, see ⁸⁰ Sr Y, see ⁸⁰ Sr	3E+3 2E+3	7E+3 4E+3	3E-6 1E-6	1E-8 5E-9	3E-5 -	3E-4 -
38	Strontium-85m ²	D, see ⁸⁰ Sr Y, see ⁸⁰ Sr	2E+5 -	6E+5 8E+5	3E-4 4E-4	9E-7 1E-6	3E-3 -	3E-2 -
38	Strontium-85	D, see ⁸⁰ Sr Y, see ⁸⁰ Sr	3E+3 -	3E+3 2E+3	1E-6 6E-7	4E-9 2E-9	4E-5 -	4E-4 -
38	Strontium-87m	D, see ⁸⁰ Sr Y, see ⁸⁰ Sr	5E+4 4E+4	1E+5 2E+5	5E-5 6E-5	2E-7 2E-7	6E-4 -	6E-3 -
38	Strontium-89	D, see ⁸⁰ Sr Y, see ⁸⁰ Sr	6E+2 LLI Wall (6E+2) 5E+2	8E+2 - 1E+2	4E-7 - 6E-8	1E-9 - 2E-10	- 8E-6 -	- 8E-5 -
38	Strontium-90	D, see ⁸⁰ Sr Y, see ⁸⁰ Sr	3E+1 Bone surf (4E+1) -	2E+1 Bone surf (2E+1) 4E+0	8E-9 - 2E-9	- 3E-11 6E-12	- 5E-7 -	- 5E-6 -
38	Strontium-91	D, see ⁸⁰ Sr Y, see ⁸⁰ Sr	2E+3 -	6E+3 4E+3	2E-6 1E-6	8E-9 5E-9	2E-5 -	2E-4 -
38	Strontium-92	D, see ⁸⁰ Sr Y, see ⁸⁰ Sr	3E+3 -	9E+3 7E+3	4E-6 3E-6	1E-8 9E-9	4E-5 -	4E-4 -
39	Yttrium-86m ²	W, all compounds except those given for Y, oxides and hydroxides	2E+4 -	6E+4 5E+4	2E-5 2E-5	8E-8 8E-8	3E-4 -	3E-3 -
39	Yttrium-86	W, see ^{86m} Y Y, see ^{86m} Y	1E+3 -	3E+3 3E+3	1E-6 1E-6	5E-9 5E-9	2E-5 -	2E-4 -
39	Yttrium-87	W, see ^{86m} Y Y, see ^{86m} Y	2E+3 -	3E+3 3E+3	1E-6 1E-6	5E-9 5E-9	3E-5 -	3E-4 -
39	Yttrium-88	W, see ^{86m} Y Y, see ^{86m} Y	1E+3 -	3E+2 2E+2	1E-7 1E-7	3E-10 3E-10	1E-5 -	1E-4 -
39	Yttrium-90m	W, see ^{86m} Y Y, see ^{86m} Y	8E+3 -	1E+4 1E+4	5E-6 5E-6	2E-8 2E-8	1E-4 -	1E-3 -
39	Yttrium-90	W, see ^{86m} Y Y, see ^{86m} Y	4E+2 LLI wall (5E+2) -	7E+2 - 6E+2	3E-7 - 3E-7	9E-10 - 9E-10	- 7E-6 -	- 7E-5 -
39	Yttrium-91m ²	W, see ^{86m} Y Y, see ^{86m} Y	1E+5 -	2E+5 2E+5	1E-4 7E-5	3E-7 2E-7	2E-3 -	2E-2 -

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers
			Col. 1	Col. 2	Col. 3	Col. 1	Col. 2	
			Oral Ingestion ALI (μCi)	Inhalation		Air (μCi/ml)	Water (μCi/ml)	Monthly Average Concentration (μCi/ml)
	ALI (μCi)	DAC (μCi/ml)						
39	Yttrium-91	W, see ^{86m} Y Y, see ^{86m} Y	5E+2 LLI wall (6E+2) -	2E+2 - 1E+2	7E-8 - 5E-8	2E-10 - 2E-10	- 8E-6 -	- 8E-5 -
39	Yttrium-92	W, see ^{86m} Y Y, see ^{86m} Y	3E+3 -	9E+3 8E+3	4E-6 3E-6	1E-8 1E-8	4E-5 -	4E-4 -
39	Yttrium-93	W, See ^{86m} Y Y, see ^{86m} Y	1E+3 -	3E+3 2E+3	1E-6 1E-6	4E-9 3E-9	2E-5 -	2E-4 -
39	Yttrium-94 ²	W, see ^{86m} Y Y, see ^{86m} Y	2E+4 St wall (3E+4) -	8E+4 - 8E+4	3E-5 - 3E-5	1E-7 - 1E-7	- 4E-4 -	- 4E-3 -
39	Yttrium-95 ²	W, see ^{86m} Y Y, see ^{86m} Y	4E+4 St wall (5E+4) -	2E+5 - 1E+5	6E-5 - 6E-5	2E-7 - 2E-7	- 7E-4 -	- 7E-3 -
40	Zirconium-86	D, all compounds except those given for W and Y W, oxides, hydroxides, halides, and nitrates Y, carbide	1E+3 - -	4E+3 3E+3 2E+3	2E-6 1E-6 1E-6	6E-9 4E-9 3E-9	2E-5 - -	2E-4 - -
40	Zirconium-88	D, see ⁸⁶ Zr W, see ⁸⁶ Zr Y, see ⁸⁶ Zr	4E+3 - -	2E+2 5E+2 3E+2	9E-8 2E-7 1E-7	3E-10 7E-10 4E-10	5E-5 - -	5E-4 - -
40	Zirconium-89	D, see ⁸⁶ Zr W, see ⁸⁶ Zr Y, see ⁸⁶ Zr	2E+3 - -	4E+3 2E+3 2E+3	1E-6 1E-6 1E-6	5E-9 3E-9 3E-9	2E-5 - -	2E-4 - -
40	Zirconium-93	D, see ⁸⁶ Zr W, see ⁸⁶ Zr Y, see ⁸⁶ Zr	1E+3 Bone surf (3E+3) - - -	6E+0 Bone surf (2E+1) 2E+1 Bone surf (6E+1) 6E+1 Bone surf (7E+1)	3E-9 - 1E-8 - 2E-8 -	- 2E-11 - 9E-11 - 9E-11	- 4E-5 - - -	- 4E-4 - - -
40	Zirconium-95	D, see ⁸⁶ Zr W, see ⁸⁶ Zr Y, see ⁸⁶ Zr	1E+3 - - -	1E+2 Bone surf (3E+2) 4E+2 3E+2	5E-8 - 2E-7 1E-7	- 4E-10 5E-10 4E-10	2E-5 - - -	2E-4 - - -
40	Zirconium-97	D, see ⁸⁶ Zr W, see ⁸⁶ Zr Y, see ⁸⁶ Zr	6E+2 - -	2E+3 1E+3 1E+3	8E-7 6E-7 5E-7	3E-9 2E-9 2E-9	9E-6 - -	9E-5 - -

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers
			Col. 1	Col. 2	Col. 3	Col. 1	Col. 2	
			Oral Ingestion ALI (μCi)	Inhalation		Air (μCi/ml)	Water (μCi/ml)	Monthly Average Concentration (μCi/ml)
	ALI (μCi)	DAC (μCi/ml)						
41	Niobium-88 ²	W, all compounds except those given for Y Y, oxides and hydroxides	5E+4 St wall (7E+4) -	2E+5 - 2E+5	9E-5 - 9E-5	3E-7 - 3E-7	- 1E-3 -	- 1E-2 -
41	Niobium-89 ² (66 min)	W, see ⁸⁸ Nb Y, see ⁸⁸ Nb	1E+4 -	4E+4 4E+4	2E-5 2E-5	6E-8 5E-8	1E-4 -	1E-3 -
41	Niobium-89 (122 min)	W, see ⁸⁸ Nb Y, see ⁸⁸ Nb	5E+3 -	2E+4 2E+4	8E-6 6E-6	3E-8 2E-8	7E-5 -	7E-4 -
41	Niobium-90	W, see ⁸⁸ Nb Y, see ⁸⁸ Nb	1E+3 -	3E+3 2E+3	1E-6 1E-6	4E-9 3E-9	1E-5 -	1E-4 -
41	Niobium-93m	W, see ⁸⁸ Nb Y, see ⁸⁸ Nb	9E+3 LLI wall (1E+4) -	2E+3 - 2E+2	8E-7 - 7E-8	3E-9 - 2E-10	- 2E-4 -	- 2E-3 -
41	Niobium-94	W, see ⁸⁸ Nb Y, see ⁸⁸ Nb	9E+2 -	2E+2 2E+1	8E-8 6E-9	3E-10 2E-11	1E-5 -	1E-4 -
41	Niobium-95m	W, see ⁸⁸ Nb Y, see ⁸⁸ Nb	2E+3 LLI wall (2E+3) -	3E+3 - 2E+3	1E-6 - 9E-7	4E-9 - 3E-9	- 3E-5 -	- 3E-4 -
41	Niobium-95	W, see ⁸⁸ Nb Y, see ⁸⁸ Nb	2E+3 -	1E+3 1E+3	5E-7 5E-7	2E-9 2E-9	3E-5 -	3E-4 -
41	Niobium-96	W, see ⁸⁸ Nb Y, see ⁸⁸ Nb	1E+3 -	3E+3 2E+3	1E-6 1E-6	4E-9 3E-9	2E-5 -	2E-4 -
41	Niobium-97 ²	W, see ⁸⁸ Nb Y, see ⁸⁸ Nb	2E+4 -	8E+4 7E+4	3E-5 3E-5	1E-7 1E-7	3E-4 -	3E-3 -
41	Niobium-98 ²	W, see ⁸⁸ Nb Y, see ⁸⁸ Nb	1E+4 -	5E+4 5E+4	2E-5 2E-5	8E-8 7E-8	2E-4 -	2E-3 -
42	Molybdenum-90	D, all compounds except those given for Y Y, oxides, hydroxides, and MoS ₂	4E+3 2E+3	7E+3 5E+3	3E-6 2E-6	1E-8 6E-9	3E-5 -	3E-4 -
42	Molybdenum-93m	D, see ⁹⁰ Mo Y, see ⁹⁰ Mo	9E+3 4E+3	2E+4 1E+4	7E-6 6E-6	2E-8 2E-8	6E-5 -	6E-4 -
42	Molybdenum-93	D, see ⁹⁰ Mo Y, see ⁹⁰ Mo	4E+3 2E+4	5E+3 2E+2	2E-6 8E-8	8E-9 2E-10	5E-5 -	5E-4 -
42	Molybdenum-99	D, see ⁹⁰ Mo Y, see ⁹⁰ Mo	2E+3 LLI wall (1E+3) 1E+3	3E+3 - 1E+3	1E-6 - 6E-7	4E-9 - 2E-9	- 2E-5 -	- 2E-4 -

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers
			Col. 1	Col. 2	Col. 3	Col. 1	Col. 2	
			Oral Ingestion ALI (μCi)	Inhalation		Air (μCi/ml)	Water (μCi/ml)	Monthly Average Concentration (μCi/ml)
	ALI (μCi)	DAC (μCi/ml)						
42	Molybdenum-101 ²	D, see ⁹⁰ Mo Y, see ⁹⁰ Mo	4E+4 St wall (5E+4) -	1E+5 - 1E+5	6E-5 - 6E-5	2E-7 - 2E-7	- 7E-4 -	- 7E-3 -
43	Technetium-93m ²	D, all compounds except those given for W, oxides, hydroxides, halides, and nitrates	7E+4 -	2E+5 3E+5	6E-5 1E-4	2E-7 4E-7	1E-3 -	1E-2 -
43	Technetium-93	D, see ^{93m} Tc W, see ^{93m} Tc	3E+4 -	7E+4 1E+5	3E-5 4E-5	1E-7 1E-7	4E-4 -	4E-3 -
43	Technetium-94m ²	D, see ^{93m} Tc W, see ^{93m} Tc	2E+4 -	4E+4 6E+4	2E-5 2E-5	6E-8 8E-8	3E-4 -	3E-3 -
43	Technetium-94	D, see ^{93m} Tc W, see ^{93m} Tc	9E+3 -	2E+4 2E+4	8E-6 1E-5	3E-8 3E-8	1E-4 -	1E-3 -
43	Technetium-95m	D, see ^{93m} Tc W, see ^{93m} Tc	4E+3 -	5E+3 2E+3	2E-6 8E-7	8E-9 3E-9	5E-5 -	5E-4 -
43	Technetium-95	D, see ^{93m} Tc W, see ^{93m} Tc	1E+4 -	2E+4 2E+4	9E-6 8E-6	3E-8 3E-8	1E-4 -	1E-3 -
43	Technetium-96m ²	D, see ^{93m} Tc W, see ^{93m} Tc	2E+5 -	3E+5 2E+5	1E-4 1E-4	4E-7 3E-7	2E-3 -	2E-2 -
43	Technetium-96	D, see ^{93m} Tc W, see ^{93m} Tc	2E+3 -	3E+3 2E+3	1E-6 9E-7	5E-9 3E-9	3E-5 -	3E-4 -
43	Technetium-97m	D, see ^{93m} Tc W, see ^{93m} Tc	5E+3 -	7E+3 St wall (7E+3) 1E+3	3E-6 - 5E-7	- 1E-8 2E-9	6E-5 -	6E-4 -
43	Technetium-97	D, see ^{93m} Tc W, see ^{93m} Tc	4E+4 -	5E+4 6E+3	2E-5 2E-6	7E-8 8E-9	5E-4 -	5E-3 -
43	Technetium-98	D, see ^{93m} Tc W, see ^{93m} Tc	1E+3 -	2E+3 3E+2	7E-7 1E-7	2E-9 4E-10	1E-5 -	1E-4 -
43	Technetium-99m	D, see ^{93m} Tc W, see ^{93m} Tc	8E+4 -	2E+5 2E+5	6E-5 1E-4	2E-7 3E-7	1E-3 -	1E-2 -
43	Technetium-99	D, see ^{93m} Tc W, see ^{93m} Tc	4E+3 -	5E+3 St wall (6E+3) 7E+2	2E-6 - 3E-7	- 8E-9 9E-10	6E-5 -	6E-4 -
43	Technetium-101 ²	D, see ^{93m} Tc W, see ^{93m} Tc	9E+4 St wall (1E+5) -	3E+5 - 4E+5	1E-4 - 2E-4	5E-7 - 5E-7	- 2E-3 -	- 2E-2 -

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers
			Col. 1	Col. 2	Col. 3	Col. 1	Col. 2	
			Oral Ingestion ALI (μCi)	Inhalation		Air (μCi/ml)	Water (μCi/ml)	Monthly Average Concentration (μCi/ml)
ALI (μCi)	DAC (μCi/ml)							
43	Techneium-104 ²	D, see ^{93m} Tc W, see ^{93m} Tc	2E+4 St wall (3E+4) -	7E+4 - 9E+4	3E-5 - 4E-5	1E-7 - 1E-7	- 4E-4 -	- 4E-3 -
44	Ruthenium-94 ²	D, all compounds except those given for W and Y W, halides Y, oxides and hydroxides	2E+4 - -	4E+4 6E+4 6E+4	2E-5 3E-5 2E-5	6E-8 9E-8 8E-8	2E-4 - -	2E-3 - -
44	Ruthenium-97	D, see ⁹⁴ Ru W, see ⁹⁴ Ru Y, see ⁹⁴ Ru	8E+3 - -	2E+4 1E+4 1E+4	8E-6 5E-6 5E-6	3E-8 2E-8 2E-8	1E-4 - -	1E-3 - -
44	Ruthenium-103	D, see ⁹⁴ Ru W, see ⁹⁴ Ru Y, see ⁹⁴ Ru	2E+3 - -	2E+3 1E+3 6E+2	7E-7 4E-7 3E-7	2E-9 1E-9 9E-10	3E-5 - -	3E-4 - -
44	Ruthenium-105	D, see ⁹⁴ Ru W, see ⁹⁴ Ru Y, see ⁹⁴ Ru	5E+3 - -	1E+4 1E+4 1E+4	6E-6 6E-6 5E-6	2E-8 2E-8 2E-8	7E-5 - -	7E-4 - -
44	Ruthenium-106	D, see ⁹⁴ Ru W, see ⁹⁴ Ru Y, see ⁹⁴ Ru	2E+2 LLI wall (2E+2) - -	9E+1 - 5E+1 1E+1	4E-8 - 2E-8 5E-9	1E-10 - 8E-11 2E-11	- 3E-6 - -	- 3E-5 - -
45	Rhodium-99m	D, all compounds except those given for W and Y W, halides Y, oxides and hydroxides	2E+4 - -	6E+4 8E+4 7E+4	2E-5 3E-5 3E-5	8E-8 1E-7 9E-8	2E-4 - -	2E-3 - -
45	Rhodium-99	D, see ^{99m} Rh W, see ^{99m} Rh Y, see ^{99m} Rh	2E+3 - -	3E+3 2E+3 2E+3	1E-6 9E-7 8E-7	4E-9 3E-9 3E-9	3E-5 - -	3E-4 - -
45	Rhodium-100	D, see ^{99m} Rh W, see ^{99m} Rh Y, see ^{99m} Rh	2E+3 - -	5E+3 4E+3 4E+3	2E-6 2E-6 2E-6	7E-9 6E-9 5E-9	2E-5 - -	2E-4 - -
45	Rhodium-101m	D, see ^{99m} Rh W, see ^{99m} Rh Y, see ^{99m} Rh	6E+3 - -	1E+4 8E+3 8E+3	5E-6 4E-6 3E-6	2E-8 1E-8 1E-8	8E-5 - -	8E-4 - -
45	Rhodium-101	D, see ^{99m} Rh W, see ^{99m} Rh Y, see ^{99m} Rh	2E+3 - -	5E+2 8E+2 2E+2	2E-7 3E-7 6E-8	7E-10 1E-9 2E-10	3E-5 - -	3E-4 - -
45	Rhodium 102m	D, see ^{99m} Rh W, see ^{99m} Rh Y, see ^{99m} Rh	1E+3 LLI wall (1E+3) - -	5E+2 - 4E+2 1E+2	2E-7 - 2E-7 5E-8	7E-10 - 5E-10 2E-10	- 2E-5 - -	- 2E-4 - -

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers
			Col. 1	Col. 2	Col. 3	Col. 1	Col. 2	
			Oral Ingestion ALI (μCi)	Inhalation		Air (μCi/ml)	Water (μCi/ml)	Monthly Average Concentration (μCi/ml)
	ALI (μCi)	DAC (μCi/ml)						
45	Rhodium-102	D, see ^{99m} Rh W, see ^{99m} Rh Y, see ^{99m} Rh	6E+2 - -	9E+1 2E+2 6E+1	4E-8 7E-8 2E-8	1E-10 2E-10 8E-11	8E-6 - -	8E-5 - -
45	Rhodium-103m ²	D, see ^{99m} Rh W, see ^{99m} Rh Y, see ^{99m} Rh	4E+5 - -	1E+6 1E+6 1E+6	5E-4 5E-4 5E-4	2E-6 2E-6 2E-6	6E-3 - -	6E-2 - -
45	Rhodium-105	D, see ^{99m} Rh W, see ^{99m} Rh Y, see ^{99m} Rh	4E+3 LLI wall (4E+3) - -	1E+4 - 6E+3 6E+3	5E-6 - 3E-6 2E-6	2E-8 - 9E-9 8E-9	- 5E-5 - -	- 5E-4 - -
45	Rhodium-106m	D, see ^{99m} Rh W, see ^{99m} Rh Y, see ^{99m} Rh	8E+3 - -	3E+4 4E+4 4E+4	1E-5 2E-5 1E-5	4E-8 5E-8 5E-8	1E-4 - -	1E-3 - -
45	Rhodium-107 ²	D, see ^{99m} Rh W, see ^{99m} Rh Y, see ^{99m} Rh	7E+4 St wall (9E+4) - -	2E+5 - 3E+5 3E+5	1E-4 - 1E-4 1E-4	3E-7 - 4E-7 3E-7	- 1E-3 - -	- 1E-2 - -
46	Palladium-100	D, all compounds except those given for W and Y W, nitrates Y, oxides and hydroxides	1E+3 - -	1E+3 1E+3 1E+3	6E-7 5E-7 6E-7	2E-9 2E-9 2E-9	2E-5 - -	2E-4 - -
46	Palladium-101	D, see ¹⁰⁰ Pd W, see ¹⁰⁰ Pd Y, see ¹⁰⁰ Pd	1E+4 - -	3E+4 3E+4 3E+4	1E-5 1E-5 1E-5	5E-8 5E-8 4E-8	2E-4 - -	2E-3 - -
46	Palladium-103	D, see ¹⁰⁰ Pd W, see ¹⁰⁰ Pd Y, see ¹⁰⁰ Pd	6E+3 LLI wall (7E+3) - -	6E+3 - 4E+3 4E+3	3E-6 - 2E-6 1E-6	9E-9 - 6E-9 5E-9	- 1E-4 - -	- 1E-3 - -
46	Palladium-107	D, see ¹⁰⁰ Pd W, see ¹⁰⁰ Pd Y, see ¹⁰⁰ Pd	3E+4 LLI wall (4E+4) - -	2E+4 Kidneys (2E+4) 7E+3 4E+2	9E-6 - 3E-6 2E-7	- 3E-8 1E-8 6E-10	- 5E-4 - -	- 3E-3 - -
46	Palladium-109	D, see ¹⁰⁰ Pd W, see ¹⁰⁰ Pd Y, see ¹⁰⁰ Pd	2E+3 - -	6E+3 5E+3 5E+3	3E-6 2E-6 2E-6	9E-9 8E-9 6E-9	3E-5 - -	3E-4 - -

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers
			Col. 1	Col. 2	Col. 3	Col. 1	Col. 2	
			Oral Ingestion ALI (μCi)	Inhalation		Air (μCi/ml)	Water (μCi/ml)	Monthly Average Concentration (μCi/ml)
ALI (μCi)	DAC (μCi/ml)							
47	Silver-102 ²	D, all compounds except those given for W and Y W, nitrates and sulfides Y, oxides and hydroxides	5E+4 St wall (6E+4) -	2E+5 - 2E+5 2E+5	8E-5 - 9E-5 8E-5	2E-7 - 3E-7 3E-7	- 9E-4 -	- 9E-3 -
47	Silver-103 ²	D, see ¹⁰² Ag W, see ¹⁰² Ag Y, see ¹⁰² Ag	4E+4 - -	1E+5 1E+5 1E+5	4E-5 5E-5 5E-5	1E-7 2E-7 2E-7	5E-4 - -	5E-3 - -
47	Silver-104m ²	D, see ¹⁰² Ag W, see ¹⁰² Ag Y, see ¹⁰² Ag	3E+4 - -	9E+4 1E+5 1E+5	4E-5 5E-5 5E-5	1E-7 2E-7 2E-7	4E-4 - -	4E-3 - -
47	Silver-104 ²	D, see ¹⁰² Ag W, see ¹⁰² Ag Y, see ¹⁰² Ag	2E+4 - -	7E+4 1E+5 1E+5	3E-5 6E-5 6E-5	1E-7 2E-7 2E-7	3E-4 - -	3E-3 - -
47	Silver-105	D, see ¹⁰² Ag W, see ¹⁰² Ag Y, see ¹⁰² Ag	3E+3 - -	1E+3 2E+3 2E+3	4E-7 7E-7 7E-7	1E-9 2E-9 2E-9	4E-5 - -	4E-4 - -
47	Silver-106m	D, see ¹⁰² Ag W, see ¹⁰² Ag Y, see ¹⁰² Ag	8E+2 - -	7E+2 9E+2 9E+2	3E-7 4E-7 4E-7	1E-9 1E-9 1E-9	1E-5 - -	1E-4 - -
47	Silver-106 ²	D, see ¹⁰² Ag W, see ¹⁰² Ag Y, see ¹⁰² Ag	6E+4 St wall (6E+4) - -	2E+5 - 2E+5 2E+5	8E-5 - 9E-5 8E-5	3E-7 - 3E-7 3E-7	- 9E-4 -	- 9E-3 -
47	Silver-108m	D, see ¹⁰² Ag W, see ¹⁰² Ag Y, see ¹⁰² Ag	6E+2 - -	2E+2 3E+2 2E+1	8E-8 1E-7 1E-8	3E-10 4E-10 3E-11	9E-6 - -	9E-5 - -
47	Silver-110m	D, see ¹⁰² Ag W, see ¹⁰² Ag Y, see ¹⁰² Ag	5E+2 - -	1E+2 2E+2 9E+1	5E-8 8E-8 4E-8	2E-10 3E-10 1E-10	6E-6 - -	6E-5 - -
47	Silver-111	D, see ¹⁰² Ag W, see ¹⁰² Ag Y, see ¹⁰² Ag	9E+2 LLI wall (1E+3) - -	2E+3 Liver (2E+3) 9E+2 9E+2	6E-7 - 4E-7 4E-7	- 2E-9 1E-9 1E-9	- 2E-5 -	- 2E-4 -
47	Silver-112	D, see ¹⁰² Ag W, see ¹⁰² Ag Y, see ¹⁰² Ag	3E+3 - -	8E+3 1E+4 9E+3	3E-6 4E-6 4E-6	1E-8 1E-8 1E-8	4E-5 - -	4E-4 - -
47	Silver-115 ²	D, see ¹⁰² Ag W, see ¹⁰² Ag Y, see ¹⁰² Ag	3E+4 St wall (3E+4) - -	9E+4 - 9E+4 8E+4	4E-5 - 4E-5 3E-5	1E-7 - 1E-7 1E-7	- 4E-4 -	- 4E-3 -

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers
			Col. 1	Col. 2	Col. 3	Col. 1	Col. 2	
			Oral Ingestion ALI (μCi)	Inhalation		Air (μCi/ml)	Water (μCi/ml)	Monthly Average Concentration (μCi/ml)
	ALI (μCi)	DAC (μCi/ml)						
48	Cadmium-104 ²	D, all compounds except those given for W and Y W, sulfides, halides, and nitrates Y, oxides and hydroxides	2E+4 - -	7E+4 1E+5 1E+5	3E-5 5E-5 5E-5	9E-8 2E-7 2E-7	3E-4 - -	3E-3 - -
48	Cadmium-107	D, see ¹⁰⁴ Cd W, see ¹⁰⁴ Cd Y, see ¹⁰⁴ Cd	2E+4 - -	5E+4 6E+4 5E+4	2E-5 2E-5 2E-5	8E-8 8E-8 7E-8	3E-4 - -	3E-3 - -
48	Cadmium-109	D, see ¹⁰⁴ Cd W, see ¹⁰⁴ Cd Y, see ¹⁰⁴ Cd	3E+2 Kidneys (4E+2) - -	4E+1 Kidneys (5E+1) 1E+2 Kidneys (1E+2) 1E+2	1E-8 - 5E-8 - 5E-8	- 7E-11 - 2E-10 2E-10	- 6E-6 - - -	- 6E-5 - - -
48	Cadmium-113m	D, see ¹⁰⁴ Cd W, see ¹⁰⁴ Cd Y, see ¹⁰⁴ Cd	2E+1 Kidneys (4E+1) - -	2E+0 Kidneys (4E+0) 8E+0 Kidneys (1E+1) 1E+1	1E-9 - 4E-9 - 5E-9	- 5E-12 - 2E-11 2E-11	- 5E-7 - - -	- 5E-6 - - -
48	Cadmium-113	D, see ¹⁰⁴ Cd W, see ¹⁰⁴ Cd Y, see ¹⁰⁴ Cd	2E+1 Kidneys (3E+1) - -	2E+0 Kidneys (3E+0) 8E+0 Kidneys (1E+1) 1E+1	9E-10 - 3E-9 - 6E-9	- 5E-12 - 2E-11 2E-11	- 4E-7 - - -	- 4E-6 - - -
48	Cadmium-115m	D, see ¹⁰⁴ Cd W, see ¹⁰⁴ Cd Y, see ¹⁰⁴ Cd	3E+2 - -	5E+1 Kidneys (8E+1) 1E+2 1E+2	2E-8 - 5E-8 6E-8	- 1E-10 2E-10 2E-10	4E-6 - - -	4E-5 - - -
48	Cadmium-115	D, see ¹⁰⁴ Cd W, see ¹⁰⁴ Cd Y, see ¹⁰⁴ Cd	9E+2 LLI wall (1E+3) - -	1E+3 - 1E+3 1E+3	6E-7 - 5E-7 6E-7	2E-9 - 2E-9 2E-9	- 1E-5 - -	- 1E-4 - -
48	Cadmium-117m ²	D, see ¹⁰⁴ Cd W, see ¹⁰⁴ Cd Y, see ¹⁰⁴ Cd	5E+3 - -	1E+4 2E+4 1E+4	5E-6 7E-6 6E-6	2E-8 2E-8 2E-8	6E-5 - -	6E-4 - -

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers
			Col. 1	Col. 2	Col. 3	Col. 1	Col. 2	
			Oral Ingestion ALI (μCi)	Inhalation		Air (μCi/ml)	Water (μCi/ml)	Monthly Average Concentration (μCi/ml)
	ALI (μCi)	DAC (μCi/ml)						
48	Cadmium-117	D, see ¹⁰⁴ Cd W, see ¹⁰⁴ Cd Y, see ¹⁰⁴ Cd	5E+3 -	1E+4 2E+4 1E+4	5E-6 7E-6 6E-6	2E-8 2E-8 2E-8	6E-5 -	6E-4 -
49	Indium-109	D, all compounds except those given for W, oxides, hydroxides, halides, and nitrates	2E+4 -	4E+4 6E+4	2E-5 3E-5	6E-8 9E-8	3E-4 -	3E-3 -
49	Indium-110 ² (69.1 min)	D, see ¹⁰⁹ In W, see ¹⁰⁹ In	2E+4 -	4E+4 6E+4	2E-5 2E-5	6E-8 8E-8	2E-4 -	2E-3 -
49	Indium-110 (4.9 h)	D, see ¹⁰⁹ In W, see ¹⁰⁹ In	5E+3 -	2E+4 2E+4	7E-6 8E-6	2E-8 3E-8	7E-5 -	7E-4 -
49	Indium-111	D, see ¹⁰⁹ In W, see ¹⁰⁹ In	4E+3 -	6E+3 6E+3	3E-6 3E-6	9E-9 9E-9	6E-5 -	6E-4 -
49	Indium-112 ²	D, see ¹⁰⁹ In W, see ¹⁰⁹ In	2E+5 -	6E+5 7E+5	3E-4 3E-4	9E-7 1E-6	2E-3 -	2E-2 -
49	Indium-113m ²	D, see ¹⁰⁹ In W, see ¹⁰⁹ In	5E+4 -	1E+5 2E+5	6E-5 8E-5	2E-7 3E-7	7E-4 -	7E-3 -
49	Indium-114m	D, see ¹⁰⁹ In W, see ¹⁰⁹ In	3E+2 LLI wall (4E+2) -	6E+1 - 1E+2	3E-8 - 4E-8	9E-11 - 1E-10	- 5E-6 -	- 5E-5 -
49	Indium-115m	D, see ¹⁰⁹ In W, see ¹⁰⁹ In	1E+4 -	4E+4 5E+4	2E-5 2E-5	6E-8 7E-8	2E-4 -	2E-3 -
49	Indium-115	D, see ¹⁰⁹ In W, see ¹⁰⁹ In	4E+1 -	1E+0 5E+0	6E-10 2E-9	2E-12 8E-12	5E-7 -	5E-6 -
49	Indium-116m ²	D, see ¹⁰⁹ In W, see ¹⁰⁹ In	2E+4 -	8E+4 1E+5	3E-5 5E-5	1E-7 2E-7	3E-4 -	3E-3 -
49	Indium-117m ²	D, see ¹⁰⁹ In W, see ¹⁰⁹ In	1E+4 -	3E+4 4E+4	1E-5 2E-5	5E-8 6E-8	2E-4 -	2E-3 -
49	Indium-117 ²	D, see ¹⁰⁹ In W, see ¹⁰⁹ In	6E+4 -	2E+5 2E+5	7E-5 9E-5	2E-7 3E-7	8E-4 -	8E-3 -
49	Indium-119m ²	D, see ¹⁰⁹ In W, see ¹⁰⁹ In	4E+4 St wall (5E+4) -	1E+5 - 1E+5	5E-5 - 6E-5	2E-7 - 2E-7	- 7E-4 -	- 7E-3 -

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers
			Col. 1	Col. 2	Col. 3	Col. 1	Col. 2	
			Oral Ingestion ALI (μCi)	Inhalation		Air (μCi/ml)	Water (μCi/ml)	Monthly Average Concentration (μCi/ml)
	ALI (μCi)	DAC (μCi/ml)						
50	Tin-110	D, all compounds except those given for W, sulfides, oxides, hydroxides, halides, nitrates, and stannic phosphate	4E+3 -	1E+4 1E+4	5E-6 5E-6	2E-8 2E-8	5E-5 -	5E-4 -
50	Tin-111 ²	D, see ¹¹⁰ Sn W, see ¹¹⁰ Sn	7E+4 -	2E+5 3E+5	9E-5 1E-4	3E-7 4E-7	1E-3 -	1E-2 -
50	Tin-113	D, see ¹¹⁰ Sn W, see ¹¹⁰ Sn	2E+3 LLI wall (2E+3) -	1E+3 - 5E+2	5E-7 - 2E-7	2E-9 - 8E-10	- 3E-5 -	- 3E-4 -
50	Tin-117m	D, see ¹¹⁰ Sn W, see ¹¹⁰ Sn	2E+3 LLI wall (2E+3) -	1E+3 Bone surf (2E+3) 1E+3	5E-7 - 6E-7	- 3E-9 2E-9	- 3E-5 -	- 3E-4 -
50	Tin-119m	D, see ¹¹⁰ Sn W, see ¹¹⁰ Sn	3E+3 LLI wall (4E+3) -	2E+3 - 1E+3	1E-6 - 4E-7	3E-9 - 1E-9	- 6E-5 -	- 6E-4 -
50	Tin-121m	D, see ¹¹⁰ Sn W, see ¹¹⁰ Sn	3E+3 LLI wall (4E+3) -	9E+2 - 5E+2	4E-7 - 2E-7	1E-9 - 8E-10	- 5E-5 -	- 5E-4 -
50	Tin-121	D, see ¹¹⁰ Sn W, see ¹¹⁰ Sn	6E+3 LLI wall (6E+3) -	2E+4 - 1E+4	6E-6 - 5E-6	2E-8 - 2E-8	- 8E-5 -	- 8E-4 -
50	Tin-123m ²	D, see ¹¹⁰ Sn W, see ¹¹⁰ Sn	5E+4 -	1E+5 1E+5	5E-5 6E-5	2E-7 2E-7	7E-4 -	7E-3 -
50	Tin-123	D, see ¹¹⁰ Sn W, see ¹¹⁰ Sn	5E+2 LLI wall (6E+2) -	6E+2 - 2E+2	3E-7 - 7E-8	9E-10 - 2E-10	- 9E-6 -	- 9E-5 -
50	Tin-125	D, see ¹¹⁰ Sn W, see ¹¹⁰ Sn	4E+2 LLI wall (5E+2) -	9E+2 - 4E+2	4E-7 - 1E-7	1E-9 - 5E-10	- 6E-6 -	- 6E-5 -
50	Tin-126	D, see ¹¹⁰ Sn W, see ¹¹⁰ Sn	3E+2 -	6E+1 7E+1	2E-8 3E-8	8E-11 9E-11	4E-6 -	4E-5 -
50	Tin-127	D, see ¹¹⁰ Sn W, see ¹¹⁰ Sn	7E+3 -	2E+4 2E+4	8E-6 8E-6	3E-8 3E-8	9E-5 -	9E-4 -
50	Tin-128 ²	D, see ¹¹⁰ Sn W, see ¹¹⁰ Sn	9E+3 -	3E+4 4E+4	1E-5 1E-5	4E-8 5E-8	1E-4 -	1E-3 -

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers
			Col. 1	Col. 2	Col. 3	Col. 1	Col. 2	
			Oral Ingestion ALI (μCi)	Inhalation		Air (μCi/ml)	Water (μCi/ml)	Monthly Average Concentration (μCi/ml)
	ALI (μCi)	DAC (μCi/ml)						
51	Antimony-115 ²	D, all compounds except those given for W, oxides, hydroxides, halides, sulfides, sulfates, and nitrates	8E+4 -	2E+5 3E+5	1E-4 1E-4	3E-7 4E-7	1E-3 -	1E-2 -
51	Antimony-116m ²	D, see ¹¹⁵ Sb W, see ¹¹⁵ Sb	2E+4 -	7E+4 1E+5	3E-5 6E-5	1E-7 2E-7	3E-4 -	3E-3 -
51	Antimony-116 ²	D, see ¹¹⁵ Sb W, see ¹¹⁵ Sb	7E+4 St wall (9E+4) -	3E+5 - 3E+5	1E-4 - 1E-4	4E-7 - 5E-7	- 1E-3 -	- 1E-2 -
51	Antimony-117	D, see ¹¹⁵ Sb W, see ¹¹⁵ Sb	7E+4 -	2E+5 3E+5	9E-5 1E-4	3E-7 4E-7	9E-4 -	9E-3 -
51	Antimony-118m	D, see ¹¹⁵ Sb W, see ¹¹⁵ Sb	6E+3 5E+3	2E+4 2E+4	8E-6 9E-6	3E-8 3E-8	7E-5 -	7E-4 -
51	Antimony-119	D, see ¹¹⁵ Sb W, see ¹¹⁵ Sb	2E+4 2E+4	5E+4 3E+4	2E-5 1E-5	6E-8 4E-8	2E-4 -	2E-3 -
51	Antimony-120 ² (16 min)	D, see ¹¹⁵ Sb W, see ¹¹⁵ Sb	1E+5 St wall (2E+5) -	4E+5 - 5E+5	2E-4 - 2E-4	6E-7 - 7E-7	- 2E-3 -	- 2E-2 -
51	Antimony-120 (5.76 d)	D, see ¹¹⁵ Sb W, see ¹¹⁵ Sb	1E+3 9E+2	2E+3 1E+3	9E-7 5E-7	3E-9 2E-9	1E-5 -	1E-4 -
51	Antimony-122	D, see ¹¹⁵ Sb W, see ¹¹⁵ Sb	8E+2 LLI wall (8E+2) 7E+2	2E+3 - 1E+3	1E-6 - 4E-7	3E-9 - 2E-9	- 1E-5 -	- 1E-4 -
51	Antimony-124m ²	D, see ¹¹⁵ Sb W, see ¹¹⁵ Sb	3E+5 2E+5	8E+5 6E+5	4E-4 2E-4	1E-6 8E-7	3E-3 -	3E-2 -
51	Antimony-124	D, see ¹¹⁵ Sb W, see ¹¹⁵ Sb	6E+2 5E+2	9E+2 2E+2	4E-7 1E-7	1E-9 3E-10	7E-6 -	7E-5 -
51	Antimony-125	D, see ¹¹⁵ Sb W, see ¹¹⁵ Sb	2E+3 -	2E+3 5E+2	1E-6 2E-7	3E-9 7E-10	3E-5 -	3E-4 -
51	Antimony-126m ²	D, see ¹¹⁵ Sb W, see ¹¹⁵ Sb	5E+4 St wall (7E+4) -	2E+5 - 2E+5	8E-5 - 8E-5	3E-7 - 3E-7	- 9E-4 -	- 9E-3 -
51	Antimony-126	D, see ¹¹⁵ Sb W, see ¹¹⁵ Sb	6E+2 5E+2	1E+3 5E+2	5E-7 2E-7	2E-9 7E-10	7E-6 -	7E-5 -
51	Antimony-127	D, see ¹¹⁵ Sb W, see ¹¹⁵ Sb	8E+2 LLI wall (8E+2) 7E+2	2E+3 - 9E+2	9E-7 - 4E-7	3E-9 - 1E-9	- 1E-5 -	- 1E-4 -

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers
			Col. 1	Col. 2	Col. 3	Col. 1	Col. 2	
			Oral Ingestion ALI (μCi)	Inhalation		Air (μCi/ml)	Water (μCi/ml)	Monthly Average Concentration (μCi/ml)
ALI (μCi)	DAC (μCi/ml)							
51	Antimony-128 ² (10.4 min)	D, see ¹¹⁵ Sb W, see ¹¹⁵ Sb	8E+4 St wall (1E+5) -	4E+5 - 4E+5	2E-4 - 2E-4	5E-7 - 6E-7	- 1E-3 -	- 1E-2 -
51	Antimony-128 (9.01 h)	D, see ¹¹⁵ Sb W, see ¹¹⁵ Sb	1E+3 -	4E+3 3E+3	2E-6 1E-6	6E-9 5E-9	2E-5 -	2E-4 -
51	Antimony-129	D, see ¹¹⁵ Sb W, see ¹¹⁵ Sb	3E+3 -	9E+3 9E+3	4E-6 4E-6	1E-8 1E-8	4E-5 -	4E-4 -
51	Antimony-130 ²	D, see ¹¹⁵ Sb W, see ¹¹⁵ Sb	2E+4 -	6E+4 8E+4	3E-5 3E-5	9E-8 1E-7	3E-4 -	3E-3 -
51	Antimony-131 ²	D, see ¹¹⁵ Sb W, see ¹¹⁵ Sb	1E+4 Thyroid (2E+4) - -	2E+4 Thyroid (4E+4) 2E+4 Thyroid (4E+4) -	1E-5 - 1E-5 -	- 6E-8 - 6E-8	- 2E-4 - -	- 2E-3 - -
52	Tellurium-116	D, all compounds except those given for W W, oxides, hydroxides, and nitrates	8E+3 -	2E+4 3E+4	9E-6 1E-5	3E-8 4E-8	1E-4 -	1E-3 -
52	Tellurium-121m	D, see ¹¹⁶ Te W, see ¹¹⁶ Te	5E+2 Bone surf (7E+2) -	2E+2 Bone surf (4E+2) 4E+2	8E-8 - 2E-7	- 5E-10 6E-10	- 1E-5 -	- 1E-4 -
52	Tellurium-121	D, see ¹¹⁶ Te W, see ¹¹⁶ Te	3E+3 -	4E+3 3E+3	2E-6 1E-6	6E-9 4E-9	4E-5 -	4E-4 -
52	Tellurium-123m	D, see ¹¹⁶ Te W, see ¹¹⁶ Te	6E+2 Bone surf (1E+3) -	2E+2 Bone surf (5E+2) 5E+2	9E-8 - 2E-7	- 8E-10 8E-10	- 1E-5 -	- 1E-4 -
52	Tellurium-123	D, see ¹¹⁶ Te W, see ¹¹⁶ Te	5E+2 Bone surf (1E+3) - -	2E+2 Bone surf (5E+2) 4E+2 Bone surf (1E+3)	8E-8 - 2E-7 -	- 7E-10 - 2E-9	- 2E-5 - -	- 2E-4 - -
52	Tellurium-125m	D, see ¹¹⁶ Te W, see ¹¹⁶ Te	1E+3 Bone surf (1E+3) -	4E+2 Bone surf (1E+3) 7E+2	2E-7 - 3E-7	- 1E-9 1E-9	- 2E-5 -	- 2E-4 -

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers
			Col. 1	Col. 2	Col. 3	Col. 1	Col. 2	
			Oral Ingestion ALI (μCi)	Inhalation		Air (μCi/ml)	Water (μCi/ml)	Monthly Average Concentration (μCi/ml)
	ALI (μCi)	DAC (μCi/ml)						
52	Tellurium-127m	D, see ¹¹⁶ Te W, see ¹¹⁶ Te	6E+2 -	3E+2 Bone surf (4E+2) 3E+2	1E-7 - 1E-7	- 6E-10 4E-10	9E-6 -	9E-5 -
52	Tellurium-127	D, see ¹¹⁶ Te W, see ¹¹⁶ Te	7E+3 -	2E+4 2E+4	9E-6 7E-6	3E-8 2E-8	1E-4 -	1E-3 -
52	Tellurium-129m	D, see ¹¹⁶ Te W, see ¹¹⁶ Te	5E+2 -	6E+2 2E+2	3E-7 1E-7	9E-10 3E-10	7E-6 -	7E-5 -
52	Tellurium-129 ²	D, see ¹¹⁶ Te W, see ¹¹⁶ Te	3E+4 -	6E+4 7E+4	3E-5 3E-5	9E-8 1E-7	4E-4 -	4E-3 -
52	Tellurium-131m	D, see ¹¹⁶ Te W, see ¹¹⁶ Te	3E+2 Thyroid (6E+2) -	4E+2 Thyroid (1E+3) 4E+2 Thyroid (9E+2)	2E-7 - 2E-7 -	- 2E-9 -	- 8E-6 -	- 8E-5 -
52	Tellurium-131 ²	D, see ¹¹⁶ Te W, see ¹¹⁶ Te	3E+3 Thyroid (6E+3) -	5E+3 Thyroid (1E+4) 5E+3 Thyroid (1E+4)	2E-6 - 2E-6 -	- 2E-8 -	- 8E-5 -	- 8E-4 -
52	Tellurium-132	D, see ¹¹⁶ Te W, see ¹¹⁶ Te	2E+2 Thyroid (7E+2) -	2E+2 Thyroid (8E+2) 2E+2 Thyroid (6E+2)	9E-8 - 9E-8 -	- 1E-9 -	- 9E-6 -	- 9E-5 -
52	Tellurium-133m ²	D, see ¹¹⁶ Te W, see ¹¹⁶ Te	3E+3 Thyroid (6E+3) -	5E+3 Thyroid (1E+4) 5E+3 Thyroid (1E+4)	2E-6 - 2E-6 -	- 2E-8 -	- 9E-5 -	- 9E-4 -
52	Tellurium-133 ²	D, see ¹¹⁶ Te W, see ¹¹⁶ Te	1E+4 Thyroid (3E+4) -	2E+4 Thyroid (6E+4) 2E+4 Thyroid (6E+4)	9E-6 - 9E-6 -	- 8E-8 -	- 4E-4 -	- 4E-3 -
52	Tellurium-134 ²	D, see ¹¹⁶ Te W, see ¹¹⁶ Te	2E+4 Thyroid (2E+4) -	2E+4 Thyroid (5E+4) 2E+4 Thyroid (5E+4)	1E-5 - 1E-5 -	- 7E-8 -	- 3E-4 -	- 3E-3 -
53	Iodine-120m ²	D, all compounds	1E+4 Thyroid (1E+4)	2E+4 -	9E-6 -	3E-8 -	- 2E-4	- 2E-3

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers
			Col. 1	Col. 2	Col. 3	Col. 1	Col. 2	
			Oral Ingestion ALI (μCi)	Inhalation ALI (μCi) DAC (μCi/ml)		Air (μCi/ml)	Water (μCi/ml)	Monthly Average Concentration (μCi/ml)
53	Iodine-120 ²	D, all compounds	4E+3 Thyroid (8E+3)	9E+3 Thyroid (1E+4)	4E-6 -	- 2E-8	- 1E-4	- 1E-3
53	Iodine-121	D, all compounds	1E+4 Thyroid (3E+4)	2E+4 Thyroid (5E+4)	8E-6 -	- 7E-8	- 4E-4	- 4E-3
53	Iodine-123	D, all compounds	3E+3 Thyroid (1E+4)	6E+3 Thyroid (2E+4)	3E-6 -	- 2E-8	- 1E-4	- 1E-3
53	Iodine-124	D, all compounds	5E+1 Thyroid (2E+2)	8E+1 Thyroid (3E+2)	3E-8 -	- 4E-10	- 2E-6	- 2E-5
53	Iodine-125	D, all compounds	4E+1 Thyroid (1E+2)	6E+1 Thyroid (2E+2)	3E-8 -	- 3E-10	- 2E-6	- 2E-5
53	Iodine-126	D, all compounds	2E+1 Thyroid (7E+1)	4E+1 Thyroid (1E+2)	1E-8 -	- 2E-10	- 1E-6	- 1E-5
53	Iodine-128 ²	D, all compounds	4E+4 St wall (6E+4)	1E+5 -	5E-5 -	2E-7 -	- 8E-4	- 8E-3
53	Iodine-129	D, all compounds	5E+0 Thyroid (2E+1)	9E+0 Thyroid (3E+1)	4E-9 -	- 4E-11	- 2E-7	- 2E-6
53	Iodine-130	D, all compounds	4E+2 Thyroid (1E+3)	7E+2 Thyroid (2E+3)	3E-7 -	- 3E-9	- 2E-5	- 2E-4
53	Iodine-131	D, all compounds	3E+1 Thyroid (9E+1)	5E+1 Thyroid (2E+2)	2E-8 -	- 2E-10	- 1E-6	- 1E-5
53	Iodine-132m ²	D, all compounds	4E+3 Thyroid (1E+4)	8E+3 Thyroid (2E+4)	4E-6 -	- 3E-8	- 1E-4	- 1E-3
53	Iodine-132	D, all compounds	4E+3 Thyroid (9E+3)	8E+3 Thyroid (1E+4)	3E-6 -	- 2E-8	- 1E-4	- 1E-3
53	Iodine-133	D, all compounds	1E+2 Thyroid (5E+2)	3E+2 Thyroid (9E+2)	1E-7 -	- 1E-9	- 7E-6	- 7E-5
53	Iodine-134 ²	D, all compounds	2E+4 Thyroid (3E+4)	5E+4 -	2E-5 -	6E-8 -	- 4E-4	- 4E-3
53	Iodine-135	D, all compounds	8E+2 Thyroid (3E+3)	2E+3 Thyroid (4E+3)	7E-7 -	- 6E-9	- 3E-5	- 3E-4
54	Xenon-120 ²	Submersion ¹	-	-	1E-5	4E-8	-	-

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers
			Col. 1	Col. 2	Col. 3	Col. 1	Col. 2	
			Oral Ingestion ALI (μCi)	Inhalation		Air (μCi/ml)	Water (μCi/ml)	Monthly Average Concentration (μCi/ml)
	ALI (μCi)	DAC (μCi/ml)						
54	Xenon-121 ²	Submersion ¹	-	-	2E-6	1E-8	-	-
54	Xenon-122	Submersion ¹	-	-	7E-5	3E-7	-	-
54	Xenon-123	Submersion ¹	-	-	6E-6	3E-8	-	-
54	Xenon-125	Submersion ¹	-	-	2E-5	7E-8	-	-
54	Xenon-127	Submersion ¹	-	-	1E-5	6E-8	-	-
54	Xenon-129m	Submersion ¹	-	-	2E-4	9E-7	-	-
54	Xenon-131m	Submersion ¹	-	-	4E-4	2E-6	-	-
54	Xenon-133m	Submersion ¹	-	-	1E-4	6E-7	-	-
54	Xenon-133	Submersion ¹	-	-	1E-4	5E-7	-	-
54	Xenon-135m ²	Submersion ¹	-	-	9E-6	4E-8	-	-
54	Xenon-135	Submersion ¹	-	-	1E-5	7E-8	-	-
54	Xenon-138 ²	Submersion ¹	-	-	4E-6	2E-8	-	-
55	Cesium-125 ²	D, all compounds	5E+4 St wall (9E+4)	1E+5 -	6E-5 -	2E-7 -	- 1E-3	- 1E-2
55	Cesium-127	D, all compounds	6E+4	9E+4	4E-5	1E-7	9E-4	9E-3
55	Cesium-129	D, all compounds	2E+4	3E+4	1E-5	5E-8	3E-4	3E-3
55	Cesium-130 ²	D, all compounds	6E+4 St wall (1E+5)	2E+5 -	8E-5 -	3E-7 -	- 1E-3	- 1E-2
55	Cesium-131	D, all compounds	2E+4	3E+4	1E-5	4E-8	3E-4	3E-3
55	Cesium-132	D, all compounds	3E+3	4E+3	2E-6	6E-9	4E-5	4E-4
55	Cesium-134m	D, all compounds	1E+5 St wall (1E+5)	1E+5 -	6E-5 -	2E-7 -	- 2E-3	- 2E-2
55	Cesium-134	D, all compounds	7E+1	1E+2	4E-8	2E-10	9E-7	9E-6
55	Cesium-135m ²	D, all compounds	1E+5	2E+5	8E-5	3E-7	1E-3	1E-2
55	Cesium-135	D, all compounds	7E+2	1E+3	5E-7	2E-9	1E-5	1E-4
55	Cesium-136	D, all compounds	4E+2	7E+2	3E-7	9E-10	6E-6	6E-5
55	Cesium-137	D, all compounds	1E+2	2E+2	6E-8	2E-10	1E-6	1E-5
55	Cesium-138 ²	D, all compounds	2E+4 St wall (3E+4)	6E+4 -	2E-5 -	8E-8 -	- 4E-4	- 4E-3
56	Barium-126 ²	D, all compounds	6E+3	2E+4	6E-6	2E-8	8E-5	8E-4
56	Barium-128	D, all compounds	5E+2	2E+3	7E-7	2E-9	7E-6	7E-5

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers
			Col. 1	Col. 2	Col. 3	Col. 1	Col. 2	
			Oral Ingestion ALI (μCi)	Inhalation		Air (μCi/ml)	Water (μCi/ml)	Monthly Average Concentration (μCi/ml)
ALI (μCi)	DAC (μCi/ml)							
56	Barium-131m ²	D, all compounds	4E+5 St wall (5E+5)	1E+6 -	6E-4 -	2E-6 -	- 7E-3	- 7E-2
56	Barium-131	D, all compounds	3E+3	8E+3	3E-6	1E-8	4E-5	4E-4
56	Barium-133m	D, all compounds	2E+3 LLI wall (3E+3)	9E+3 -	4E-6 -	1E-8 -	- 4E-5	- 4E-4
56	Barium-133	D, all compounds	2E+3	7E+2	3E-7	9E-10	2E-5	2E-4
56	Barium-135m	D, all compounds	3E+3	1E+4	5E-6	2E-8	4E-5	4E-4
56	Barium-139 ²	D, all compounds	1E+4	3E+4	1E-5	4E-8	2E-4	2E-3
56	Barium-140	D, all compounds	5E+2 LLI wall (6E+2)	1E+3 -	6E-7 -	2E-9 -	- 8E-6	- 8E-5
56	Barium-141 ²	D, all compounds	2E+4	7E+4	3E-5	1E-7	3E-4	3E-3
56	Barium-142 ²	D, all compounds	5E+4	1E+5	6E-5	2E-7	7E-4	7E-3
57	Lanthanum-131 ²	D, all compounds except those given for W, oxides and hydroxides	5E+4 -	1E+5 2E+5	5E-5 7E-5	2E-7 2E-7	6E-4 -	6E-3 -
57	Lanthanum-132	D, see ¹³¹ La W, see ¹³¹ La	3E+3 -	1E+4 1E+4	4E-6 5E-6	1E-8 2E-8	4E-5 -	4E-4 -
57	Lanthanum-135	D, see ¹³¹ La W, see ¹³¹ La	4E+4 -	1E+5 9E+4	4E-5 4E-5	1E-7 1E-7	5E-4 -	5E-3 -
57	Lanthanum-137	D, see ¹³¹ La W, see ¹³¹ La	1E+4 - - -	6E+1 Liver (7E+1) 3E+2 Liver (3E+2)	3E-8 - 1E-7 -	- 1E-10 - 4E-10	2E-4 - - -	2E-3 - - -
57	Lanthanum-138	D, see ¹³¹ La W, see ¹³¹ La	9E+2 -	4E+0 1E+1	1E-9 6E-9	5E-12 2E-11	1E-5 -	1E-4 -
57	Lanthanum-140	D, see ¹³¹ La W, see ¹³¹ La	6E+2 -	1E+3 1E+3	6E-7 5E-7	2E-9 2E-9	9E-6 -	9E-5 -
57	Lanthanum-141	D, see ¹³¹ La W, see ¹³¹ La	4E+3 -	9E+3 1E+4	4E-6 5E-6	1E-8 2E-8	5E-5 -	5E-4 -
57	Lanthanum-142 ²	D, see ¹³¹ La W, see ¹³¹ La	8E+3 -	2E+4 3E+4	9E-6 1E-5	3E-8 5E-8	1E-4 -	1E-3 -
57	Lanthanum-143 ²	D, see ¹³¹ La W, see ¹³¹ La	4E+4 St wall (4E+4) -	1E+5 - 9E+4	4E-5 - 4E-5	1E-7 - 1E-7	- 5E-4 -	- 5E-3 -

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers
			Col. 1	Col. 2	Col. 3	Col. 1	Col. 2	
			Oral Ingestion ALI (μCi)	Inhalation		Air (μCi/ml)	Water (μCi/ml)	Monthly Average Concentration (μCi/ml)
ALI (μCi)	DAC (μCi/ml)							
58	Cerium-134	W, all compounds except those given for Y Y, oxides, hydroxides, and fluorides	5E+2	7E+2	3E-7	1E-9	-	-
			LLI wall (6E+2)	-	-	-	8E-6	8E-5
			-	7E+2	3E-7	9E-10	-	-
58	Cerium-135	W, see ¹³⁴ Ce Y, see ¹³⁴ Ce	2E+3 -	4E+3 4E+3	2E-6 1E-6	5E-9 5E-9	2E-5 -	2E-4 -
58	Cerium-137m	W, see ¹³⁴ Ce	2E+3 LLI wall (2E+3)	4E+3 -	2E-6 -	6E-9 -	- 3E-5	- 3E-4
		Y, see ¹³⁴ Ce	-	4E+3	2E-6	5E-9	-	-
58	Cerium-137	W, see ¹³⁴ Ce Y, see ¹³⁴ Ce	5E+4 -	1E+5 1E+5	6E-5 5E-5	2E-7 2E-7	7E-4 -	7E-3 -
58	Cerium-139	W, see ¹³⁴ Ce Y, see ¹³⁴ Ce	5E+3 -	8E+2 7E+2	3E-7 3E-7	1E-9 9E-10	7E-5 -	7E-4 -
58	Cerium-141	W, see ¹³⁴ Ce	2E+3 LLI wall (2E+3)	7E+2 -	3E-7 -	1E-9 -	- 3E-5	- 3E-4
		Y, see ¹³⁴ Ce	-	6E+2	2E-7	8E-10	-	-
58	Cerium-143	W, see ¹³⁴ Ce	1E+3 LLI wall (1E+3)	2E+3 -	8E-7 -	3E-9 -	- 2E-5	- 2E-4
		Y, see ¹³⁴ Ce	-	2E+3	7E-7	2E-9	-	-
58	Cerium-144	W, see ¹³⁴ Ce	2E+2 LLI wall (3E+2)	3E+1 -	1E-8 -	4E-11 -	- 3E-6	- 3E-5
		Y, see ¹³⁴ Ce	-	1E+1	6E-9	2E-11	-	-
59	Praseodymium -136 ²	W, all compounds except those given for Y Y, oxides, hydroxides, carbides, and fluorides	5E+4	2E+5	1E-4	3E-7	-	-
			St wall (7E+4)	-	-	-	1E-3	1E-2
			-	2E+5	9E-5	3E-7	-	-
59	Praseodymium -137 ²	W, see ¹³⁶ Pr Y, see ¹³⁶ Pr	4E+4 -	2E+5 1E+5	6E-5 6E-5	2E-7 2E-7	5E-4 -	5E-3 -
59	Praseodymium -138m	W, see ¹³⁶ Pr Y, see ¹³⁶ Pr	1E+4 -	5E+4 4E+4	2E-5 2E-5	8E-8 6E-8	1E-4 -	1E-3 -
59	Praseodymium -139	W, see ¹³⁶ Pr Y, see ¹³⁶ Pr	4E+4 -	1E+5 1E+5	5E-5 5E-5	2E-7 2E-7	6E-4 -	6E-3 -
59	Praseodymium -142m ²	W, see ¹³⁶ Pr Y, see ¹³⁶ Pr	8E+4 -	2E+5 1E+5	7E-5 6E-5	2E-7 2E-7	1E-3 -	1E-2 -

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers
			Col. 1	Col. 2	Col. 3	Col. 1	Col. 2	
			Oral Ingestion ALI (μCi)	Inhalation		Air (μCi/ml)	Water (μCi/ml)	Monthly Average Concentration (μCi/ml)
ALI (μCi)	DAC (μCi/ml)							
59	Praseodymium-142	W, see ¹³⁶ Pr Y, see ¹³⁶ Pr	1E+3 -	2E+3 2E+3	9E-7 8E-7	3E-9 3E-9	1E-5 -	1E-4 -
59	Praseodymium-143	W, see ¹³⁶ Pr Y, see ¹³⁶ Pr	9E+2 LLI wall (1E+3) -	8E+2 - 7E+2	3E-7 - 3E-7	1E-9 - 9E-10	- 2E-5 -	- 2E-4 -
59	Praseodymium-144 ²	W, see ¹³⁶ Pr Y, see ¹³⁶ Pr	3E+4 St wall (4E+4) -	1E+5 - 1E+5	5E-5 - 5E-5	2E-7 - 2E-7	- 6E-4 -	- 6E-3 -
59	Praseodymium-145	W, see ¹³⁶ Pr Y, see ¹³⁶ Pr	3E+3 -	9E+3 8E+3	4E-6 3E-6	1E-8 1E-8	4E-5 -	4E-4 -
59	Praseodymium-147 ²	W, see ¹³⁶ Pr Y, see ¹³⁶ Pr	5E+4 St wall (8E+4) -	2E+5 - 2E+5	8E-5 - 8E-5	3E-7 - 3E-7	- 1E-3 -	- 1E-2 -
60	Neodymium-144 ²	W, all compounds except those given for Y Y, oxides, hydroxides, carbides, and fluorides	1E+4 -	6E+4 5E+4	2E-5 2E-5	8E-8 8E-8	2E-4 -	2E-3 -
60	Neodymium-138	W, see ¹³⁶ Nd Y, see ¹³⁶ Nd	2E+3 -	6E+3 5E+3	3E-6 2E-6	9E-9 7E-9	3E-5 -	3E-4 -
60	Neodymium-139m	W, see ¹³⁶ Nd Y, see ¹³⁶ Nd	5E+3 -	2E+4 1E+4	7E-6 6E-6	2E-8 2E-8	7E-5 -	7E-4 -
60	Neodymium-139 ²	W, see ¹³⁶ Nd Y, see ¹³⁶ Nd	9E+4 -	3E+5 3E+5	1E-4 1E-4	5E-7 4E-7	1E-3 -	1E-2 -
60	Neodymium-141	W, see ¹³⁶ Nd Y, see ¹³⁶ Nd	2E+5 -	7E+5 6E+5	3E-4 3E-4	1E-6 9E-7	2E-3 -	2E-2 -
60	Neodymium-147	W, see ¹³⁶ Nd Y, see ¹³⁶ Nd	1E+3 LLI wall (1E+3) -	9E+2 - 8E+2	4E-7 - 4E-7	1E-9 - 1E-9	- 2E-5 -	- 2E-4 -
60	Neodymium-149 ²	W, see ¹³⁶ Nd Y, see ¹³⁶ Nd	1E+4 -	3E+4 2E+4	1E-5 1E-5	4E-8 3E-8	1E-4 -	1E-3 -
60	Neodymium-151 ²	W, see ¹³⁶ Nd Y, see ¹³⁶ Nd	7E+4 -	2E+5 2E+5	8E-5 8E-5	3E-7 3E-7	9E-4 -	9E-3 -
61	Promethium-141 ²	W, all compounds except those for Y Y, oxides, hydroxides, carbides, and fluorides	5E+4 St wall (6E+4) -	2E+5 - 2E+5	8E-5 - 7E-5	3E-7 - 2E-7	- 8E-4 -	- 8E-3 -

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers
			Col. 1	Col. 2	Col. 3	Col. 1	Col. 2	
			Oral Ingestion ALI (μCi)	Inhalation		Air (μCi/ml)	Water (μCi/ml)	Monthly Average Concentration (μCi/ml)
ALI (μCi)	DAC (μCi/ml)							
61	Promethium-143	W, see ¹⁴¹ Pm Y, see ¹⁴¹ Pm	5E+3 -	6E+2 7E+2	2E-7 3E-7	8E-10 1E-9	7E-5 -	7E-4 -
61	Promethium-144	W, see ¹⁴¹ Pm Y, see ¹⁴¹ Pm	1E+3 -	1E+2 1E+2	5E-8 5E-8	2E-10 2E-10	2E-5 -	2E-4 -
61	Promethium-145	W, see ¹⁴¹ Pm Y, see ¹⁴¹ Pm	1E+4 -	2E+2 Bone surf (2E+2) 2E+2	7E-8 - 8E-8	- 3E-10 3E-10	1E-4 - -	1E-3 - -
61	Promethium-146	W, see ¹⁴¹ Pm Y, see ¹⁴¹ Pm	2E+3 -	5E+1 4E+1	2E-8 2E-8	7E-11 6E-11	2E-5 -	2E-4 -
61	Promethium-147	W, see ¹⁴¹ Pm Y, see ¹⁴¹ Pm	4E+3 LLI wall (5E+3) -	1E+2 Bone surf (2E+2) 1E+2	5E-8 - 6E-8	- 3E-10 2E-10	- 7E-5 -	- 7E-4 -
61	Promethium-148m	W, see ¹⁴¹ Pm Y, see ¹⁴¹ Pm	7E+2 -	3E+2 3E+2	1E-7 1E-7	4E-10 5E-10	1E-5 -	1E-4 -
61	Promethium-148	W, see ¹⁴¹ Pm Y, see ¹⁴¹ Pm	4E+2 LLI wall (5E+2) -	5E+2 - 5E+2	2E-7 - 2E-7	8E-10 - 7E-10	- 7E-6 -	- 7E-5 -
61	Promethium-149	W, see ¹⁴¹ Pm Y, see ¹⁴¹ Pm	1E+3 LLI wall (1E+3) -	2E+3 - 2E+3	8E-7 - 8E-7	3E-9 - 2E-9	- 2E-5 -	- 2E-4 -
61	Promethium-150	W, see ¹⁴¹ Pm Y, see ¹⁴¹ Pm	5E+3 -	2E+4 2E+4	8E-6 7E-6	3E-8 2E-8	7E-5 -	7E-4 -
61	Promethium-151	W, see ¹⁴¹ Pm Y, see ¹⁴¹ Pm	2E+3 -	4E+3 3E+3	1E-6 1E-6	5E-9 4E-9	2E-5 -	2E-4 -
62	Samarium-141m ²	W, all compounds	3E+4	1E+5	4E-5	1E-7	4E-4	4E-3
62	Samarium-141 ²	W, all compounds	5E+4 St wall (6E+4)	2E+5 -	8E-5 -	2E-7 -	- 8E-4	- 8E-3
62	Samarium-142 ²	W, all compounds	8E+3	3E+4	1E-5	4E-8	1E-4	1E-3
62	Samarium-145	W, all compounds	6E+3	5E+2	2E-7	7E-10	8E-5	8E-4
62	Samarium-146	W, all compounds	1E+1 Bone surf (3E+1)	4E-2 Bone surf (6E-2)	1E-11 -	- 9E-14	- 3E-7	- 3E-6
62	Samarium-147	W, all compounds	2E+1 Bone surf (3E+1)	4E-2 Bone surf (7E-2)	2E-11 -	- 1E-13	- 4E-7	- 4E-6

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers
			Col. 1	Col. 2	Col. 3	Col. 1	Col. 2	
			Oral Ingestion ALI (μCi)	Inhalation		Air (μCi/ml)	Water (μCi/ml)	Monthly Average Concentration (μCi/ml)
ALI (μCi)	DAC (μCi/ml)							
62	Samarium-151	W, all compounds	1E+4 LLI wall (1E+4)	1E+2 Bone surf (2E+2)	4E-8 -	- 2E-10	- 2E-4	- 2E-3
62	Samarium-153	W, all compounds	2E+3 LLI wall (2E+3)	3E+3 -	1E-6 -	4E-9 -	- 3E-5	- 3E-4
62	Samarium-155 ²	W, all compounds	6E+4 St wall (8E+4)	2E+5 -	9E-5 -	3E-7 -	- 1E-3	- 1E-2
62	Samarium-156	W, all compounds	5E+3	9E+3	4E-6	1E-8	7E-5	7E-4
63	Europium-145	W, all compounds	2E+3	2E+3	8E-7	3E-9	2E-5	2E-4
63	Europium-146	W, all compounds	1E+3	1E+3	5E-7	2E-9	1E-5	1E-4
63	Europium-147	W, all compounds	3E+3	2E+3	7E-7	2E-9	4E-5	4E-4
63	Europium-148	W, all compounds	1E+3	4E+2	1E-7	5E-10	1E-5	1E-4
63	Europium-149	W, all compounds	1E+4	3E+3	1E-6	4E-9	2E-4	2E-3
63	Europium-150 (12.62 h)	W, all compounds	3E+3	8E+3	4E-6	1E-8	4E-5	4E-4
63	Europium-150 (34.2 y)	W, all compounds	8E+2	2E+1	8E-9	3E-11	1E-5	1E-4
63	Europium-152m	W, all compounds	3E+3	6E+3	3E-6	9E-9	4E-5	4E-4
63	Europium-152	W, all compounds	8E+2	2E+1	1E-8	3E-11	1E-5	1E-4
63	Europium-154	W, all compounds	5E+2	2E+1	8E-9	3E-11	7E-6	7E-5
63	Europium-155	W, all compounds	4E+3	9E+1 Bone surf (1E+2)	4E-8 -	- 2E-10	5E-5 -	5E-4 -
63	Europium-156	W, all compounds	6E+2	5E+2	2E-7	6E-10	8E-6	8E-5
63	Europium-157	W, all compounds	2E+3	5E+3	2E-6	7E-9	3E-5	3E-4
63	Europium-158 ²	W, all compounds	2E+4	6E+4	2E-5	8E-8	3E-4	3E-3
64	Gadolinium-145 ²	D, all compounds except those given for W W, oxides, hydroxides, and fluorides	5E+4 St wall (5E+4) -	2E+5 2E+5	6E-5 7E-5	2E-7 2E-7	- 6E-4 -	- 6E-3 -
64	Gadolinium-146	D, see ¹⁴⁵ Gd W, see ¹⁴⁵ Gd	1E+3 -	1E+2 3E+2	5E-8 1E-7	2E-10 4E-10	2E-5 -	2E-4 -

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers
			Col. 1	Col. 2	Col. 3	Col. 1	Col. 2	
			Oral Ingestion ALI (μCi)	Inhalation		Air (μCi/ml)	Water (μCi/ml)	Monthly Average Concentration (μCi/ml)
	ALI (μCi)	DAC (μCi/ml)						
64	Gadolinium-147	D, see ¹⁴⁵ Gd W, see ¹⁴⁵ Gd	2E+3 -	4E+3 4E+3	2E-6 1E-6	6E-9 5E-9	3E-5 -	3E-4 -
64	Gadolinium-148	D, see ¹⁴⁵ Gd W, see ¹⁴⁵ Gd	1E+1 Bone surf (2E+1) - -	8E+3 Bone surf (2E-2) 3E-2 Bone surf (6E-2)	3E-12 - 1E-11 -	- 2E-14 - 8E-14	- 3E-7 - -	- 3E-6 - -
64	Gadolinium-149	D, see ¹⁴⁵ Gd W, see ¹⁴⁵ Gd	3E+3 -	2E+3 2E+3	9E-7 1E-6	3E-9 3E-9	4E-5 -	4E-4 -
64	Gadolinium-151	D, see ¹⁴⁵ Gd W, see ¹⁴⁵ Gd	6E+3 - -	4E+2 Bone surf (6E+2) 1E+3	2E-7 - 5E-7	- 9E-10 2E-9	9E-5 - -	9E-4 - -
64	Gadolinium-152	D, see ¹⁴⁵ Gd W, see ¹⁴⁵ Gd	2E+1 Bone surf (3E+1) - -	1E-2 Bone surf (2E-2) 4E-2 Bone surf (8E-2)	4E-12 - 2E-11 -	- 3E-14 - 1E-13	- 4E-7 - -	- 4E-6 - -
64	Gadolinium-153	D, see ¹⁴⁵ Gd W, see ¹⁴⁵ Gd	5E+3 - -	1E+2 Bone surf (2E+2) 6E+2	6E-8 - 2E-7	- 3E-10 8E-10	6E-5 - -	6E-4 - -
64	Gadolinium-159	D, see ¹⁴⁵ Gd W, see ¹⁴⁵ Gd	3E+3 -	8E+3 6E+3	3E-6 2E-6	1E-8 8E-9	4E-5 -	4E-4 -
65	Terbium-147 ²	W, all compounds	9E+3	3E+4	1E-5	5E-8	1E-4	1E-3
65	Terbium-149	W, all compounds	5E+3	7E+2	3E-7	1E-9	7E-5	7E-4
65	Terbium-150	W, all compounds	5E+3	2E+4	9E-6	3E-8	7E-5	7E-4
65	Terbium-151	W, all compounds	4E+3	9E+3	4E-6	1E-8	5E-5	5E-4
65	Terbium-153	W, all compounds	5E+3	7E+3	3E-6	1E-8	7E-5	7E-4
65	Terbium-154	W, all compounds	2E+3	4E+3	2E-6	6E-9	2E-5	2E-4
65	Terbium-155	W, all compounds	6E+3	8E+3	3E-6	1E-8	8E-5	8E-4
65	Terbium-156m (5.0 h)	W, all compounds	2E+4	3E+4	1E-5	4E-8	2E-4	2E-3
65	Terbium-156m (24.4 h)	W, all compounds	7E+3	8E+3	3E-6	1E-8	1E-4	1E-3
65	Terbium-156	W, all compounds	1E+3	1E+3	6E-7	2E-9	1E-5	1E-4

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers
			Col. 1	Col. 2	Col. 3	Col. 1	Col. 2	
			Oral Ingestion ALI (μCi)	Inhalation		Air (μCi/ml)	Water (μCi/ml)	Monthly Average Concentration (μCi/ml)
ALI (μCi)	DAC (μCi/ml)							
65	Terbium-157	W, all compounds	5E+4 LLI wall (5E+4)	3E+2 Bone surf (6E+2)	1E-7 -	- 8E-10	- 7E-4	- 7E-3
65	Terbium-158	W, all compounds	1E+3	2E+1	8E-9	3E-11	2E-5	2E-4
65	Terbium-160	W, all compounds	8E+2	2E+2	9E-8	3E-10	1E-5	1E-4
65	Terbium-161	W, all compounds	2E+3 LLI wall (2E+3)	2E+3 -	7E-7 -	2E-9 -	- 3E-5	- 3E-4
66	Dysprosium-155	W, all compounds	9E+3	3E+4	1E-5	4E-8	1E-4	1E-3
66	Dysprosium-157	W, all compounds	2E+4	6E+4	3E-5	9E-8	3E-4	3E-3
66	Dysprosium-159	W, all compounds	1E+4	2E+3	1E-6	3E-9	2E-4	2E-3
66	Dysprosium-165	W, all compounds	1E+4	5E+4	2E-5	6E-8	2E-4	2E-3
66	Dysprosium-166	W, all compounds	6E+2 LLI wall (8E+2)	7E+2 -	3E-7 -	1E-9 -	- 1E-5	- 1E-4
67	Holmium-155 ²	W, all compounds	4E+4	2E+5	6E-5	2E-7	6E-4	6E-3
67	Holmium-157 ²	W, all compounds	3E+5	1E+6	6E-4	2E-6	4E-3	4E-2
67	Holmium-159 ²	W, all compounds	2E+5	1E+6	4E-4	1E-6	3E-3	3E-2
67	Holmium-161	W, all compounds	1E+5	4E+5	2E-4	6E-7	1E-3	1E-2
67	Holmium-162m ²	W, all compounds	5E+4	3E+5	1E-4	4E-7	7E-4	7E-3
67	Holmium-162 ²	W, all compounds	5E+5 St wall (8E+5)	2E+6 -	1E-3 -	3E-6 -	- 1E-2	- 1E-1
67	Holmium-164m ²	W, all compounds	1E+5	3E+5	1E-4	4E-7	1E-3	1E-2
67	Holmium-164 ²	W, all compounds	2E+5 St wall (2E+5)	6E+5 -	3E-4 -	9E-7 -	- 3E-3	- 3E-2
67	Holmium-166m	W, all compounds	6E+2	7E+0	3E-9	9E-12	9E-6	9E-5
67	Holmium-166	W, all compounds	9E+2 LLI wall (9E+2)	2E+3 -	7E-7 -	2E-9 -	- 1E-5	- 1E-4
67	Holmium-167	W, all compounds	2E+4	6E+4	2E-5	8E-8	2E-4	2E-3
67	Erbium-161	W, all compounds	2E+4	6E+4	3E-5	9E-8	2E-4	2E-3
68	Erbium-165	W, all compounds	6E+4	2E+5	8E-5	3E-7	9E-4	9E-3

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers
			Col. 1	Col. 2	Col. 3	Col. 1	Col. 2	
			Oral Ingestion ALI (μCi)	Inhalation		Air (μCi/ml)	Water (μCi/ml)	Monthly Average Concentration (μCi/ml)
ALI (μCi)	DAC (μCi/ml)							
68	Erbium-169	W, all compounds	3E+3 LLI wall (4E+3)	3E+3 -	1E-6 -	4E-9 -	- 5E-5	- 5E-4
68	Erbium-171	W, all compounds	4E+3	1E+4	4E-6	1E-8	5E-5	5E-4
68	Erbium-172	W, all compounds	1E+3 LLI wall (1E+2)	1E+3 -	6E-7 -	2E-9 -	- 2E-5	- 2E-4
69	Thulium-162 ²	W, all compounds	7E+4 St wall (7E+4)	3E+5 -	1E-4 -	4E-7 -	- 1E-3	- 1E-2
69	Thulium-166	W, all compounds	4E+3	1E+4	6E-6	2E-8	6E-5	6E-4
69	Thulium-167	W, all compounds	2E+3 LLI wall (2E+3)	2E+3 -	8E-7 -	3E-9 -	- 3E-5	- 3E-4
69	Thulium-170	W, all compounds	8E+2 LLI wall (1E+3)	2E+2 -	9E-8 -	3E-10 -	- 1E-5	- 1E-4
69	Thulium-171	W, all compounds	1E+4 LLI wall (1E+4)	3E+2 Bone surf (6E+2)	1E-7 -	- 8E-10	- 2E-4	- 2E-3
69	Thulium-172	W, all compounds	7E+2 LLI wall (8E+2)	1E+3 -	5E-7 -	2E-9 -	- 1E-5	- 1E-4
69	Thulium-173	W, all compounds	4E+3	1E+4	5E-6	2E-8	6E-5	6E-4
69	Thulium-175 ²	W, all compounds	7E+4 St wall (9E+4)	3E+5 -	1E-4 -	4E-7 -	- 1E-3	- 1E-2
70	Ytterbium-162 ²	W, all compounds except those given for Y, Y, oxides, hydroxides, and fluorides	7E+4 -	3E+5 3E+5	1E-4 1E-4	4E-7 4E-7	1E-3 -	1E-2 -
70	Ytterbium-166	W, see ¹⁶² Yb Y, see ¹⁶² Yb	1E+3 -	2E+3 2E+3	9E-7 8E-7	3E-9 3E-9	2E-5 -	2E-4 -
70	Ytterbium-167 ²	W, see ¹⁶² Yb Y, see ¹⁶² Yb	3E+5 -	8E+5 7E+5	3E-4 3E-4	1E-6 1E-6	4E-3 -	4E-2
70	Ytterbium-169	W, see ¹⁶² Yb Y, see ¹⁶² Yb	2E+3 -	8E+2 7E+2	4E-7 3E-7	1E-9 1E-9	2E-5 -	2E-4 -
70	Ytterbium-175	W, see ¹⁶² Yb Y, see ¹⁶² Yb	3E+3 LLI wall (3E+3) -	4E+3 - 3E+3	1E-6 - 1E-6	5E-9 - 5E-9	- 4E-5 -	- 4E-4 -

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers
			Col. 1	Col. 2	Col. 3	Col. 1	Col. 2	
			Oral Ingestion ALI (μCi)	Inhalation		Air (μCi/ml)	Water (μCi/ml)	Monthly Average Concentration (μCi/ml)
ALI (μCi)	DAC (μCi/ml)							
70	Ytterbium-177 ²	W, see ¹⁶² Yb Y, see ¹⁶² Yb	2E+4 -	5E+4 5E+4	2E-5 2E-5	7E-8 6E-8	2E-4 -	2E-3 -
70	Ytterbium-178 ²	W, see ¹⁶² Yb Y, see ¹⁶² Yb	1E+4 -	4E+4 4E+4	2E-5 2E-5	6E-8 5E-8	2E-4 -	2E-3 -
71	Lutetium-169	W, all compounds except those given for Y, Y, oxides, hydroxides, and fluorides	3E+3 -	4E+3 4E+3	2E-6 2E-6	6E-9 6E-9	3E-5 -	3E-4 -
71	Lutetium-170	W, see ¹⁶⁹ Lu Y, see ¹⁶⁹ Lu	1E+3 -	2E+3 2E+3	9E-7 8E-7	3E-9 3E-9	2E-5 -	2E-4 -
71	Lutetium-171	W, see ¹⁶⁹ Lu Y, see ¹⁶⁹ Lu	2E+3 -	2E+3 2E+3	8E-7 8E-7	3E-9 3E-9	3E-5 -	3E-4 -
71	Lutetium-172	W, see ¹⁶⁹ Lu Y, see ¹⁶⁹ Lu	1E+3 -	1E+3 1E+3	5E-7 5E-7	2E-9 2E-9	1E-5 -	1E-4 -
71	Lutetium-173	W, see ¹⁶⁹ Lu Y, see ¹⁶⁹ Lu	5E+3 -	3E+2 bone surf (5E+2) 3E+2	1E-7 - 1E-7	- 6E-10 4E-10	7E-5 - -	7E-4 - -
71	Lutetium-174m	W, see ¹⁶⁹ Lu Y, see ¹⁶⁹ Lu	2E+3 LLI wall (3E+3) -	2E+2 Bone surf (3E+2) 2E+2	1E-7 - 9E-8	- 5E-10 3E-10	- 4E-5 -	- 4E-4 -
71	Lutetium-174	W, see ¹⁶⁹ Lu Y, see ¹⁶⁹ Lu	5E+3 -	1E+2 Bone surf (2E+2) 2E+2	5E-8 - 6E-8	- 3E-10 2E-10	7E-5 - -	7E-4 - -
71	Lutetium-176m	W, see ¹⁶⁹ Lu Y, see ¹⁶⁹ Lu	8E+3 -	3E+4 2E+4	1E-5 9E-6	3E-8 3E-8	1E-4 -	1E-3 -
71	Lutetium-176	W, see ¹⁶⁹ Lu Y, see ¹⁶⁹ Lu	7E+2 -	5E+0 Bone surf (1E+1) 8E+0	2E-9 - 3E-9	- 2E-11 1E-11	1E-5 - -	1E-4 - -
71	Lutetium-177m	W, see ¹⁶⁹ Lu Y, see ¹⁶⁹ Lu	7E+2 -	1E+2 Bone surf (1E+2) 8E+1	5E-8 - 3E-8	- 2E-10 1E-10	1E-5 - -	1E-4 - -
71	Lutetium-177	W, see ¹⁶⁹ Lu Y, see ¹⁶⁹ Lu	2E+3 LLI wall (3E+3) -	2E+3 - 2E+3	9E-7 - 9E-7	3E-9 - 3E-9	- 4E-5 -	- 4E-4 -

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers
			Col. 1	Col. 2	Col. 3	Col. 1	Col. 2	
			Oral Ingestion ALI (μCi)	Inhalation		Air (μCi/ml)	Water (μCi/ml)	Monthly Average Concentration (μCi/ml)
ALI (μCi)	DAC (μCi/ml)							
71	Lutetium-178m ²	W, see ¹⁶⁹ Lu Y, see ¹⁶⁹ Lu	5E+4 St. wall (6E+4) -	2E+5 - 2E+5	8E-5 - 7E-5	3E-7 - 2E-7	- 8E-4 -	- 8E-3 -
71	Lutetium-178 ²	W, see ¹⁶⁹ Lu Y, see ¹⁶⁹ Lu	4E+4 St wall (4E+4) -	1E+5 - 1E+5	5E-5 - 5E-5	2E-7 - 2E-7	- 6E-4 -	- 6E-3 -
71	Lutetium-179	W, see ¹⁶⁹ Lu Y, see ¹⁶⁹ Lu	6E+3 -	2E+4 2E+4	8E-6 6E-6	3E-8 3E-8	9E-5 -	9E-4 -
72	Hafnium-170	D, all compounds except those given for W, oxides, hydroxides, carbides, and nitrates	3E+3 -	6E+3 5E+3	2E-6 2E-6	8E-9 6E-9	4E-5 -	4E-4 -
72	Hafnium-172	D, see ¹⁷⁰ Hf W, see ¹⁷⁰ Hf	1E+3 - -	9E+0 Bone surf (2E+1 4E+1 Bone surf (6E+1	4E-9 - 2E-8	- 3E-11 - 8E-11	2E-5 - -	2E-4 - -
72	Hafnium-173	D, see ¹⁷⁰ Hf W, see ¹⁷⁰ Hf	5E+3 -	1E+4 1E+4	5E-6 5E-6	2E-8 2E-8	7E-5 -	7E-4 -
72	Hafnium-175	D, see ¹⁷⁰ Hf W, see ¹⁷⁰ Hf	3E+3 -	9E+2 Bone surf (1E+3) 1E+3	4E-7 - 5E-7	- 1E-9 2E-9	4E-5 -	4E-4 -
72	Hafnium-177m ²	D, see ¹⁷⁰ Hf W, see ¹⁷⁰ Hf	2E+4 -	6E+4 9E+4	2E-5 4E-5	8E-8 1E-7	3E-4 -	3E-3 -
72	Hafnium-178m	D, see ¹⁷⁰ Hf W, see ¹⁷⁰ Hf	3E+2 - -	1E+0 Bone surf (2E+0) 5E+0 Bone surf (9E+0)	5E-10 - 2E-9	- 3E-12 - 1E-11	3E-6 -	3E-5 -
72	Hafnium-179m	D, see ¹⁷⁰ Hf W, see ¹⁷⁰ Hf	1E+3 -	3E+2 Bone surf (6E+2) 6E+2	1E-7 - 3E-7	- 8E-10 8E-10	1E-5 -	1E-4 -
72	Hafnium-180m	D, see ¹⁷⁰ Hf W, see ¹⁷⁰ Hf	7E+3 -	2E+4 3E+4	9E-6 1E-5	3E-8 4E-8	1E-4 -	1E-3 -

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers
			Col. 1	Col. 2	Col. 3	Col. 1	Col. 2	
			Oral Ingestion ALI (μCi)	Inhalation		Air (μCi/ml)	Water (μCi/ml)	Monthly Average Concentration (μCi/ml)
ALI (μCi)	DAC (μCi/ml)							
72	Hafnium-181	D, see ¹⁷⁰ Hf W, see ¹⁷⁰ Hf	1E+3 -	2E+2 Bone surf (4E+2) 4E+2	7E-8 - 2E-7	- 6E-10 6E-10	2E-5 -	2E-4 -
72	Hafnium-182m ²	D, see ¹⁷⁰ Hf W, see ¹⁷⁰ Hf	4E+4 -	9E+4 1E+5	4E-5 6E-5	1E-7 2E-7	5E-4 -	5E-3 -
72	Hafnium-182	D, see ¹⁷⁰ Hf W, see ¹⁷⁰ Hf	2E+2 Bone surf (4E+2) -	8E-1 Bone surf (2E+0) 3E+0 Bone surf (7E+0)	3E-10 - 1E-9	- 2E-12 - 1E-11	- 5E-6 -	- 5E-5 -
72	Hafnium-183 ²	D, see ¹⁷⁰ Hf W, see ¹⁷⁰ Hf	2E+4 -	5E+4 6E+4	2E-5 2E-5	6E-8 8E-8	3E-4 -	3E-3 -
72	Hafnium-184	D, see ¹⁷⁰ Hf W, see ¹⁷⁰ Hf	2E+3 -	8E+3 6E+3	3E-6 3E-6	1E-8 9E-9	3E-5 -	3E-4 -
73	Tantalum-172 ²	W, all compounds except those given for Y, elemental Ta, oxides, hydroxides, halides, carbides, nitrates, and nitrides	4E+4 -	1E+5 1E+5	5E-5 4E-5	2E-7 1E-7	5E-4 -	5E-3 -
73	Tantalum-173	W, see ¹⁷² Ta Y, see ¹⁷² Ta	7E+3 -	2E+4 2E+4	8E-6 7E-6	3E-8 2E-8	9E-5 -	9E-4 -
73	Tantalum-174 ²	W, see ¹⁷² Ta Y, see ¹⁷² Ta	3E+4 -	1E+5 9E+4	4E-5 4E-5	1E-7 1E-7	4E-4 -	4E-3 -
73	Tantalum-175	W, see ¹⁷² Ta Y, see ¹⁷² Ta	6E+3 -	2E+4 1E+4	7E-6 6E-6	2E-8 2E-8	8E-5 -	8E-4 -
73	Tantalum-176	W, see ¹⁷² Ta Y, see ¹⁷² Ta	4E+3 -	1E+4 1E+4	5E-6 5E-6	2E-8 2E-8	5E-5 -	5E-4 -
73	Tantalum-177	W, see ¹⁷² Ta Y, see ¹⁷² Ta	1E+4 -	2E+4 2E+4	8E-6 7E-6	3E-8 2E-8	2E-4 -	2E-3 -
73	Tantalum-178	W, see ¹⁷² Ta Y, see ¹⁷² Ta	2E+4 -	9E+4 7E+4	4E-5 3E-5	1E-7 1E-7	2E-4 -	2E-3 -
73	Tantalum-179	W, see ¹⁷² Ta Y, see ¹⁷² Ta	2E+4 -	5E+3 9E+2	2E-6 4E-7	8E-9 1E-9	3E-4 -	3E-3 -
73	Tantalum-180m	W, see ¹⁷² Ta Y, see ¹⁷² Ta	2E+4 -	7E+4 6E+4	3E-5 2E-5	9E-8 8E-8	3E-4 -	3E-3 -
73	Tantalum-180	W, see ¹⁷² Ta Y, see ¹⁷² Ta	1E+3 -	4E+2 2E+1	2E-7 1E-8	6E-10 3E-11	2E-5 -	2E-4 -

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers
			Col. 1	Col. 2	Col. 3	Col. 1	Col. 2	
			Oral Ingestion ALI (μCi)	Inhalation		Air (μCi/ml)	Water (μCi/ml)	Monthly Average Concentration (μCi/ml)
ALI (μCi)	DAC (μCi/ml)							
73	Tantalum-182m ²	W, see ¹⁷² Ta Y, see ¹⁷² Ta	2E+5 St wall (2E+5) -	5E+5 - 4E+5	2E-4 - 2E-4	8E-7 - 6E-7	- 3E-3 -	- 3E-2 -
73	Tantalum-182	W, see ¹⁷² Ta Y, see ¹⁷² Ta	8E+2 -	3E+2 1E+2	1E-7 6E-8	5E-10 2E-10	1E-5 -	1E-4 -
73	Tantalum-183	W, see ¹⁷² Ta Y, see ¹⁷² Ta	9E+2 LLI wall (1E+3) -	1E+3 - 1E+3	5E-7 - 4E-7	2E-9 - 1E-9	- 2E-5 -	- 2E-4 -
73	Tantalum-184	W, see ¹⁷² Ta Y, see ¹⁷² Ta	2E+3 -	5E+3 5E+3	2E-6 2E-6	8E-9 7E-9	3E-5 -	3E-4 -
73	Tantalum-185 ²	W, see ¹⁷² Ta Y, see ¹⁷² Ta	3E+4 -	7E+4 6E+4	3E-5 3E-5	1E-7 9E-8	4E-4 -	4E-3 -
73	Tantalum-186 ²	W, see ¹⁷² Ta Y, see ¹⁷² Ta	5E+4 St wall (7E+4) -	2E+5 - 2E+5	1E-4 - 9E-5	3E-7 - 3E-7	- 1E-3 -	- 1E-2 -
74	Tungsten-176	D, all compounds	1E+4	5E+4	2E-5	7E-8	1E-4	1E-3
74	Tungsten-177	D, all compounds	2E+4	9E+4	4E-5	1E-7	3E-4	3E-3
74	Tungsten-178	D, all compounds	5E+3	2E+4	8E-6	3E-8	7E-5	7E-4
74	Tungsten-179 ²	D, all compounds	5E+5	2E+6	7E-4	2E-6	7E-3	7E-2
74	Tungsten-181	D, all compounds	2E+4	3E+4	1E-5	5E-8	2E-4	2E-3
74	Tungsten-185	D, all compounds	2E+3 LLI wall (3E+3) -	7E+3 - -	3E-6 - -	9E-9 - -	- 4E-5 -	- 4E-4 -
74	Tungsten-187	D, all compounds	2E+3	9E+3	4E-6	1E-8	3E-5	3E-4
74	Tungsten-188	D, all compounds	4E+2 LLI wall (5E+2) -	1E+3 - -	5E-7 - -	2E-9 - -	- 7E-6 -	- 7E-5 -
75	Rhenium-177 ²	D, all compounds except those given for W W, oxides, hydroxides, and nitrates	9E+4 St wall (1E+5) -	3E+5 - 4E+5	1E-4 - 1E-4	4E-7 - 5E-7	- 2E-3 -	- 2E-2 -
75	Rhenium-178 ²	D, see ¹⁷⁷ Re W, see ¹⁷⁷ Re	7E+4 St wall (1E+5) -	3E+5 - 3E+5	1E-4 - 1E-4	4E-7 - 4E-7	- 1E-3 -	- 1E-2 -
75	Rhenium-181	D, see ¹⁷⁷ Re W, see ¹⁷⁷ Re	5E+3 -	9E+3 9E+3	4E-6 4E-6	1E-8 1E-8	7E-5 -	7E-4 -

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers
			Col. 1	Col. 2	Col. 3	Col. 1	Col. 2	
			Oral Ingestion ALI (μCi)	Inhalation		Air (μCi/ml)	Water (μCi/ml)	Monthly Average Concentration (μCi/ml)
ALI (μCi)	DAC (μCi/ml)							
75	Rhenium-182 (12.7 h)	D, see ¹⁷⁷ Re W, see ¹⁷⁷ Re	7E+3 -	1E+4 2E+4	5E-6 6E-6	2E-8 2E-8	9E-5 -	9E-4 -
75	Rhenium-182 (64.0 h)	D, see ¹⁷⁷ Re W, see ¹⁷⁷ Re	1E+3 -	2E+3 2E+3	1E-6 9E-7	3E-9 3E-9	2E-5 -	2E-4 -
75	Rhenium-184m	D, see ¹⁷⁷ Re W, see ¹⁷⁷ Re	2E+3 -	3E+3 4E+2	1E-6 2E-7	4E-9 6E-10	3E-5 -	3E-4 -
75	Rhenium-184	D, see ¹⁷⁷ Re W, see ¹⁷⁷ Re	2E+3 -	4E+3 1E+3	1E-6 6E-7	5E-9 2E-9	3E-5 -	3E-4 -
75	Rhenium-186m	D, see ¹⁷⁷ Re W, see ¹⁷⁷ Re	1E+3 St wall (2E+3) -	2E+3 St wall (2E+3) 2E+2	7E-7 - 6E-8	- 3E-9 2E-10	- 2E-5 -	- 2E-4 -
75	Rhenium-186	D, see ¹⁷⁷ Re W, see ¹⁷⁷ Re	2E+3 -	3E+3 2E+3	1E-6 7E-7	4E-9 2E-9	3E-5 -	3E-4 -
75	Rhenium-187	D, see ¹⁷⁷ Re W, see ¹⁷⁷ Re	6E+5 - -	8E+5 St wall (9E+5) 1E+5	4E-4 - 4E-5	- 1E-6 1E-7	8E-3 - -	8E-2 - -
75	Rhenium-188m ²	D, see ¹⁷⁷ Re W, see ¹⁷⁷ Re	8E+4 -	1E+5 1E+5	6E-5 6E-5	2E-7 2E-7	1E-3 -	1E-2 -
75	Rhenium-188	D, see ¹⁷⁷ Re W, see ¹⁷⁷ Re	2E+3 -	3E+3 3E+3	1E-6 1E-6	4E-9 4E-9	2E-5 -	2E-4 -
75	Rhenium-189	D, see ¹⁷⁷ Re W, see ¹⁷⁷ Re	3E+3 -	5E+3 4E+3	2E-6 2E-6	7E-9 6E-9	4E-5 -	4E-4 -
76	Osmium-180 ²	D, all compounds except those given for W and Y W, halides and nitrates Y, oxides and hydroxides	1E+5 - -	4E+5 5E+5 5E+5	2E-4 2E-4 2E-4	5E-7 7E-7 6E-7	1E-3 - -	1E-2 - -
76	Osmium-181 ²	D, see ¹⁸⁰ Os W, see ¹⁸⁰ Os Y, see ¹⁸⁰ Os	1E+4 - -	4E+4 5E+4 4E+4	2E-5 2E-5 2E-5	6E-8 6E-8 6E-8	2E-4 - -	2E-3 - -
76	Osmium-182	D, see ¹⁸⁰ Os W, see ¹⁸⁰ Os Y, see ¹⁸⁰ Os	2E+3 - -	6E+3 4E+3 4E+3	2E-6 2E-6 2E-6	8E-9 6E-9 6E-9	3E-5 - -	3E-4 - -
76	Osmium-185	D, see ¹⁸⁰ Os W, see ¹⁸⁰ Os Y, see ¹⁸⁰ Os	2E+3 - -	5E+2 8E+2 8E+2	2E-7 3E-7 3E-7	7E-10 1E-9 1E-9	3E-5 - -	3E-4 - -
76	Osmium-189m	D, see ¹⁸⁰ Os W, see ¹⁸⁰ Os Y, see ¹⁸⁰ Os	8E+4 - -	2E+5 2E+5 2E+5	1E-4 9E-5 7E-5	3E-7 3E-7 2E-7	1E-3 - -	1E-2 - -
76	Osmium-191m	D, see ¹⁸⁰ Os W, see ¹⁸⁰ Os Y, see ¹⁸⁰ Os	1E+4 - -	3E+4 2E+4 2E+4	1E-5 8E-6 7E-6	4E-8 3E-8 2E-8	2E-4 - -	2E-3 - -

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers
			Col. 1	Col. 2	Col. 3	Col. 1	Col. 2	
			Oral Ingestion ALI (μCi)	Inhalation		Air (μCi/ml)	Water (μCi/ml)	Monthly Average Concentration (μCi/ml)
ALI (μCi)	DAC (μCi/ml)							
76	Osmium-191	D, see ¹⁸⁰ Os W, see ¹⁸⁰ Os Y, see ¹⁸⁰ Os	2E+3 LLI wall (3E+3) - -	2E+3 - 2E+3 1E+3	9E-7 - 7E-7 6E-7	3E-9 - 2E-9 2E-9	- 3E-5 -	- 3E-4 -
76	Osmium-193	D, see ¹⁸⁰ Os W, see ¹⁸⁰ Os Y, see ¹⁸⁰ Os	2E+3 LLI wall (2E+3) - -	5E+3 - 3E+3 3E+3	2E-6 - 1E-6 1E-6	6E-9 - 4E-9 4E-9	- 2E-5 -	- 2E-4 -
76	Osmium-194	D, see ¹⁸⁰ Os W, see ¹⁸⁰ Os Y, see ¹⁸⁰ Os	4E+2 LLI wall (6E+2) - -	4E+1 - 6E+1 8E+0	2E-8 - 2E-8 3E-9	6E-11 - 8E-11 1E-11	- 8E-6 -	- 8E-5 -
77	Iridium-182 ²	D, all compounds except those given for W and Y W, halides, nitrates, and metallic iridium Y, oxides and hydroxides	4E+4 St wall (4E+4) - -	1E+5 - 2E+5 1E+5	6E-5 - 6E-5 5E-5	2E-7 - 2E-7 2E-7	- 6E-4 -	- 6E-3 -
77	Iridium-184	D, see ¹⁸² Ir W, see ¹⁸² Ir Y, see ¹⁸² Ir	8E+3 - -	2E+4 3E+4 3E+4	1E-5 1E-5 1E-5	3E-8 5E-8 4E-8	1E-4 - -	1E-3 - -
77	Iridium-185	D, see ¹⁸² Ir W, see ¹⁸² Ir Y, see ¹⁸² Ir	5E+3 - -	1E+4 1E+4 1E+4	5E-6 5E-6 4E-6	2E-8 2E-8 1E-8	7E-5 - -	7E-4 - -
77	Iridium-186	D, see ¹⁸² Ir W, see ¹⁸² Ir Y, see ¹⁸² Ir	2E+3 - -	8E+3 6E+3 6E+3	3E-6 3E-6 2E-6	1E-8 9E-9 8E-9	3E-5 - -	3E-4 - -
77	Iridium-187	D, see ¹⁸² Ir W, see ¹⁸² Ir Y, see ¹⁸² Ir	1E+4 - -	3E+4 3E+4 3E+4	1E-5 1E-5 1E-5	5E-8 4E-8 4E-8	1E-4 - -	1E-3 - -
77	Iridium-188	D, see ¹⁸² Ir W, see ¹⁸² Ir Y, see ¹⁸² Ir	2E+3 - -	5E+3 4E+3 3E+3	2E-6 1E-6 1E-6	6E-9 5E-9 5E-9	3E-5 - -	3E-4 - -
77	Iridium-189	D, see ¹⁸² Ir W, see ¹⁸² Ir Y, see ¹⁸² Ir	5E+3 LLI wall (5E+3) - -	5E+3 - 4E+3 4E+3	2E-6 - 2E-6 1E-6	7E-9 - 5E-9 5E-9	- 7E-5 -	- 7E-4 -
77	Iridium-190m ²	D, see ¹⁸² Ir W, see ¹⁸² Ir Y, see ¹⁸² Ir	2E+5 - -	2E+5 2E+5 2E+5	8E-5 9E-5 8E-5	3E-7 3E-7 3E-7	2E-3 - -	2E-2 - -

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers
			Col. 1	Col. 2	Col. 3	Col. 1	Col. 2	
			Oral Ingestion ALI (μCi)	Inhalation ALI (μCi) DAC (μCi/ml)		Air (μCi/ml)	Water (μCi/ml)	Monthly Average Concentration (μCi/ml)
77	Iridium-190	D, see ¹⁸² Ir W, see ¹⁸² Ir Y, see ¹⁸² Ir	1E+3 - -	9E+2 1E+3 9E+2	4E-7 4E-7 4E-7	1E-9 1E-9 1E-9	1E-5 - -	1E-4 - -
77	Iridium-192m	D, see ¹⁸² Ir W, see ¹⁸² Ir Y, see ¹⁸² Ir	3E+3 - -	9E+1 2E+2 2E+1	4E-8 9E-8 6E-9	1E-10 3E-10 2E-11	4E-5 - -	4E-4 - -
77	Iridium-192	D, see ¹⁸² Ir W, see ¹⁸² Ir Y, see ¹⁸² Ir	9E+2 - -	3E+2 4E+2 2E+2	1E-7 2E-7 9E-8	4E-10 6E-10 3E-10	1E-5 - -	1E-4 - -
77	Iridium-194m	D, see ¹⁸² Ir W, see ¹⁸² Ir Y, see ¹⁸² Ir	6E+2 - -	9E+1 2E+2 1E+2	4E-8 7E-8 4E-8	1E-10 2E-10 1E-10	9E-6 - -	9E-5 - -
77	Iridium-194	D, see ¹⁸² Ir W, see ¹⁸² Ir Y, see ¹⁸² Ir	1E+3 - -	3E+3 2E+3 2E+3	1E-6 9E-7 8E-7	4E-9 3E-9 3E-9	1E-5 - -	1E-4 - -
77	Iridium-195m	D, see ¹⁸² Ir W, see ¹⁸² Ir Y, see ¹⁸² Ir	8E+3 - -	2E+4 3E+4 2E+4	1E-5 1E-5 9E-6	3E-8 4E-8 3E-8	1E-4 - -	1E-3 - -
77	Iridium-195	D, see ¹⁸² Ir W, see ¹⁸² Ir Y, see ¹⁸² Ir	1E+4 - -	4E+4 5E+4 4E+4	2E-5 2E-5 2E-5	6E-8 7E-8 6E-8	2E-4 - -	2E-3 - -
78	Platinum-186	D, all compounds	1E+4	4E+4	2E-5	5E-8	2E-4	2E-3
78	Platinum-188	D, all compounds	2E+3	2E+3	7E-7	2E-9	2E-5	2E-4
78	Platinum-189	D, all compounds	1E+4	3E+4	1E-5	4E-8	1E-4	1E-3
78	Platinum-191	D, all compounds	4E+3	8E+3	4E-6	1E-8	5E-5	5E-4
78	Platinum-193m	D, all compounds	3E+3 LLI wall (3E+4)	6E+3 - -	3E-6 - -	8E-9 - -	- 4E-5	- 4E-4
78	Platinum-193	D, all compounds	4E+4 LLI wall (5E+4)	2E+4 - -	1E-5 - -	3E-8 - -	- 6E-4	- 6E-3
78	Platinum-195m	D, all compounds	2E+3 LLI wall (2E+3)	4E+3 - -	2E-6 - -	6E-9 - -	- 3E-5	- 3E-4
78	Platinum-197m ²	D, all compounds	2E+4	4E+4	2E-5	6E-8	2E-4	2E-3
78	Platinum-197	D, all compounds	3E+3	1E+4	4E-6	1E-8	4E-5	4E-4
78	Platinum-199 ²	D, all compounds	5E+4	1E+5	6E-5	2E-7	7E-4	7E-3
78	Platinum-200	D, all compounds	1E+3	3E+3	1E-6	5E-9	2E-5	2E-4

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers
			Col. 1	Col. 2	Col. 3	Col. 1	Col. 2	
			Oral Ingestion ALI (μCi)	Inhalation		Air (μCi/ml)	Water (μCi/ml)	Monthly Average Concentration (μCi/ml)
	ALI (μCi)	DAC (μCi/ml)						
79	Gold-193	D, all compounds except those given for W and Y W, halides and nitrates Y, oxides and hydroxides	9E+3 - -	3E+4 2E+4 2E+4	1E-5 9E-6 8E-6	4E-8 3E-8 3E-8	1E-4 -	1E-3 - -
79	Gold-194	D, see ¹⁹³ Au W, see ¹⁹³ Au Y, see ¹⁹³ Au	3E+3 - -	8E+3 5E+3 5E+3	3E-6 2E-6 2E-6	1E-8 8E-9 7E-9	4E-5 -	4E-4 - -
79	Gold-195	D, see ¹⁹³ Au W, see ¹⁹³ Au Y, see ¹⁹³ Au	5E+3 - -	1E+4 1E+3 4E+2	5E-6 6E-7 2E-7	2E-8 2E-9 6E-10	7E-5 -	7E-4 - -
79	Gold-198m	D, see ¹⁹³ Au W, see ¹⁹³ Au Y, see ¹⁹³ Au	1E+3 - -	3E+3 1E+3 1E+3	1E-6 5E-7 5E-7	4E-9 2E-9 2E-9	1E-5 -	1E-4 - -
79	Gold-198	D, see ¹⁹³ Au W, see ¹⁹³ Au Y, see ¹⁹³ Au	1E+3 - -	4E+3 2E+3 2E+3	2E-6 8E-7 7E-7	5E-9 3E-9 2E-9	2E-5 -	2E-4 - -
79	Gold-199	D, see ¹⁹³ Au W, see ¹⁹³ Au Y, see ¹⁹³ Au	3E+3 LLI wall (3E+3) - -	9E+3 - 4E+3 4E+3	4E-6 - 2E-6 2E-6	1E-8 - 6E-9 5E-9	- 4E-5 -	- 4E-4 - -
79	Gold-200m	D, see ¹⁹³ Au W, see ¹⁹³ Au Y, see ¹⁹³ Au	1E+3 - -	4E+3 3E+3 2E+4	1E-6 1E-6 1E-6	5E-9 4E-9 3E-9	2E-5 -	2E-4 - -
79	Gold-200 ²	D, see ¹⁹³ Au W, see ¹⁹³ Au Y, see ¹⁹³ Au	3E+4 - -	6E+4 8E+4 7E+4	3E-5 3E-5 3E-5	9E-8 1E-7 1E-7	4E-4 -	4E-3 - -
79	Gold-201 ²	D, see ¹⁹³ Au W, see ¹⁹³ Au Y, see ¹⁹³ Au	7E+4 St wall (9E+4) - -	2E+5 - 2E+5 2E+5	9E-5 - 1E-4 9E-5	3E-7 - 3E-7 3E-7	- 1E-3 -	- 1E-2 - -
80	Mercury-193m	Vapor Organic D D, sulfates W, oxides, hydroxides, halides, nitrates, and sulfides	- 4E+3 3E+3 -	8E+3 1E+4 9E+3 8E+3	4E-6 5E-6 4E-6 3E-6	1E-8 2E-8 1E-8 1E-8	- 6E-5 4E-5 -	- 6E-4 4E-4 -
80	Mercury-193	Vapor Organic D D, see ^{193m} Hg W, see ^{193m} Hg	- 2E+4 2E+4 -	3E+4 6E+4 4E+4 4E+4	1E-5 3E-5 2E-5 2E-5	4E-8 9E-8 6E-8 6E-8	- 3E-4 2E-4 -	- 3E-3 2E-3 -

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers
			Col. 1	Col. 2	Col. 3	Col. 1	Col. 2	
			Oral Ingestion ALI (μCi)	Inhalation		Air (μCi/ml)	Water (μCi/ml)	Monthly Average Concentration (μCi/ml)
ALI (μCi)	DAC (μCi/ml)							
80	Mercury-194	Vapor Organic D D, see ^{193m} Hg W, see ^{193m} Hg	- 2E+1 8E+2 -	3E+1 3E+1 4E+1 1E+2	1E-8 1E-8 2E-8 5E-8	4E-11 4E-11 6E-11 2E-10	- 2E-7 1E-5 -	- 2E-6 1E-4 -
80	Mercury-195m	Vapor Organic D D, see ^{193m} Hg W, see ^{193m} Hg	- 3E+3 2E+3 -	4E+3 6E+3 5E+3 4E+3	2E-6 3E-6 2E-6 2E-6	6E-9 8E-9 7E-9 5E-9	- 4E-5 3E-5 -	- 4E-4 3E-4 -
80	Mercury-195	Vapor Organic D D, see ^{193m} Hg W, see ^{193m} Hg	- 2E+4 1E+4 -	3E+4 5E+4 4E+4 3E+4	1E-5 2E-5 1E-5 1E-5	4E-8 6E-8 5E-8 5E-8	2E-4 2E-4 -	2E-3 2E-3 -
80	Mercury-197m	Vapor Organic D D, see ^{193m} Hg W, see ^{193m} Hg	- 4E+3 3E+3 -	5E+3 9E+3 7E+3 5E+3	2E-6 4E-6 3E-6 2E-6	7E-9 1E-8 1E-8 7E-9	- 5E-5 4E-5 -	- 5E-4 4E-4 -
80	Mercury-197	Vapor Organic D D, see ^{193m} Hg W, see ^{193m} Hg	- 7E+3 6E+3 -	8E+3 1E+4 1E+4 9E+3	4E-6 6E-6 5E-6 4E-6	1E-8 2E-8 2E-8 1E-8	- 9E-5 8E-5 -	- 9E-4 8E-4 -
80	Mercury-199m ²	Vapor Organic D D, see ^{193m} Hg W, see ^{193m} Hg	- 6E+4 St wall (1E+5) 6E+4 -	8E+4 2E+5 - 1E+5 2E+5	3E-5 7E-5 - 6E-5 7E-5	1E-7 2E-7 - 2E-7 2E-7	- - 1E-3 8E-4 -	- - 1E-2 8E-3 -
80	Mercury-203	Vapor Organic D D, see ^{193m} Hg W, see ^{193m} Hg	- 5E+2 2E+3	8E+2 8E+2 1E+3 1E+3	4E-7 3E-7 5E-7 5E-7	1E-9 1E-9 2E-9 2E-9	7E-6 3E-5 -	7E-5 3E-4 -
81	Thallium-194m ²	D, all compounds	5E+4 St wall (7E+4)	2E+5 -	6E-5 -	2E-7 -	- 1E-3	- 1E-2
81	Thallium-194 ²	D, all compounds	3E+5 St wall (3E+5)	6E+5 -	2E-4 -	8E-7 -	- 4E-3	- 4E-2
81	Thallium-195 ²	D, all compounds	6E+4	1E+5	5E-5	2E-7	9E-4	9E-3
81	Thallium-197	D, all compounds	7E+4	1E+5	5E-5	2E-7	1E-3	1E-2
81	Thallium-198m ²	D, all compounds	3E+4	5E+4	2E-5	8E-8	4E-4	4E-3
81	Thallium-198	D, all compounds	2E+4	3E+4	1E-5	5E-8	3E-4	3E-3
81	Thallium-199	D, all compounds	6E+4	8E+4	4E-5	1E-7	9E-4	9E-3
81	Thallium-200	D, all compounds	8E+3	1E+4	5E-6	2E-8	1E-4	1E-3
81	Thallium-201	D, all compounds	2E+4	2E+4	9E-6	3E-8	2E-4	2E-3
81	Thallium-202	D, all compounds	4E+3	5E+3	2E-6	7E-9	5E-5	5E-4

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers
			Col. 1	Col. 2	Col. 3	Col. 1	Col. 2	
			Oral Ingestion ALI (μCi)	Inhalation		Air (μCi/ml)	Water (μCi/ml)	Monthly Average Concentration (μCi/ml)
ALI (μCi)	DAC (μCi/ml)							
81	Thallium-204	D, all compounds	2E+3	2E+3	9E-7	3E-9	2E-5	2E-4
82	Lead-195m ²	D, all compounds	6E+4	2E+5	8E-5	3E-7	8E-4	8E-3
82	Lead-198	D, all compounds	3E+4	6E+4	3E-5	9E-8	4E-4	4E-3
82	Lead-199 ²	D, all compounds	2E+4	7E+4	3E-5	1E-7	3E-4	3E-3
82	Lead-200	D, all compounds	3E+3	6E+3	3E-6	9E-9	4E-5	4E-4
82	Lead-201	D, all compounds	7E+3	2E+4	8E-6	3E-8	1E-4	1E-3
82	Lead-202m	D, all compounds	9E+3	3E+4	1E-5	4E-8	1E-4	1E-3
82	Lead-202	D, all compounds	1E+2	5E+1	2E-8	7E-11	2E-6	2E-5
82	Lead-203	D, all compounds	5E+3	9E+3	4E-6	1E-8	7E-5	7E-4
82	Lead-205	D, all compounds	4E+3	1E+3	6E-7	2E-9	5E-5	5E-4
82	Lead-209	D, all compounds	2E+4	6E+4	2E-5	8E-8	3E-4	3E-3
82	Lead-210	D, all compounds	6E-1 Bone surf (1E+0)	2E-1 Bone surf (4E-1)	1E-10	-	-	-
					-	6E-13	1E-8	1E-7
82	Lead-211 ²	D, all compounds	1E+4	6E+2	3E-7	9E-10	2E-4	2E-3
82	Lead-212	D, all compounds	8E+1 Bone surf (1E+2)	3E+1	1E-8	5E-11	-	-
				-	-	-	2E-6	2E-5
82	Lead-214 ²	D, all compounds	9E+3	8E+2	3E-7	1E-9	1E-4	1E-3
83	Bismuth-200 ²	D, nitrates W, all other compounds	3E+4 -	8E+4 1E+5	4E-5 4E-5	1E-7 1E-7	4E-4 -	4E-3 -
83	Bismuth-201 ²	D, see ²⁰⁰ Bi W, see ²⁰⁰ Bi	1E+4 -	3E+4 4E+4	1E-5 2E-5	4E-8 5E-8	2E-4 -	2E-3 -
83	Bismuth-202 ²	D, see ²⁰⁰ Bi W, see ²⁰⁰ Bi	1E+4 -	4E+4 8E+4	2E-5 3E-5	6E-8 1E-7	2E-4 -	2E-3 -
83	Bismuth-203	D, see ²⁰⁰ Bi W, see ²⁰⁰ Bi	2E+3 -	7E+3 6E+3	3E-6 3E-6	9E-9 9E-9	3E-5 -	3E-4 -
83	Bismuth-205	D, see ²⁰⁰ Bi W, see ²⁰⁰ Bi	1E+3 -	3E+3 1E+3	1E-6 5E-7	3E-9 2E-9	2E-5 -	2E-4 -
83	Bismuth-206	D, see ²⁰⁰ Bi W, see ²⁰⁰ Bi	6E+2 -	1E+3 9E+2	6E-7 4E-7	2E-9 1E-9	9E-6 -	9E-5 -
83	Bismuth-207	D, see ²⁰⁰ Bi W, see ²⁰⁰ Bi	1E+3 -	2E+3 4E+2	7E-7 1E-7	2E-9 5E-10	1E-5 -	1E-4 -
83	Bismuth-210m	D, see ²⁰⁰ Bi W, see ²⁰⁰ Bi	4E+1 Kidneys (6E+1) -	5E+0 Kidneys (6E+0) 7E-1	2E-9 -	- 3E-10	- 9E-12 8E-7	- 8E-6 -

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers
			Col. 1	Col. 2	Col. 3	Col. 1	Col. 2	
			Oral Ingestion ALI (μCi)	Inhalation		Air (μCi/ml)	Water (μCi/ml)	Monthly Average Concentration (μCi/ml)
ALI (μCi)	DAC (μCi/ml)							
83	Bismuth-210	D, see ²⁰⁰ Bi W, see ²⁰⁰ Bi	8E+2 - -	2E+2 Kidneys (4E+2) 3E+1	1E-7 - 1E-8	- 5E-10 4E-11	1E-5 - -	1E-4 - -
83	Bismuth-212 ²	D, see ²⁰⁰ Bi W, see ²⁰⁰ Bi	5E+3 -	2E+2 3E+2	1E-7 1E-7	3E-10 4E-10	7E-5 -	7E-4 -
83	Bismuth-213 ²	D, see ²⁰⁰ Bi W, see ²⁰⁰ Bi	7E+3 -	3E+2 4E+2	1E-7 1E-7	4E-10 5E-10	1E-4 -	1E-3 -
83	Bismuth-214 ²	D, see ²⁰⁰ Bi W, see ²⁰⁰ Bi	2E+4 St wall (2E+4) -	8E+2 - 9E-2	3E-7 - 4E-7	1E-9 - 1E-9	- 3E-4 -	- 3E-3 -
84	Polonium-203 ²	D, all compounds except those given for W W, oxides, hydroxides, and nitrates	3E+4 -	6E+4 9E+4	3E-5 4E-5	9E-8 1E-7	3E-4 -	3E-3 -
84	Polonium-205 ²	D, see ²⁰³ Po W, see ²⁰³ Po	2E+4 -	4E+4 7E+4	2E-5 3E-5	5E-8 1E-7	3E-4 -	3E-3 -
84	Polonium-207	D, see ²⁰³ Po W, see ²⁰³ Po	8E+3 -	3E+4 3E+4	1E-5 1E-5	3E-8 4E-8	1E-4 -	1E-3 -
84	Polonium-210	D, see ²⁰³ Po W, see ²⁰³ Po	3E+0 -	6E-1 6E-1	3E-10 3E-10	9E-13 9E-13	4E-8 -	4E-7 -
85	Astatine-207 ²	D, Halides W	6E+3 -	3E+3 2E+3	1E-6 9E-7	4E-9 3E-9	8E-5 -	8E-4 -
85	Astatine-211	D, halides W	1E+2 -	8E+1 5E+1	3E-8 2E-8	1E-10 8E-11	2E-6 -	2E-5 -
86	Radon-220	With daughters removed With daughters present	- -	2E+4 2E+1 (or 12 WLM)	7E-6 9E-9 (or 1.0 WL)	2E-8 3E-11	- -	- -
86	Radon-222	With daughters removed With daughters present	- -	1E+4 1E+2 (or 4 WLM)	4E-6 3E-8 (or 0.33 WL)	1E-8 1E-10	- -	- -
87	Francium-222 ²	D, all compounds	2E+3	5E+2	2E-7	6E-10	3E-5	3E-4
87	Francium-223 ²	D, all compounds	6E+2	8E+2	3E-7	1E-9	8E-6	8E-5
88	Radium-223	W, all compounds	5E+0 Bone surf (9E+0)	7E-1 -	3E-10 -	9E-13 -	- 1E-7	- 1E-6

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers
			Col. 1	Col. 2	Col. 3	Col. 1	Col. 2	
			Oral Ingestion ALI (μCi)	Inhalation		Air (μCi/ml)	Water (μCi/ml)	Monthly Average Concentration (μCi/ml)
	ALI (μCi)	DAC (μCi/ml)						
88	Radium-224	W, all compounds	8E+0 Bone surf (2E+1)	2E+0 -	7E-10 -	2E-12 -	- 2E-7	- 2E-6
88	Radium-225	W, all compounds	8E+0 Bone surf (2E+1)	7E-1 -	3E-10 -	9E-13 -	- 2E-7	- 2E-6
88	Radium-226	W, all compounds	2E+0 Bone surf (5E+0)	6E-1 -	3E-10 -	9E-13 -	- 6E-8	- 6E-7
88	Radium-227 ²	W, all compounds	2E+4 Bone surf (2E+4)	1E+4 Bone surf (2E+4)	6E-6 -	- 3E-8	- 3E-4	- 3E-3
88	Radium-228	W, all compounds	2E+0 Bone surf (4E+0)	1E+0 -	5E-10 -	2E-12 -	- 6E-8	- 6E-7
89	Actinium-224	D, all compounds except those given for W and Y W, halides and nitrates Y, oxides and hydroxides	2E+3 LLI wall (2E+3) - -	3E+1 Bone surf (4E+1) 5E+1 5E+1	1E-8 - 2E-8 2E-8	- 5E-11 7E-11 6E-11	- 3E-5 - -	- 3E-4 - -
89	Actinium-225	D, see ²²⁴ Ac W, see ²²⁴ Ac Y, see ²²⁴ Ac	5E+1 LLI wall (5E+1) - -	3E-1 Bone surf (5E-1) 6E-1 6E-1	1E-10 - 3E-10 3E-10	- 7E-13 9E-13 9E-13	- 7E-7 - -	- 7E-6 - -
89	Actinium-226	D, see ²²⁴ Ac W, see ²²⁴ Ac Y, see ²²⁴ Ac	1E+2 LLI wall (1E+2) - -	3E+0 Bone surf (4E+0) 5E+0 5E+0	1E-9 - 2E-9 2E-9	- 5E-12 7E-12 6E-12	- 2E-6 - -	- 2E-5 - -
89	Actinium-227	D, see ²²⁴ Ac W, see ²²⁴ Ac Y, see ²²⁴ Ac	2E-1 Bone surf (4E-1) - -	4E-4 Bone surf (8E-4) 2E-3 Bone surf (3E-3) 4E-3	2E-13 - 7E-13 - 2E-12	- 1E-15 - 4E-15 6E-15	- 5E-9 - -	- 5E-8 - -

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers
			Col. 1	Col. 2	Col. 3	Col. 1	Col. 2	
			Oral Ingestion ALI (μCi)	Inhalation		Air (μCi/ml)	Water (μCi/ml)	Monthly Average Concentration (μCi/ml)
ALI (μCi)	DAC (μCi/ml)							
89	Actinium-228	D, see ²²⁴ Ac W, see ²²⁴ Ac Y, see ²²⁴ Ac	2E+3 - -	9E+0 Bone surf (2E+1) 4E+1 Bone surf (6E+1) 4E+1	4E-9 - 2E-8 - 2E-8	- 2E-11 8E-11 6E-11	3E-5 - -	3E-4 - -
90	Thorium-226 ²	W, all compounds except those given for Y Y, oxides and hydroxides	5E+3 St wall (5E+3) -	2E+2 - 1E+2	6E-8 - 6E-8	2E-10 - 2E-10	- 7E-5 -	- 7E-4 -
90	Thorium-227	W, see ²²⁶ Th Y, see ²²⁶ Th	1E+2 -	3E-1 3E-1	1E-10 1E-10	5E-13 5E-13	2E-6 -	2E-5 -
90	Thorium-228	W, see ²²⁶ Th Y, see ²²⁶ Th	6E+0 Bone surf (1E+1) -	1E-2 Bone surf (2E-2) 2E-2	4E-12 - 7E-12	- 3E-14 2E-14	- 2E-7 -	- 2E-6 -
90	Thorium-229	W, see ²²⁶ Th Y, see ²²⁶ Th	6E-1 Bone surf (1E+0) -	9E-4 Bone surf (2E-3) 2E-3 Bone surf (3E-3)	4E-13 - 1E-12 -	- 3E-15 - 4E-15	- 2E-8 -	- 2E-7 -
90	Thorium-230	W, see ²²⁶ Th Y, see ²²⁶ Th	4E+0 Bone surf (9E+0) -	6E-3 Bone surf (2E-2) 2E-2 Bone surf (2E-2)	3E-12 - 6E-12 -	- 2E-14 - 3E-14	- 1E-7 -	- 1E-6 -
90	Thorium-231	W, see ²²⁶ Th Y, see ²²⁶ Th	4E+3 -	6E+3 6E+3	3E-6 3E-6	9E-9 9E-9	5E-5 -	5E-4 -
90	Thorium-232	W, see ²²⁶ Th Y, see ²²⁶ Th	7E-1 Bone surf (2E+0) -	1E-3 Bone surf (3E-3) 3E-3 Bone surf (4E-3)	5E-13 - 1E-12 -	- 4E-15 - 6E-15	- 3E-8 -	- 3E-7 -
90	Thorium-234	W, see ²²⁶ Th Y, see ²²⁶ Th	3E+2 LLI wall (4E+2) -	2E+2 - 2E+2	8E-8 - 6E-8	3E-10 - 2E-10	- 5E-6 -	- 5E-5 -

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers
			Col. 1	Col. 2	Col. 3	Col. 1	Col. 2	
			Oral Ingestion ALI (μCi)	Inhalation		Air (μCi/ml)	Water (μCi/ml)	Monthly Average Concentration (μCi/ml)
ALI (μCi)	DAC (μCi/ml)							
91	Protactinium-227 ²	W, all compounds except those given for Y, oxides and hydroxides	4E+3 -	1E+2 1E+2	5E-8 4E-8	2E-10 1E-10	5E-5 -	5E-4 -
91	Protactinium-228	W, see ²²⁷ Pa Y, see ²²⁷ Pa	1E+3 -	1E+1 Bone surf (2E+1) 1E+1	5E-9 - 5E-9	- 3E-11 2E-11	2E-5 - -	2E-4 - -
91	Protactinium-230	W, see ²²⁷ Pa Y, see ²²⁷ Pa	6E+2 Bone surf (9E+2) -	5E+0 - 4E+0	2E-9 - 1E-9	7E-12 - 5E-12	- 1E-5 -	- 1E-4 -
91	Protactinium-231	W, see ²²⁷ Pa Y, see ²²⁷ Pa	2E-1 Bone surf (5E-1) - -	2E-3 Bone surf (4E-3) 4E-3 Bone surf (6E-3)	6E-13 - 2E-12 -	- 6E-15 - 8E-15	- 6E-9 - -	- 6E-8 - -
91	Protactinium-232	W, see ²²⁷ Pa Y, see ²²⁷ Pa	1E+3 - -	2E+1 Bone surf (6E+1) 6E+1 Bone surf (7E+1)	9E-9 - 2E-8 -	- 8E-11 - 1E-10	2E-5 - -	2E-4 - -
91	Protactinium-233	W, see ²²⁷ Pa Y, see ²²⁷ Pa	1E+3 LLI wall (2E+3) -	7E+2 - 6E+2	3E-7 - 2E-7	1E-9 - 8E-10	- 2E-5 -	- 2E-4 -
91	Protactinium-234	W, see ²²⁷ Pa Y, see ²²⁷ Pa	2E+3 -	8E+3 7E+3	3E-6 3E-6	1E-8 9E-9	3E-5 -	3E-4 -
92	Uranium-230	D, UF, UO ₂ F ₂ , UO ₂ (NO ₃) ₂ W, UO ₃ , UF ₄ , UC ₁₄ Y, UO ₂ , U ₃ O ₈	4E+0 Bone surf (6E+0) -	4E-1 Bone surf (6E-1) 4E-1 3E-1	2E-10 - 1E-10 1E-10	- 8E-13 5E-13 4E-13	- 8E-8 -	- 8E-7 -
92	Uranium-231	D, see ²³⁰ U W, see ²³⁰ U Y, see ²³⁰ U	5E+3 LLI wall (4E+3) -	8E+3 - 6E+3 5E+3	3E-6 - 2E-6 2E-6	1E-8 - 8E-9 6E-9	- 6E-5 -	- 6E-4 -

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers
			Col. 1	Col. 2	Col. 3	Col. 1	Col. 2	
			Oral Ingestion ALI (μCi)	Inhalation		Air (μCi/ml)	Water (μCi/ml)	Monthly Average Concentration (μCi/ml)
	ALI (μCi)	DAC (μCi/ml)						
92	Uranium-232	D, see ²³⁰ U W, see ²³⁰ U Y, see ²³⁰ U	2E+0 Bone surf (4E+0) - -	2E-1 Bone surf (4E-1) 4E-1 8E-3	9E-11 - 2E-10 3E-12	- 6E-13 5E-13 1E-14	- 6E-8 - -	- 6E-7 - -
92	Uranium-233	D, see ²³⁰ U W, see ²³⁰ U Y, see ²³⁰ U	1E+1 Bone surf (2E+1) - -	1E+0 Bone surf (2E+0) 7E-1 4E-2	5E-10 - 3E-10 2E-11	- 3E-12 1E-12 5E-14	- 3E-7 - -	- 3E-6 - -
92	Uranium-234 ³	D, see ²³⁰ U W, see ²³⁰ U Y, see ²³⁰ U	1E+1 Bone surf (2E+1) - -	1E+0 Bone surf (2E+0) 7E-1 4E-2	5E-10 - 3E-10 2E-11	- 3E-12 1E-12 5E-14	- 3E-7 - -	- 3E-6 - -
92	Uranium-235 ³	D, see ²³⁰ U W, see ²³⁰ U Y, see ²³⁰ U	1E+1 Bone surf (2E+1) - -	1E+0 Bone surf (2E+0) 8E-1 4E-2	6E-10 - 3E-10 2E-11	- 3E-12 1E-12 6E-14	- 3E-7 - -	- 3E-6 - -
92	Uranium-236	D, see ²³⁰ U W, see ²³⁰ U Y, see ²³⁰ U	1E+1 Bone surf (2E+1) - -	1E+0 Bone surf (2E+0) 8E-1 4E-2	5E-10 - 3E-10 2E-11	- 3E-12 1E-12 6E-14	- 3E-7 - -	- 3E-6 - -
92	Uranium-237	D, see ²³⁰ U W, see ²³⁰ U Y, see ²³⁰ U	2E+3 LLI wall (2E+3) - -	3E+3 - 2E+3 2E+3	1E-6 - 7E-7 6E-7	4E-9 - 2E-9 2E-9	- 3E-5 - -	- 3E-4 - -
92	Uranium-238 ³	D, see ²³⁰ U W, see ²³⁰ U Y, see ²³⁰ U	1E+1 Bone surf (2E+1) - -	1E+0 Bone surf (2E+0) 8E-1 4E-2	6E-10 - 3E-10 2E-11	- 3E-12 1E-12 6E-14	- 3E-7 - -	- 3E-6 - -
92	Uranium-239 ²	D, see ²³⁰ U W, see ²³⁰ U Y, see ²³⁰ U	7E+4 - -	2E+5 2E+5 2E+5	8E-5 7E-5 6E-5	3E-7 2E-7 2E-7	9E-4 - -	9E-3 - -
29	Uranium-240	D, see ²³⁰ U W, see ²³⁰ U Y, see ²³⁰ U	1E+3 - -	4E+3 3E+3 2E+3	2E-6 1E-6 1E-6	5E-9 4E-9 3E-9	2E-5 - -	2E-4 - -
92	Uranium-natural ³	D, see ²³⁰ U W, see ²³⁰ U Y, see ²³⁰ U	1E+1 Bone surf (2E+1) - -	1E+0 Bone surf (2E+0) 8E-1 5E-2	5E-10 - 3E-10 2E-11	- 3E-12 9E-13 9E-14	- 3E-7 - -	- 3E-6 - -

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers
			Col. 1	Col. 2	Col. 3	Col. 1	Col. 2	
			Oral Ingestion ALI (μCi)	Inhalation		Air (μCi/ml)	Water (μCi/ml)	Monthly Average Concentration (μCi/ml)
	ALI (μCi)	DAC (μCi/ml)						
93	Neptunium-232 ²	W, all compounds	1E+5 -	2E+3 Bone surf (5E+2)	7E-7 -	- 6E-9	2E-3 -	2E-2 -
93	Neptunium-233 ²	W, all compounds	8E+5	3E+6	1E-3	4E-6	1E-2	1E-1
93	Neptunium-234	W, all compounds	2E+3	3E+3	1E-6	4E-9	3E-5	3E-4
93	Neptunium-235	W, all compounds	2E+4 LLI wall (2E+4)	8E+2 Bone surf (1E+3)	3E-7 -	- 2E-9	- 3E-4	- 3E-3
93	Neptunium-236 (1.15E+5 y)	W, all compounds	3E+0 Bone surf (6E+0)	2E-2 Bone surf (5E-2)	9E-12 -	- 8E-14	- 9E-8	- 9E-7
93	Neptunium-236 (22.5 h)	W, all compounds	3E+3 Bone surf (4E+3)	3E+1 Bone surf (7E+1)	1E-8 -	- 1E-10	- 5E-5	- 5E-4
93	Neptunium-237	W, all compounds	5E-1 Bone surf (1E+0)	4E-3 Bone surf (1E-2)	2E-12 -	- 1E-14	- 2E-8	- 2E-7
93	Neptunium-238	W, all compounds	1E+3 -	6E+1 Bone surf (2E+2)	3E-8 -	- 2E-10	2E-5 -	2E-4 -
93	Neptunium-239	W, all compounds	2E+3 LLI wall (2E+3)	2E+3 -	9E-7 -	3E-9 -	- 2E-5	- 2E-4
93	Neptunium-240 ²	W, all compounds	2E+4	8E+4	3E-5	1E-7	3E-4	3E-3
94	Plutonium-234	W, all compounds except PuO ₂ Y, PuO ₂	8E+3 -	2E 2 2E+2	9E-8 8E-8	3E-10 3E-10	1E-4 -	1E-3 -
94	Plutonium-235 ²	W, see ²³⁴ Pu Y, see ²³⁴ Pu	9E+5 -	3E+6 3E+6	1E-3 1E-3	4E-6 3E-6	1E-2 -	1E-1 -
94	Plutonium-236	W, see ²³⁴ Pu Y, see ²³⁴ Pu	2E+0 Bone surf (4E+0) -	2E-2 Bone surf (4E-2) 4E-2	8E-12 - 2E-11	- 5E-14 6E-14	- 6E-8 -	- 6E-7 -
94	Plutonium-237	W, see ²³⁴ Pu Y, see ²³⁴ Pu	1E+4 -	3E+3 3E+3	1E-6 1E-6	5E-9 4E-9	2E-4 -	2E-3 -

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers
			Col. 1	Col. 2	Col. 3	Col. 1	Col. 2	
			Oral Ingestion ALI (μCi)	Inhalation		Air (μCi/ml)	Water (μCi/ml)	Monthly Average Concentration (μCi/ml)
	ALI (μCi)	DAC (μCi/ml)						
94	Plutonium-238	W, see ²³⁴ Pu Y, see ²³⁴ Pu	9E-1 Bone surf (2E+0) -	7E-3 Bone surf (1E-2) 2E-2	3E-12 - 8E-12	- 2E-14 2E-14	- 2E-8 -	- 2E-7 -
94	Plutonium-239	W, see ²³⁴ Pu Y, see ²³⁴ Pu	8E-1 Bone surf (1E+0) -	6E-3 Bone surf (1E-2) 2E-2 Bone surf (2E-2)	3E-12 - 7E-12	- 2E-14 2E-14	- 2E-8 -	- 2E-7 -
94	Plutonium-240	W, see ²³⁴ Pu Y, see ²³⁴ Pu	8E-1 Bone surf (1E+0) -	6E-3 Bone surf (1E-2) 2E-2 Bone surf (2E-2)	3E-12 - 7E-12	- 2E-14 2E-14	- 2E-8 -	- 2E-7 -
94	Plutonium-241	W, see ²³⁴ Pu Y, see ²³⁴ Pu	4E+1 Bone surf (7E+1) -	3E-1 Bone surf (6E-1) 8E-1 Bone surf (1E+0)	1E-10 - 3E-10	- 8E-13 1E-12	- 1E-6 -	- 1E-5 -
94	Plutonium-242	W, see ²³⁴ Pu Y, see ²³⁴ Pu	8E-1 Bone surf (1E+0) -	7E-3 Bone surf (1E-2) 2E-2 Bone surf (2E-2)	3E-12 - 7E-12	- 2E-14 2E-14	- 2E-8 -	- 2E-7 -
94	Plutonium-243	W, see ²³⁴ Pu Y, see ²³⁴ Pu	2E+4 -	4E+4 4E+4	2E-5 2E-5	5E-8 5E-8	2E-4 -	2E-3 -
94	Plutonium-244	W, see ²³⁴ Pu Y, see ²³⁴ Pu	8E-1 Bone surf (2E+0) -	7E-3 Bone surf (1E-2) 2E-2 Bone surf (2E-2)	3E-12 - 7E-12	- 2E-14 2E-14	- 2E-8 -	- 2E-7 -
94	Plutonium-245	W, see ²³⁴ Pu Y, see ²³⁴ Pu	2E+3 -	5E+3 4E+3	2E-6 2E-6	6E-9 6E-9	3E-5 -	3E-4 -
94	Plutonium-246	W, see ²³⁴ Pu Y, see ²³⁴ Pu	4E+2 LLI wall (4E+2) -	3E+2 - 3E+2	1E-7 - 1E-7	4E-10 - 4E-10	- 6E-6 -	- 6E-5 -

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers
			Col. 1	Col. 2	Col. 3	Col. 1	Col. 2	
			Oral Ingestion ALI (μCi)	Inhalation		Air (μCi/ml)	Water (μCi/ml)	Monthly Average Concentration (μCi/ml)
	ALI (μCi)	DAC (μCi/ml)						
95	Americium-237 ²	W, all compounds	8E+4	3E+5	1E-4	4E-7	1E-3	1E-2
95	Americium-238 ²	W, all compounds	4E+4	3E+3 Bone surf (6E+3)	1E-6	- 9E-9	5E-4	5E-3
95	Americium-239	W, all compounds	5E+3	1E+4	5E-6	2E-8	7E-5	7E-4
95	Americium-240	W, all compounds	2E+3	3E+3	1E-6	4E-9	3E-5	3E-4
95	Americium-241	W, all compounds	8E-1 Bone surf (1E+0)	6E-3 Bone surf (1E-2)	3E-12	- 2E-14	- 2E-8	- 2E-7
95	Americium-242m	W, all compounds	8E-1 Bone surf (1E+0)	6E-3 Bone surf (1E-2)	3E-12	- 2E-14	- 2E-8	- 2E-7
95	Americium-242	W, all compounds	4E+3	8E+1 Bone surf (9E+1)	4E-8	- 1E-10	5E-5	5E-4
95	Americium-243	W, all compounds	8E-1 Bone surf (1E+0)	6E-3 Bone surf (1E-2)	3E-12	- 2E-14	- 2E-8	- 2E-7
95	Americium-244m ²	W, all compounds	6E+4 St wall (8E+4)	4E+3 Bone surf (7E+3)	2E-6	- 1E-8	- 1E-3	- 1E-2
95	Americium-244	W, all compounds	3E+3	2E+2 Bone surf (3E+2)	8E-8	- 4E-10	4E-5	4E-4
95	Americium-245	W, all compounds	3E+4	8E+4	3E-5	1E-7	4E-4	4E-3
95	Americium-246m ²	W, all compounds	5E+4 St wall (6E+4)	2E+5	8E-5	3E-7	- 8E-4	- 8E-3
95	Americium-246 ²	W, all compounds	3E+4	1E+5	4E-5	1E-7	4E-4	4E-3
96	Curium-238	W, all compounds	2E+4	1E+3	5E-7	2E-9	2E-4	2E-3
96	Curium-240	W, all compounds	6E+1 Bone surf (8E+1)	6E-1 Bone surf (6E-1)	2E-10	- 9E-13	- 1E-6	- 1E-5

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers
			Col. 1	Col. 2	Col. 3	Col. 1	Col. 2	
			Oral Ingestion ALI (μCi)	Inhalation		Air (μCi/ml)	Water (μCi/ml)	Monthly Average Concentration (μCi/ml)
ALI (μCi)	DAC (μCi/ml)							
96	Curium-241	W, all compounds	1E+3 -	3E+1 Bone surf (4E+1)	1E-8 -	- 5E-11	2E-5 -	2E-4 -
96	Curium-242	W, all compounds	3E+1 Bone surf (5E+1)	3E-1 Bone surf (3E-1)	1E-10 -	- 4E-13	- 7E-7	- 7E-6
96	Curium-243	W, all compounds	1E+0 Bone surf (2E+0)	9E-3 Bone surf (2E-2)	4E-12 -	- 2E-14	- 3E-8	- 3E-7
96	Curium-244	W, all compounds	1E+0 Bone surf (3E+0)	1E-2 Bone surf (2E-2)	5E-12 -	- 3E-14	- 3E-8	- 3E-7
96	Curium-245	W, all compounds	7E-1 Bone surf (1E+0)	6E-3 Bone surf (1E-2)	3E-12 -	- 2E-14	- 2E-8	- 2E-7
96	Curium-246	W, all compounds	7E-1 Bone surf (1E+0)	6E-3 Bone surf (1E-2)	3E-12 -	- 2E-14	- 2E-8	- 2E-7
96	Curium-247	W, all compounds	8E-1 Bone surf (1E+0)	6E-3 Bone surf (1E-2)	3E-12 -	- 2E-14	- 2E-8	- 2E-7
96	Curium-248	W, all compounds	2E-1 Bone surf (4E-1)	2E-3 Bone surf (3E-3)	7E-13 -	- 4E-15	- 5E-9	- 5E-8
96	Curium-249 ²	W, all compounds	5E+4 -	2E+4 Bone surf (3E+4)	7E-6 -	- 4E-8	7E-4 -	7E-3 -
96	Curium-250	W, all compounds	4E-2 Bone surf (6E-2)	3E-4 Bone surf (5E-4)	1E-13 -	- 8E-16	- 9E-10	- 9E-9
97	Berkelium-245	W, all compounds	2E+3	1E+3	5E-7	2E-9	3E-5	3E-4
97	Berkelium-246	W, all compounds	3E+3	3E+3	1E-6	4E-9	4E-5	4E-4
97	Berkelium-247	W, all compounds	5E-1 Bone surf (1E+0)	4E-3 Bone surf (9E-3)	2E-12 -	- 1E-14	- 2E-8	- 2E-7

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers
			Col. 1	Col. 2	Col. 3	Col. 1	Col. 2	
			Oral Ingestion ALI (μCi)	Inhalation		Air (μCi/ml)	Water (μCi/ml)	Monthly Average Concentration (μCi/ml)
	ALI (μCi)	DAC (μCi/ml)						
97	Berkelium-249	W, all compounds	2E+2 Bone surf (5E+2)	2E+0 Bone surf (4E+0)	7E-10 -	- 5E-12	- 6E-6	6E-5
97	Berkelium-250	W, all compounds	9E+3 -	3E+2 Bone surf (7E+2)	1E-7 -	- 1E-9	1E-4 -	1E-3 -
98	Californium-244 ²	W, all compounds except those given for Y Y, oxides and hydroxides	3E+4 St wall (3E+4) -	6E+2 - 6E+2	2E-7 - 2E-7	8E-10 - 8E-10	- 4E-4 -	- 4E-3 -
98	Californium-246	W, see ²⁴⁴ Cf Y, see ²⁴⁴ Cf	4E+2 -	9E+0 9E+0	4E-9 4E-9	1E-11 1E-11	5E-6 -	5E-5 -
98	Californium-248	W, see ²⁴⁴ Cf Y, see ²⁴⁴ Cf	8E+0 Bone surf (2E+1) -	6E-2 Bone surf (1E-1) 1E-1	3E-11 - 4E-11	- 2E-13 1E-13	- 2E-7 -	- 2E-6 -
98	Californium-249	W, see ²⁴⁴ Cf Y, see ²⁴⁴ Cf	5E-1 Bone surf (1E+0) - -	4E-3 Bone surf (9E-3) 1E-2 Bone surf (1E-2)	2E-12 - 4E-12 -	- 1E-14 - 2E-14	- 2E-8 - -	- 2E-7 - -
98	Californium-250	W, see ²⁴⁴ Cf Y, see ²⁴⁴ Cf	1E+0 Bone surf (2E+0) -	9E-3 Bone surf (2E-2) 3E-2	4E-12 - 1E-11	- 3E-14 4E-14	- 3E-8 -	- 3E-7 -
98	Californium-251	W, see ²⁴⁴ Cf Y, see ²⁴⁴ Cf	5E-1 Bone surf (1E+0) - -	4E-3 Bone surf (9E-3) 1E-2 Bone surf (1E-2)	2E-12 - 4E-12 -	- 1E-14 - 2E-14	- 2E-8 - -	- 2E-7 - -
98	Californium-252	W, see ²⁴⁴ Cf Y, see ²⁴⁴ Cf	2E+0 Bone surf (5E+0) -	2E-2 Bone surf (4E-2) 3E-2	8E-12 - 1E-11	- 5E-14 5E-14	- 7E-8 -	- 7E-7 -

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers
			Col. 1	Col. 2	Col. 3	Col. 1	Col. 2	
			Oral Ingestion ALI (μCi)	Inhalation		Air (μCi/ml)	Water (μCi/ml)	Monthly Average Concentration (μCi/ml)
ALI (μCi)	DAC (μCi/ml)							
98	Californium-253	W, see ²⁴⁴ Cf Y, see ²⁴⁴ Cf	2E+2 Bone surf (4E+2) -	2E+0 - 2E+0	8E-10 - 7E-10	3E-12 - 2E-12	- 5E-6 -	- 5E-5 -
98	Californium-254	W, see ²⁴⁴ Cf Y, see ²⁴⁴ Cf	2E+0 -	2E-2 2E-2	9E-12 7E-12	3E-14 2E-14	3E-8 -	3E-7 -
99	Einsteinium-250	W, all compounds	4E+4 -	5E+2 Bone surf (1E+3)	2E-7 -	- 2E-9	6E-4 -	6E-3 -
99	Einsteinium-251	W, all compounds	7E+3 -	9E+2 Bone surf (1E+3)	4E-7 -	- 2E-9	1E-4 -	1E-3 -
99	Einsteinium-253	W, all compounds	2E+2	1E+0	6E-10	2E-12	2E-6	2E-5
99	Einsteinium-254m	W, all compounds	3E+2 LLI wall (3E+2)	1E+1 -	4E-9 -	1E-11 -	- 4E-6	- 4E-5
99	Einsteinium-254	W, all compounds	8E+0 Bone surf (2E+1)	7E-2 Bone surf (1E-1)	3E-11 -	- 2E-13	- 2E-7	- 2E-6
100	Fermium-252	W, all compounds	5E+2	1E+1	5E-9	2E-11	6E-6	6E-5
100	Fermium-253	W, all compounds	1E+3	1E+1	4E-9	1E-11	1E-5	1E-4
100	Fermium-254	W, all compounds	3E+3	9E+1	4E-8	1E-10	4E-5	4E-4
100	Fermium-255	W, all compounds	5E+2	2E+1	9E-9	3E-11	7E-6	7E-5
100	Fermium-257	W, all compounds	2E+1 Bone surf (4E+1)	2E-1 Bone surf (2E-1)	7E-11 -	- 3E-13	- 5E-7	- 5E-6
101	Mendelevium-257	W, all compounds	7E+3 -	8E+1 Bone surf (9E+1)	4E-8 -	- 1E-10	1E-4 -	1E-3 -
101	Mendelevium-258	W, all compounds	3E+1 Bone surf (5E+1)	2E-1 Bone surf (3E-1)	1E-10 -	- 5E-13	- 6E-7	- 6E-6

Atomic No.	Radionuclide	Class	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers
			Col. 1	Col. 2	Col. 3	Col. 1	Col. 2	
			Oral Ingestion ALI (μCi)	Inhalation		Air (μCi/ml)	Water (μCi/ml)	Monthly Average Concentration (μCi/ml)
	ALI (μCi)	DAC (μCi/ml)						
-	Any single radionuclide not listed above with decay mode other than alpha emission or spontaneous fission and with radioactive half-life less than 2 hours; Submersion ¹		-	2E+2	1E-7	1E-9	-	-
-	Any single radionuclide not listed above with decay mode other than alpha emission or spontaneous fission and with radioactive half-life greater than 2 hours.		-	2E-1	1E-10	1E-12	1E-8	1E-7
-	Any single radionuclide not listed above that decays by alpha emission or spontaneous fission, or any mixture for which either the identity or the concentration of any radionuclide in the mixture is not known.		-	4E-4	2E-13	1E-15	2E-9	2E-8

Tables I, II and III notes:

¹ “submersion” means that values given are for submersion in a hemispherical semi-infinite cloud of airborne material;

² these radionuclides have radiological half-lives of less than 2 hours. The total effective dose equivalent received during operations with these radionuclides might include a significant contribution from external exposure. The DAC values for all radionuclides, other than those designated class “Submersion,” are based upon the committed effective dose equivalent due to the intake of the radionuclide into the body and do not include potentially significant contributions to dose equivalent from external exposures. The licensee may substitute 1E-7 microcurie per milliliter (μCi/ml) for the listed DAC to account for the submersion dose prospectively, but should use individual monitoring devices or other radiation measuring instruments that measure external exposure to demonstrate compliance with the limits (see 20.3.4.407 NMAC);

³ for soluble mixtures of U-238, U-234 and U-235 in air, chemical toxicity may be the limiting factor (see Subsection E of 20.3.4.405 NMAC). If the percent of weight (enrichment) of U-235 is not greater than 5, the concentration value for a 40-hour workweek is 0.2 milligrams uranium per cubic meter of air average. For any enrichment, the product of the average concentration and time of exposure during a 40-hour workweek shall not exceed 8E-3 (SA) microcurie-hours per milliliter (μCi-hr/ml), where SA is the specific activity of the uranium inhaled. The specific activity for natural uranium is 6.77E-7 curies per gram uranium. The specific activity for other mixtures of U-238, U-235 and U-234, if not known, shall be:

$$SA = 3.6E-7 \text{ curies/gram U for depleted uranium; and}$$

$$SA = (0.4 + 0.38 (\text{enrichment}) + 0.0034 (\text{enrichment})^2)E-6 \text{ for enrichment } > 0.72,$$

where enrichment is the percentage by weight of U-235, expressed as percent.

F. Notes.

(1) If the identity of each radionuclide in a mixture is known but the concentration of one or more of the radionuclides in the mixture is not known, the DAC for the mixture shall be the most restrictive DAC of any radionuclide in the mixture.

(2) If the identity of each radionuclide in the mixture is not known, but it is known that certain radionuclides specified in this section are not present in the mixture, the inhalation ALI, DAC and effluent and sewage concentrations for the mixture are the lowest values specified in this section for any radionuclide that is not known to be absent from the mixture; or

Radionuclide	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers
	Col. 1	Col. 2	Col. 3	Col. 1	Col. 2	
	Oral Ingestion ALI (μ Ci)	Inhalation		Air (μ Ci/ml)	Water (μ Ci/ml)	Monthly Average Concentration (μ Ci/ml)
ALI (μ Ci)		DAC (μ Ci/ml)				
If it is known that Ac-227-D and Cm-250-W are not present	-	7E-4	3E-13	-	-	-
If, in addition, it is known that Ac-227-W, Y, Th-229-W, Y, Th-230-W, Th-232-W, Y, Pa-231-W, Y, Np-237-W, Pu-239-W, Pu-240-W, Pu-242-W, Am-241-W, Am-242m-W, Am-243-W, Cm-245-W, Cm-246-W, Cm-247-W, Cm-248-W, Bk-247-W, Cf-249-W, and Cf-251-W are not present	-	7E-3	3E-12	-	-	-
If, in addition, it is known that Sm-146-W, Sm-147-W, Gd-148-D, W, Gd-152-D, W, Th-228-W, Y, Th-230-Y, U-232-Y, U-233-Y, U-234-Y, U-235-Y, U-236-Y, U-238-Y, Np-236-W, Pu-236-W, Y, Pu-238-W, Y, Pu-239-Y, Pu-240-Y, Pu-242-Y, Pu-244-W, Y, Cm-243-W, Cm-244-W, Cf-248-W, Cf-249-Y, Cf-250-W, Y, Cf-251-Y, Cf-252-W, Y, and Cf-254-W, Y are not present	-	7E-2	3E-11	-	-	-
If, in addition, it is known that Pb-210-D, Bi-210m-W, Po-210-D, W, Ra-223-W, Ra-225-W, Ra-226-W, Ac-225-D, W, Y, Th-227-W, Y, U-230-D, W, Y, U-232-D, W, Pu-241-W, Cm-240-W, Cm-242-W, Cf-248-Y, Es-254-W, Fm-257-W, and Md-258-W are not present	-	7E-1	3E-10	-	-	-
If, in addition, it is known that Si-32-Y, Ti-44-Y, Fe-60-D, Sr-90-Y, Zr-93-D, Cd-113m-D, Cd-113-D, In-115-D, W, La-138-D, Cd-176-W, Hf-178m-D, W, Hf-182-D, W, Bi-210m-D, Ra-224-W, Ra-228-W, Ac-226-D, W, Y, Pa-230-W, Y, U-233-D, W, U-234-D, W, U-235-D, W, U-236-D, W, U-238-D, W, Pu-241-Y, Bk-249-W, Cf-253-W, Y, and Es-253-W are not present	-	7E+0	3E-9	-	-	-
If it is known that Ac-227-D, W, Y, Th-229-W, Y, Th-232-W, Y, Pa-231-W, Y, Cm-248-W, and Cm-250-W are not present	-	-	-	1E-14	-	-
If, in addition, it is known that Sm-146-W, Gd-148-D, W, Gd-152-D, Th-228-W, Y, Th-230-W, Y, U-232-Y, U-233-Y, U-234-Y, U-235-Y, U-236-Y, U-238-Y, U-Nat-Y, Np-236-W, Np-237-W, Pu-236-W, Y, Pu-238-W, Y, Pu-239-W, Y, Pu-240-W, Y, Pu-242-W, Y, Pu-244-W, Y, Am-241-W, Am-242m-W, Am-243-W, Cm-243-W, Cm-244-W, Cm-245-W, Cm-246-W, Cm-247-W, Bk-247-W, Cf-249-W, Y, Cf-250-W, Y, Cf-251-W, Y, Cf-252-W, Y, and Cf-254-W, Y are not present.	-	-	-	1E-13	-	-

Radionuclide	Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers
	Col. 1	Col. 2	Col. 3	Col. 1	Col. 2	
	Oral Ingestion ALI (μCi)	Inhalation		Air (μCi/ml)	Water (μCi/ml)	Monthly Average Concentration (μCi/ml)
ALI (μCi)		DAC (μCi/ml)				
If, in addition, it is known that Sm-147-W, Gd-152-W, Pb-210-D, Bi-210m-W, Po-210-D, W, Ra-223-W, Ra-225-W, Ra-226-W, Ac-225-D, W, Y, Th-227-W, Y, U-230-D, W, Y, U-232-D, W, U-Nat-W, Pu-241-W, Cm-240-W, Cm-242-W, Cf-248-W, Y, Es-254-W, Fm-257-W, and Md-258-W are not present.	-	-	-	1E-12	-	-
If, in addition it is known that Fe-60, Sr-90, Cd-113m, Cd-113, In-115, I-129, Cs-134, Sm-145, Sm-147, Gd-148, Gd-152, Hg-194 (organic), Bi-210m, Ra-223, Ra-224, Ra-225, Ac-225, Th-228, Th-230, U-233, U-234, U-235, U-236, U-238, U-Nat, Cm-242, Cf-248, Es-254, Fm-257, and Md-258 are not present.	-	-	-	-	1E-6	1E-5

(3) If a mixture of radionuclides consists of uranium and its daughters in ore dust (10 micrometers AMAD particle distribution assumed) prior to chemical separation of the uranium from the ore, the following values may be used for the DAC of the mixture: 6E-11 microcurie of gross alpha activity from uranium-238, uranium-234, thorium-230 and radium-226 per milliliter of air; 3E-11 microcurie of natural uranium per milliliter of air; or 45 micrograms of natural uranium per cubic meter of air.

(4) If the identity and concentration of each radionuclide in a mixture are known, the limiting values should be derived as follows: determine, for each radionuclide in the mixture, the ratio between the concentration present in the mixture and the concentration otherwise established in this section for the specific radionuclide when not in a mixture. The sum of such ratios for all of the radionuclides in the mixture may not exceed "1" (i.e., "unity"). Example: If radionuclides "A," "B" and "C" are present in concentrations C_A, C_B and C_C, and if the applicable DACs are DAC_A, DAC_B and DAC_C, respectively, then the concentrations shall be limited so that the following relationship exists:

$$\frac{C_A}{DAC_A} + \frac{C_B}{DAC_B} + \frac{C_C}{DAC_C} < 1$$

(5) To convert microcuries to kilobecquerels, multiply the microcurie value by 37.
[20.3.4.461 NMAC - Rp, 20.3.4.461 NMAC, 4/30/2009]

20.3.4.462 APPENDIX C - QUANTITIES¹ OF LICENSED MATERIAL REQUIRING LABELING:
A. Table 462.1.

Radionuclide	Quantity (microcuries ²)
Hydrogen-3	1,000
Beryllium-7	1,000
Beryllium-10	1
Carbon-11	1,000
Carbon-14	100[1,000]
Fluorine-18	1,000
Sodium-22	100
Sodium-24	100

TABLE 462.1	
Radionuclide	Quantity (microcuries²)
Magnesium-28	100
Aluminum-26	10
Silicon-31	1,000
Silicon-32	1
Phosphorus-32	10
Phosphorus-33	100
Sulfur-35	100
Chlorine-36	10
Chlorine-38	1,000
Chlorine-39	1,000
Argon-39	1,000
Argon-41	1,000
Potassium-40	100
Potassium-42	1,000
Potassium-43	1,000
Potassium-44	1,000
Potassium-45	1,000
Calcium-41	100
Calcium-45	100
Calcium-47	100
Scandium-43	1,000
Scandium-44m	100
Scandium-44	100
Scandium-46	10
Scandium-47	100
Scandium-48	100
Scandium-49	1,000
Titanium-44	1
Titanium-45	1,000
Vanadium-47	1,000
Vanadium-48	100
Vanadium-49	1,000
Chromium-48	1,000
Chromium-49	1,000
Chromium-51	1,000
Manganese-51	1,000
Manganese-52m	1,000
Manganese-52	100
Manganese-53	1,000
Manganese-54	100
Manganese-56	1,000
Iron-52	100
Iron-55	100
Iron-59	10
Iron-60	1
Cobalt-55	100
Cobalt-56	10
Cobalt-57	100
Cobalt-58m	1,000
Cobalt-58	100
Cobalt-60m	1,000

TABLE 462.1	
Radionuclide	Quantity (microcuries²)
Cobalt-60	1
Cobalt-61	1,000
Cobalt-62m	1,000
Nickel-56	100
Nickel-57	100
Nickel-59	100
Nickel-63	100
Nickel-65	1,000
Nickel-66	10
Copper-60	1,000
Copper-61	1,000
Copper-64	1,000
Copper-67	1,000
Zinc-62	100
Zinc-63	1,000
Zinc-65	10
Zinc-69m	100
Zinc-69	1,000
Zinc-71m	1,000
Zinc-72	100
Gallium-65	1,000
Gallium-66	100
Gallium-67	1,000
Gallium-68	1,000
Gallium-70	1,000
Gallium-72	100
Gallium-73	1,000
Germanium-66	1,000
Germanium-67	1,000
Germanium-68	10
Germanium-69	1,000
Germanium-71	1,000
Germanium-75	1,000
Germanium-77	1,000
Germanium-78	1,000
Arsenic-69	1,000
Arsenic-70	1,000
Arsenic-71	100
Arsenic-72	100
Arsenic-73	100
Arsenic-74	100
Arsenic-76	100
Arsenic-77	100
Arsenic-78	1,000
Selenium-70	1,000
Selenium-73m	1,000
Selenium-73	100
Selenium-75	100
Selenium-79	100
Selenium-81m	1,000
Selenium-81	1,000

TABLE 462.1	
Radionuclide	Quantity (microcuries ²)
Selenium-83	1,000
Bromine-74m	1,000
Bromine-74	1,000
Bromine-75	1,000
Bromine-76	100
Bromine-77	1,000
Bromine-80m	1,000
Bromine-80	1,000
Bromine-82	100
Bromine-83	1,000
Bromine-84	1,000
Krypton-74	1,000
Krypton-76	1,000
Krypton-77	1,000
Krypton-79	1,000
Krypton-81	1,000
Krypton-83m	1,000
Krypton-85m	1,000
Krypton-85	1,000
Krypton-87	1,000
Krypton-88	1,000
Rubidium-79	1,000
Rubidium-81m	1,000
Rubidium-81	1,000
Rubidium-82m	1,000
Rubidium-83	100
Rubidium-84	100
Rubidium-86	100
Rubidium-87	100
Rubidium-88	1,000
Rubidium-89	1,000
Strontium-80	100
Strontium-81	1,000
Strontium-83	100
Strontium-85m	1,000
Strontium-85	100
Strontium-87m	1,000
Strontium-89	10
Strontium-90	0.1
Strontium-91	100
Strontium-92	100
Yttrium-86m	1,000
Yttrium-86	100
Yttrium-87	100
Yttrium-88	10
Yttrium-90m	1,000
Yttrium-90	10
Yttrium-91m	1,000
Yttrium-91	10
Yttrium-92	100
Yttrium-93	100

TABLE 462.1	
Radionuclide	Quantity (microcuries²)
Yttrium-94	1,000
Yttrium-95	1,000
Zirconium-86	100
Zirconium-88	10
Zirconium-89	100
Zirconium-93	1
Zirconium-95	10
Zirconium-97	100
Niobium-88	1,000
Niobium-89m (66 min.)	1,000
Niobium-89 (122 min.)	1,000
Niobium-90	100
Niobium-93m	10
Niobium-94	1
Niobium-95m	100
Niobium-95	100
Niobium-96	100
Niobium-97	1,000
Niobium-98	1,000
Molybdenum-90	100
Molybdenum-93m	100
Molybdenum-93	10
Molybdenum-99	100
Molybdenum-101	1,000
Technetium-93m	1,000
Technetium-93	1,000
Technetium-94m	1,000
Technetium-94	1,000
Technetium-96m	1,000
Technetium-96	100
Technetium-97m	100
Technetium-97	1,000
Technetium-98	10
Technetium-99m	1,000
Technetium-99	100
Technetium-101	1,000
Technetium-104	1,000
Ruthenium-94	1,000
Ruthenium-97	1,000
Ruthenium-103	100
Ruthenium-105	1,000
Ruthenium-106	1
Rhodium-99m	1,000
Rhodium-99	100
Rhodium-100	100
Rhodium-101m	1,000
Rhodium-101	10
Rhodium-102m	10
Rhodium-102	10
Rhodium-103m	1,000
Rhodium-105	100

TABLE 462.1	
Radionuclide	Quantity (microcuries ²)
Rhodium-106m	1,000
Rhodium-107	1,000
Palladium-100	100
Palladium-101	1,000
Palladium-103	100
Palladium-107	10
Palladium-109	100
Silver-102	1,000
Silver-103	1,000
Silver-104m	1,000
Silver-104	1,000
Silver-105	100
Silver-106m	100
Silver-106	1,000
Silver-108m	1
Silver-110m	10
Silver-111	100
Silver-112	100
Silver-115	1,000
Cadmium-104	1,000
Cadmium-107	1,000
Cadmium-109	1
Cadmium-113m	0.1
Cadmium-113	100
Cadmium-115m	10
Cadmium-115	100
Cadmium-117m	1,000
Cadmium-117	1,000
Indium-109	1,000
Indium-110m (69.1 min)	1,000
Indium-110 (4.9 h)	1,000
Indium-111	100
Indium-112	1,000
Indium-113m	1,000
Indium-114m	10
Indium-115m	1,000
Indium-115	100
Indium-116m	1,000
Indium-117m	1,000
Indium-117	1,000
Indium-119m	1,000
Tin-110	100
Tin-111	1,000
Tin-113	100
Tin-117m	100
Tin-119m	100
Tin-121m	100
Tin-121	1,000
Tin-123m	1,000
Tin-123	10
Tin-125	10

TABLE 462.1	
Radionuclide	Quantity (microcuries²)
Tin-126	10
Tin-127	1,000
Tin-128	1,000
Antimony-115	1,000
Antimony-116m	1,000
Antimony-116	1,000
Antimony-117	1,000
Antimony-118m	1,000
Antimony-119	1,000
Antimony-120 (16 min.)	1,000
Antimony-120 (5.76 d)	100
Antimony-122	100
Antimony-124m	1,000
Antimony-124	10
Antimony-125	100
Antimony-126m	1,000
Antimony-126	100
Antimony-127	100
Antimony-128 (10.4 min)	1,000
Antimony-128 (9.01 h)	100
Antimony-129	100
Antimony-130	1,000
Antimony-131	1,000
Tellurium-116	1,000
Tellurium-121m	10
Tellurium-121	100
Tellurium-123m	10
Tellurium-123	100
Tellurium-125m	10
Tellurium-127m	10
Tellurium-127	1,000
Tellurium-129m	10
Tellurium-129	1,000
Tellurium-131m	10
Tellurium-131	100
Tellurium-132	10
Tellurium-133m	100
Tellurium-133	1,000
Tellurium-134	1,000
Iodine-120m	1,000
Iodine-120	100
Iodine-121	1,000
Iodine-123	100
Iodine-124	10
Iodine-125	1
Iodine-126	1
Iodine-128	1,000
Iodine-129	1
Iodine-130	10
Iodine-131	1
Iodine-132m	100

TABLE 462.1	
Radionuclide	Quantity (microcuries ²)
Iodine-132	100
Iodine-133	10
Iodine-134	1,000
Iodine-135	100
Xenon-120	1,000
Xenon-121	1,000
Xenon-122	1,000
Xenon-123	1,000
Xenon-125	1,000
Xenon-127	1,000
Xenon-129m	1,000
Xenon-131m	1,000
Xenon-133m	1,000
Xenon-133	1,000
Xenon-135m	1,000
Xenon-135	1,000
Xenon-138	1,000
Cesium-125	1,000
Cesium-127	1,000
Cesium-129	1,000
Cesium-130	1,000
Cesium-131	1,000
Cesium-132	100
Cesium-134m	1,000
Cesium-134	10
Cesium-135m	1,000
Cesium-135	100
Cesium-136	10
Cesium-137	10
Cesium-138	1,000
Barium-126	1,000
Barium-128	100
Barium-131m	1,000
Barium-131	100
Barium-133m	100
Barium-133	100
Barium-135m	100
Barium-139	1,000
Barium-140	100
Barium-141	1,000
Barium-142	1,000
Lanthanum-131	1,000
Lanthanum-132	100
Lanthanum-135	1,000
Lanthanum-137	10
Lanthanum-138	100
Lanthanum-140	100
Lanthanum-141	100
Lanthanum-142	1,000
Lanthanum-143	1,000
Cerium-134	100

TABLE 462.1	
Radionuclide	Quantity (microcuries ²)
Cerium-135	100
Cerium-137m	100
Cerium-137	1,000
Cerium-139	100
Cerium-141	100
Cerium-143	100
Cerium-144	1
Praseodymium-136	1,000
Praseodymium-137	1,000
Praseodymium-138m	1,000
Praseodymium-139	1,000
Praseodymium-142m	1,000
Praseodymium-142	100
Praseodymium-143	100
Praseodymium-144	1,000
Praseodymium-145	100
Praseodymium-147	1,000
Neodymium-136	1,000
Neodymium-138	100
Neodymium-139m	1,000
Neodymium-139	1,000
Neodymium-141	1,000
Neodymium-147	100
Neodymium-149	1,000
Neodymium-151	1,000
Promethium-141	1,000
Promethium-143	100
Promethium-144	10
Promethium-145	10
Promethium-146	1
Promethium-147	10
Promethium-148m	10
Promethium-149	100
Promethium-150	1,000
Promethium-151	100
Samarium-141m	1,000
Samarium-141	1,000
Samarium-142	1,000
Samarium-145	100
Samarium-146	1
Samarium-147	100
Samarium-151	10
Samarium-153	100
Samarium-155	1,000
Samarium-156	1,000
Europium-145	100
Europium-146	100
Europium-147	100
Europium-148	10
Europium-149	100
Europium-150 (12.62 h)	100

TABLE 462.1	
Radionuclide	Quantity (microcuries²)
Europium-150 (34.2 y)	1
Europium-152m	100
Europium-152	1
Europium-154	1
Europium-155	10
Europium-156	100
Europium-157	100
Europium-158	1,000
Gadolinium-145	1,000
Gadolinium-146	10
Gadolinium-147	100
Gadolinium-148	0.001
Gadolinium-149	100
Gadolinium-151	10
Gadolinium-152	100
Gadolinium-153	10
Gadolinium-159	100
Terbium-147	1,000
Terbium-149	100
Terbium-150	1,000
Terbium-151	100
Terbium-153	1,000
Terbium-154	100
Terbium-155	1,000
Terbium-156m (5.0 h)	1,000
Terbium-156m (24.4 h)	1,000
Terbium-156	100
Terbium-157	10
Terbium-158	1
Terbium-160	10
Terbium-161	100
Dysprosium-155	1,000
Dysprosium-157	1,000
Dysprosium-159	100
Dysprosium-165	1,000
Dysprosium-166	100
Holmium-155	1,000
Holmium-157	1,000
Holmium-159	1,000
Holmium-161	1,000
Holmium-162m	1,000
Holmium-162	1,000
Holmium-164m	1,000
Holmium-164	1,000
Holmium-166m	1
Holmium-166	100
Holmium-167	1,000
Erbium-161	1,000
Erbium-165	1,000
Erbium-169	100
Erbium-171	100

TABLE 462.1	
Radionuclide	Quantity (microcuries²)
Erbium-172	100
Thulium-162	1,000
Thulium-166	100
Thulium-167	100
Thulium-170	10
Thulium-171	10
Thulium-172	100
Thulium-173	100
Thulium-175	1,000
Ytterbium-162	1,000
Ytterbium-166	100
Ytterbium-167	1,000
Ytterbium-169	100
Ytterbium-175	100
Ytterbium-177	1,000
Ytterbium-178	1,000
Lutetium-169	100
Lutetium-170	100
Lutetium-171	100
Lutetium-172	100
Lutetium-173	10
Lutetium-174m	10
Lutetium-174	10
Lutetium-176m	1,000
Lutetium-176	100
Lutetium-177m	10
Lutetium-177	100
Lutetium-178m	1,000
Lutetium-178	1,000
Lutetium-179	1,000
Hafnium-170	100
Hafnium-172	1
Hafnium-173	1,000
Hafnium-175	100
Hafnium-177m	1,000
Hafnium-178m	0.1
Hafnium-179m	10
Hafnium-180m	1,000
Hafnium-181	10
Hafnium-182m	1,000
Hafnium-182	0.1
Hafnium-183	1,000
Hafnium-184	100
Tantalum-172	1,000
Tantalum-173	1,000
Tantalum-174	1,000
Tantalum-175	1,000
Tantalum-176	100
Tantalum-177	1,000
Tantalum-178	1,000
Tantalum-179	100

TABLE 462.1	
Radionuclide	Quantity (microcuries²)
Tantalum-180m	1,000
Tantalum-180	100
Tantalum-182m	1,000
Tantalum-182	10
Tantalum-183	100
Tantalum-184	100
Tantalum-185	1,000
Tantalum-186	1,000
Tungsten-176	1,000
Tungsten-177	1,000
Tungsten-178	1,000
Tungsten-179	1,000
Tungsten-181	1,000
Tungsten-185	100
Tungsten-187	100
Rhenium-177	1,000
Rhenium-178	1,000
Rhenium-181	1,000
Rhenium-182 (12.7 h)	1,000
Rhenium-182 (64.0 h)	100
Rhenium-184m	10
Rhenium-184	100
Rhenium-186m	10
Rhenium-186	100
Rhenium-187	1,000
Rhenium-188m	1,000
Rhenium-188	100
Rhenium-189	100
Osmium-180	1,000
Osmium-181	1,000
Osmium-182	100
Osmium-185	100
Osmium-189m	1,000
Osmium-191m	1,000
Osmium-191	100
Osmium-193	100
Osmium-194	1
Iridium-182	1,000
Iridium-184	1,000
Iridium-185	1,000
Iridium-186	100
Iridium-187	1,000
Iridium-188	100
Iridium-189	100
Iridium-190m	1,000
Iridium-190	100
Iridium-192m (1.4 m)	10
Iridium-192 (73.8 d)	1
Iridium-194m	10
Iridium-194	100
Iridium-195m	1,000

TABLE 462.1	
Radionuclide	Quantity (microcuries ²)
Iridium-195	1,000
Platinum-186	1,000
Platinum-188	100
Platinum-189	1,000
Platinum-191	100
Platinum-193m	100
Platinum-193	1,000
Platinum-195m	100
Platinum-197m	1,000
Platinum-197	100
Platinum-199	1,000
Platinum-200	100
Gold-193	1,000
Gold-194	100
Gold-195	10
Gold-198m	100
Gold-198	100
Gold-199	100
Gold-200m	100
Gold-200	1,000
Gold-201	1,000
Mercury-193m	100
Mercury-193	1,000
Mercury-194	1
Mercury-195m	100
Mercury-195	1,000
Mercury-197m	100
Mercury-197	1,000
Mercury-199m	1,000
Mercury-203	100
Thallium-194m	1,000
Thallium-194	1,000
Thallium-195	1,000
Thallium-197	1,000
Thallium-198m	1,000
Thallium-198	1,000
Thallium-199	1,000
Thallium-200	1,000
Thallium-201	1,000
Thallium-202	100
Thallium-204	100
Lead-195m	1,000
Lead-198	1,000
Lead-199	1,000
Lead-200	100
Lead-201	1,000
Lead-202m	1,000
Lead-202	10
Lead-203	1,000
Lead-205	100
Lead-209	1,000

TABLE 462.1	
Radionuclide	Quantity (microcuries²)
Lead-210	0.01
Lead-211	100
Lead-212	1
Lead-214	100
Bismuth-200	1,000
Bismuth-201	1,000
Bismuth-202	1,000
Bismuth-203	100
Bismuth-205	100
Bismuth-206	100
Bismuth-207	10
Bismuth-210m	0.1
Bismuth-210	1
Bismuth-212	10
Bismuth-213	10
Bismuth-214	100
Polonium-203	1,000
Polonium-205	1,000
Polonium-207	1,000
Polonium-210	0.1
Astatine-207	100
Astatine-211	10
Radon-220	1
Radon-222	1
Francium-222	100
Francium-223	100
Radium-223	0.1
Radium-224	0.1
Radium-225	0.1
Radium-226	0.1
Radium-227	1,000
Radium-228	0.1
Actinium-224	1
Actinium-225	0.01
Actinium-226	0.1
Actinium-227	0.001
Actinium-228	1
Thorium-226	10
Thorium-227	0.01
Thorium-228	0.001
Thorium-229	0.001
Thorium-230	0.001
Thorium-231	100
Thorium-232	100
Thorium-234	10
Thorium-natural	100
Protactinium-227	10
Protactinium-228	1
Protactinium-230	0.1
Protactinium-231	0.001
Protactinium-232	1

TABLE 462.1	
Radionuclide	Quantity (microcuries ²)
Protactinium-233	100
Protactinium-234	100
Uranium-230	0.01
Uranium-231	100
Uranium-232	0.001
Uranium-233	0.001
Uranium-234	0.001
Uranium-235	0.001
Uranium-236	0.001
Uranium-237	100
Uranium-238	100
Uranium-239	1,000
Uranium-240	100
Uranium-natural	100
Neptunium-232	100
Neptunium-233	1,000
Neptunium-234	100
Neptunium-235	100
Neptunium-236 (1.15E+5 y)	0.001
Neptunium-236 (22.5 h)	1
Neptunium-237	0.001
Neptunium-238	10
Neptunium-239	100
Neptunium-240	1,000
Plutonium-234	10
Plutonium-235	1,000
Plutonium-236	0.001
Plutonium-237	100
Plutonium-238	0.001
Plutonium-239	0.001
Plutonium-240	0.001
Plutonium-241	0.001
Plutonium-242	0.001
Plutonium-243	1,000
Plutonium-244	0.001
Plutonium-245	100
Americium-237	1,000
Americium-238	100
Americium-239	1,000
Americium-240	100
Americium-241	0.001
Americium-242m	0.001
Americium-242	10
Americium-243	0.001
Americium-244m	100
Americium-244	10
Americium-245	1,000
Americium-246m	1,000
Americium-246	1,000
Curium-238	100
Curium-240	0.1

TABLE 462.1	
Radionuclide	Quantity (microcuries ²)
Curium-241	1
Curium-242	0.01
Curium-243	0.001
Curium-244	0.001
Curium-245	0.001
Curium-246	0.001
Curium-247	0.001
Curium-248	0.001
Curium-249	1,000
Berkelium-245	100
Berkelium-246	100
Berkelium-247	0.001
Berkelium-249	0.1
Berkelium-250	10
Californium-244	100
Californium-246	1
Californium-248	0.01
Californium-249	0.001
Californium-250	0.001
Californium-251	0.001
Californium-252	0.001
Californium-253	0.1
Californium-254	0.001
Einsteinium-250	100
Einsteinium-251	100
Einsteinium-253	0.1
Einsteinium-254m	1
Einsteinium-254	0.01
Fermium-252	1
Fermium-253	1
Fermium-254	10
Fermium-255	1
Fermium-257	0.01
Mendelevium-257	10
Mendelevium-258	0.01
Any alpha-emitting radionuclide not listed above or mixtures of alpha emitters of unknown composition	0.001
Any radionuclide other than alpha-emitting radionuclides not listed above, or mixtures of beta emitters of unknown composition	0.01

Table 462.1 notes:

¹ the quantities listed above were derived by taking 1/10th of the most restrictive ALI listed in columns 1 and 2 of table I of 20.3.4.461 NMAC, rounding to the nearest factor of 10, and constraining the values listed between 0.001 and 1,000 microcuries (37 becquerels and 37 megabecquerels). Values of 100 microcuries (3.7 megabecquerels) have been assigned for radionuclides having a radioactive half-life in excess of E+9 years, except rhenium, 1,000 microcuries (37 megabecquerels) to take into account their low specific activity;

² to convert microcuries to kilobecquerels, multiply the microcurie value by 37.

B. Note. For purposes of Subsection E of 20.3.4.428 NMAC, Subsection A of 20.3.4.431 NMAC and Subsection A of 20.3.4.451 NMAC where there is involved a combination of radionuclides in known amounts,

1 the limit for the combination shall be derived as follows: determine, for each radionuclide in the combination, the
2 ratio between the quantity present in the combination and the limit otherwise established for the specific
3 radionuclide when not in combination. The sum of such ratios for all radionuclides in the combination may not
4 exceed "1", that is, unity.

5 [20.3.4.462 NMAC - Rp, 20.3.4.462 NMAC, 4/30/2009]

6
7 **20.3.4.463** [RESERVED]

8
9 **20.3.4.464** [RESERVED]

10
11 **20.3.4.465** [RESERVED]

12
13 **20.3.4.466 APPENDIX G - REQUIREMENTS FOR TRANSFERS OF LOW-LEVEL RADIOACTIVE**
14 **WASTE INTENDED FOR DISPOSAL AT LICENSED LAND DISPOSAL FACILITIES AND**
15 **MANIFESTS:** LLW means low-level radioactive waste as defined in the Low-Level Radioactive Waste Policy
16 Act.

17 **A. Manifest.**

18 (1) A waste generator, collector or processor who transports, or offers for transportation
19 LLW intended for ultimate disposal at a licensed low-level radioactive waste land disposal facility must prepare a
20 manifest [NRC OMB Control Numbers 3150-0164, -0165 and -0166] reflecting information requested on applicable
21 NRC forms 540 (*uniform low-level radioactive waste manifest* (shipping paper) and 541 (*uniform low-level*
22 *radioactive waste manifest* (container and waste description)) and, if necessary, on an applicable NRC form 542
23 (*uniform low-level radioactive waste manifest* (manifest index and regional compact tabulation)). NRC forms 540
24 and 540A must be completed and must physically accompany the pertinent low-level waste shipment. Upon
25 agreement between shipper and consignee, NRC forms 541, 541A, 542 and 542A may be completed, transmitted
26 and stored in electronic media with the capability for producing legible, accurate and complete records on the
27 respective forms. Licensees are not required by NRC to comply with the manifesting requirements of this part when
28 they ship the following:

29 (a) LLW for processing and expect its return (i.e., for storage under their license)
30 prior to disposal at a licensed land disposal facility;

31 (b) LLW that is being returned to the licensee who is the "waste generator" or
32 "generator", as defined in this part; or

33 (c) radioactively contaminated material to a "waste processor" that becomes the
34 processor's "residual waste" unless regulated by other applicable federal or state regulations;

35 (d) these exclusions from manifesting requirements do not, however, exempt the
36 licensee from complying with applicable DOT requirements for shipments referencing 49 CFR, including the
37 preparation of shipping papers.

38 (2) For guidance in completing these forms, refer to the instructions that accompany the
39 forms. Copies of manifests required by this section may be legible carbon copies, photocopies or computer printouts
40 that reproduce the data in the format of the uniform manifest.

41 (3) NRC forms 540, 540A, 541, 541A, 542 and 542A, and the accompanying instructions, in
42 hard copy, may be obtained by writing or calling the [ø]Office of the [e]Chief information [ø]Officer, United States
43 Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone (301) 415-5877, or by visiting the NRC's
44 web site at <http://www.nrc.gov> and selecting forms from the index found on the home page.

45 (4) This section includes information requirements of the DOT, as codified in 49 CFR Part
46 172. Additional 49 CFR requirements may be applicable. Information on hazardous, medical or other waste,
47 required to meet EPA regulations, as codified in 40 CFR Parts 259, 261 or elsewhere, is not addressed in this
48 section, and must be provided on the required EPA forms. However, any required EPA forms must accompany the
49 *uniform low-level radioactive waste manifest* required by this chapter.

50 (5) As used in this section, the following definitions apply:

51 (a) "chelating agent" has the same meaning as that given in 20.3.13.7 NMAC;

52 (b) "chemical description" means a description of the principal chemical
53 characteristics of a low-level radioactive waste;

54 (c) "computer-readable medium" means that the department's computer can transfer
55 the information from the medium into its memory;

1 **(d)** “consignee” means the designated receiver of the shipment of low-level
2 radioactive waste;

3 **(e)** “decontamination facility” means a facility operating under a department, NRC
4 or agreement state license whose principal purpose is decontamination of equipment or materials to accomplish
5 recycle, reuse or other waste management objectives, and, for purposes of this part, is not considered to be a
6 consignee for LLW shipments;

7 **(f)** “disposal container” means a container principally used to confine low-level
8 radioactive waste during disposal operations at a land disposal facility (also see “high integrity container”); note that
9 for some shipments, the disposal container may be the transport package;

10 **(g)** “EPA identification number” means the number received by a transporter
11 following application to the administrator of EPA as required by 40 CFR Part 263;

12 **(h)** “generator” means a licensee operating under a department, NRC or agreement
13 state license who (1) is a waste generator as defined in this part, or (2) is the licensee to whom waste can be
14 attributed within the context of the Low-Level Radioactive Waste Policy Amendments Act (e.g., waste generated as
15 a result of decontamination or recycle activities);

16 **(i)** “high integrity container” (HIC) means a container commonly designed to meet
17 the structural stability requirements of 20.3.13.1325 NMAC, and to meet DOT requirements for a type A package;

18 **(j)** “land disposal facility” has the same meaning as that given in 20.3.13.7 NMAC;

19 **(k)** “NRC forms 540, 540A, 541, 541A, 542 and 542A” are official NRC forms
20 referenced in this section; licensees need not use originals of these NRC forms as long as any substitute forms are
21 equivalent to the original documentation in respect to content, clarity, size and location of information; upon
22 agreement between the shipper and consignee, NRC forms 541 (and 541A) and NRC forms 542 (and 542A) may be
23 completed, transmitted and stored in electronic media; the electronic media must have the capability for producing
24 legible, accurate and complete records in the format of the uniform manifest;

25 **(l)** “package” means the assembly of components necessary to ensure compliance
26 with the packaging requirements of DOT regulations, together with its radioactive contents, as presented for
27 transport;

28 **(m)** “physical description” means the items called for on NRC form 541 to describe
29 a LLW;

30 **(n)** “residual waste” means LLW resulting from processing or decontamination
31 activities that cannot be easily separated into distinct batches attributable to specific waste generators; this waste is
32 attributable to the processor or decontamination facility, provided that other federal laws or regulations, such as
33 those of Resource Conservation and Recovery Act (RCRA), are not applicable;

34 **(o)** “shipper” means the licensed entity (i.e., the waste generator, waste collector or
35 waste processor) who offers low-level radioactive waste for transportation, typically consigning this type of waste to
36 a licensed waste collector, waste processor or land disposal facility operator;

37 **(p)** “shipping paper” means NRC form 540 and, if required, NRC form 540A which
38 includes the information required by DOT in 49 CFR part 172;

39 **(q)** “source material” has the same meaning as that given in 20.3.3.7 NMAC;

40 **(r)** “special nuclear material” has the same meaning as that given in 20.3.3.7
41 NMAC;

42 **(s)** “*uniform low-level radioactive waste manifest*” or “uniform manifest” means the
43 combination of NRC forms 540, 541 and, if necessary, 542, and their respective continuation sheets as needed, or
44 equivalent;

45 **(t)** “waste collector,” including “waste broker,” means an entity, operating under a
46 department, NRC or agreement state license, whose principal purpose is to collect and consolidate waste generated
47 by others, and to transfer this waste, without processing or repackaging the collected waste, to another licensed
48 waste collector, licensed waste processor or licensed land disposal facility;

49 **(u)** “waste description” means the physical, chemical and radiological description of
50 a low-level radioactive waste as called for on NRC form 541;

51 **(v)** “waste generator” means an entity, operating under a department, NRC or
52 agreement state license, who (1) possesses any material or component that contains radioactivity or is radioactively
53 contaminated for which the licensee foresees no further use, and (2) transfers this material or component to a
54 licensed land disposal facility or to a licensed waste collector or processor for handling or treatment prior to
55 disposal; a licensee performing processing or decontamination services may be a “waste generator” if the transfer of
56 low-level radioactive waste from its facility is defined as “residual waste”;

1 (w) "waste processor" means an entity, operating under a department, NRC or
2 agreement state license, whose principal purpose is to process, repackage or otherwise treat low-level radioactive
3 material or waste generated by others prior to eventual transfer of waste to a licensed low-level radioactive waste
4 land disposal facility; and

5 (x) "waste type" means a waste within a disposal container having a unique physical
6 description (i.e., a specific waste descriptor code or description; or a waste sorbed on or solidified in a specifically
7 defined media).

8 (6) **Information requirements.**

9 (a) **General information.** The shipper of the radioactive waste shall provide the
10 following information on the uniform manifest:

11 (i) the name, facility address and telephone number of the licensee
12 shipping the waste;

13 (ii) an explicit declaration indicating whether the shipper is acting as a
14 waste generator, collector, processor or a combination of these identifiers for purposes of the manifested shipment;
15 and

16 (iii) the name, address and telephone number, or the name and EPA
17 identification number for the carrier transporting the waste.

18 (b) **Shipment information.** The shipper of the radioactive waste shall provide the
19 following information regarding the waste shipment on the uniform manifest:

20 (i) the date of the waste shipment;

21 (ii) the total number of packages or disposal containers;

22 (iii) the total disposal volume and disposal weight in the shipment;

23 (iv) the total radionuclide activity in the shipment;

24 (v) the activity of each of the radionuclides H-3, C-14, Tc-99 and I-129
25 contained in the shipment; and

26 (vi) the total masses of U-233, U-235 and plutonium in special nuclear
27 material, and the total mass of uranium and thorium in source material.

28 (c) **Disposal container and waste information.** The shipper of the radioactive
29 waste shall provide the following information on the uniform manifest regarding the waste and each disposal
30 container of waste in the shipment:

31 (i) an alphabetic or numeric identification that uniquely identifies each
32 disposal container in the shipment;

33 (ii) a physical description of the disposal container, including the
34 manufacturer and model of any high integrity container;

35 (iii) the volume displaced by the disposal container;

36 (iv) the gross weight of the disposal container, including the waste;

37 (v) for waste consigned to a disposal facility, the maximum radiation level
38 at the surface of each disposal container;

39 (vi) a physical and chemical description of the waste;

40 (vii) the total weight percentage of chelating agent for any waste containing
41 more than 0.1% chelating agent by weight, plus the identity of the principal chelating agent;

42 (viii) the approximate volume of waste within a container;

43 (ix) the sorbing or solidification media, if any, and the identity of the
44 solidification media vendor and brand name;

45 (x) the identities and activities of individual radionuclides contained in
46 each container, the masses of U-233, U-235 and plutonium in special nuclear material, and the masses of uranium
47 and thorium in source material, including fissile category classification; for discrete waste types (i.e., activated
48 materials, contaminated equipment, mechanical filters, sealed source/devices and wastes in
49 solidification/stabilization media), the identities and activities of individual radionuclides associated with or
50 contained on these waste types within a disposal container shall be reported;

51 (xi) the total radioactivity within each container;

52 (xii) for wastes consigned to a disposal facility, the classification of the
53 waste pursuant to 20.3.13.1324 NMAC; waste not meeting the structural stability requirements of Subsection B of
54 20.3.13.1325 NMAC; and

55 (xiii) any other information required on a manifest or shipping paper by the
56 DOT, the NRC or other regulatory agencies.

1 **(d) Uncontainerized waste information.** The shipper of the radioactive waste
2 shall provide the following information on the uniform manifest regarding a waste shipment delivered without a
3 disposal container:

- 4 **(i)** the approximate volume and weight of the waste;
- 5 **(ii)** a physical and chemical description of the waste;
- 6 **(iii)** the total weight percentage of chelating agent if the chelating agent
7 exceeds 0.1% by weight, plus the identity of the principal chelating agent;
- 8 **(iv)** for waste consigned to a disposal facility, the classification of the waste
9 pursuant to 20.3.13.1324 NMAC; waste not meeting the structural stability requirements of Subsection B of
10 20.3.13.1325 NMAC must be identified;
- 11 **(v)** the identities and activities of individual radionuclides contained in the
12 waste, the masses of U-233, U-235 and plutonium in special nuclear material, and the masses of uranium and
13 thorium in source material; and
- 14 **(vi)** for wastes consigned to a disposal facility, the maximum radiation
15 levels at the surface of the waste.

16 **(e) Multi-generator disposal container information.** This section applies to
17 disposal containers enclosing mixtures of waste originating from different generators. (Note: The origin of the
18 LLW resulting from a processor's activities may be attributable to one or more "generators," including "waste
19 generators," as defined in this section). It also applies to mixtures of wastes shipped in an uncontainerized form, for
20 which portions of the mixture within the shipment originate from different generators.

- 21 **(i)** For homogeneous mixtures of waste, such as incinerator ash, provide
22 the waste description applicable to the mixture and the volume of the waste attributed to each generator.
- 23 **(ii)** For heterogeneous mixtures of waste, such as the combined products
24 from a large compactor, identify each generator contributing waste to the disposal container, and, for discrete waste
25 types (i.e., activated materials, contaminated equipment, mechanical filters, sealed source/devices and wastes in
26 solidification/stabilization media), the identities and activities of individual radionuclides contained on these waste
27 types within the disposal container. For each generator, provide the following: (1) the volume of waste within the
28 disposal container; (2) a physical and chemical description of the waste, including the solidification agent, if any; (3)
29 the total weight percentage of chelating agents for any disposal container containing more than 0.1% chelating agent
30 by weight, plus the identity of the principal chelating agent; (4) the sorbing or solidification media, if any, and the
31 identity of the solidification media vendor and brand name if the media is claimed to meet stability requirements in
32 Subsection B of 20.3.13.1325 NMAC; and (5) radionuclide identities and activities contained in the waste, the
33 masses of U-233, U-235 and plutonium in special nuclear material, and the masses of uranium and thorium in source
34 material if contained in the waste.

35 **B. Certification.** An authorized representative of the waste generator, processor or collector shall
36 certify by signing and dating the shipment manifest that the transported materials are properly classified, described,
37 packaged, marked and labeled, and are in proper condition for transportation according to the applicable regulations
38 of the department, the DOT and the NRC. A collector in signing the certification is certifying that nothing has been
39 done to the collected waste which would invalidate the waste generator's certification.

40 **C. Control and Tracking.**

41 **(1)** Any licensee who transfers radioactive waste to a land disposal facility or a licensed
42 waste collector shall comply with the requirements in Subparagraphs (a) through (i) of this paragraph. Any licensee
43 who transfers waste to a licensed waste processor for waste treatment or repackaging shall comply with the
44 requirements of Subparagraphs (d) through (i) of this paragraph. A licensee shall:

- 45 **(a)** prepare all wastes so that the waste is classified according to 20.3.13.1324
46 NMAC, and meets the waste characteristics requirements in 20.3.13.1325 NMAC;
- 47 **(b)** label each disposal container (or transport package if potential radiation hazards
48 preclude labeling of the individual disposal container) of waste to identify whether it is class A waste, class B waste,
49 class C waste or greater than class C waste, in accordance with 20.3.13.1324 NMAC;
- 50 **(c)** conduct a quality assurance program to assure compliance with 20.3.13.1324
51 NMAC and 20.3.13.1325 NMAC (the program must include management evaluation of audits);
- 52 **(d)** prepare the NRC *uniform low-level radioactive waste manifest* as required by
53 Subsection A of this section;
- 54 **(e)** forward a copy or electronically transfer the *uniform low-level radioactive waste*
55 *manifest* to the intended consignee so that either (1) receipt of the manifest precedes the LLW shipment or (2) the

1 manifest is delivered to the consignee with the waste at the time the waste is transferred to the consignee. Using
2 both delivery methods (1) and (2) is also acceptable;

3 (f) include NRC form 540 (and NRC form 540A, if required) with the shipment
4 regardless of the option chosen in Subparagraph (e) of this paragraph;

5 (g) receive acknowledgment of the receipt of the shipment in the form of a signed
6 copy of NRC form 540;

7 (h) retain a copy of or electronically store the *uniform low-level radioactive waste*
8 *manifest* and documentation of acknowledgment of receipt as the record of transfer of licensed material as required
9 by 20.3.3 NMAC; and

10 (i) for any shipments or any part of a shipment for which acknowledgment of
11 receipt has not been received within the times set forth in this section, conduct an investigation in accordance with
12 Paragraph (5) of this subsection.

13 (2) Any waste collector licensee who handles only prepackaged waste shall:

14 (a) acknowledge receipt of the waste from the shipper within one week of receipt by
15 returning a signed copy of NRC form 540;

16 (b) prepare a new manifest to reflect consolidated shipments that meet the
17 requirements of this section; the waste collector shall ensure that, for each container of waste in the shipment, the
18 manifest identifies the generator of that container of waste;

19 (c) forward a copy or electronically transfer the *uniform low-level radioactive waste*
20 *manifest* to the intended consignee so that either (1) receipt of the manifest precedes the LLW shipment or (2) the
21 manifest is delivered to the consignee with the waste at the time the waste is transferred to the consignee; using both
22 delivery methods (1) and (2) is also acceptable;

23 (d) include NRC form 540 (and NRC form 540A, if required) with the shipment
24 regardless of the option chosen in Subparagraph (c) of this paragraph;

25 (e) receive acknowledgment of the receipt of the shipment in the form of a signed
26 copy of NRC form 540;

27 (f) retain a copy of or electronically store the *uniform low-level radioactive waste*
28 *manifest* and documentation of acknowledgment of receipt as the record of transfer of licensed material as required
29 by 20.3.3 NMAC;

30 (g) for any shipments or any part of a shipment for which acknowledgment of
31 receipt has not been received within the times set forth in this section, conduct an investigation in accordance with
32 Paragraph (5) of this subsection; and

33 (h) notify the shipper and the department when any shipment, or part of a shipment,
34 has not arrived within 60 days after receipt of an advance manifest, unless notified by the shipper that the shipment
35 has been cancelled.

36 (3) Any licensed waste processor who treats or repackages waste shall:

37 (a) acknowledge receipt of the waste from the shipper within one week of receipt by
38 returning a signed copy of NRC form 540;

39 (b) prepare a new manifest that meets the requirements of this section; preparation
40 of the new manifest reflects that the processor is responsible for meeting these requirements; for each container of
41 waste in the shipment, the manifest shall identify the waste generators, the preprocessed waste volume and the other
42 information as required in Subparagraph (e) of Paragraph (6) of Subsection A of this section;

43 (c) prepare all wastes so that the waste is classified according to 20.3.13.1324
44 NMAC, and meets the waste characteristics requirements in 20.3.13.1325 NMAC;

45 (d) label each package of waste to identify whether it is class A waste, class B waste
46 or class C waste, in accordance with 20.3.13.1324 NMAC and 20.3.13.1326 NMAC;

47 (e) conduct a quality assurance program to assure compliance with 20.3.13.1324
48 NMAC and 20.3.13.325 NMAC (the program shall include management evaluation of audits);

49 (f) forward a copy or electronically transfer the *uniform low-level radioactive waste*
50 *manifest* to the intended consignee so that either (1) receipt of the manifest precedes the LLW shipment or (2) the
51 manifest is delivered to the consignee with the waste at the time the waste is transferred to the consignee; using both
52 delivery methods (1) and (2) is also acceptable;

53 (g) include NRC form 540 (and NRC form 540A, if required) with the shipment
54 regardless of the option chosen in paragraph Subparagraph (f) of this paragraph;

55 (h) receive acknowledgment of the receipt of the shipment in the form of a signed
56 copy of NRC form 540;

1 (i) retain a copy of or electronically store the *uniform low-level radioactive waste*
 2 *manifest* and documentation of acknowledgment of receipt as the record of transfer of licensed material as required
 3 by 20.3.3 NMAC;

4 (j) for any shipment or any part of a shipment for which acknowledgment of receipt
 5 has not been received within the times set forth in this section, conduct an investigation in accordance with
 6 Paragraph (5) of this subsection; and

7 (k) notify the shipper and the department when any shipment, or part of a shipment,
 8 has not arrived within 60 days after receipt of an advance manifest, unless notified by the shipper that the shipment
 9 has been canceled.

10 (4) The land disposal facility operator shall:

11 (a) acknowledge receipt of the waste within one week of receipt by returning, as a
 12 minimum, a signed copy of NRC form 540 to the shipper; the shipper to be notified is the licensee who last
 13 possessed the waste and transferred the waste to the operator; if any discrepancy exists between materials listed on
 14 the *uniform low-level radioactive waste manifest* and materials received, copies or electronic transfer of the affected
 15 forms must be returned indicating the discrepancy;

16 (b) maintain copies of all completed manifests and electronically store the
 17 information required by 20.3.13.1334 NMAC until the department terminates the license; and

18 (c) notify the shipper and the department when any shipment, or part of a shipment,
 19 has not arrived within 60 days after receipt of an advance manifest, unless notified by the shipper that the shipment
 20 has been canceled.

21 (5) Any shipment or part of a shipment for which acknowledgment is not received within the
 22 times set forth in this section must:

23 (a) be investigated by the shipper if the shipper has not received notification or
 24 receipt within 20 days after transfer; and

25 (b) be traced and reported; the investigation shall include tracing the shipment and
 26 filing a report with the department; each licensee who conducts a trace investigation shall file a written report with
 27 the department within 2 weeks of completion of the investigation.

28 [20.3.4.466 NMAC - Rp, 20.3.4.466 NMAC, 4/30/2009]

29
 30 **20.3.4.467 NATIONALLY TRACKED SOURCE THRESHOLDS:** The terabecquerel values are the
 31 regulatory standard. The curie values specified are obtained by converting from the terabecquerel value. The curie
 32 values are provided for practical usefulness only and are rounded after conversion.

TABLE 467.1				
Radioactive Material	Category 1 terabecquerel	Category 1 curie	Category 2 terabecquerel	Category 2 curie
Actinium-227	20	540	0.2	5.4
Americium-241	60	1,600	0.6	16
Americium-241/Be	60	1,600	0.6	16
Californium-252	20	540	0.2	5.4
Cobalt-60	30	810	0.3	8.1
Curium-244	50	1,400	0.5	14
Cesium-137	100	2,700	1	27
Gadolinium-153	1,000	27,000	10	270
Iridium-192	80	2,200	0.8	22
Plutonium-238	60	1,600	0.6	16
Plutonium-239/Be	60	1,600	0.6	16
Polonium-210	60	1,600	0.6	16
Promethium-147	40,000	1,100,000	400	11,000
Radium-226	40	1,100	0.4	11
Selenium-75	200	5,400	2	54
Strontium-90	1,000	27,000	10	270
Thorium-228	20	540	0.2	5.4
Thorium-229	20	540	0.2	5.4
Thulium-170	20,000	540,000	200	5,400

TABLE 467.1				
Radioactive Material	Category 1 terabecquerel	Category 1 curie	Category 2 terabecquerel	Category 2 curie
Ytterbium-169	300	8,100	3	81

1 [20.3.4.467 NMAC - N, 4/30/2009]
2

3 **HISTORY OF 20.3.4 NMAC:**

4 **Pre-NMAC History:** The material in this part was derived from that previously filed as follows:

5 EIB 73-2, Regulations for Governing the Health and Environmental Aspects of Radiation filed on 7/9/1973;

6 EIB 73-2, Amendment 1, Regulations for Governing the Health and Environmental Aspects of Radiation filed on
7 4/17/1978;

8 EIB RPR-1, Radiation Protection Regulations filed on 4/21/1980;

9 EIB RPR-1, Amendment 1, Radiation Protection Regulations filed on 10/13/1981;

10 EIB RPR-1, Amendment 2, Radiation Protection Regulations filed on 12/15/1982; and

11 EIB RPR-1, Radiation Protection Regulations filed on 3/10/1989.
12

13 **History of Repealed Material:** 20.3.4 NMAC, Standards for Protection Against Radiation (filed 3/15/2004)
14 repealed 4/30/2009.
15

16 **Other History:** EIB RPR 1, Radiation Protection Regulations, filed 3/10/1989 renumbered and reformatted to 20
17 NMAC 3.1; Radioactive Materials and Radiation Machines, effective 5/3/1995;

18 20 NMAC 3.1; Radioactive Materials and Radiation Machines (filed 4/3/1995) internally renumbered, reformatted
19 and replaced by 20 NMAC 3.1, Radioactive Materials and Radiation Machines, effective 7/30/1999.

20 20 NMAC 3.1.Subpart 4, Standards for Protection Against Radiation (filed 6/17/1999) reformatted, amended and
21 replaced by 20.3.4 NMAC, Standards for Protection Against Radiation, effective 4/15/2004.

22 20.3.4 NMAC, Standards for Protection Against Radiation (filed 03/15/2004) replaced by 20.3.4 NMAC, Standards
23 for Protection Against Radiation, effective 4/30/2009.

1 **TITLE 20 ENVIRONMENTAL PROTECTION**
2 **CHAPTER 3 RADIATION PROTECTION**
3 **PART 5 RADIATION SAFETY REQUIREMENTS FOR INDUSTRIAL RADIOGRAPHIC**
4 **OPERATIONS**

5
6 **20.3.5.1 ISSUING AGENCY:** Environmental Improvement Board.
7 [20.3.5.1 NMAC - N, 5/19/2002]

8
9 **20.3.5.2 SCOPE:** The regulations in this part apply to all licensees or registrants who use sources of
10 radiation for industrial radiography. Except for those regulations of this Part clearly applicable only to sealed
11 radioactive sources, both radiation machine and sealed radioactive sources are covered by this part. The
12 requirements of this part are in addition to, and not in substitution for, other applicable requirements of 20.3 NMAC.
13 [20.3.5.2 NMAC - Rp, 20 NMAC 3.1.5.501, 5/19/2002]

14
15 **20.3.5.3 STATUTORY AUTHORITY:** Sections 74-1-8, 74-1-9, 74-3-5, and 74-3-9 NMSA 1978.
16 [20.3.5.3 NMAC - N, 5/19/2002]

17
18 **20.3.5.4 DURATION:** Permanent.
19 [20.3.5.4 NMAC - N, 5/19/2002]

20
21 **20.3.5.5 EFFECTIVE DATE:** May 19, 2002, unless a later date is cited at the end of a section.
22 [20.3.5.5 NMAC - N, 5/19/2002]

23
24 **20.3.5.6 OBJECTIVE:** To establish radiation safety requirements for both radiation machines and sealed
25 radioactive sources used for industrial radiography.
26 [20.3.5.6 NMAC - Rp, 20 NMAC 3.1.5.500, 5/19/2002]

27
28 **20.3.5.7 DEFINITIONS:** As used in this Part, the following apply:

29 **A. "ALARA"** (acronym for "as low as is reasonably achievable") means making every reasonable
30 effort to maintain exposures to radiation as far below the dose limits specified in Part 4 of 20.3 NMAC as is
31 practical consistent with the purpose for which the licensed activity is undertaken, taking into account the state of
32 technology, the economics of improvements in relation to state of technology, the economics of improvements in
33 relation to benefits to the public health and safety, and other societal and socioeconomic considerations, and in
34 relation to utilization of radiation and licensed materials in the public interest;

35 **B. "Annual refresher safety training"** means a review conducted or provided by the licensee or
36 registrant for its employees on radiation safety aspects of industrial radiography. The review may include, as
37 appropriate, the results of internal inspections, new procedures or equipment, new or revised regulations, accidents
38 or errors that have been observed, and should also provide opportunities for employees to ask safety questions;

39 **C. "Associated equipment"** means equipment that is used in conjunction with a radiographic
40 exposure device to make radiographic exposures that drives, guides, or comes in contact with the source, (e.g., guide
41 tube, control tube, control (drive) cable, removable source stop, "J" tube and collimator when it is used as an
42 exposure head;

43 **D. "Becquerel"** (Bq) means one disintegration per second;

44 **E. "Cabinet radiography"** means industrial radiography conducted in an enclosure or cabinet
45 shielded so that radiation levels at every location on the exterior meet the limitations specified in 20.3.4.406 NMAC;

46 **F. "Cabinet x-ray system"** means an x-ray system with the x-ray tube installed in an enclosure
47 (hereinafter termed "Cabinet") which, independently of existing architectural structures except the floor on which it
48 may be placed, is intended to contain at least that portion of a material thing irradiated, provide radiation attenuation,
49 and exclude personnel from its interior during generation of x-radiation. Included are all x-ray systems designed
50 primarily for the inspection of carry-on baggage at airline, railroad, and bus terminals, and in similar facilities. An
51 x-ray tube used within a shielded part of a building, or x-ray equipment that may temporarily or occasionally
52 incorporate portable shielding is not considered a cabinet x-ray system;

53 **G. "Certified cabinet x-ray system"** means an x-ray system which has been certified in accordance
54 with 21 CFR 1010.2 as being manufactured and assembled pursuant to the provisions of 21 CFR 1020.40;

55 **H. "Certifying Entity"** means an independent certifying organization meeting the requirements in
56 20.3.5.12 NMAC or an Agreement State meeting the requirements in 20.3.5.12 NMAC;

- 1 **I.** “**Collimator**” means a radiation shield that is placed on the end of the guide tube or directly onto
2 a radiographic exposure device to restrict the size of the radiation beam when the sealed source is cranked into
3 position to make a radiographic exposure;
- 4 **J.** “**Control (drive) cable**” means the cable that is connected to the source assembly and used to
5 drive the source to and from the exposure location;
- 6 **K.** “**Control drive mechanism**” means a device that enables the source assembly to be moved to and
7 from the exposure device;
- 8 **L.** “**Control tube**” means a protective sheath for guiding the control cable. The control tube
9 connects the control drive mechanism to the radiographic exposure device;
- 10 **M.** “**Exposure head**” means a device that locates the gamma radiography sealed source in the
11 selected working position. (an exposure head is also known as a source stop);
- 12 **N.** “**Field station**” means a facility where licensed material or registered machines may be stored or
13 used, and from which equipment is dispatched;
- 14 **O.** “**Gray**” means the SI unit of absorbed dose; one gray is equal to an absorbed dose of 1
15 Joule/kilogram. It is also equal to 100 rads;
- 16 **P.** “**Guide tube**” (Projection sheath) means a flexible or rigid tube (i.e., "J" tube) for guiding the
17 source assembly and the attached control cable from the exposure device to the exposure head; the guide tube may
18 also include the connections necessary for attachment to the exposure device and to the exposure head;
- 19 **Q.** “**Hands-on experience**” means experience in all of those areas considered to be directly involved
20 in the radiography process;
- 21 **R.** “**Independent certifying organization**” means an independent organization that meets all of the
22 criteria of 20.3.5.12 NMAC;
- 23 **S.** “**Industrial radiography**” means the examination of the macroscopic structure of materials by
24 nondestructive methods using sources of ionizing radiation to produce radiographic images;
- 25 **T.** “**Lixiscope**” means a portable light-intensified imaging device using a sealed source;
- 26 **U.** “**Permanent radiographic installation**” means an enclosed shielded room, cell, or vault, not
27 located at a temporary jobsite, in which radiography is performed;
- 28 **V.** “**Personal supervision**” means guidance and instruction to a radiographer trainee by a
29 radiographer instructor who is present at the site, in visual contact with the trainee while the trainee is using sources
30 of radiation, and in such proximity that immediate assistance can be given if required;
- 31 **W.** “**Practical examination**” means a documented demonstration through practical application of the
32 safety rules and principles in industrial radiography including use of all appropriate equipment and procedures;
- 33 **X.** “**Radiation safety officer**” (RSO) for industrial radiography means an individual with the
34 responsibility for the overall radiation safety program on behalf of the licensee or registrant and who meets the
35 requirements as specified in Subsection C of 20.3.5.11 NMAC;
- 36 **Y.** “**Radiographer**” means any individual who performs, or in attendance personally supervises,
37 industrial radiographic operations and who is responsible to the licensee or registrant for assuring compliance with
38 the requirements of these regulations and all license and/or certificate of registration conditions; this individual must
39 meet the training requirements as specified in Subsection B of 20.3.5.11 NMAC;
- 40 **Z.** “**Radiographer certification**” means written approval received from a certifying entity stating
41 that an individual has satisfactorily met certain established radiation safety, testing, and experience criteria;
- 42 **AA.** “**Radiographer instructor**” means any radiographer who provides on-the-job training to
43 radiographer trainees in accordance with Subsection D of 20.3.5.11 NMAC;
- 44 **AB.** “**Radiographer trainee**” means any individual who, under the personal supervision of a
45 radiographer instructor, uses sources of radiation, related handling tools, or radiation survey instruments during the
46 course of his instruction;
- 47 **AC.** “**Radiographer's assistant**” means any individual who under the direct supervision of a
48 radiographer, uses radiographic exposure devices, sealed sources or related handling tools, or radiation survey
49 instruments in industrial radiography;
- 50 **AD.** “**Radiographic exposure device**” means any instrument containing a sealed source fastened or
51 contained therein, in which the sealed source or shielding thereof may be moved, or otherwise changed, from a
52 shielded to unshielded position for purposes of making a radiographic exposure;
- 53 **AE.** “**Radiographic operations**” means all activities performed with a radiographic device, or with a
54 radiation machine; these include however are not limited to activities associated with the use of the device or
55 machine, or transport (except when being transported by a common or contract transport), including surveys to
56 confirm the adequacy of boundaries, setting up equipment and any activity inside restricted area boundaries;

1 **AF. “Radiographic personnel”** means any radiographer, radiographer’s assistant, radiographer
 2 instructor, or radiographer trainee;
 3 **AG. “Residential location”** means any area where structures in which people lodge or live are located,
 4 and the grounds on which structures are located including, but not limited to, houses, apartments, condominiums,
 5 and garages;
 6 **AH. “S-tube”** means a tube through which the radioactive source travels when inside a radiographic
 7 exposure device;
 8 **AI. “Sealed source”** means any byproduct material that is encased in a capsule designed to prevent
 9 leakage or escape of the byproduct material;
 10 **AJ. “Shielded position”** means the location within the radiographic exposure device or source
 11 changer where the sealed source is secured and restricted from movement;
 12 **AK. “Shielded-room radiography”** means industrial radiography conducted in an enclosed room, the
 13 interior of which is not occupied during radiographic operations, which is shielded so that radiation levels at every
 14 location on the exterior meet the limitations specified in 20.3.4.406 NMAC;
 15 **AL. “sievert” (Sv)** means the SI unit of any of the quantities expressed as dose equivalent. The dose
 16 equivalent in sieverts is equal to the absorbed dose in grays multiplied by the quality factor (1 Sv = 100 rems);
 17 **AM. “Source assembly”** means an assembly that consists of the sealed source and a connector that
 18 attaches the source to the control cable; the source assembly may also include a stop ball used to secure the source in
 19 the shielded position;
 20 **AN. “Source changer”** means a device designed and used for replacement of sealed sources in
 21 radiographic exposure devices, including those source changers also used for transporting and storage of sealed
 22 sources;
 23 **AO. “Storage area”** means any location, facility, or vehicle which is used to store, to transport, or to
 24 secure a radiographic exposure device, a storage container, or a sealed source when it is not in use and which is
 25 locked or has a physical barrier to prevent accidental exposure, tampering with, or unauthorized removal of the
 26 device, container, or source;
 27 **AP. “Storage container”** means a shielded device in which sealed sources are secured and stored;
 28 **AQ. “Temporary job site”** means any location where industrial radiography is performed and where
 29 licensed material or X-ray machines may be stored other than the location(s) listed in a specific license or certificate
 30 of registration; and
 31 **AR. “Transport container”** means a package that is designed to provide radiation safety and security
 32 when sealed sources are transported and which meets all applicable requirements of the U.S. department of
 33 transportation;
 34 **AS. “Underwater radiography”** means industrial radiography performed when the radiographic
 35 exposure device and/or related equipment are beneath the surface of the water.
 36 [20.3.5.7 NMAC - Rp, 20 NMAC 3.1.5.502, 5/19/2002]
 37

38 **20.3.5.8 EXEMPTIONS:**

39 **A.** Except for the requirements of Subsections B and C of 20.3.5.25 NMAC, certified x-ray systems
 40 designed to exclude individuals from the interior of the cabinet are exempt from the requirements of this part.

41 **B.** Industrial uses of lixiscopes are exempt from the requirements of this part.
 42 [20.3.5.8 NMAC - Rp, 20 NMAC 3.1.5.503, 5/19/2002]
 43

44 **20.3.5.9 PROHIBITIONS:** Industrial radiography performed with a sealed source that is not fastened to
 45 or contained in a radiographic exposure device, known as fish pole radiography, is prohibited unless specifically
 46 authorized in a license issued by the department.
 47 [20.3.5.9 NMAC - Rp, 20 NMAC 3.1.5.526, 5/19/2002]
 48

49 **20.3.5.10 SPECIFIC LICENSE FOR INDUSTRIAL RADIOGRAPHY:** An application for a specific
 50 license for the use of licensed material in industrial radiography will be approved if the applicant meets the
 51 following requirements:

52 **A.** The applicant satisfies the general requirements specified in Part 3 of 20.3 NMAC for byproduct
 53 material, as appropriate, and any special requirements contained in this part.

54 **B.** An application for a specific license of category 1 and category 2 quantities of radioactive material
 55 shall comply with 10 CFR 37. The licensee shall comply with 10 CFR 37 except as follows:

- 56 **(1)** any reference to the commission or NRC shall be deemed a reference to the department;

1 (2) 10 CFR 37.5 definitions of agreement state, byproduct material, commission and person
2 shall not be applicable;

3 (3) 10 CFR 37.7, 10 CFR 37.9, 10 CFR 37.11(a) and (b), 10 CFR 37.13, 10 CFR 37.27(c),
4 10 CFR 37.71, 10 CFR 37.105, and 10 CFR 37.107 shall not be applicable; and

5 (4) for any reporting or notification requirements that the licensee must follow in 10 CFR
6 37.45, 10 CFR 37.57, 10 CFR 37.77(a) through (d), and 10 CFR 37.81 the licensee shall use the following address:
7 New Mexico ~~e~~Environment ~~d~~Department/RCB, P.O. Box 5469, Santa Fe, NM 87502-5469 address information.

8 C. The applicant submits an adequate program for training radiographers and radiographers'
9 assistants that meets the requirements of Paragraph (1) of Subsection A of 20.3.5.11 NMAC. License applicants
10 need not describe the initial training and examination program for radiographers in the subjects outlined in
11 Paragraph (1) of Subsection A of 20.3.5.11 NMAC.

12 D. The applicant submits procedures for verifying and documenting the certification status of
13 radiographers and for ensuring that the certification of individuals acting as radiographers remains valid.

14 E. The applicant submits written operating and emergency procedures as described in 20.3.5.29
15 NMAC.

16 F. The applicant submits a description of a program for inspections of the job performance of each
17 radiographer and radiographers' assistant. The intervals for these performance inspections are not to exceed six
18 months as described in Subsection B of 20.3.5.13 NMAC.

19 G. The applicant submits a description of the applicant's overall organizational structure as it applies
20 to the radiation safety responsibilities in industrial radiography, including specified delegation of authority and
21 responsibility.

22 H. The applicant identifies and lists the qualifications of the individual(s) designated as the RSO and
23 potential designees responsible for ensuring that the licensee's radiation safety program is implemented in
24 accordance with approved procedures. Refer to Subsection C of 20.3.5.11 NMAC for RSO qualification
25 requirements.

26 I. If an applicant intends to perform leak testing of sealed sources or exposure devices containing
27 depleted uranium (DU) shielding, the applicant must describe the procedures for performing and the qualifications
28 of the person(s) authorized to do the leak testing. If the applicant intends to analyze its own wipe samples, the
29 application must include a description of the procedures to be followed. The description must include the:

30 (1) instruments to be used;

31 (2) methods of performing the analysis; and

32 (3) pertinent experience of the person who will analyze the wipe samples.

33 J. If the applicant intends to perform "in-house" calibrations of survey instruments the applicant
34 must describe methods to be used and the relevant experience of the person(s) who will perform the calibrations.
35 All calibrations must be performed according to the procedures described and at the intervals prescribed in 20.3.5.16
36 NMAC.

37 K. The applicant identifies and describes the location(s) of all field stations and permanent
38 radiographic installations.

39 L. The applicant identifies the location(s) where all records required by this part and other parts of
40 20.3 NMAC will be maintained. If a license is issued to the applicant, the licensee shall maintain copies of records
41 required by this Part and other applicable Parts of 20.3 NMAC at the specified location(s).

42 [20.3.5.10 NMAC - N, 5/19/2002; A, XX,XX,XXXX]
43

44 20.3.5.11 TRAINING AND QUALIFICATION REQUIREMENTS:

45 A. Radiographer's assistant. Licensees and registrants may not permit any individual to act as a
46 radiographer's assistant until the requirements of this subsection have been completed. Until completion of these
47 requirements the individual is considered to be a radiographer trainee. Licensees and registrants will have 120 days
48 from the effective date of these regulations to comply with these requirements:

49 (1) Training shall be provided regarding the fundamentals of radiation safety including:

50 (a) Characteristics of gamma and X-ray radiation;

51 (b) Units of radiation dose and quantity of radioactivity;

52 (c) Hazards of exposure to radiation during radiographic operations, including case
53 histories of accidents in radiography;

54 (d) Levels of radiation experienced during radiographic operations; and

55 (e) Methods of controlling radiation dose (time, distance, and shielding).

1 (f) Proper techniques for use and operation, and limitations of, the specific radiation
2 survey instruments and personnel monitoring equipment used by the licensee or registrant.

3 (2) The individual has been provided copies of and instruction in the requirements contained
4 in this part, applicable sections of Parts 3, 4, and 10 of 20.3 NMAC, 10 CFR 71 of federal regulations, and
5 conditions of the radioactive materials license or registration under which the radiographer will perform industrial
6 radiography, and the licensee's or registrant's operating and emergency procedures;

7 (3) The individual has developed competence to use, under the personal supervision of the
8 radiographer or radiographer instructor, the radiographic exposure devices, sealed sources, radiation machines,
9 associated equipment, and radiation survey instruments that the assistant will use; and

10 (4) The individual has demonstrated understanding of the instructions provided under
11 Paragraph (2) of Subsection A of 20.3.5.11 NMAC by successfully completing a written test on the subjects covered
12 and has demonstrated competence in the use of hardware described in Paragraph (3) of Subsection A of 20.3.5.11
13 NMAC by successful completion of a practical examination on the use of such hardware.

14 **B. Radiographer.** Licensees may not permit any individual to act as a radiographer until the
15 individual has completed the requirements of this subsection. With the exception of Paragraph (3) of Section B of
16 20.3.5.11 NMAC, licensees and registrants will have 120 days from the effective date of these regulations to comply
17 with these requirements:

18 (1) The requirements of Subsection A of 20.3.5.11 NMAC; and,

19 (2) Two months minimum on-the-job training in addition to paragraph (1) of Subsection B of
20 20.3.5.11 NMAC; and,

21 (3) Certification through a radiographer certification program by a certifying entity in
22 accordance with the criteria specified in 20.3.5.12 NMAC. Licensees or registrants will have one calendar year
23 from the effective date of these regulations to comply with this requirement. Records of radiographer certification
24 maintained in accordance with Subsection F of 20.3.5.11 NMAC provide appropriate affirmation of meeting this
25 certification requirement; and,

26 (4) Has demonstrated understanding of the license or registration and the operating and
27 emergency procedures by successful completion of a written or oral examination covering this material; and,

28 (5) Has received adequate training and has demonstrated understanding in the use of the
29 licensee's or registrant's radiation survey instruments and associated equipment by successful completion of a
30 practical examination covering the following material:

31 (a) Use, operation, calibration, and limitations of radiation survey instruments; and

32 (b) Survey techniques; and

33 (c) Use of personnel monitoring equipment; and

34 (6) Has received adequate training and has demonstrated understanding in the use of the
35 licensee's or registrant's radiographic exposure devices, sources, radiation machines, and associated equipment by
36 successful completion of a practical examination covering the following material:

37 (a) Operation and control of radiographic exposure equipment, radiation machines,
38 remote handling equipment, and storage containers, including pictures or models of source assemblies (pigtailed); and

39 (b) Storage, control, and disposal of licensed material; and

40 (c) Inspection and maintenance of equipment.

41 **C. Radiation safety officer (RSO).** The licensee may not permit any individual to act as an RSO until
42 the requirements of this subsection have been satisfied. Licensees and registrants will have one year from the
43 effective date of these regulations to comply with these requirements:

44 (1) The minimum qualifications, training, and experience for RSOs are as follows:

45 (a) Completion of the training and qualification requirements of Subsection B of
46 20.3.5.11 NMAC; and

47 (b) 2000 hours of hands-on experience as a qualified radiographer in industrial
48 radiographic operations; and

49 (c) Formal training in the establishment and maintenance of a radiation protection
50 program.

51 (2) The department will consider alternatives to these requirements when the RSO has
52 appropriate training and/or experience in the field of ionizing radiation, and in addition, has adequate formal training
53 with respect to the establishment and maintenance of a radiation safety protection program.

54 **D. Radiographer instructor.** No individual shall act as a radiographer instructor unless such
55 individual:

56 (1) Has met the requirements of Subsection B of 20.3.5.11 NMAC; and

1 (2) Has 2000 hours of hands-on experience as a qualified radiographer in industrial
2 radiographic operations; and

3 (3) Has been named as a radiographer instructor on the license or a registration certificate
4 issued by the Department.

5 E. Annual refresher training. The licensee or registrant shall provide annual refresher training in
6 radiation safety for each radiographer and radiographer's assistant at intervals not to exceed 12 months.

7 F. Records of training and certification. Each licensee or registrant shall maintain the following
8 records (of training and certification) for three[3] years after the record is made:

9 (1) Records of training of each radiographer and each radiographer's assistant. The record
10 must include radiographer certification documents and verification of certification status, copies of written tests,
11 dates of oral and practical examinations, and names of individuals conducting and receiving the oral and practical
12 examinations; and

13 (2) Records of annual refresher safety training for each radiographer and each radiographer's
14 assistant. The records must list the topics discussed during the refresher safety training, the dates the annual
15 refresher safety training was conducted, and names of the instructors and attendees. For inspections of job
16 performance required by Subsection B of 20.3.5.13 NMAC, the records must also include a list showing the items
17 checked and any non-compliances observed by the RSO.

18 [20.3.5.11 NMAC - Rp, 20 NMAC 3.1.5.515, 5/19/2002]

19
20 **20.3.5.12 REQUIREMENTS FOR AN INDEPENDENT CERTIFYING ORGANIZATION:**

21 A. An independent certifying organization shall:

22 (1) be an organization such as a society or association, whose members participate in, or
23 have an interest in, the fields of industrial radiography; and

24 (2) make its membership available to the general public nationwide that is not restricted
25 because of race, color, religion, sex, age, national origin or disability; and

26 (3) have a certification program open to nonmembers, as well as members; and

27 (4) be an incorporated, nationally recognized organization, that is involved in setting national
28 standards of practice within its fields of expertise; and

29 (5) have an adequate staff, a viable system for financing its operations, and a policy-and
30 decision-making review board; and

31 (6) have a set of written organizational by-laws and policies that provide adequate assurance
32 of lack of conflict of interest and a system for monitoring and enforcing those by-laws and policies; and

33 (7) have a committee, whose members can carry out their responsibilities impartially, to
34 review and approve the certification guidelines and procedures, and to advise the organization's staff in
35 implementing the certification program; and

36 (8) have a committee, whose members can carry out their responsibilities impartially, to
37 review complaints against certified individuals and to determine appropriate sanctions; and

38 (9) have written procedures describing all aspects of its certification program, maintain
39 records of the current status of each individual's certification and the administration of its certification program; and

40 (10) have procedures to ensure that certified individuals are provided due process with respect
41 to the administration of its certification program, including the process of becoming certified and any sanctions
42 imposed against certified individuals; and

43 (11) have procedures for proctoring examinations, including qualifications for proctors. These
44 procedures must ensure that the individuals proctoring each examination are not employed by the same company or
45 corporation (or a wholly-owned subsidiary of such company or corporation) as any of the examinees; and

46 (12) exchange information about certified individuals with other independent certifying
47 organizations, the Department, the U.S. nuclear regulatory commission, and/or Agreement States and allow periodic
48 review of its certification program and related records; and

49 (13) provide a description to the department of its procedures for choosing examination sites
50 and for providing an appropriate examination environment.

51 B. Requirements for certification programs. All certification programs must:

52 (1) require applicants for certification to:

53 a) receive training in the topics set forth in Subsection D of 20.3.5.12 NMAC or
54 equivalent Agreement State regulations; and

55 b) satisfactorily complete a written examination covering these topics[.]; ~~and~~

- 1 (2) require applicants for certification to provide documentation that demonstrates that the
2 applicant has:
3 (a) received training in the topics set forth in Subsection D of 20.3.5.12 NMAC or
4 equivalent Agreement State regulations;
5 (b) satisfactorily completed a minimum period of on-the-job training; and
6 (c) has received verification by an Agreement State or a NRC licensee that the
7 applicant has demonstrated the capability of independently working as a radiographer; and
8 (3) include procedures to ensure that all examination questions are protected from disclosure;
9 and
10 (4) include procedures for denying an application, revoking, suspending, and reinstating a
11 certificate; and
12 (5) provide a certification period of not less than three[3] years nor more than five[5] years;
13 and
14 (6) include procedures for renewing certifications and, if the procedures allow renewals
15 without examination, require evidence of recent full-time employment and annual refresher training.
16 (7) Provide a timely response to inquiries, by telephone or letter, from members of the
17 public, about an individual's certification status.

18 C. Requirements for written examinations. All examinations must be:

- 19 (1) designed to test an individual's knowledge and understanding of the topics listed in
20 Subsection D of 20.3.5.12 NMAC or equivalent Agreement State requirements; and
21 (2) written in a multiple-choice format; and
22 (3) have test items drawn from a question bank containing psychometrically valid questions
23 based on the material in Subsection D of 20.3.5.12 NMAC.

24 D. Required Training Topics. All certification programs shall include training in the following
25 topics:

- 26 (1) fundamentals of radiation safety including:
27 (a) characteristics of gamma radiation; and
28 (b) units of radiation dose and quantity of radioactivity; and
29 (c) hazards of exposure to radiation; and
30 (d) levels of radiation from licensed material; and
31 (e) methods of controlling radiation dose (time, distance, and shielding); and
32 (2) radiation detection instruments including:
33 (a) use, operation, calibration, and limitations of radiation survey instruments; and
34 (b) survey techniques; and
35 (c) use of personnel monitoring equipment; and
36 (3) equipment to be used including:
37 (a) operation and control of radiographic exposure equipment, remote handling
38 equipment, and storage containers, including pictures or models of source assemblies (pigtailed); and
39 (b) storage, control, and disposal of licensed material; and
40 (c) inspection and maintenance of equipment; and
41 (4) the requirements of pertinent State and Federal regulations; and
42 (5) case histories of accidents in radiography.

43 [20.3.5.12 NMAC - N, 5/19/2002]

44
45 **20.3.5.13 REQUIREMENTS OF THE RADIATION SAFETY OFFICER (RSO):**

46 A. The specific duties and authorities of the RSO include, but are not limited to:

- 47 (1) Ensuring that radiation safety activities are being performed in accordance with approved
48 procedures and regulatory requirements in the daily operation of the licensee's or registrant's program; and
49 (2) Establish, document, and oversee all operating, emergency, and ALARA procedures
50 required by Part 4 of 20.3 NMAC. The procedures shall be revised by the RSO whenever necessary to ensure
51 procedural accuracy. The procedures shall be reviewed regularly by the RSO at intervals not to exceed one calendar
52 year to ensure that they conform to Part 4, other pertinent regulations, and to the conditions of the license or
53 registration; and
54 (3) Overseeing and approving all phases of the training program for radiographic personnel,
55 ensuring that appropriate and effective radiation protection practices are taught; and

1 (4) Ensuring that required radiation surveys and leak tests are performed and documented in
2 accordance with the regulations, including any corrective measures when levels of radiation exceed established
3 limits; and

4 (5) Ensuring that personnel monitoring devices are calibrated and used properly by
5 occupationally-exposed personnel, that records are kept of the monitoring results, and that timely notifications are
6 made as required by 20.3.4.453 NMAC; and

7 (6) Ensuring that operations are conducted safely and to assume control for instituting
8 corrective actions including stopping of operations when necessary.

9 **B.** Inspections of Job Performance. Except as provided in paragraph (4) of Subsection B of 20.3.5.13
10 NMAC, the RSO or designee shall conduct an inspection program of the job performance of each radiographer and
11 radiographer's assistant to ensure that the Department's regulations, license or registration requirements, and the
12 applicant's operating and emergency procedures are followed. The inspection program must:

13 (1) Include observation of the performance of each radiographer and radiographer's assistant
14 during an actual industrial radiographic operation, at intervals not to exceed 6 months; and

15 (2) Provide that, if a radiographer or a radiographer's assistant has not participated in an
16 industrial radiographic operation for more than six[6] months since the last inspection, the radiographer must
17 demonstrate knowledge of the training requirements of paragraph (5) of Subsection B of 20.3.5.11 NMAC and the
18 radiographer's assistant must re-demonstrate knowledge of the training requirements of paragraph (3) of Subsection
19 A of 20.3.5.11 NMAC by a practical examination before these individuals can next participate in a radiographic
20 operation.

21 (3) The Department may consider alternatives requested in writing in those situations where
22 the individual serves as both radiographer and RSO.

23 (4) Records of semi-annual inspections of job performance for each radiographer and each
24 radiographer's assistant shall include a list showing the items checked and any non-compliances observed by the
25 RSO.

26 [20.3.5.13 NMAC - N, 5/19/2002]

27
28 **20.3.5.14 SUPERVISION OF RADIOGRAPHER'S ASSISTANTS:** Whenever a radiographer's assistant
29 uses radiographic exposure devices, associated equipment, sealed sources, radiation machines, or conducts radiation
30 surveys required by Subsection B of 20.3.5.17 NMAC to determine that the sealed source has returned to the
31 shielded position after an exposure, the assistant shall be under the personal supervision of a radiographer. The
32 personal supervision must include:

33 **A.** The radiographer's physical presence at the site where the sealed sources or radiation machines are
34 being used;

35 **B.** The availability of the radiographer to give immediate assistance if required; and

36 **C.** The radiographer's direct observation of the assistant's performance of the operations referred to in
37 this section.

38 [20.3.5.14 NMAC - Rp, 20 NMAC 3.1.5.518, 5/19/2002]

39
40 **20.3.5.15 PERSONNEL MONITORING:**

41 **A.** The licensee or registrant may not permit any individual to act as a radiographer or a
42 radiographer's assistant unless, at all times during radiographic operations, each individual wears, on the trunk of the
43 body, a combination of direct reading dosimeter, an operating alarm ratemeter, and a NVLAP certified dosimeter.
44 At permanent radiography installations where other appropriate alarming or warning devices are in routine use, the
45 wearing of an alarming ratemeter is not required.

46 (1) Pocket dosimeters must have a range from zero to two[2] millisieverts (200 millirems)
47 and must be recharged at the start of each shift. Electronic personal dosimeters may only be used in place of ion-
48 chamber pocket dosimeters.

49 (2) Each NVLAP certified dosimeter must be assigned to and worn by only one individual.

50 (3) Film badges must be replaced at periods not to exceed one month. All other NVLAP
51 certified dosimeters must be replaced at periods not to exceed three months.

52 (4) After replacement, each NVLAP certified dosimeter must be processed as soon as
53 possible.

54 **B.** Direct reading dosimeters such as pocket dosimeters or electronic personal dosimeters must be
55 read and the exposures recorded at the beginning and end of each shift. Records shall be maintained in accordance
56 with paragraph (2) of Subsection H of 20.3.5.15 NMAC.

1 C. Pocket dosimeters, or electronic personal dosimeters, must be checked at periods not to exceed 12
2 months for correct response to radiation. Acceptable dosimeters must read within plus or minus 20 percent of the
3 true radiation exposure. Records shall be maintained in accordance with paragraph (1) of Subsection H of 20.3.5.15
4 NMAC.

5 D. If an individual's pocket dosimeter is found to be off-scale, or if his or her electronic personal
6 dosimeter reads greater than two[2] millisieverts (200 millirems), and the possibility of radiation exposure cannot be
7 ruled out as the cause, the individual's NVLAP certified dosimeter must be sent for processing within 24 hours. In
8 addition, the individual may not resume work associated with radiation use until a determination of the individual's
9 radiation exposure has been made. This determination must be made by the RSO or the RSO's designee. The
10 results of this determination shall be documented. The documents shall be maintained in accordance with paragraph
11 (4) of Subsection H of 20.3.5.15 NMAC.

12 E. If a NVLAP certified dosimeter is lost or damaged, the worker shall cease work immediately until
13 a replacement dosimeter is provided and the exposure is calculated for the time period from issuance to loss or
14 damage of the dosimeter. The results of the calculated exposure and the time period for which the dosimeter was
15 lost or damaged shall be documented. The documents shall be maintained in accordance with paragraph (4) of
16 Subsection H of 20.3.5.15 NMAC.

17 F. Reports received from dosimetry processors shall be maintained in accordance with paragraph (3)
18 of Subsection H of 20.3.5.15 NMAC.

19 G. Each alarm ratemeter must--

20 (1) Be checked to ensure that the alarm functions properly (sounds) before using at the start
21 of each shift;

22 (2) Be set to give an alarm signal at a preset dose rate of five[5] mSv/hr (500 mrem/hr); with
23 an accuracy of plus or minus 20 percent of the true radiation dose rate;

24 (3) Require special means to change the preset alarm function; and

25 (4) Be calibrated at periods not to exceed 12 months for correct response to radiation. The
26 licensee or registrant shall maintain records of alarm ratemeter calibrations in accordance with paragraph (2) of
27 Subsection H of 20.3.5.15 NMAC.

28 H. Personnel Monitoring Records. Each licensee and registrant shall maintain the following exposure
29 records pursuant to 20.3.5.15 NMAC:

30 (1) Direct reading dosimeter readings and yearly operability checks required by Subsections
31 B and C of 20.3.5.15 NMAC for three[3] years after the record is made.

32 (2) Records of alarm ratemeter calibrations for three[3] years after the record is made.

33 (3) Reports received from dosimetry processors shall be maintained until the Department
34 terminates the license or registration.

35 (4) Records of estimates of exposures as a result of: off-scale personal direct reading
36 dosimeters, or lost or damaged external dosimetric device, until the Department terminates the license or
37 registration.

38 [20.3.5.15 NMAC - Rp, 20 NMAC 3.1.5.517, 5/19/2002]

39 20.3.5.16 RADIATION SURVEY INSTRUMENTS:

40 A. Licensees and registrants shall keep sufficient calibrated and operable radiation survey instruments
41 at each location to make the radiation surveys required by this Part and by 20.3.4.416 NMAC. Instrumentation
42 required by this section must be capable of measuring a range from 0.02 millisieverts (2 millirems) per hour through
43 0.01 sievert (one[1] rem) per hour.

44 B. Each radiation survey instrument shall be calibrated:

45 (1) At energies appropriate for use and at intervals not to exceed 6 months and after each
46 instrument servicing (except battery changes);

47 (2) Such that accuracy within plus or minus 20 percent can be demonstrated; and

48 (3) At two[2] points located approximately one-third[1/3] and two-third[2/3] of full-scale on
49 each scale for linear scale instruments; at mid-range of each decade, and at two[2] points of at least one[1] decade
50 for logarithmic scale instruments; and at appropriate points for digital instruments.

51 C. Records of these calibrations shall be maintained for three[3] years after the calibration date for
52 inspection by the Department.

53 D. Each radiation survey instrument shall be checked with a radiation source at the beginning of each
54 day of use and at the beginning of each work shift to ensure it is operating properly.

55 [20.3.5.16 NMAC - Rp, 20 NMAC 3.1.5.509, 5/19/2002]

1
2 **20.3.5.17 RADIATION SURVEYS AND SURVEY RECORDS:**

3 **A.** No radiographic operation shall be conducted unless calibrated and operable radiation survey
4 instrumentation, as described in 20.3.5.16 NMAC is available and used at each site where radiographic exposures
5 are made.

6 **B.** Survey Requirements for Devices Containing Radioactive Materials.

7 **(1)** Using a survey instrument meeting the requirements of Subsection A of 20.3.5.17
8 NMAC, conduct a survey of the radiographic exposure device and the guide tube after each exposure when
9 approaching the device or the guide tube. The survey must determine that the sealed source has returned to its
10 shielded position before exchanging films, repositioning the exposure head, or dismantling equipment.

11 **(2)** Conduct a survey of the radiographic exposure device with a calibrated radiation survey
12 instrument any time the source is exchanged and whenever a radiographic exposure device is placed in a storage
13 area (as defined in Subsection AO of 20.3.5.7 NMAC), to ensure that the sealed source is in its shielded position.

14 **C.** Survey Requirements for Radiation Machines. A physical radiation survey shall be made after
15 each radiographic exposure using radiation machines to determine that the machine is "off".

16 **D.** Records shall be kept of the surveys required by Subsection B of 20.3.5.17 NMAC. Such records
17 shall be maintained for inspection by the Department for three[3] years after completion of the survey. If the survey
18 was used to determine an individual's exposure, however, the records of the survey shall be maintained until the
19 Department authorizes their disposition.

20 [20.3.5.17 NMAC - Rp, 20 NMAC 3.1.5.521, 5/19/2002]

21
22 **20.3.5.18 SPECIFIC REQUIREMENTS FOR RADIOGRAPHIC OPERATIONS:**

23 **A.** Licensees and registrants shall supply the following items at each job site:

24 **(1)** At least one operable, calibrated survey instrument;

25 **(2)** A current whole body NVLAP certified dosimeter for each individual;

26 **(3)** An operable, calibrated pocket dosimeter with a range of 0 to 200 milliroentgens (two[2]
27 milligrays) for each worker; and

28 **(4)** The appropriate barrier ropes and signs.

29 **B.** Industrial radiographic operations shall not be performed if any of the items in Subsection A of
30 20.3.5.18 NMAC are not available at the job site or are inoperable.

31 **C.** No individual other than a qualified radiographer, radiographer's assistant, radiographer instructor,
32 or radiographer trainee (under the personal supervision of a radiographer instructor) shall manipulate controls or
33 operate equipment used in industrial radiographer operations.

34 **D.** No individual shall act as radiographer instructor unless such individual possesses the
35 qualifications required for radiographer instructors as listed in Subsection D of 20.3.5.11 NMAC.

36 **E.** During an inspection by the Department, the Department inspector may terminate an operation if
37 any of the items in Subsection A of 20.3.5.18 NMAC are not available and operable or if the required number of
38 radiographic personnel is not present. Operations shall not be resumed until such conditions are met.

39 **F.** All radiographic operations conducted at locations of use authorized on the license or registration
40 must be conducted in a permanent radiographic installation, unless specifically authorized by the Department.

41 **G.** Whenever radiography is performed at a location other than a permanent radiographic installation,
42 the radiographer must be accompanied by at least one other qualified radiographer or a radiographer's assistant who
43 has at a minimum met the requirements specified within Subsections B or A of 20.3.5.11 NMAC as appropriate.

44 The additional qualified individual shall observe the operations and be capable of providing immediate assistance to
45 prevent unauthorized entry. Radiography may not be performed if only one qualified individual is present.
46 Licensees will have one calendar year from the effective date of these regulations to meet the requirements for
47 having two qualified individuals present at locations other than a permanent radiographic installation.

48 **H.** During each radiographic operation the radiographer, or the other individual present as required by
49 Subsection G of 20.3.5.18 NMAC, shall maintain continuous direct visual surveillance of the operation to protect
50 against unauthorized entry into a high radiation area, as defined in Part 1 of 20.3 NMAC, except:

51 **(1)** Where the high radiation area is equipped with a control device or alarm system as
52 described in Part 4 of 20.3 NMAC; or

53 **(2)** Where the high radiation area is locked to protect against unauthorized or accidental
54 entry.

1 **I.** All areas in which industrial radiography is being performed must be conspicuously posted as
2 required by Part 4 of 20.3 NMAC. Exceptions to posting requirements listed in Part 4 do not apply to industrial
3 radiographic operations.

4 **J.** Utilization Logs. Each licensee or registrant shall maintain current logs which shall be kept
5 available for inspection by the Department for three[3] years from the date of the recorded event, showing for each
6 source of radiation the following information:

7 (1) A description, including the make, model, and serial number of the radiographic exposure
8 device or transport or storage container in which the sealed source is located;

9 (2) The identity and signature of the radiographer to whom assigned;

10 (3) Locations where used and dates of use; and

11 (4) The date(s) each source of radiation is removed from storage and returned to storage.

12 **K.** Locking of Sources of Radiation.

13 (1) Each radiographic exposure device must have a lock or outer locked container designed
14 to prevent unauthorized or accidental removal of the sealed source from its shielded position. The exposure device
15 and/or its container must be kept locked (and if a keyed-lock, with the key removed at all times) when not under the
16 direct surveillance of a radiographer or a radiographer's assistant except at permanent radiographic installations as
17 stated in Subsection G of 20.3.5.18 NMAC. In addition, during radiographic operations the sealed source assembly
18 must be secured in the shielded position each time the source is returned to that position.

19 (2) Each sealed source storage container and source changer must have a lock or outer locked
20 container designed to prevent unauthorized or accidental removal of the sealed source from its shielded position.
21 Storage containers and source changers must be kept locked (and if a keyed-lock, with the key removed at all times)
22 when containing sealed sources except when under the direct surveillance of a radiographer or a radiographer's
23 assistant.

24 **L.** A licensee may conduct underwater radiography only if procedures have been approved by the
25 Department.

26 [20.3.5.18 NMAC - Rp, 20 NMAC 3.1.5.523, 5/19/2002]

27
28 **20.3.5.19 PERMANENT RADIOGRAPHIC INSTALLATIONS:**

29 **A.** Each entrance that is used for personnel access to the high radiation area in a permanent
30 radiographic installation must have either:

31 (1) An entrance control of the type described in Part 4 of 20.3 NMAC that reduces the
32 radiation level upon entry into the area, or

33 (2) Both conspicuous visible and audible warning signals to warn of the presence of
34 radiation. The visible signal must be actuated by radiation whenever the source is exposed. The audible signal must
35 be actuated when an attempt is made to enter the installation while the source is exposed.

36 **B.** The alarm system must be tested for proper operation with a radiation source each day before the
37 installation is used for radiographic operations. The test must include a check of both the visible and audible
38 signals. Entrance control devices that reduce the radiation level upon entry (designated in Subsection A of 20.3.5.19
39 NMAC) must be tested monthly. If an entrance control device or an alarm is operating improperly, it must be
40 immediately labeled as defective and repaired within seven[7] calendar days. The facility may continue to be used
41 during this seven[7]-day period, provided the licensee implements the continuous surveillance requirements of
42 Subsection H of 20.3.5.18 NMAC and uses an alarming ratemeter.

43 **C.** Test records for entrance controls and audible and visual alarms must be maintained for three[3]
44 years after they are made.

45 [20.3.5.19 NMAC - Rp, 20 NMAC 3.1.5.514, 5/19/2002]

46
47 **20.3.5.20 LABELING, STORAGE, AND TRANSPORTATION:**

48 **A.** The licensee may not use a source changer or a container to store licensed material unless the
49 source changer or the storage container has securely attached to it a durable, legible, and clearly visible label bearing
50 the standard trefoil radiation caution symbol conventional colors, i.e., magenta, [~~purple~~] purple or black on a
51 yellow background, having a minimum diameter of 25 mm, and the wording:

52
53 CAUTION (or "DANGER")

54 RADIOACTIVE MATERIAL

55 NOTIFY CIVIL AUTHORITIES (or "NAME OF COMPANY")

1 **B.** The licensee may not transport licensed radioactive material unless the material is packaged, and
2 the package is labeled, marked, and accompanied with appropriate shipping papers in accordance with regulations
3 set out in 10 CFR part 71.

4 **C.** Locked radiographic exposure devices, storage containers, and radiation machines shall be
5 physically secured to prevent tampering or removal by unauthorized personnel. The licensee shall store licensed
6 material in a manner which will minimize danger from explosion or fire.

7 **D.** The licensee shall lock and physically secure the transport package containing licensed material or
8 radiation machine(s) in the transporting vehicle to prevent accidental loss, tampering, or unauthorized removal of the
9 licensed material from the vehicle.

10 [20.3.5.20 NMAC - N, 5/19/2002]

11
12 **20.3.5.21 PERFORMANCE REQUIREMENTS FOR RADIOGRAPHY EQUIPMENT:** Equipment
13 used in industrial radiographic operations must meet the following minimum criteria:

14 **A.** Each radiographic exposure device and all associated equipment must meet the requirements
15 specified in American national standard N432-1980 "Radiological Safety for the Design and Construction of
16 Apparatus for Gamma Radiography," (published as NBS handbook 136, issued January 1981). This publication has
17 been approved for incorporation by reference by the director of the federal register in accordance with 5 U.S.C.
18 552(a). This publication may be purchased from the Superintendent of Documents, U.S. Government Printing
19 Office, Washington, DC 20402 and from the American National Standards Institute, Inc., 25 West 43rd Street, New
20 York, New York 10036, Telephone (212) 642-4900.

21 **B.** In addition to the requirements specified in Subsection A of 20.3.5.21 NMAC, the following
22 requirements apply to radiographic exposure devices and associated equipment;

23 **(1)** Each radiographic exposure device utilizing radioactive material must have attached to it
24 by the user, a durable, legible, clearly visible label bearing the:

- 25 **(a)** chemical symbol and mass number of the radionuclide in the device;
- 26 **(b)** activity and the date on which this activity was last measured;
- 27 **(c)** model number and serial number of the sealed source;
- 28 **(d)** manufacturer of the sealed sources; and
- 29 **(e)** licensee's name, address, and telephone number.

30 **(2)** Radiographic exposure devices intended for use as type B transport containers must meet
31 the applicable requirements of 10 CFR part 71; and

32 **(3)** Modification of any exposure devices and associated equipment is prohibited, unless the
33 design of any replacement component, including source holder, source assembly, controls or guide tubes would not
34 compromise the design safety features of the system.

35 **C.** In addition to the requirements specified in Subsections A and B of 20.3.5.21 NMAC, the
36 following requirements apply to radiographic exposure devices and associated equipment that allow the source to be
37 moved out of the device for routine operation.

38 **(1)** The coupling between the source assembly and the control cable must be designed in
39 such a manner that the source assembly will not become disconnected if cranked outside the guide tube. The
40 coupling must be such that it cannot be unintentionally disconnected under normal and reasonably foreseeable
41 abnormal conditions.

42 **(2)** The device must automatically secure the source assembly when it is cranked back into
43 the fully shielded position within the device. This securing system may only be released by means of a deliberate
44 operation on the exposure device.

45 **(3)** The outlet fittings, lock box, and drive cable fittings on each radiographic exposure
46 device must be equipped with safety plugs or covers which must be installed during storage and transportation to
47 protect the source assembly from water, mud, sand or other foreign matter.

48 **(4)** Each sealed source or source assembly must have attached to it or engraved in it, a
49 durable, legible, visible label with the words "DANGER--RADIOACTIVE." The label must not interfere with the
50 safe operation of the exposure device or associated equipment.

51 **(5)** The guide tube must be able to withstand a crushing test that closely approximates the
52 crushing forces that are likely to be encountered during use, and be able to withstand a kinking resistance test that
53 closely approximates the kinking forces that are likely to be encountered during use.

54 **(6)** Guide tubes must be used when moving the source out of the device.

1 (7) An exposure head or similar device designed to prevent the source assembly from
2 passing out of the end of the guide tube must be attached to the outermost end of the guide tube during radiographic
3 operations.

4 (8) The guide tube exposure head connection must be able to withstand the tensile test for
5 control units specified in ANSI N432-1980.

6 (9) Source changers must provide a system for assuring that the source will not be
7 accidentally withdrawn from the changer when connecting or disconnecting the drive cable to or from a source
8 assembly.

9 **D.** All radiographic exposure devices and associated equipment in use must comply with the
10 requirements of this section.

11 **E.** Notwithstanding Subsection A of 20.3.5.21 NMAC, equipment used in industrial radiographic
12 operations need not comply with §8.9.2(c) of the endurance test in American national standards institute N432-1980,
13 if the prototype equipment has been tested using a torque value representative of the torque that an individual using
14 the radiography equipment can realistically exert on the lever or crankshaft of the drive mechanism.

15 [20.3.5.21 NMAC - Rp, 20 NMAC 3.1.5.506, 5/19/2002; A, 06/13/2017]
16

17 **20.3.5.22 LIMITS ON EXTERNAL RADIATION LEVELS FROM STORAGE CONTAINERS AND**
18 **SOURCE CHANGERS:** The maximum exposure rate limits for storage containers and source changers are two[2]
19 millisieverts (200 millirem) per hour at any exterior surface, and 0.1 millisieverts (10 millirem) per hour at one[1]
20 meter from any exterior surface with the sealed source in the shielded position.

21 [20.3.5.22 NMAC - Rp, 20 NMAC 3.1.5.504, 5/19/2002]
22

23 **20.3.5.23 INSPECTION AND MAINTENANCE:**

24 **A.** The licensee or registrant shall perform visual and operability checks on survey meters, radiation
25 machines, radiographic exposure devices, transport and storage containers, associated equipment and source
26 changers before use on each day the equipment is to be used to ensure that the equipment is in good working
27 condition, that the sources are adequately shielded, and that required labeling is present. Survey instrument
28 operability must be performed using check sources or other appropriate means. If equipment problems are found,
29 the equipment must be removed from service until repaired.

30 **B.** Each licensee or registrant shall perform, and have written procedures for, inspection and routine
31 maintenance of radiation machines, radiographic exposure devices, source changers, associated equipment, transport
32 and storage containers, and survey instruments at intervals not to exceed three[3] months or before the first use
33 thereafter to ensure the proper functioning of components important to safety. Replacement components shall meet
34 design specifications. If equipment problems are found, the equipment must be removed from service until repaired.

35 **C.** The inspection and maintenance program must include procedures to assure that Type B packages
36 are shipped and maintained in accordance with the certificate of compliance or other approval.

37 **D.** If any inspection conducted pursuant to Subsections A, B, or C of 20.3.5.23 NMAC reveals
38 damage to components critical to radiation safety, the device shall be removed from service and labeled as defective
39 until repairs have been made.

40 **E.** Records of equipment problems and of any maintenance performed pursuant to the requirements
41 of this section shall be made in accordance with the following:

42 (1) Each licensee or registrant shall maintain records of equipment problems found in daily
43 checks and quarterly inspections of radiation machines, radiographic exposure devices, transport and storage
44 containers, associated equipment, source changers, and survey instruments; and retain each record for three[3] years
45 after it is made.

46 (2) The record must include the date of check or inspection, name of inspector, equipment
47 involved, any problems found, and what repair and/or maintenance, if any, was done.

48 [20.3.5.23 NMAC - Rp, 20 NMAC 3.1.5.513, 5/19/2002]
49

50 **20.3.5.24 LEAK TESTING, REPAIR, TAGGING, OPENING, MODIFICATION, AND**
51 **REPLACEMENT OF SEALED SOURCES:**

52 **A.** The replacement of any sealed source fastened to or contained in a radiographic exposure device
53 and leak testing, repair, tagging, opening, or any other modification of any sealed source shall be performed only by
54 persons specifically authorized to do so by the Department.

1 **B.** Each sealed source shall be tested for leakage at intervals not to exceed six months. In the absence
2 of a certificate from a transferor indicating that a test has been made within the six-month period prior to the
3 transfer, the sealed source shall not be put into use until tested.

4 **C.** The leak test shall be capable of detecting the presence of 185 becquerels (0.005 microcuries) of
5 removable contamination on the sealed source. An acceptable leak test for sealed sources in the possession of a
6 radiography licensee would be to test at the nearest accessible point to the sealed source storage position, or other
7 appropriate measuring point, by a procedure to be approved pursuant to Part 3 of 20.3 NMAC. Records of leak test
8 results shall be kept in units of becquerels or microcuries and maintained for inspection by the Department for
9 three[3] years.

10 **D.** Any test conducted pursuant to Subsections B and C of 20.3.5.24 NMAC that reveals the presence
11 of 185 becquerels (0.005 microcuries) or more of removable radioactive material shall be considered evidence that
12 the sealed source is leaking. The licensee shall immediately withdraw the equipment involved from use and shall
13 cause it to be decontaminated and repaired or to be disposed of in accordance with 20.3 NMAC. Within five[5]
14 days after obtaining results of the test, the licensee shall file a report with the Department describing the equipment
15 involved, the test results, and the corrective action taken.

16 **E.** A sealed source which is not fastened to or contained in a radiographic exposure device shall have
17 permanently attached to it a square durable tag at least 2.5 cm on each side bearing the prescribed radiation caution
18 symbol in conventional colors, magenta or purple on a yellow background, and at least the instructions: "Danger -
19 Radioactive Material - Do Not Handle - Notify Civil Authorities if Found."

20 **F.** Each exposure device using depleted uranium (DU) shielding and an "S" tube configuration must
21 be tested for DU contamination at intervals not to exceed 12 months. The analysis must be capable of detecting the
22 presence of 185 Bq (0.005 microcuries) of radioactive material on the test sample and must be performed by a
23 person specifically authorized by the Department to perform the analysis. Should such testing reveal the presence of
24 185 Bq (0.005 microcuries) or more of removable DU contamination, the exposure device must be removed from
25 use until an evaluation of the wear on the S-tube has been made. Should the evaluation reveal that the S-tube is
26 worn through, the device may not be used again. DU shielded devices do not have to be tested for DU
27 contamination while in storage and not in use. Before using or transferring such a device however, the device must
28 be tested for DU contamination if the interval of storage exceeded 12 months. Records of DU leak tests results shall
29 be kept in units of microcuries (becquerels) and maintained for inspection by the department for 3 years.
30 [20.3.5.24 NMAC - Rp, 20 NMAC 3.1.5.510, 5/19/2002]

31
32 **20.3.5.25 SPECIAL REQUIREMENTS AND EXEMPTIONS FOR CABINET RADIOGRAPHY:**

33 **A.** Systems for cabinet radiography designed to allow admittance of individuals shall:

34 **(1)** Comply with all applicable requirements of this Part, and Sections 405 to 412 of 20.3.4
35 NMAC. If such a system is a certified cabinet x-ray system, it shall comply with all applicable requirements of this
36 Part and 21 CFR 1020.40; and

37 **(2)** Be evaluated at intervals not to exceed one[+] year to assure compliance with the
38 applicable requirements as specified in paragraph (1) of Subsection A of 20.3.5.25 NMAC. Records of these
39 evaluations shall be maintained for inspection by the Department for a period of three[3] years after the evaluation.

40 **B.** Certified cabinet x-ray systems designed to exclude individuals from the interior of the cabinet are
41 exempt from the requirements of this Part except that:

42 **(1)** Operating personnel must be provided with a NVLAP certified dosimeter, and reports of
43 the results shall be maintained for inspection by the Department;

44 **(2)** No registrant shall permit any individual to operate a cabinet x-ray system until such
45 individual has received a copy of and instruction in the operating procedures for the unit and has demonstrated
46 competence in its use. Records which demonstrate compliance with this section shall be maintained for inspection
47 by the Department until disposition is authorized by the Department;

48 **(3)** Tests for proper operation of high radiation area control devices or alarm systems, where
49 applicable, shall be conducted, recorded, and maintained in accordance with Subsection B of 20.3.5.19 NMAC; and

50 **(4)** The registrant shall perform an evaluation at intervals not to exceed one[+] year, to
51 determine conformance with Sections 405 to 412 of 20.3.4 NMAC. If such a system is a certified cabinet x-ray
52 system, it shall be evaluated at intervals not to exceed one[+] year to determine conformance with 21 CFR 1020.40.
53 Records of these evaluations shall be maintained for inspection by the Department for a period of three[3] years
54 after the evaluation.

55 **C.** Certified cabinet x-ray systems shall be maintained in compliance with 21 CFR 1020.49 unless
56 prior approval has been granted by the Department pursuant to Subsection A of 20.3.1.107 NMAC.

1 [20.3.5.25 NMAC - Rp, 20 NMAC 3.1.5.524, 5/19/2002]

2
3 **20.3.5.26 SPECIAL REQUIREMENTS FOR RADIOGRAPHY EMPLOYING RADIATION**
4 **MACHINES:**

5 **A.** Shielded room radiography. Shielded room radiography (as defined in Subsection AK of 20.3.5.7
6 NMAC) using radiation machines shall be exempt from other requirements of this Part; however:

7 (1) no registrant shall permit any individual to operate a radiation machine for shielded room
8 radiography until such individual has received a copy of, and instruction in, and demonstrated an understanding of
9 operating procedures of the unit, and has demonstrated competence in its use;

10 (2) each registrant shall supply appropriate personnel monitoring equipment to, and shall
11 require the use of such equipment by, every individual who operates, makes “set-ups”, or performs maintenance on
12 a radiation machine for shielded room radiography; and

13 (3) a physical radiation survey shall be conducted to determine that the radiation machine is
14 “off” prior to each entry into the shielded room. Such surveys shall be made with a radiation measuring instrument
15 which is capable of measuring radiation of the energies and at the exposure rates to be encountered, which is in good
16 working order, and which has been properly calibrated within the preceding three months or following the last
17 instrument servicing, whichever is later.

18 **B.** Other radiography using radiation machines. Other radiography using machines shall be exempt
19 from 20.3.5.17 NMAC, 20.3.5.21 NMAC, 20.3.5.22 NMAC, and 20.3.5.24 NMAC; however:

20 (1) A physical radiation survey shall be conducted to determine that the radiation machine is
21 “off” prior to each entry into the radiographic exposure area. Such surveys shall be made with a radiation measuring
22 instrument capable of measuring radiation of the energies and at the exposure rates to be encountered, which is in
23 good working order, and which has been properly calibrated within the preceding three months or following the last
24 instrument servicing, whichever is later. Survey results and records of boundary locations shall be maintained and
25 kept available for inspection; and

26 (2) Mobile or portable radiation machines shall be physically secured to prevent removal by
27 unauthorized personnel.

28 [20.3.5.26 NMAC - Rp, 20 NMAC 3.1.5.525, 5/19/2002]

29
30 **20.3.5.27 REPORTING REQUIREMENTS:**

31 **A.** In addition to the reporting requirements specified in Part 3 and under other sections of 20.3
32 NMAC, each licensee or registrant (as appropriate) shall provide a written report to the department within 30 days of
33 the occurrence of any of the following incidents involving radiographic equipment:

34 (1) Unintentional disconnection of the source assembly from the control cable;

35 (2) Inability to retract the source assembly to its fully shielded position and secure it in this
36 position; ~~and~~ or

37 (3) Failure of any component (critical to safe operation of the device) to properly perform its
38 intended function.

39 **B.** The licensee or registrant shall include the following information in each report submitted under
40 Subsection A of 20.3.5.27 NMAC:

41 (1) A description of the equipment problem;

42 (2) Cause of each incident, if known;

43 (3) Manufacturer and model number of equipment involved in the incident;

44 (4) Place, time and date of the incident;

45 (5) Actions taken to establish normal operations;

46 (6) Corrective actions taken or planned to prevent recurrence; and

47 (7) Qualifications of personnel involved in the incident.

48 **C.** Any licensee or registrant conducting radiographic operations, or storing radioactive material or
49 radiation machine(s), at any location not listed on the license for a period in excess of 180 days in a calendar year,
50 shall notify the Department in writing prior to exceeding the 180 days.

51 [20.3.5.27 NMAC - Rp, 20 NMAC 3.1.5.507, 5/19/2002]

52
53 **20.3.5.28 INVENTORY ACCOUNTING REQUIREMENTS:**

54 **A.** Receipt and Transfer of Sealed Sources.

55 (1) Each licensee shall maintain records showing the receipts and transfers of sealed sources,
56 radiation machines, and devices using DU for shielding and retain each record for three~~3~~ years after it is made.

1 (2) These records must include the date, the name of the individual making the record,
2 radionuclide, number of becquerels (curies) or mass (for DU), and manufacturer, model, and serial number of each
3 sealed source, radiation machine, ~~and~~ or device, as appropriate.

4 **B. Quarterly Inventories.**

5 (1) Quarterly physical inventories shall be conducted by licensees and registrants to account
6 for all sealed sources, radiography exposure devices, radiation machines, and devices containing depleted uranium
7 received or in their possession. Inventory records shall be maintained for three~~3~~ years from the date of the
8 inventory for inspection by the Department.

9 (2) Each record must include the date of the inventory, name of the individual conducting the
10 inventory, quantities of radiation machines, radionuclide, number of becquerels (curies) or mass (for DU) in each
11 device, location of sealed source and/or devices, and manufacturer, model, and serial number of each sealed source,
12 radiation machines, and/or device, as appropriate.

13 [20.3.5.28 NMAC - Rp, 20 NMAC 3.1.5.511, 5/19/2002]
14

15 **20.3.5.29 OPERATING AND EMERGENCY PROCEDURES:**

16 **A.** Operating and emergency procedures must include, as a minimum, instructions in the following:

17 (1) Appropriate handling and use of licensed sealed sources and radiographic exposure
18 devices so that no person is likely to be exposed to radiation doses in excess of the limits established in Part 4 of
19 20.3 NMAC;

20 (2) Methods and occasions for conducting radiation surveys;

21 (3) Methods for controlling access to radiographic areas;

22 (4) Methods and occasions for locking and securing radiographic exposure devices, transport
23 and storage containers and sealed sources;

24 (5) Personnel monitoring and the use of personnel monitoring equipment;

25 (6) Transporting sealed sources to field locations, including packing of radiographic
26 exposure devices and storage containers in the vehicles, placarding of vehicles when needed, and control of the
27 sealed sources during transportation (refer to 49 CFR parts 171-173);

28 (7) The inspection, maintenance, and operability checks of radiographic exposure devices,
29 survey instruments, transport containers, and storage containers;

30 (8) Steps that must be taken immediately by radiography personnel in the event a pocket
31 dosimeter is found to be off-scale or an alarm ratemeter alarms unexpectedly;

32 (9) The procedure for notifying proper persons in the event of an accident;

33 (10) Minimizing exposure of persons in the event of an accident;

34 (11) Source recovery procedure if licensee will perform source recovery;

35 (12) Maintenance of records.

36 **B.** Each licensee or registrant shall maintain a copy of current operating and emergency procedures
37 until the Department terminates the license or registration. Superseded material must be retained for three~~3~~ years
38 after the change is made.

39 [20.3.5.29 NMAC - Rp, 20 NMAC 3.1.5.516, 5/19/2002]
40

41 **20.3.5.30 DOCUMENTS AND RECORDS REQUIRED AT TEMPORARY JOB SITES:** Each

42 licensee or registrant shall also maintain copies of the following documents and records sufficient to demonstrate
43 compliance at each applicable field station and each temporary jobsite:

44 **A.** Appropriate license or certificate of registration or equivalent document;

45 **B.** Operating and emergency procedures;

46 **C.** A copy of Parts 4, 5, and 10 of 20.3 NMAC;

47 **D.** Survey records required pursuant to 20.3.5.17 NMAC and area survey records required pursuant
48 to Part 4 of 20.3 NMAC for the period of operation at the site;

49 **E.** Daily pocket dosimeter records for the period of operation at the site;

50 **F.** The latest instrument calibration and leak test records for specific devices and sealed sources in
51 use at the site. Acceptable records include tags or labels which are affixed to the device or survey meter;

52 **G.** Utilization records for each radiographic exposure device dispatched from that location as required
53 by Subsection J of 20.3.5.18 NMAC;

54 **H.** Records of equipment problems identified in daily checks of equipment as required by Subsection
55 A of 20.3.5.23 NMAC;

- 1 **I.** Records of alarm system and entrance control checks required by Subsection B of 20.3.5.19
2 NMAC, if applicable;
3 **J.** Evidence of the latest calibrations of alarm ratemeters and operability checks of pocket dosimeters
4 and/or electronic personal dosimeters as required by Subsection H of 20.3.5.15 NMAC; and,
5 **K.** The shipping papers for the transportation of radioactive materials required by 10 CFR 71.5.
6 **L.** When operating under reciprocity pursuant to Part 3 of 20.3 NMAC, a copy of the Agreement
7 State license authorizing the use of licensed materials.
8 [20.3.5.30 NMAC - Rp, 20 NMAC 3.1.5.522, 5/19/2002]
9

10 **HISTORY OF 20.3.5 NMAC:**

11 **Pre-NMAC History:**

12 Material in this part was derived from that previously filed with the commission of public records - state records
13 center and archives:

14 EIB 73-2, Regulations For Governing The Health And Environment Aspects Of Radiation, filed 7/9/1973;

15 EIB RP,R-1, Radiation Protection Regulations, filed 4/21/1980;

16 EIB RP,R 1, Radiation Protection Regulations, filed 3/10/1989.

17
18 **History of Repealed Material:** 20 NMAC 3.1, Subpart 5, Radiation Safety Requirements For Industrial
19 Radiographic Operations, repealed effective 5/19/2002.

20
21 **Other History:**

22 EIB RP,R 1, Radiation Protection Regulations, filed 3/10/1989 was **renumbered** into first version of the New
23 Mexico Administrative Code as 20 NMAC 3.1, Radioactive Materials And Radiation Machines, filed 7/3/1995;

24 20 NMAC 3.1, Radioactive Materials And Radiation Machines, filed 7-3-95 was **replaced** by 20 NMAC 3.1,

25 Radioactive Materials And Radiation Machines, filed 6/17/1999;

26 20 NMAC 3.1, Subpart 5, Radiation Safety Requirements For Industrial Radiographic Operations, filed 6/17/1999

27 **replaced by** 20.3.5 NMAC, Radiation Safety Requirements For Industrial Radiographic Operations, effective
28 5/19/2002.

1 **TITLE 20 ENVIRONMENTAL PROTECTION**
2 **CHAPTER 3 RADIATION PROTECTION**
3 **PART 7 MEDICAL USE OF RADIONUCLIDES**
4

5 **20.3.7.1 ISSUING AGENCY:** Environmental Improvement Board.
6 [20.3.7.1 NMAC - Rp, 20 NMAC 3.1.1.100, 4/30/2009]
7

8 **20.3.7.2 SCOPE:** This part contains the requirements and provisions for the medical use of radioactive
9 materials and for issuance of specific licenses authorizing the medical use of radioactive material. These
10 requirements and provisions provide for the radiation safety of workers, the general public, patients and human
11 research subjects. The requirements and provisions of this part are in addition to, and not in substitution for, other
12 parts in this chapter. The requirements and provisions of 20.3.3 NMAC, 20.3.4 NMAC, 20.3.10 NMAC and 20.3.16
13 NMAC apply to applicants and licensees subject to this part unless specifically exempted. Other federal, state or
14 local regulations may apply.
15 [20.3.7.2 NMAC - Rp, 20 NMAC 3.1.7.700, 4/30/2009]
16

17 **20.3.7.3 STATUTORY AUTHORITY:** Sections 74-1-9, 74-3-5 and 74-3-9 NMSA 1978.
18 [20.3.7.3 NMAC - Rp, 20 NMAC 3.1.1.102, 4/30/2009]
19

20 **20.3.7.4 DURATION:** Permanent.
21 [20.3.7.4 NMAC - Rp, 20 NMAC 3.1.1.103, 4/30/2009]
22

23 **20.3.7.5 EFFECTIVE DATE:** April 30, 2009, unless a later date is cited at the end of a section.
24 [20.3.7.5 NMAC - Rp, 20 NMAC 3.1.1.104, 4/30/2009]
25

26 **20.3.7.6 OBJECTIVE:** This part provides for the medical use and licensing of radioactive materials.
27 [20.3.7.6 NMAC - Rp, 20 NMAC 3.1.1.105, 4/30/2009]
28

29 **20.3.7.7 DEFINITIONS:**

30 **A. "Address of use"** means the building or buildings that are identified on the license and where
31 radioactive material may be prepared, received, used or stored.

32 **B. "Area of use"** means a portion of an address of use that has been set aside for the purpose of
33 preparing, receiving, using or storing radioactive material.

34 **C. "Authorized medical physicist"** means an individual who:

35 (1) meets the requirements in Subsection B of 20.3.7.714 NMAC, incorporating 10 CFR
36 35.51(a), and Subsection E of 20.3.7.714 NMAC; or

37 (2) is identified as an authorized medical physicist or teletherapy physicist on:

38 (a) a specific medical use license issued by the department, NRC or agreement
39 state;

40 (b) a medical use permit issued by a NRC master material licensee;

41 (c) a permit issued by the department, NRC or agreement state broad scope medical
42 use licensee; or

43 (d) a permit issued by a NRC master material license broad scope medical use
44 permittee.

45 **D. "Authorized nuclear pharmacist"** means a pharmacist who:

46 (1) meets the requirements in Subsection C of 20.3.7.714 NMAC, incorporating 10 CFR
47 35.55(a), and Subsection E of 20.3.7.714 NMAC; or

48 (2) is identified as an authorized nuclear pharmacist on:

49 (a) a specific license issued by the department, NRC or agreement state that
50 authorizes medical use or the practice of nuclear pharmacy;

51 (b) a permit issued by a NRC master material licensee that authorizes medical use
52 or the practice of nuclear pharmacy;

53 (c) a permit issued by a department, NRC or agreement state broad scope medical
54 use licensee that authorizes medical use or the practice of nuclear pharmacy; or

55 (d) a permit issued by a NRC master material license broad scope medical use
56 permittee that authorizes medical use or the practice of nuclear pharmacy; or

1 **(3)** is identified as an authorized nuclear pharmacist by a commercial nuclear pharmacy that
2 has been authorized to identify authorized nuclear pharmacists; or

3 **(4)** is designated as an authorized nuclear pharmacist in accordance with Subparagraph (e) of
4 Paragraph (2) of Subsection J of 20.3.3.315 NMAC.

5 **E. "Authorized user"** means a physician, dentist or podiatrist who:

6 **(1)** meets the requirements in Subsection E of 20.3.7.714 NMAC and any of the following
7 subsections of 20.3.7.714 NMAC: Subsection F, incorporating 10 CFR 35.190(a); Subsection G, incorporating 10
8 CFR 35.290(a); Subsection H, incorporating 10 CFR 35.390(a); Subsection I, incorporating 10 CFR 35.392(a);
9 Subsection J, incorporating 10 CFR 35.394(a); Subsection L, incorporating 10 CFR 35.490(a); Subsection N,
10 incorporating 10 CFR 35.590(a); or Subsection O, incorporating 10 CFR 35.690(a); or

11 **(2)** is identified as an authorized user on:

12 **(a)** a department, NRC or agreement state license that authorizes the medical use of
13 radioactive material;

14 **(b)** a permit issued by a NRC master material licensee that is authorized to permit
15 the medical use of radioactive material;

16 **(c)** a permit issued by a department, NRC or agreement state specific licensee of
17 broad scope that is authorized to permit the medical use of radioactive material; or

18 **(d)** a permit issued by a NRC master material license broad scope permittee that is
19 authorized to permit the medical use of radioactive material.

20 **F. "Brachytherapy"** means a method of radiation therapy in which sources are used to deliver a
21 radiation dose at a distance of up to a few centimeters by surface, intracavitary, intraluminal or interstitial
22 application.

23 **G. "Brachytherapy source"** means a radioactive source or a manufacturer-assembled source train or
24 a combination of these sources that is designed to deliver a therapeutic dose within a distance of a few centimeters.

25 **H. "Client's address"** means the area of use or a temporary job site for the purpose of providing
26 mobile medical service in accordance with Subsection J of 20.3.7.703 NMAC.

27 **I. "Dedicated check source"** means a radioactive source that is used to assure the constant
28 operation of a radiation detection or measurement device over several months or years.

29 **J. "Dentist"** means an individual licensed by a state or territory of the United States, the District of
30 Columbia or the commonwealth of Puerto Rico to practice dentistry.

31 **K. "High dose-rate remote afterloader"**, as used in this part, means a brachytherapy device that
32 remotely delivers a dose rate in excess of 12 grays (1200 rads) per hour at the point or surface where the dose is
33 prescribed.

34 **L. "Low dose-rate remote afterloader"**, as used in this part, means a brachytherapy device that
35 remotely delivers a dose rate of less than or equal to 2 grays (200 rads) per hour at the point or surface where the
36 dose is prescribed.

37 **M. "Management"** means the chief executive officer or other individual having the authority to
38 manage, direct or administer the licensee's activities or those persons' delegate or delegates.

39 **N. "Manual brachytherapy"**, as used in this part, means a type of brachytherapy in which the
40 brachytherapy sources (e.g., seeds, ribbons) are manually placed topically on or inserted either into the body cavities
41 that are in close proximity to a treatment site or directly into the tissue volume.

42 **O. "Medical event"** means an event that meets the criteria in Paragraph (1) or (2) of Subsection A of
43 20.3.7.716 NMAC.

44 **P. "Medical institution"** means an organization in which more than one medical discipline is
45 practiced.

46 **Q. "Medical use"** means the intentional internal or external administration of radioactive material or
47 the radiation from radioactive material to patients or human research subjects under the supervision of an authorized
48 user.

49 **R. "Medium dose-rate remote afterloader"**, as used in this part, means a brachytherapy device that
50 remotely delivers a dose rate of greater than 2 grays (200 rads) per hour, but less than or equal to 12 grays (1200
51 rads) per hour at the point or surface where the dose is prescribed.

52 **S. "Mobile medical service"** means the transportation of radioactive material to and its medical use
53 at the client's address.

54 **T. "NIST"** means the national institute of standards and technology which is the standards-defining
55 agency of the United States government, formerly the national bureau of standards. It is one of three agencies that

1 fall under the technology administration (www.technology.gov), a branch of the United States commerce
2 department that is devoted to advancing American economic growth through the use of technology.

3 **U. “Output”** means the exposure rate, dose rate or a quantity related in a known manner to these
4 rates from a brachytherapy source or a teletherapy, remote afterloader or gamma stereotactic radiosurgery unit for a
5 specified set of exposure conditions.

6 **V. “Patient intervention”** means actions by the patient or human research subject, whether
7 intentional or unintentional, such as dislodging or removing treatment devices or prematurely terminating the
8 administration.

9 **W. “Pharmacist”** means an individual licensed by a state or territory of the United States, the District
10 of Columbia or the commonwealth of Puerto Rico to practice pharmacy.

11 **X. “Physician”** means a medical doctor or doctor of osteopathy licensed by a state or territory of the
12 United States, the District of Columbia or the commonwealth of Puerto Rico to prescribe drugs in the practice of
13 medicine.

14 **Y. “Podiatrist”** means an individual licensed by a state or territory of the United States, the District
15 of Columbia or the commonwealth of Puerto Rico to practice podiatry.

16 **Z. “Positron Emission Tomography (PET) radionuclide production facility”** is defined as a
17 facility operating a cyclotron or accelerator for the purpose of producing PET radionuclides.

18 **AA. “Preceptor”** means an individual who provides, directs or verifies training and experience
19 required for an individual to become an authorized user, an authorized medical physicist, an authorized nuclear
20 pharmacist or a radiation safety officer.

21 **BB. “Prescribed dosage”** means the specified activity or range of activity of unsealed radioactive
22 material as documented:

23 (1) in a written directive; or
24 (2) in accordance with the directions of the authorized user for procedures performed
25 pursuant to 20.3.7.704 NMAC and 20.3.7.705 NMAC.

26 **CC. “Prescribed dose”** means:

27 (1) for gamma stereotactic radiosurgery, the total dose as documented in the written
28 directive;
29 (2) for teletherapy, the total dose and dose per fraction as documented in the written
30 directive;
31 (3) for manual brachytherapy, either the total source strength and exposure time or the total
32 dose, as documented in the written directive; or
33 (4) for remote brachytherapy afterloaders, the total dose and dose per fraction as documented
34 in the written directive.

35 **DD. “Pulsed dose-rate remote afterloader”**, as used in this part, means a special type of remote
36 afterloading brachytherapy device that uses a single source capable of delivering dose rates in the “high dose-rate”
37 range, but:

38 (1) is approximately one-tenth of the activity of typical high dose-rate remote afterloader
39 sources; and
40 (2) is used to simulate the radiobiology of a low dose-rate treatment by inserting the source
41 for a given fraction of each hour.

42 **EE. “Radiation safety officer”** means an individual who:

43 (1) meets the requirements in Subsection E of 20.3.7.714 NMAC and either Subsection A of
44 20.3.7.714 NMAC, incorporating 10 CFR 35.50(a), or Subsection A of 20.3.3.714 NMAC, incorporating 10 CFR
45 35.50(c)(1); or

46 (2) is identified as a radiation safety officer on:
47 (a) a specific medical use license issued by the department, NRC or agreement
48 state; or

49 (b) a medical use permit issued by a NRC master material licensee.

50 **FF. “Stereotactic radiosurgery”** means the use of external radiation in conjunction with a stereotactic
51 guidance device to very precisely deliver a therapeutic dose to a tissue volume.

52 **GG. “Structured educational program”** means an educational program designed to impart particular
53 knowledge and practical education through interrelated studies and supervised training.

54 **HH. “Teletherapy”**, as used in this part, means a method of radiation therapy in which collimated
55 gamma rays are delivered at a distance from the patient or human research subject.

1 **II. “Temporary job site”** means a location where mobile medical services are conducted other than
2 those location(s) of use authorized on the license.

3 **JJ. “Therapeutic dosage”** means a dosage of unsealed radioactive material that is intended to deliver
4 a radiation dose to a patient or human research subject for palliative or curative treatment.

5 **KK. “Therapeutic dose”** means a radiation dose delivered from a source containing radioactive
6 material to a patient or human research subject for palliative or curative treatment.

7 **LL. “Treatment site”** means the anatomical description of the tissue intended to receive a radiation
8 dose, as described in a written directive.

9 **MM. “Type of use”** means use of radioactive material under the following sections: 20.3.7.704
10 NMAC, 20.3.7.705 NMAC, 20.3.7.708 NMAC, 20.3.7.710 NMAC, 20.3.7.711 NMAC, 20.3.7.712 NMAC and
11 20.3.7.713 NMAC.

12 **NN. “Unit dosage”** means a dosage prepared for medical use for administration as a single dosage to a
13 patient or human research subject without any further manipulation of the dosage after it is initially prepared.

14 **OO. “Written directive”** means an authorized user’s written order for the administration of
15 radioactive material or radiation from radioactive material to a specific patient or human research object, as
16 specified in Subsection G of 20.3.7.702 NMAC.

17 [20.3.7.7 NMAC - Rp, 20 NMAC 3.1.7.701, 4/30/2009]
18

19 **20.3.7.8 - 20.3.7.699 [RESERVED]**
20

21 **20.3.7.700 GENERAL REGULATORY REQUIREMENTS:**

22 **A. Provisions for research involving human subjects.**

23 **(1)** A licensee may conduct research involving human research subjects only if it uses the
24 radioactive materials specified on its license for the uses authorized on the license.

25 **(2)** If the research is conducted, funded, supported or regulated by a federal agency that has
26 implemented the *federal policy for the protection of human subjects* (45 CFR Part 46), the licensee shall, before
27 conducting research:

28 **(a)** obtain review and approval of the research from an “institutional review board,”
29 as defined and described in the *federal policy for the protection of human subjects*; and

30 **(b)** obtain “informed consent,” as defined and described in the *federal policy for the*
31 *protection of human subjects*, from the human research subject.

32 **(3)** If the research will not be conducted, funded, supported or regulated by a federal agency
33 that has implemented the *federal policy for the protection of human subjects*, the licensee shall, before conducting
34 research, apply for and receive a specific amendment to its medical use license issued by the department. The
35 amendment request must include a written commitment that the licensee will, before conducting research:

36 **(a)** obtain review and approval of the research from an “institutional review board,”
37 as defined and described in the *federal policy for the protection of human subjects*; and

38 **(b)** obtain “informed consent,” as defined and described in the *federal policy for the*
39 *protection of human subjects*, from the human research subject.

40 **(4)** Nothing in this subsection relieves licensees from complying with the other requirements
41 in this part.

42 **B. FDA, federal and state requirements.** Nothing in this part relieves the licensee from complying
43 with applicable FDA, other federal and state requirements governing radioactive drugs or devices.

44 **C. Implementation.**

45 **(1)** When a requirement in this part differs from the requirement in an existing license
46 condition, the requirement in this part shall govern.

47 **(2)** A licensee shall continue to comply with any license condition that requires it to
48 implement procedures required by Subsections D, J, K and L of 20.3.7.711 NMAC until there is a license
49 amendment or renewal that modifies the license condition.

50 **D. License required.**

51 **(1)** A person may manufacture, produce, acquire, receive, possess, prepare, use or transfer
52 radioactive material for medical use only in accordance with a specific license issued by the department or as
53 allowed in Paragraph (2) of this subsection.

54 **(2)** A specific license is not needed for an individual who:

1 (a) receives, possesses, uses or transfers radioactive material in accordance with the
2 requirements in this chapter under the supervision of an authorized user as provided in Subsection F of 20.3.7.702
3 NMAC unless prohibited by license condition; or

4 (b) prepares unsealed radioactive material for medical use in accordance with the
5 requirements in this chapter under the supervision of an authorized nuclear pharmacist or authorized user as
6 provided in Subsection F of 20.3.7.702 NMAC unless prohibited by license condition.

7 **E. Application for license, amendment or renewal.**

8 (1) An application must be signed by the applicant or licensee, or a person duly authorized to
9 act for or on their behalf.

10 (2) An application for a license for medical use of radioactive material as described in
11 20.3.7.704 NMAC, 20.3.7.705 NMAC, 20.3.7.708 NMAC, 20.3.7.710 NMAC, 20.3.7.711 NMAC, 20.3.7.712
12 NMAC and 20.3.7.713 NMAC must be made by:

13 (a) filing in duplicate of a department form, *application for radioactive material*
14 *license*, completed according to the instructions in the form; and

15 (b) submitting written procedures required by Subsections D, J, K and L of
16 20.3.7.711 NMAC, as applicable.

17 (3) An application for a specific license of category 1 and category 2 quantities of radioactive
18 material shall comply with 10 CFR 37. The licensee shall comply with 10 CFR 37 except as follows:

19 (a) any reference to the commission or NRC shall be deemed a reference to the
20 department;

21 (b) 10 CFR 37.5 Definitions of: agreement state, byproduct material, commission
22 and person shall not be applicable,

23 (c) 10 CFR 37.7, 10 CFR 37.9, 10 CFR 37.11(a) and (b), 10 CFR 37.13, 10 CFR
24 37.27(c), 10 CFR 37.71, 10 CFR 37.105, and 10 CFR 37.107 shall not be applicable;

25 (d) for any reporting or notification requirements that the licensee must follow in 10
26 CFR 37.45, 10 CFR 37.57, 10 CFR 37.77(a) through (d), and 10 CFR 37.81, the licensee shall use the following
27 address: New Mexico environment department/RCB, P.O. Box 5469, Santa Fe, NM 87502-5469 address
28 information.

29 (4) A request for a license amendment or renewal must be made by:

30 (a) filing in duplicate of a department form, *application for radioactive material*
31 *license*, as described in Paragraph (2) of this subsection; and

32 (b) submitting procedures required by Subsections D, J, K and L of 20.3.7.711
33 NMAC, as applicable.

34 (5) In addition to the requirements in Paragraphs (2) and (3) of this subsection, an application
35 for a license or amendment for medical use of radioactive material described in 20.3.7.713 NMAC must also include
36 information regarding any radiation safety aspects of the medical use of the material that are not addressed in
37 sections 20.3.7.702 NMAC and 20.3.7.703 NMAC. The applicant shall also provide specific information on:

38 (a) radiation safety precautions and instructions;

39 (b) methodology for measurement of dosages or doses to be administered to patients
40 or human research subjects; and

41 (c) calibration, maintenance and repair of instruments and equipment necessary for
42 radiation safety.

43 (6) The applicant or licensee shall also provide any other additional information requested by
44 the department in its review of the application, license renewal or amendment, within 30 days of the request or other
45 time as may be specified in the request.

46 (7) An applicant that satisfies the requirements specified in Subsection B of 20.3.3.314
47 NMAC may apply for a type "A" specific license of broad scope.

48 **F. License amendments.** A licensee shall apply for and must receive a license amendment:

49 (1) before it receives, prepares or uses radioactive material for a type of use that is permitted
50 under 20.3.7 NMAC but that is not authorized on the licensee's current license issued under this part;

51 (2) before it permits anyone to work as an authorized user, authorized nuclear pharmacist or
52 authorized medical physicist under the license, except:

53 (a) for an authorized user, an individual who meets the definition of an *authorized*
54 *user* as defined in 20.3.7.7 NMAC;

55 (b) for an authorized nuclear pharmacist, an individual who meets the definition of
56 an *authorized nuclear pharmacist* as defined in 20.3.7.7 NMAC;

1 (c) for an authorized medical physicist, an individual who meets the definition of an
2 *authorized medical physicist* as defined in 20.3.7.7 NMAC; or

3 (d) a physician, podiatrist or dentist who used only accelerator-produced radioactive
4 materials, discrete sources of radium-226, or both, for medical uses or a nuclear pharmacist who used only
5 accelerator-produced radioactive materials in the practice of nuclear pharmacy at a government agency or federally
6 recognized Indian tribe before November 30, 2007 or at all other locations of use in non-licensing state (as defined
7 in 20.3.1.7 NMAC) before August 8, 2009, or an earlier date as noticed by the NRC, and for only those materials
8 and uses performed before these dates;

9 (3) before it changes radiation safety officers, except as provided in Paragraph (4) of
10 Subsection A of 20.3.7.702 NMAC;

11 (4) before it receives radioactive material in excess of the amount or in a different form, or
12 receives a different radioactive material than is authorized on the license;

13 (5) before it adds to or changes the areas of use identified in the application or on the license,
14 including areas used in accordance with either 20.3.7.704 NMAC or 20.3.7.705 NMAC if the change includes the
15 addition or relocation of either an area where PET radionuclides are produced or a PET radioactive drug delivery
16 line from the PET radionuclide/PET radioactive drug production area; other areas of use where radioactive material
17 is used only in accordance with either 20.3.7.704 NMAC or 20.3.7.705 NMAC are exempt;

18 (6) before it changes the address(es) of use identified in the application or on the license; and

19 (7) before it revises procedures required by Subsections D, J, K and L of 20.3.7.711 NMAC,
20 as applicable, where such revision reduces radiation safety.

21 **G. Notifications.**

22 (1) For each individual, no later than 30 days after the date that the licensee permits the
23 individual to work as an authorized user, an authorized nuclear pharmacist or an authorized medical physicist under
24 Paragraph (2) of Subsection F of this section: [1]

25 (a) the licensee shall verify the training and experience and provide the department
26 with a copy the documentation demonstrating the training and experience as listed in the definitions of authorized
27 user, authorized nuclear pharmacist or authorized medical physicist in 20.3.7.7 NMAC; or [2]

28 (b) the licensee shall verify the training and experience and provide the department
29 of a copy of the documentation demonstrating that only accelerator-produced radioactive materials, discrete sources,
30 or both, were used for medical use or in the practice of nuclear pharmacy at a government agency or federally
31 recognized Indian tribe before November 30, 2007 or at all other locations of use in non-licensing states (as defined
32 in 20.3.1.7 NMAC) before August 8, 2009, or an earlier date as noticed by the NRC.

33 (2) A licensee shall notify the department by letter no later than 30 days after:

34 (a) an authorized user, an authorized nuclear pharmacist, radiation safety officer or
35 an authorized medical physicist permanently discontinues performance of duties under the license or has a name
36 change;

37 (b) the licensee permits an authorized user or an individual qualified to be a
38 radiation safety officer, under Subsection A of 20.3.7.714 NMAC, incorporating 10 CFR 35.50 and Subsection E of
39 20.3.7.714 NMAC, to function as a temporary radiation safety officer and to perform the functions of a radiation
40 safety officer in accordance with Paragraph (4) of Subsection A of 20.3.7.702 NMAC.

41 (c) the licensee's mailing address changes;

42 (d) the licensee's name changes, but the name change does not constitute a transfer
43 of control of the license as described in Subsection B of 20.3.3.317 NMAC; or

44 (e) the licensee has added to or changed the areas of use identified in the application
45 or on the license where radioactive material is used in accordance with either 20.3.7.704 NMAC or 20.3.7.705
46 NMAC if the change does not include addition or relocation of either an area where PET radionuclides are produced
47 or a PET radioactive drug delivery line from the PET radionuclide or PET radioactive drug production area.

48 (3) A licensee shall notify the department by letter no later than 30 days after a calibration,
49 transmission or reference source under Subsection E of 20.3.7.703 NMAC is acquired. The notification shall
50 contain a description of the source, manufacturer name, model and serial number of the source, and the license
51 number of the manufacturer of the specific license issued by the department, NRC or an agreement state under
52 Subsection K of 20.3.3.315 NMAC or equivalent NRC or agreement state requirements.

53 (4) The licensee shall send the documents required in this subsection to the appropriate
54 address identified in 20.3.1.116 NMAC.

55 **H. Exemptions Regarding Type A Specific Licenses of Broad Scope.** A licensee possessing a type
56 "A" specific license of broad scope for medical use, issued under 20.3.3.314 NMAC, is exempt from:

- 1 (1) the provisions of Paragraph 4 of Subsection E of 20.3.7.700 NMAC regarding the need to
- 2 file an amendment to the license for medical use of radioactive materials, for use described in 20.3.7.713 NMAC;
- 3 (2) the provisions of Paragraph (2) of Subsection F of 20.3.7.700 NMAC;
- 4 (3) the provisions of Paragraph (5) of Subsection F of 20.3.7.700 NMAC regarding additions
- 5 to or changes in the areas of use at the addresses specified in the application or on the license;
- 6 (4) the provisions of Paragraph (1) of Subsection G of 20.3.7.700 NMAC;
- 7 (5) the provisions of Subparagraph (a) of Paragraph (2) of Subsection G of 20.3.7.700
- 8 NMAC for an authorized user, an authorized nuclear pharmacist or an authorized medical physicist;
- 9 (6) the provisions of Subparagraph (e) of Paragraph (2) of Subsection G of 20.3.7.700
- 10 NMAC regarding additions to or changes in the areas of use identified in the application or on the license where
- 11 radioactive material is used in accordance with either 20.3.7.704 NMAC or 20.3.7.705 NMAC;
- 12 (7) the provisions in Paragraph (3) of Subsection G of 20.3.7.700 NMAC; and
- 13 (8) the provisions of Paragraph (1) of Subsection I of 20.3.7.702 NMAC.
- 14 [20.3.7.700 NMAC - Rp, 20 NMAC 3.1.7.700, 4/30/2009; A, XX/XX/2021]

15
16 **20.3.7.701 [RESERVED]**

17
18 **20.3.7.702 GENERAL ADMINISTRATIVE REQUIREMENTS:**

19 **A. Radiation Safety Officer.**

20 (1) A licensee or licensee's management shall appoint a radiation safety officer, who agrees,

21 in writing, to be responsible for implementing a radiation protection program. The licensee, through the radiation

22 safety officer, shall ensure that radiation safety activities are being performed in accordance with licensee-approved

23 procedures and regulatory requirements.

24 (2) A licensee shall establish the authority, duties and responsibilities of the radiation safety

25 officer in writing.

26 (3) A licensee shall provide the radiation safety officer sufficient authority, organizational

27 freedom, time, resources and management prerogative to:

- 28 (a) identify radiation safety problems;
- 29 (b) initiate, recommend or provide corrective actions;
- 30 (c) prevent or order the cessation of unsafe operations; and
- 31 (d) verify implementation of corrective actions.

32 (4) For up to 60 days each year, a licensee may permit an authorized user or an individual

33 qualified to be a radiation safety officer, under Subsections A and E of 20.3.7.714 NMAC, to function as a

34 temporary radiation safety officer and to perform the functions of a radiation safety officer, as provided in Paragraph

35 (3) of this subsection, if the licensee takes the actions required in Paragraphs (1), (2), (3) and (5) of this subsection

36 and notifies the department in accordance with Paragraph (2) of Subsection G of 20.3.7.700 NMAC.

37 (5) A licensee may simultaneously appoint more than one temporary radiation safety officer

38 in accordance with Paragraph (4) of this subsection, if needed to ensure that the licensee has a temporary radiation

39 safety officer that satisfies the requirements to be a radiation safety officer for each of the different types of uses of

40 radioactive material permitted by the license.

41 **B. Authority and Responsibilities for the Radiation Protection Program.** In addition to the

42 radiation protection program requirements of 20.3.4.404 NMAC, a licensee or licensee's management shall approve

43 in writing:

- 44 (1) requests for a license application, renewal or amendment before submittal to the
- 45 department;
- 46 (2) any individual before allowing that individual to work as an authorized user, authorized
- 47 nuclear pharmacist or authorized medical physicist; and
- 48 (3) radiation protection program changes that do not require a license amendment and are
- 49 permitted under Subsection E of this section.

50 **C. Record keeping.** A licensee shall retain a record of actions taken under Subsections A and B of

51 this section in accordance with Subsection A of 20.3.7.715 NMAC.

52 **D. Radiation Safety Committee.** Licensees that are authorized for two or more different types of

53 use of radioactive material under 20.3.7.708, 20.3.7.710 and 20.3.7.711 NMAC or two or more types of units under

54 20.3.7.711 NMAC shall establish a radiation safety committee to oversee all uses of radioactive material permitted

55 by the license. The radiation safety committee shall meet the following administrative requirements.

1 (1) The radiation safety committee must include an authorized user of each type of use
2 permitted by the license, the radiation safety officer, a representative of the nursing service and a representative of
3 management who is neither an authorized user, nor a radiation safety officer. The radiation safety committee may
4 include other members who the licensee considers appropriate.

5 (2) The radiation safety committee shall meet at least once each calendar quarter. To
6 establish a quorum and to conduct business, one-half of the committee's membership shall be present, including the
7 radiation safety officer and the management's representative.

8 (3) The licensee shall maintain minutes of each radiation safety committee meeting,
9 promptly provide each member with a copy of the meeting minutes and retain one copy for the duration of the
10 license.

11 (4) To oversee the use of licensed material, the radiation safety committee shall:

12 (a) review and verify the training and experience documentation (such as the board
13 certification, preceptor statement(s), or any additional required training) and approve or disapprove any individual
14 who is to be listed on a license as an authorized user, an authorized nuclear pharmacist, a radiation safety officer or
15 an authorized medical physicist before submitting a license application or request for amendment or renewal;

16 (b) review and verify the training and experience documentation (such as the board
17 certification, preceptor statement(s), the license or the permit identifying an individual as an authorized user,
18 authorized nuclear pharmacist, authorized medical physicist or a radiation safety officer) and approve or disapprove
19 any individual prior to allowing that individual to work as an authorized user, authorized nuclear pharmacist, a
20 radiation safety officer or an authorized medical physicist;

21 (c) review, on the basis of safety, and approve or disapprove each proposed method
22 of use of radioactive material;

23 (d) review, on the basis of safety, and approve or disapprove with the advice and
24 consent of the radiation safety officer and the management representative, licensee's procedures and radiation
25 protection program changes prior to submittal to the department for licensing action;

26 (e) review quarterly records of the radiation protection program indicating non-
27 ALARA occurrences and all incidents and medical events involving radioactive material with respect to cause and
28 subsequent actions taken; and

29 (f) review, annually, with the assistance of the radiation safety officer, the radiation
30 protection program.

31 **E. Radiation Protection Program Changes.**

32 (1) A licensee may revise its radiation protection program without department approval if:

33 (a) the revision does not require a license amendment under Subsection F of
34 20.3.7.700 NMAC;

35 (b) the revision is in compliance with the requirements in 20.3 NMAC and the
36 license;

37 (c) the revision has been reviewed and approved by the radiation safety officer and
38 licensee's management; and

39 (d) the affected individuals are instructed on the revised program before the changes
40 are implemented.

41 (2) A licensee shall retain a record of each change in accordance with Subsection B of
42 20.3.7.715 NMAC.

43 **F. Supervision.**

44 (1) A licensee that permits the receipt, possession, use or transfer of radioactive material by
45 an individual under the supervision of an authorized user, as allowed by Subparagraph (a) of Paragraph (2) of
46 Subsection D of 20.3.7.700 NMAC, shall:

47 (a) in addition to the requirements in 20.3.10.1002 NMAC, instruct the supervised
48 individual in the licensee's written radiation protection program and quality assurance procedures, written directive
49 procedures, requirements of this chapter and license conditions with respect to the use of radioactive material;

50 (b) require the supervised individual to follow the instructions of the supervising
51 authorized user for medical uses of radioactive material, written radiation protection program and quality assurance
52 procedures established by the licensee, written directive procedures, the requirements in 20.3 NMAC and license
53 conditions with respect to the medical use of radioactive material;

54 (c) require the supervising authorized user to periodically review the supervised
55 individual's use of radioactive material and the records kept to reflect this use; and

1 (d) document the performance of the supervised individual with respect to the
2 medical use of radioactive material.

3 (2) A licensee that permits the preparation of radioactive material for medical use by an
4 individual under the supervision of an authorized nuclear pharmacist or physician who is an authorized user, as
5 allowed by Subparagraph (b) of Paragraph (2) of Subsection D of 20.3.7.700 NMAC shall:

6 (a) in addition to the requirements in 20.3.10.1002 NMAC, instruct the supervised
7 individual in the preparation of radioactive material for medical use, as appropriate to that individual's involvement
8 with radioactive material;

9 (b) require the supervised individual to follow the instructions of the supervising
10 authorized user or authorized nuclear pharmacist regarding the preparation of radioactive material for medical use,
11 the licensee's written radiation protection program and quality assurance procedures, the requirements of 20.3
12 NMAC and license conditions;

13 (c) require the supervising authorized nuclear pharmacist or authorized user to
14 periodically review the work of the supervised individual as it pertains to radiation safety and quality assurance in
15 preparing radioactive material for medical use and the records kept to reflect that work; and

16 (d) document the performance of the supervised individual with respect to the
17 medical use of radioactive material.

18 (3) A licensee who permits supervised activities under Paragraphs (1) and (2) of this
19 subsection is responsible for the acts and omissions of the supervised individual.

20 **G. Written Directive.** Each applicant or licensee under this part, as applicable, shall establish and
21 maintain written directive procedures to provide high confidence that radioactive material or radiation from
22 radioactive material will be administered as directed by the authorized user. The written directive procedures must
23 include written policies and procedures that meet the following specific requirements.

24 (1) A written directive must be prepared, dated and signed by an authorized user before the
25 administration of I-131 sodium iodide of quantities greater than 30 microcuries (1.11 megabecquerels), any
26 therapeutic dosage of unsealed radioactive material or any therapeutic dose of radiation from radioactive material.
27 If, because of the emergent nature of the patient's condition, a delay in order to provide a written directive would
28 jeopardize the patient's health, an oral directive is acceptable. The information contained in the oral directive must
29 be documented as soon as possible in writing in the patient's record. A written directive documenting the oral
30 directive must be prepared, dated and signed by the authorized user within 48 hours of the oral directive.

31 (2) A written revision to an existing written directive may be made if the revision is dated
32 and signed by an authorized user before the administration of the dosage of unsealed radioactive material, the
33 brachytherapy dose, the gamma stereotactic radiosurgery dose, the teletherapy dose or the next fractional dose. If,
34 because of the patient's condition, a delay in order to provide a written revision to an existing written directive
35 would jeopardize the patient's health, an oral revision to an existing written directive is acceptable, provided that the
36 oral revision is documented as soon as possible in writing in the patient's record. A revised written directive
37 documenting the oral revision must be prepared, dated and signed by the authorized user within 48 hours of the oral
38 revision.

39 (3) The written directive must contain the patient's or human research subject's name and the
40 following information:

41 (a) for any administration of quantities greater than 30 microcuries (1.11
42 megabecquerels) of I-131 sodium iodide: the dosage;

43 (b) for an administration of a therapeutic dosage of unsealed radioactive material
44 other than I-131 sodium iodide: the radioactive drug, dosage and route of administration;

45 (c) for gamma stereotactic radiosurgery: the total dose, treatment site and values
46 for the target coordinate settings per treatment for each anatomically distinct treatment site;

47 (d) for teletherapy: the total dose, dose per fraction, number of fractions and
48 treatment site;

49 (e) for high dose-rate remote afterloading brachytherapy: the radionuclide,
50 treatment site, dose per fraction, number of fractions and total dose; or

51 (f) for all other brachytherapy, including low, medium and pulsed dose rate remote
52 afterloaders, before implantation: treatment site, the radionuclide and dose; and after implantation but before
53 completion of the procedure: the radionuclide, treatment site, number of sources, total source strength and exposure
54 time (or the total dose).

55 (4) The licensee shall retain a copy of the written directive in accordance with Subsection C
56 of 20.3.7.715 NMAC.

1 **H. Procedures for Administrations Requiring a Written Directive.**

2 **(1)** For any administration requiring a written directive, the licensee shall develop,
3 implement and maintain written procedures to provide high confidence that:

4 **(a)** the patient's or human research subject's identity is verified by more than one
5 method as the individual named in the written directive before each administration; and

6 **(b)** each administration is in accordance with the written directive.

7 **(2)** At a minimum, the procedures required by Paragraph (1) of this subsection must address
8 the following items that are applicable to the licensee's use of radioactive material:

9 **(a)** verifying the identity of the patient or human research subject;

10 **(b)** verifying that the administration is in accordance with the treatment plan, if
11 applicable, and the written directive;

12 **(c)** checking both manual and computer-generated dose calculations; and

13 **(d)** verifying that any computer-generated dose calculations are correctly transferred
14 into the consoles of therapeutic medical units authorized by 20.3.7.711 NMAC or 20.3.7.713 NMAC.

15 **(3)** A licensee shall retain a copy of the procedures required under Paragraph (1) of this
16 subsection in accordance with Subsection D of 20.3.7.715 NMAC.

17 **I. Suppliers of Sealed Sources or Devices for Medical Use.** For medical use, a licensee may only
18 use:

19 **(1)** sealed sources or devices manufactured, labeled, packaged and distributed in accordance
20 with a license issued under Subsection K of 20.3.3.315 NMAC or equivalent requirements of NRC or an agreement
21 state;

22 **(2)** sealed sources or devices non-commercially transferred from a 20.3.7 NMAC licensee, a
23 NRC or agreement state licensee; or

24 **(3)** teletherapy sources manufactured and distributed in accordance with a license issued
25 under 20.3.3 NMAC or the equivalent requirements of NRC or an agreement state.

26 [20.3.7.702 NMAC - Rp, 20 NMAC 3.1.7.702, 4/30/2009]

27
28 **20.3.7.703 GENERAL TECHNICAL REQUIREMENTS:**

29 **A. Possession, use and calibration of instruments used to measure the activity of unsealed**
30 **radioactive material.** Other than unit dosages of beta-emitting unsealed radioactive material obtained from the
31 manufacturer or preparer, licensed pursuant to Subsection J of 20.3.3.315 NMAC, a medical use licensee authorized
32 to administer radiopharmaceuticals shall possess a dose calibrator, and use it to measure the activity of unsealed
33 radioactive material prior to the administration to each patient or human research subject for diagnostic applications.
34 For therapeutic applications, a medical use licensee authorized to administer radiopharmaceuticals shall possess a
35 dose calibrator, and use it to measure the activity of unsealed radioactive material prior to and after the
36 administration to each patient or human research subject.

37 **(1)** A licensee shall:

38 **(a)** check each dose calibrator for constancy with a dedicated check source at the
39 beginning of each day of use; to satisfy the requirements of this section, the check shall be done on a frequently used
40 setting with a sealed source of not less than 10 microcuries (370 kilobecquerels) of radium-226 or 50 microcuries
41 (1.85 megabecquerels) of any other photon-emitting radionuclide;

42 **(b)** test each dose calibrator for accuracy upon installation and at intervals not to
43 exceed 12 months thereafter by assaying at least two sealed sources containing different radionuclides, the activity
44 of which the manufacturer has determined within five percent of the stated activity, with minimum activity of 10
45 microcuries (370 kilobecquerels) for radium-226 and 50 microcuries (1.85 megabecquerels) for any other photon-
46 emitting radionuclide, and at least one of which has a principal photon energy between 100 kiloelectron volts and
47 500 kiloelectron volts;

48 **(c)** test each dose calibrator for linearity upon installation and at intervals not to
49 exceed three months thereafter over the range of use between 30 microcuries (1.11 megabecquerels), and the highest
50 dosage that will be administered to a patient or human research subject; and

51 **(d)** test each dose calibrator for geometry dependence upon installation over the
52 range of volumes and volume configurations for which it will be used; the licensee shall keep a record of this test for
53 the duration of the use of the dose calibrator.

54 **(2)** A licensee shall mathematically correct dosage readings for any geometry or linearity
55 error that exceeds ten percent if the dosage is greater than 10 microcuries (370 kilobecquerels), and shall repair or
56 replace the dose calibrator if the accuracy or constancy error exceeds ten percent.

1 (3) A licensee shall also perform checks and tests required under this subsection, following
2 adjustment or repair of the dose calibrator.

3 (4) **Beta-emitting radionuclides.** A licensee shall develop quality control procedures and
4 use appropriate instrumentation to measure the radioactivity for beta-emitting radiopharmaceuticals. A licensee may
5 use checks, tests or calibration techniques other than those described in this section for instruments measuring the
6 dosages of beta-emitting unsealed radioactive material if checks, tests or calibration techniques are in accordance
7 with nationally recognized standards or the equipment manufacturer's instructions and have been approved by the
8 department.

9 (5) A licensee shall retain a record of each instrument check, test and calibration required by
10 this subsection in accordance with Subsection E of 20.3.7.715 NMAC.

11 **B. Determination of dosages of unsealed radioactive material for medical use.**

12 (1) A licensee shall determine and record the activity of each dosage before medical use for
13 diagnostic applications and before and after medical use for therapeutic applications.

14 (2) This determination must be made by:
15 (a) direct measurement of radioactivity pursuant to Subsection A of this section;
16 (b) combination of direct measurement of radioactivity pursuant to Subsection A of
17 this section and mathematical calculations;

18 (c) combination of volumetric measurements and mathematical calculations, based
19 on the measurement made by:

20 (i) a manufacturer or preparer licensed under Subsection J of 20.3.3.315
21 NMAC or equivalent requirement of NRC or agreement state; or

22 (ii) a PET radioactive drug producer licensed under Subsection J of
23 20.3.3.307 NMAC or equivalent NRC or agreement state requirements; or

24 (d) decay correction, for unit dosages of beta-emitting unsealed radioactive
25 material, based on the activity or activity concentration determined by:

26 (i) a manufacturer or preparer licensed under Subsection J of 20.3.3.315
27 NMAC or equivalent NRC or agreement state requirement;

28 (ii) a department, NRC or agreement state licensee for use in research in
29 accordance with a radioactive drug research committee-approved protocol or an investigational new drug (IND)
30 protocol accepted by FDA; or

31 (iii) a PET radioactive drug producer licensed under Subsection J of
32 20.3.3.307 NMAC or equivalent NRC or agreement state requirements.

33 (3) Unless otherwise directed by the authorized user, a licensee may not use a dosage if the
34 dosage does not fall within the prescribed dosage range or if the dosage differs from the prescribed dosage by more
35 than twenty percent.

36 (4) A licensee shall retain a record of the dosage determination required by this subsection in
37 accordance with Subsection G of 20.3.7.715 NMAC.

38 **C. Calibration and check of radiation survey instruments.**

39 (1) A licensee shall calibrate the radiation survey instruments used to show compliance with
40 this part and 20.3.4 NMAC before first use, annually and following a repair that affects the calibration.

41 (2) A licensee shall:
42 (a) calibrate all scales with readings up to 1000 millirems (10 millisieverts) per hour
43 with a radiation source;
44 (b) calibrate two separate readings on each scale or decade that will be used to show
45 compliance; and

46 (c) conspicuously note on the instrument the date of calibration.

47 (3) A licensee shall consider a point as calibrated if the indicated exposure rate differs from
48 the calculated exposure rate by no more than twenty percent.

49 (4) A licensee shall check each radiation survey instrument for proper operation with a
50 dedicated check source at the beginning of each day of use.

51 (5) A licensee shall retain a record of each radiation survey instrument calibration in
52 accordance with Subsection F of 20.3.7.715 NMAC.

53 **D. Quality control for other equipment.** Each licensee shall establish written quality control
54 procedures (checks, tests, calibrations, efficiency measurements, etc.) for equipment used to obtain quantitative
55 radiation measurements for radionuclide studies, described in this part, or radiation safety surveys, necessary to

1 demonstrate compliance with this part and 20.3.4 NMAC. At a minimum, quality control procedures and their
2 frequencies shall be those recommended by the equipment manufacturer.

3 **E. Authorization for calibration, transmission and reference sources.** Any person authorized by
4 Subsection D of 20.3.7.700 NMAC for medical use of radioactive material may receive, possess and use any of the
5 following radioactive material for check, calibration, transmission and reference use:

6 (1) sealed sources, not exceeding 30 millicuries (1.11 gigabecquerels) each, manufactured
7 and distributed by a person specifically licensed under Subsection K of 20.3.3.315 NMAC or equivalent NRC or an
8 agreement state requirements;

9 (2) sealed sources, not exceeding 30 millicuries (1.11 gigabecquerels) each, redistributed by
10 a licensee authorized to redistribute the sealed sources manufactured and distributed by a person licensed under
11 Subsection K of 20.3.3.315 NMAC, providing the redistributed sealed sources are in the original packaging and
12 shielding and are accompanied by the manufacturer's approved instructions;

13 (3) any radioactive material with a half-life no longer than 120 days in individual amounts
14 not to exceed 15 millicuries (0.56 gigabecquerel);

15 (4) any radioactive material with a half-life longer than 120 days in individual amounts not to
16 exceed 200 microcuries (7.4 megabecquerels) or 1000 times the quantities in 20.3.3.338 NMAC; and

17 (5) technetium-99m in amounts as needed but not to exceed 100 millicuries.

18 **F. Requirements for possession of sealed sources and brachytherapy sources.**

19 (1) A licensee in possession of any sealed source or brachytherapy source shall follow the
20 radiation safety and handling instructions supplied by the manufacturer and shall maintain the instructions for the
21 duration of source use in a legible form convenient for users.

22 (2) A licensee in possession of a sealed source shall:
23 (a) test the source for leakage before its first use unless the licensee has a certificate
24 from the supplier indicating that the source was tested within six[6] months before transfer to the licensee; and
25 (b) test the source for leakage at intervals not to exceed six months or at other
26 intervals approved by the department, NRC or an agreement state.

27 (3) To satisfy the leak test requirements of this subsection, the licensee shall measure the
28 sample so that the leak test can detect the presence of 0.005 microcurie (185 becquerels) of radioactive material in
29 the sample.

30 (4) A licensee shall retain leak test records in accordance with Paragraph (1) of Subsection H
31 of 20.3.7.715 NMAC.

32 (5) If the leak test reveals the presence of 0.005 microcurie (185 becquerels) or more of
33 removable contamination, the licensee shall:

34 (a) immediately withdraw the sealed source from use and store, cause it to be
35 repaired or disposed of in accordance with the requirements in 20.3.3 NMAC and 20.3.4 NMAC; and

36 (b) file a report within five days of the leak test result in accordance with Subsection
37 C of 20.3.7.716 NMAC.

38 (6) A licensee need not perform a leak test on the following sources:

39 (a) sources containing only radioactive material with a half-life of less than 30 days;

40 (b) sources containing only radioactive material as a gas;

41 (c) sources containing 100 microcuries (3.7 megabecquerels) or less of beta or
42 gamma-emitting material or 10 microcuries (0.37 megabecquerel) or less of alpha-emitting material;

43 (d) seeds of iridium-192 encased in nylon ribbon; and

44 (e) sources stored and not being used; however, the licensee shall test each such
45 source for leakage before any use or transfer unless it has been leak tested within six months, or other frequency
46 approved by the department, NRC or an agreement state, before the date of use or transfer.

47 (7) A licensee in possession of sealed sources or brachytherapy sources, except for gamma
48 stereotactic radiosurgery sources, shall conduct a semi-annual physical inventory of all such sources in its
49 possession. The licensee shall retain each inventory record in accordance with Paragraph (2) of Subsection H of
50 20.3.7.715 NMAC.

51 **G. Labeling of vials and syringes.** Each syringe and vial that contains unsealed radioactive material
52 must be labeled to identify the radioactive drug. Each syringe shield and vial shield must also be labeled unless the
53 label on the syringe or vial is visible when shielded.

54 **H. Surveys for contamination and ambient radiation exposure rate.**

55 (1) In addition to the surveys required by 20.3.4 NMAC:

1 (a) a licensee shall survey with a radiation detection survey instrument at the end of
2 each day of use all areas where radiopharmaceuticals are routinely prepared or administered; and

3 (b) a licensee shall survey for removable contamination at the end of each day of
4 use all areas where radiopharmaceuticals requiring written directive are routinely prepared for use or administered.

5 (2) A licensee does not need to perform the surveys required by Paragraph (1) of this
6 subsection in areas where patients or human research subjects are confined when they cannot be released under
7 Subsection I of 20.3.7.703 NMAC.

8 (3) A licensee shall retain a record of each survey in accordance with Subsection I of
9 20.3.7.715 NMAC.

10 **I. Release of individuals containing radiopharmaceuticals or permanent implants.**

11 (1) A licensee may authorize the release from its control of any individual who has been
12 administered unsealed radioactive material or implants containing radioactive material if the total effective dose
13 equivalent to any other individual from exposure to the released individual is not likely to exceed 0.5 rem (five
14 millisieverts) (the current revision of the NRC guidance NUREG-1556, volume 9, "*consolidated guidance about*
15 *materials licenses: program-specific guidance about medical licenses*", describes methods for calculating doses to
16 other individuals and contains tables of activities not likely to cause doses exceeding 0.5 rem (five millisieverts)).

17 (2) A licensee shall provide the released individual or the individual's parent or guardian,
18 with instructions, including written instructions, on actions recommended to maintain doses to other individuals as
19 low as is reasonably achievable if the total effective dose equivalent to any other individual is likely to exceed 0.1
20 rem (one millisievert). If the total effective dose equivalent to a nursing infant or child could exceed 0.1 rem (one
21 millisievert), assuming there was no interruption of breast-feeding, the instructions must also include:

22 (a) guidance on the interruption or discontinuation of breast-feeding; and

23 (b) information on the potential consequences, if any, of failure to follow the
24 guidance.

25 (3) A licensee shall maintain a record of the basis for authorizing the release of an individual,
26 in accordance with Paragraph (1) of Subsection J of 20.3.7.715 NMAC.

27 (4) The licensee shall maintain a record of instructions provided to a breast-feeding female in
28 accordance with Paragraph (2) of Subsection J of 20.3.7.715 NMAC.

29 **J. Provision of mobile medical service.**

30 (1) A licensee providing mobile medical service shall:

31 (a) obtain a letter signed by the management of each client for which services are
32 rendered that permits the use of radioactive material at the client's address and clearly delineates the authority and
33 responsibility of the licensee and the client;

34 (b) check instruments used to measure the activity of unsealed radioactive material
35 for proper function before medical use at each client's address or on each day of use, whichever is more frequent; at
36 a minimum, the check for proper function required by this paragraph must include a constancy check;

37 (c) check radiation survey instruments for proper operation with a dedicated check
38 source before use at each client's address or on each day of use, whichever is more frequent; and

39 (d) before leaving a client's address, survey all areas of use to ensure compliance
40 with the requirements in 20.3.4 NMAC and 20.3.7 NMAC.

41 (2) A mobile medical service may not have radioactive material delivered from the
42 manufacturer or the distributor to the client unless the client has a license allowing possession of the radioactive
43 material. Radioactive material delivered to the client must be received and handled in conformance with the client's
44 license.

45 (3) A licensee providing mobile medical services shall retain the letter required in
46 Subparagraph (a) of Paragraph (1) of this subsection and the record of each survey required in Subparagraph (d) of
47 Paragraph (1) of this subsection in accordance with Paragraphs (1) and (2) of Subsection K of 20.3.7.715 NMAC,
48 respectively.

49 **K. Storage of volatiles and gases.**

50 (1) A license shall store volatile radiopharmaceuticals and radioactive gases in the shipper's
51 radiation shield and container.

52 (2) A license shall store and use a multi-dosage container in a properly functioning fume
53 hood.

54 **L. Decay-in-storage.**

55 (1) A licensee may hold radioactive material with a physical half-life of less than or equal to
56 120 days for decay-in-storage before disposal without regard of its radioactivity if the licensee:

- 1 (a) holds radioactive material for decay a minimum of 10 half-lives;
2 (b) monitors radioactive material at the surface before disposal and determines that
3 its radioactivity cannot be distinguished from the background radiation level with an appropriate radiation detection
4 survey instrument set on its most sensitive scale and with no interposed shielding;
5 (c) removes or obliterates all radiation labels, except for radiation labels on
6 materials that are within containers and that will be managed as biomedical waste after they have been released from
7 the licensee; and
8 (d) separates and monitors each generator column individually with all radiation
9 shielding removed to ensure that its content have decayed to background radiation level before disposal.
10 (2) A licensee shall retain a record of each disposal permitted under Paragraph (1) of this
11 subsection in accordance with Subsection L of 20.3.7.715 NMAC.
12 [20.3.7.703 NMAC - Rp, 20 NMAC 3.1.7.703, 4/30/2009; A, 6/13/2017; A, XX/XX/2021]
13

14 **20.3.7.704 USE OF UNSEALED RADIOACTIVE MATERIAL FOR UPTAKE, DILUTION AND**
15 **EXCRETION STUDIES FOR WHICH A WRITTEN DIRECTIVE IS NOT REQUIRED:** Except for
16 quantities that require a written directive under Paragraph (3) of Subsection G of Section 20.3.7.702 NMAC, a
17 licensee may use any unsealed radioactive material prepared for medical use for uptake, dilution or excretion studies
18 that is:

19 **A. obtained from:**

- 20 (1) a manufacturer or preparer licensed under Subsection J of 20.3.3.315 NMAC, or
21 equivalent NRC or agreement state requirements; or
22 (2) a PET radioactive drug producer licensed under Subsection J of 20.3.3.307 NMAC or
23 equivalent NRC or agreement state requirements; or

24 **B. excluding production of PET radionuclides, prepared by:**

- 25 (1) an authorized nuclear pharmacist;
26 (2) a physician who is an authorized user and who meets the requirements specified in either
27 Subsection G of 20.3.7.714 NMAC, incorporating 10 CFR 35.290, or Subsection H of 20.3.7.714 NMAC,
28 incorporating 10 CFR 35.390, and Subsection G of 20.3.7.714 NMAC, incorporating 10 CFR 35.290(c)(1)(ii)(G); or
29 (3) an individual under the supervision, as specified in Subsection F of 20.3.7.702 NMAC, of
30 the authorized nuclear pharmacist in Paragraph (1) of this subsection or the physician who is an authorized user in
31 Paragraph (2) of this subsection; or

32 **C. obtained from and prepared by a department, NRC or agreement state licensee** for use in
33 research in accordance with a radioactive drug research committee-approved protocol or an investigational new drug
34 protocol accepted by FDA; or

35 **D. prepared by the licensee** for use in research in accordance with a radioactive drug research
36 committee-approved application or an investigational new drug protocol accepted by FDA.
37 [20.3.7.704 NMAC - Rp, 20 NMAC 3.1.7.704, 4/30/2009]
38

39 **20.3.7.705 USE OF UNSEALED RADIOACTIVE MATERIAL FOR IMAGING AND**
40 **LOCALIZATION STUDIES FOR WHICH A WRITTEN DIRECTIVE IS NOT REQUIRED:** Except for
41 quantities that require a written directive under Paragraph (3) of Subsection G of 20.3.7.702 NMAC, a licensee may
42 use any unsealed radioactive material prepared for medical for imaging and localization studies use that is:

43 **A. obtained from:**

- 44 (1) a manufacturer or preparer licensed pursuant to Subsection J of 20.3.3.315 NMAC or
45 equivalent NRC or agreement state requirements; or
46 (2) a PET radioactive drug producer licensed under Subsection J of 20.3.3.307 NMAC or
47 equivalent NRC or agreement state requirements; or

48 **B. excluding production of PET radionuclides, prepared by:**

- 49 (1) an authorized nuclear pharmacist;
50 (2) a physician who is an authorized user and who meets the requirements specified in either
51 Subsection G of 20.3.7.714 NMAC, incorporating 10 CFR 35.290, or Subsection H of 20.3.7.714 NMAC,
52 incorporating 10 CFR 35.390, and Subsection G of 20.3.7.714 NMAC, incorporating 10 CFR 35.290(c)(1)(ii)(G); or
53 (3) an individual under the supervision, as specified in Subsection F of 20.3.7.702 NMAC, of
54 the authorized nuclear pharmacist in Paragraph (1) of this subsection or the physician who is an authorized user in
55 Paragraph (2) of this subsection; or

1 **C. obtained from and prepared by a department, NRC or agreement state licensee** for use in
2 research in accordance with a radioactive drug research committee-approved protocol or an investigational new drug
3 protocol accepted by FDA; or

4 **D. prepared by the licensee** for use in research in accordance with a radioactive drug research
5 committee-approved application or an investigational new drug protocol accepted by FDA.
6 [20.3.7.705 NMAC - Rp, 20 NMAC 3.1.7.705, 4/30/2009]

7
8 **20.3.7.706 PERMISSIBLE MOLYBDENUM-99, STRONTIUM-82 AND STRONTIUM-85**
9 **CONCENTRATIONS:**

10 **A. Maximum Concentrations.** A licensee may not administer to humans a radiopharmaceutical
11 containing:

12 (1) more than 0.15 microcurie of molybdenum-99 per each millicurie of technetium-99m
13 (0.15 kilobecquerel of molybdenum-99 per each megabecquerel of technetium-99m); or

14 (2) more than 0.02 microcurie of strontium-82 per millicurie of rubidium-82 chloride
15 injection (0.02 kilobecquerel of strontium-82 per megabecquerel of rubidium-82 chloride); or more than 0.2
16 microcurie of strontium-85 per millicurie of rubidium-82 chloride injection (0.2 kilobecquerel of strontium-85 per
17 megabecquerel of rubidium-82).

18 **B. Measurement.**

19 (1) A licensee preparing technetium-99m radiopharmaceutical from molybdenum-
20 99/technetium-99m generators shall measure the molybdenum-99 concentration of the first eluate after the receipt of
21 the generator to demonstrate compliance with Subsection A of this section.

22 (2) A licensee that uses a strontium-82/rubidium-82 generator for preparing a rubidium-82
23 radiopharmaceutical shall, before the first patient use of the day, measure the concentration of radionuclides
24 strontium-82 and strontium-85 to demonstrate compliance with Subsection A of this section.

25 **C. Record keeping.** If a licensee is required to measure the molybdenum-99 concentration or
26 strontium-85 and strontium-85 concentrations, the licensee shall retain a record of each measurement in accordance
27 with Subsection M of 20.3.7.715 NMAC.

28 [20.3.7.706 NMAC - Rp, 20 NMAC 3.1.7.706, 4/30/2009]

29
30 **20.3.7.707 CONTROL OF AEROSOLS AND GASES:**

31 **A. System Requirements.**

32 (1) A licensee who administers radioactive aerosols or gases shall do so with a system that
33 shall keep airborne concentrations of the radioactive material, including releases to the environment, within the
34 limits prescribed by 20.3.4 NMAC.

35 (2) The delivery or control system for the radioactive aerosols or gases shall either be
36 directly vented to the atmosphere through an air exhaust or shall provide collection and decay or disposal of the
37 aerosol or gas in a shielded container. Other federal, state or local regulatory requirements shall be met.

38 (3) The licensee shall perform check of the operation of reusable gas collection systems
39 monthly or at other frequency approved by the department.

40 **B. Room Requirements.**

41 (1) A licensee shall only administer radioactive gases in rooms that are at negative pressure
42 compared to surrounding rooms.

43 (2) The licensee shall perform measurements of ventilation rate at least semiannually or other
44 frequency approved by the department for those areas of use required to operate under a negative pressure.

45 **C. Clearance Time.**

46 (1) Before receiving, using or storing a radioactive gas, the licensee shall calculate the
47 amount of time needed after a release to reduce the concentration in the area of use to the limits in 20.3.4.461
48 NMAC. The calculation shall be based on the highest activity of gas handled in a single container and the measured
49 available air exhaust rate.

50 (2) A licensee shall post the time calculated in Paragraph (1) of this subsection in the area of
51 use and require that, in case of a gas spill, individuals evacuate the room until the posted time has elapsed or the
52 concentration in the area of use is reduced below the limits in 20.3.4.461 NMAC.

53 **D. Record keeping.** A copy of the calculations required in Paragraph (1) of Subsection C of this
54 section shall be retained in accordance with Subsection N of 20.3.7.715 NMAC.

55 [20.3.7.707 NMAC - Rp, 20 NMAC 3.1.7.707, 4/30/2009]

1 **20.3.7.708 USE OF UNSEALED RADIOACTIVE MATERIAL FOR WHICH A WRITTEN**
2 **DIRECTIVE IS REQUIRED:** A licensee may use any unsealed radioactive material prepared for medical use and
3 for which a written directive is required that is either:

4 **A. obtained from a manufacturer or preparer** licensed under Subsection J of 20.3.3.315 NMAC or
5 equivalent agreement state or NRC requirements; or

6 **B. prepared by:**

7 (1) an authorized nuclear pharmacist;

8 (2) a physician who is an authorized user and who meets the requirements specified in either
9 Subsection G of 20.3.7.714 NMAC, incorporating 10 CFR 35.290, or Subsection H of 20.3.7.714 NMAC,
10 incorporating 10 CFR 35.390; or

11 (3) an individual under the supervision, as specified in Subsection F of 20.3.7.702 NMAC, of
12 the authorized nuclear pharmacist in Paragraph (1) of this subsection or the physician who is an authorized user in
13 Paragraph (2) of this subsection; or

14 **C. obtained from and prepared by a department, NRC or agreement state licensee** for use in
15 research in accordance with a radioactive drug research committee-approved protocol or an investigational new drug
16 protocol accepted by FDA; or

17 **D. prepared by the licensee** for use in research in accordance with a radioactive drug research
18 committee-approved application or an investigational new protocol accepted by FDA.

19 [20.3.7.708 NMAC - Rp, 20 NMAC 3.1.7.708, 4/30/2009]

20
21 **20.3.7.709 SAFETY INSTRUCTIONS AND PRECAUTIONS FOR USE OF UNSEALED**
22 **RADIOACTIVE MATERIAL FOR WHICH A WRITTEN DIRECTIVE IS REQUIRED:** In addition to the
23 requirements in 20.3.10.1002 NMAC, the licensee shall provide the following.

24 **A. Safety Instructions.** A licensee shall provide radiation safety instructions initially and at least
25 annually, to personnel caring for patients or human research subjects who cannot be released under Subsection I of
26 20.3.7.703 NMAC. To satisfy this requirement, the instruction must be commensurate with the duties of the
27 personnel and include:

28 (1) patient or human research subject control;

29 (2) visitor control, including:

30 (a) routine visitation to hospitalized individuals in accordance with Paragraph (1) of
31 Subsection A of 20.3.4.413 NMAC; and

32 (b) visitation authorized in accordance with Subsection F of 20.3.4.413 NMAC;

33 (3) contamination control;

34 (4) waste control; and

35 (5) notification of the radiation safety officer, or their designee, and an authorized user if the
36 patient or the human research subject has a medical emergency or dies.

37 **B. Record Keeping.** A licensee shall retain a record of individuals receiving safety instructions, as
38 specified in Subsection A of this section, in accordance with Subsection O of 20.3.7.715 NMAC.

39 **C. Safety Precautions.** For each patient or human research subject who cannot be released under
40 Subsection I of 20.3.7.703 NMAC, a licensee shall:

41 (1) quarter the patient or the human research subject either in:

42 (a) a private room with a private sanitary facility; or

43 (b) a room, with a private sanitary facility, with another individual who also has
44 received therapy with unsealed radioactive material and who also cannot be released under Subsection I of
45 20.3.7.703 NMAC;

46 (2) visibly post the patient's or human research subject's room with a "Radioactive Materials"
47 sign;

48 (3) note on the door or in the patient's or human research subject's chart where and how long
49 visitors may stay in the patient's or human research subject's room;

50 (4) either monitor material and items removed from the patient's or the human research
51 subject's room to determine that their radioactivity cannot be distinguished from the natural background radiation
52 level with a radiation detection survey instrument set on its most sensitive scale and with no interposed shielding, or
53 handle the material and items as radioactive waste; and

54 (5) a licensee shall notify the radiation safety officer, or their designee, and an authorized
55 user, as soon as possible if the patient or human research subject has a medical emergency or dies.

56 [20.3.7.709 NMAC - Rp, 20 NMAC 3.1.7.708, 4/30/2009]

1
2 **20.3.7.710 MANUAL BRACHYTHERAPY:**

3 **A. Use of Sources for Manual Brachytherapy.** A licensee shall use only brachytherapy sources for
4 therapeutic medical uses:

- 5 (1) as approved in the *sealed source and device registry*; or
6 (2) in research in accordance with an active investigational device exemption application
7 accepted by the FDA provided the requirements of Paragraph (1) of Section I of 20.3.7.702 NMAC are met.

8 **B. Surveys after Source Implant and Removal.**

- 9 (1) Immediately after implanting sources in a patient or a human research subject, the
10 licensee shall make a survey to locate and account for all sources that have not been implanted.
11 (2) Immediately after removing the last temporary implant source from a patient or a human
12 research subject, the licensee shall make a survey of the patient or the human research subject with a radiation
13 detection survey instrument to confirm that all sources have been removed.
14 (3) A licensee shall retain a record of the surveys required by Paragraphs (1) and (2) of this
15 subsection in accordance with Subsection P of 20.3.7.715 NMAC.

16 **C. Brachytherapy Sources Accountability.**

- 17 (1) A licensee shall maintain accountability at all times for all brachytherapy sources in
18 storage or use.
19 (2) As soon as possible after removing sources from a patient or a human research subject, a
20 licensee shall return brachytherapy sources to a secure storage area.
21 (3) A licensee shall maintain a record of the brachytherapy source accountability in
22 accordance with Subsection Q of 20.3.7.715 NMAC.

23 **D. Safety Instructions.** In addition to the requirements in 20.3.10.1002 NMAC:

- 24 (1) the licensee shall provide radiation safety instructions, initially and at least annually, to
25 personnel caring for patients or the human research subjects who are receiving brachytherapy and cannot be released
26 under Subsection I of 20.3.7.703 NMAC; to satisfy this requirement, the instructions must be commensurate with
27 the duties of the personnel and include:
28 (a) the size and appearance of the brachytherapy sources;
29 (b) safe handling of the brachytherapy sources and shielding instructions;
30 (c) a patient or human research subject control;
31 (d) visitor control, including both routine visitation of hospitalized individuals in
32 accordance with Paragraph (1) of Subsection A of 20.3.4.413 NMAC, and visitation authorized in accordance with
33 Subsection F of 20.3.4.413 NMAC; and
34 (e) notification of the radiation safety officer, or their designee, and an authorized
35 user if the patient or human research subject has a medical emergency or dies;
36 (2) a licensee shall retain a record of individuals receiving safety instructions in accordance
37 with Subsection O of 20.3.7.715 NMAC.

38 **E. Safety Precautions.**

- 39 (1) For each patient or human research subject receiving brachytherapy and cannot be
40 released under Subsection I of 20.3.7.703 NMAC a licensee shall:
41 (a) not quarter the patient or the human research subject in the same room with an
42 individual who is not receiving brachytherapy;
43 (b) visibly post the patient's or human research subject's door with a "Radioactive
44 Materials" sign; and
45 (c) note on the door or in the patient's or human research subject's chart where and
46 how long visitors may stay in the patient's or human research subject's room.
47 (2) A licensee shall have applicable emergency response equipment available near each
48 treatment room to respond to a source:
49 (a) dislodged from the patient; and
50 (b) lodged within the patient following removal of the source applicators.
51 (3) A licensee shall notify the radiation safety officer, or their designee, and an authorized
52 user as soon as possible if the patient or human research subject has a medical emergency or dies.

53 **F. Calibration Measurements of Brachytherapy Sources.**

- 54 (1) Before the first medical use of a brachytherapy source, a licensee shall have:
55 (a) determined the source output or activity using a dosimetry system that meets the
56 requirements of Paragraph (1) of Subsection F of 20.3.7.711 NMAC;

1 (b) determined source positioning accuracy within applicators; and
2 (c) used published protocols currently accepted by nationally recognized bodies to
3 meet the requirements of Subparagraphs (a) and (b) of this paragraph.

4 (2) Instead of a licensee making its own measurements as required in Paragraph (1) of this
5 subsection, the licensee may use measurements provided by the source manufacturer or by a calibration laboratory
6 accredited by the American association of physicists in medicine that are made in accordance with Paragraph (1) of
7 this subsection.

8 (3) A licensee shall mathematically correct the outputs or activities determined in Paragraph
9 (1) of this subsection for physical decay at intervals consistent with 1 percent physical decay.

10 (4) A licensee shall retain a record of each calibration in accordance with Subsection R of
11 20.3.7.715 NMAC.

12 **G. Decay of Strontium-90 Sources for Ophthalmic Treatments.**

13 (1) Only an authorized medical physicist shall calculate the activity of each strontium-90
14 source that is used to determine the treatment times for ophthalmic treatments. The decay must be based on the
15 activity determined under Subsection F of 20.3.7.710 NMAC.

16 (2) A licensee shall retain a record of the activity of each strontium-90 source in accordance
17 with Subsection S of 20.3.7.715 NMAC.

18 **H. Therapy-Related Computer Systems.** The licensee shall perform acceptance testing on the
19 treatment planning system of therapy-related computer systems in accordance with published protocols accepted by
20 nationally recognized bodies. At a minimum, the acceptance testing must include, as applicable, verification of:

- 21 (1) the source-specific input parameters required by the dose calculation algorithm;
22 (2) the accuracy of dose, dwell time and treatment time calculations at representative points;
23 (3) the accuracy of isodose plots and graphic displays; and
24 (4) the accuracy of the software used to determine sealed source positions from radiographic
25 images.

26 [20.3.7.710 NMAC - Rp, 20 NMAC 3.1.7.709, 4/30/2009]
27

28 **20.3.7.711 PHOTON EMITTING REMOTE AFTERLOADER UNITS, TELETHERAPY UNITS AND
29 GAMMA STEREOTACTIC RADIOSURGERY UNITS:**

30 **A. Use of a Sealed Source in a Remote Afterloader Unit, Teletherapy Unit or Gamma
31 Stereotactic Radiosurgery Unit.** A licensee shall use sealed sources in photon emitting remote afterloader units,
32 teletherapy units or gamma stereotactic radiosurgery units for therapeutic medical uses:

- 33 (1) as approved in the *sealed source and device registry*; or
34 (2) in research in accordance with an active investigational device exemption application
35 accepted by the FDA provided the requirements of Paragraph (1) of Subsection I of 20.3.7.702 NMAC are met.

36 **B. Surveys of Patients and Human Research Subjects Treated with a Remote Afterloader Unit.**

37 (1) Before releasing a patient or a human research subject from licensee control, a licensee
38 shall survey the patient or the human research subject and the remote afterloader unit with a portable radiation
39 detection survey instrument to confirm that the source(s) has been removed from the patient or human research
40 subject and returned to the safe shielded position.

41 (2) A licensee shall retain a record of these surveys in accordance with Subsection P of
42 20.3.7.715 NMAC.

43 **C. Installation, Maintenance, Adjustment and Repair.**

44 (1) Only a person specifically licensed by the department, NRC or an agreement state shall
45 install, maintain, adjust or repair a remote afterloader unit, teletherapy unit or gamma stereotactic radiosurgery unit
46 that involves work on the source(s) shielding, the source(s) driving unit, or other electronic or mechanical
47 component that could expose the source(s), reduce the shielding around the source(s) or compromise the radiation
48 safety of the unit or the source(s).

49 (2) Except for low dose-rate remote afterloader units, only a person specifically licensed by
50 the department, NRC or an agreement state shall install, replace, relocate or remove a sealed source or source
51 contained in other remote afterloader units, teletherapy units or gamma stereotactic radiosurgery units.

52 (3) For a low dose-rate remote afterloader unit, only a person specifically licensed by the
53 department, NRC, an agreement state or an authorized medical physicist shall install, replace, relocate or remove a
54 sealed source(s) contained in the unit.

1 (4) A licensee shall retain a record of the installation, maintenance, adjustment and repair of
2 remote afterloader units, teletherapy units and gamma stereotactic radiosurgery units in accordance with Subsection
3 T of 20.3.7.715 NMAC.

4 **D. Safety Procedures and Instructions for Remote Afterloader Units, Teletherapy Units and**
5 **Gamma Stereotactic Radiosurgery Units.**

6 (1) A licensee shall:

7 (a) secure the unit, the console, the console keys and the treatment room when not
8 in use or unattended;

9 (b) permit only individuals approved by the authorized user, radiation safety officer
10 or authorized medical physicist to be present in the treatment room during treatment with the source(s);

11 (c) prevent dual operation of more than one radiation producing device in a
12 treatment room if applicable; and

13 (d) develop, implement and maintain written procedures for responding to an
14 abnormal situation when the operator is unable to place the source(s) in the shielded position or remove the patient
15 or human research subject from the radiation field with controls from outside the treatment room. These procedures
16 must include:

17 (i) instructions for responding to equipment failures and the names of the
18 individuals responsible for implementing corrective actions;

19 (ii) the process for restricting access to and posting of the treatment area to
20 minimize the risk of inadvertent exposure; and

21 (iii) the names and telephone numbers of the authorized users, the
22 authorized medical physicist and the radiation safety officer to be contacted if the unit or console operates
23 abnormally.

24 (2) A copy of the procedures required by Subparagraph (d) of Paragraph (1) of this
25 subsection must be physically located at the unit console.

26 (3) A licensee shall post instructions at the unit console to inform the operator of:

27 (a) the location of the procedures required by Subparagraph (d) of Paragraph (1) of
28 this subsection; and

29 (b) the names and telephone numbers of the authorized users, the authorized
30 medical physicist and the radiation safety officer to be contacted if the unit or console operates abnormally.

31 (4) A licensee shall provide instruction, initially and at least annually, to all individuals who
32 operate the unit, as appropriate to the individual's assigned duties, in:

33 (a) the procedures identified in Subparagraph (d) of Paragraph (1) of this
34 subsection; and

35 (b) the operating procedures for the unit.

36 (5) A licensee shall ensure that operators, authorized medical physicists and authorized users
37 participate in drills of the emergency procedures, initially and at least annually.

38 (6) A licensee shall retain a record of individuals receiving instruction required by Paragraph
39 (5) of this subsection, in accordance with Subsection O of 20.3.7.715 NMAC.

40 (7) A licensee shall retain a copy of the procedures required by Subparagraph (d) of
41 Paragraph (1) and Subparagraph (b) of Paragraph (4) of this subsection in accordance with Subsection U of
42 20.3.7.715 NMAC.

43 **E. Safety Precautions for Remote Afterloader Units, Teletherapy Units and Gamma**
44 **Stereotactic Radiosurgery Units.**

45 (1) A licensee shall control access to the treatment room by a door at each entrance.

46 (2) A licensee shall equip each entrance to the treatment room with an electrical interlock
47 system that will:

48 (a) prevent the operator from initiating the treatment cycle unless each treatment
49 room entrance door is closed;

50 (b) cause the source(s) to be shielded when an entrance door is opened; and

51 (c) prevent the source(s) from being exposed following an interlock interruption
52 until all treatment room entrance doors are closed and the source(s) on-off control is reset at the console.

53 (3) A licensee shall require any individual entering the treatment room to assure, through the
54 use of appropriate radiation monitors, that radiation levels have returned to ambient levels.

1 (4) Except for low-dose remote afterloader units, a licensee shall construct or equip each
2 treatment room with viewing and intercom systems to permit continuous observation of the patient or the human
3 research subject from the treatment console during irradiation.

4 (5) For licensed activities where sources are placed within the patient's or human research
5 subject's body, a licensee shall only conduct treatments which allow for expeditious removal of a decoupled or
6 jammed source.

7 (6) In addition to the requirements specified in Paragraphs (1) through (5) of this subsection,
8 a licensee shall:

9 (a) for medium dose-rate and pulsed dose-rate remote afterloader units, require:

10 (i) an authorized medical physicist and either an authorized user or a
11 physician, under the supervision of an authorized user, who has been trained in the operation and emergency
12 response for the unit to be physically present during the initiation of all patient treatments involving the unit; and

13 (ii) an authorized medical physicist and either an authorized user or an
14 individual, under the supervision of an authorized user, who has been trained to remove the source applicator(s) in
15 the event of an emergency involving the unit, to be immediately available during continuation of all patient
16 treatments involving the unit;

17 (b) for high dose-rate remote afterloader units, require:

18 (i) an authorized user and an authorized medical physicist to be physically
19 present during the initiation of all patient treatments involving the unit; and

20 (ii) an authorized medical physicist and either an authorized user or a
21 physician, under the supervision of an authorized user, who has been trained in the operation and emergency
22 response for the unit, to be physically present during continuation of all patient treatments involving the unit;

23 (c) for gamma stereotactic radiosurgery units, require an authorized user and an
24 authorized medical physicist to be physically present throughout all patient treatments involving the unit;

25 (d) notify the radiation safety officer, or their designee and an authorized user as
26 soon as possible if the patient or human research subject has a medical emergency or dies.

27 (7) A licensee shall have applicable emergency response equipment available near each
28 treatment room to respond to a source which:

29 (a) remains in the unshielded position; or

30 (b) is lodged within the patient following completion of the treatment.

31 F. Dosimetry Equipment.

32 (1) Except for low dose-rate remote afterloader sources where the source output or activity is
33 determined by the manufacturer, a licensee shall have a calibrated dosimetry system available for use. To satisfy
34 this requirement, one of the following two conditions must be met.

35 (a) The system must have been calibrated using a system or source traceable to the
36 NIST and published protocols accepted by nationally recognized bodies, or by a calibration laboratory accredited by
37 the American association of physicists in medicine. The calibration must have been performed within the previous
38 two[2] years and after any servicing that may have affected system calibration.

39 (b) The system must have been calibrated within the previous four[4] years.
40 Eighteen to thirty months after that calibration, the system must have been inter-compared with another dosimetry
41 system that was calibrated within the past 24 months by NIST or by a calibration laboratory accredited by the
42 American association of physicists in medicine. The results of the inter-comparison must indicate that the
43 calibration factor of the licensee's system had not changed by more than two[2] percent. The licensee may not use
44 the inter-comparison result to change the calibration factor. When inter-comparing dosimetry systems to be used for
45 calibrating sealed sources for therapeutic units, the licensee shall use a comparable unit with beam attenuators or
46 collimators, as applicable, and sources of the same radionuclide as the source used at the licensee's facility.

47 (2) The licensee shall have a dosimetry system available for use for spot-check output
48 measurements, if applicable. To satisfy this requirement, the system may be compared with a system that has been
49 calibrated in accordance with Paragraph (1) of this subsection. This comparison must have been performed within
50 the previous year and after each servicing that may have affected system calibration. The spot-check system may be
51 the same system used to meet the requirement in Paragraph (1) of this subsection.

52 (3) The licensee shall retain a record of each calibration, inter-comparison and comparison in
53 accordance with Subsection V of 20.3.7.715 NMAC.

54 G. Full Calibration Measurements on Teletherapy Units.

55 (1) A licensee authorized to use a teletherapy unit for medical use shall perform full
56 calibration measurements on each teletherapy unit:

- 1 (a) before the first medical use of the unit;
- 2 (b) before medical use under the following conditions:
- 3 (i) whenever spot-check measurements indicate that the output differs by
- 4 more than 5 percent from the output obtained at the last full calibration corrected mathematically for radioactive
- 5 decay;
- 6 (ii) following replacement of the source or following reinstallation of the
- 7 teletherapy unit in a new location;
- 8 (iii) following any repair of the teletherapy unit that includes removal of the
- 9 source or major repair of the components associated with the source exposure assembly; and
- 10 (c) at intervals not exceeding one[+] year.
- 11 (2) To satisfy the requirement of Paragraph (1) of this subsection, full calibration
- 12 measurements must include determination of:
- 13 (a) the output within plus or minus three[3] percent for the range of field sizes and
- 14 for the distance or range of distances used for medical use;
- 15 (b) the coincidence of the radiation field and the field indicated by the light beam
- 16 localizing device;
- 17 (c) the uniformity of the radiation field and its dependence on the orientation of the
- 18 useful beam;
- 19 (d) timer accuracy and linearity over the range of use;
- 20 (e) on-off error; and
- 21 (f) the accuracy of all distance measuring and localization devices in medical use.
- 22 (3) A licensee shall use the dosimetry system described in Paragraph (1) of Subsection F of
- 23 20.3.7.711 NMAC to measure the output for one set of exposure conditions. The remaining radiation measurements
- 24 required in Subparagraph (a) of Paragraph (2) of this subsection may be made using a dosimetry system that
- 25 indicates relative dose rates.
- 26 (4) A licensee shall make full calibration measurements required by Paragraph (1) of this
- 27 subsection in accordance with published protocols accepted by nationally recognized bodies.
- 28 (5) A licensee shall mathematically correct the outputs determined in Subparagraph (a) of
- 29 Paragraph (2) of this subsection for physical decay for intervals not exceeding one[+] month for cobalt-60, six[6]
- 30 months for cesium-137, or at intervals consistent with 1 percent decay for all other nuclides.
- 31 (6) Full calibration measurements required by Paragraph (1) of this subsection and physical
- 32 decay corrections required by Paragraph (5) of this subsection must be performed by the authorized medical
- 33 physicist.
- 34 (7) A licensee shall retain a record of each calibration in accordance with Subsection W of
- 35 20.3.7.715 NMAC.
- 36 **H. Full Calibration Measurements on Remote Afterloader Units.**
- 37 (1) A licensee authorized to use a remote afterloader unit for medical use shall perform full
- 38 calibration measurements on each unit:
- 39 (a) before the first medical use of the unit;
- 40 (b) before medical use under the following conditions:
- 41 (i) following replacement of the source or following reinstallation of the
- 42 unit in a new location; and
- 43 (ii) following any repair of the unit that includes removal of the source or
- 44 major repair of the components associated with the source exposure assembly;
- 45 (c) at intervals not exceeding one quarter for high dose-rate, medium dose-rate, and
- 46 pulsed dose-rate remote afterloader units with sources whose half-life exceeds 75 days; and
- 47 (d) at intervals not exceeding one year for low dose-rate remote afterloader units.
- 48 (2) To satisfy the requirement of Paragraph (1) of this subsection, full calibration
- 49 measurements must include, as applicable, determination of:
- 50 (a) the output within plus or minus five[5] percent;
- 51 (b) source positioning accuracy to within plus or minus one[+] millimeter;
- 52 (c) source retraction with backup battery upon power failure;
- 53 (d) length of the source transfer tubes;
- 54 (e) timer accuracy and linearity over the typical range of use;
- 55 (f) length of the applicators; and

1 (g) function of the source transfer tubes, applicators and transfer tube-applicator
2 interfaces.

3 (3) A licensee shall use the dosimetry system described in Paragraph (1) of Subsection F of
4 20.3.7.711 NMAC to measure the output.

5 (4) A licensee shall make full calibration measurements required by Paragraph (1) of this
6 subsection in accordance with published protocols accepted by nationally recognized bodies.

7 (5) In addition to the requirements for full calibrations for low dose-rate remote afterloader
8 units in Paragraph (2) of this subsection, a licensee shall perform an autoradiograph of the source(s) to verify
9 inventory and source(s) arrangement at intervals not exceeding one quarter.

10 (6) For low dose-rate remote afterloader units, a licensee may use measurements provided by
11 the source manufacturer that are made in accordance with Paragraphs (1) through (5) of this subsection.

12 (7) A licensee shall mathematically correct the outputs determined in Subparagraph (a) of
13 Paragraph (2) of this subsection for physical decay at intervals consistent with one[4] percent physical decay.

14 (8) Full calibration measurements required by Paragraph (1) of this subsection and physical
15 decay corrections required by Paragraph (7) of this subsection must be performed by the authorized medical
16 physicist.

17 (9) A licensee shall retain a record of each calibration in accordance with Subsection W of
18 20.3.7.715 NMAC.

19 **I. Full Calibration Measurements on Gamma Stereotactic Radiosurgery Units.**

20 (1) A licensee authorized to use a gamma stereotactic radiosurgery unit for medical use shall
21 perform full calibration measurements on each unit:

22 (a) before the first medical use of the unit;

23 (b) before medical use under the following conditions:

24 (i) whenever spot-check measurements indicate that the output differs by
25 more than 5 percent from the output obtained at the last full calibration corrected mathematically for radioactive
26 decay;

27 (ii) following replacement of the sources or following reinstallation of the
28 gamma stereotactic radiosurgery unit in a new location; and

29 (iii) following any repair of the gamma stereotactic radiosurgery unit that
30 includes removal of the sources or major repair of the components associated with the source assembly; and

31 (c) at intervals not exceeding one year, with the exception that relative helmet
32 factors need only be determined before the first medical use of a helmet and following any damage to a helmet.

33 (2) To satisfy the requirement of Paragraph (1) of this subsection, full calibration
34 measurements must include determination of:

35 (a) the output within plus or minus three[3] percent;

36 (b) relative helmet factors;

37 (c) isocenter coincidence;

38 (d) timer accuracy and linearity over the range of use;

39 (e) on-off error;

40 (f) trunnion centricity;

41 (g) treatment table retraction mechanism, using backup battery power or hydraulic
42 backups with the unit off;

43 (h) helmet microswitches;

44 (i) emergency timing circuits; and

45 (j) stereotactic frames and localizing devices (trunnions).

46 (3) A licensee shall use the dosimetry system described in Paragraph (1) of Subsection F of
47 20.3.7.711 NMAC to measure the output for one set of exposure conditions. The remaining radiation measurements
48 required in Subparagraph (a) of Paragraph (2) of this subsection of this subsection may be made using a dosimetry
49 system that indicates relative dose rates.

50 (4) A licensee shall make full calibration measurements required by Paragraph (1) of this
51 subsection in accordance with published protocols accepted by nationally recognized bodies.

52 (5) A licensee shall mathematically correct the outputs determined in Subparagraph (a) of
53 Paragraph (2) of this subsection at intervals not exceeding one[1] month for cobalt-60 and at intervals consistent
54 with 1 percent physical decay for all other radionuclides.

1 **(6)** Full calibration measurements required by Paragraph (1) of this subsection and physical
2 decay corrections required by Paragraph (5) of this subsection must be performed by the authorized medical
3 physicist.

4 **(7)** A licensee shall retain a record of each calibration in accordance with Subsection W of
5 20.3.7.715 NMAC.

6 **J. Periodic Spot-Checks for Teletherapy Units.**

7 **(1)** A licensee authorized to use teletherapy units for medical use shall perform output spot-
8 checks on each teletherapy unit once in each calendar month that include determination of:

- 9 **(a)** timer accuracy and timer linearity over the range of use;
- 10 **(b)** on-off error;
- 11 **(c)** the coincidence of the radiation field and the field indicated by the light beam
12 localizing device;
- 13 **(d)** the accuracy of all distance measuring and localization devices used for medical
14 use;
- 15 **(e)** the output for one typical set of operating conditions measured with the
16 dosimetry system described in Paragraph (2) of Subsection F of 20.3.7.711 NMAC; and
- 17 **(f)** the difference between the measurement made in Subparagraph (e) of this
18 paragraph and the anticipated output, expressed as a percentage of the anticipated output (i.e., the value obtained at
19 last full calibration corrected mathematically for physical decay).

20 **(2)** A licensee shall perform measurements required by Paragraph (1) of this subsection in
21 accordance with written procedures established by the authorized medical physicist. That individual need not
22 actually perform the spot-check measurements.

23 **(3)** A licensee shall have the authorized medical physicist review the results of each spot-
24 check within 15 days. The authorized medical physicist shall notify the licensee as soon as possible in writing of the
25 results of each spot-check.

26 **(4)** A licensee authorized to use a teletherapy unit for medical use shall perform safety spot-
27 checks of each teletherapy facility once in each calendar month and after each source installation to assure proper
28 operation of:

- 29 **(a)** electrical interlocks at each teletherapy room entrance;
- 30 **(b)** electrical or mechanical stops installed for the purpose of limiting use of the
31 primary beam of radiation (restriction of source housing angulation or elevation, carriage or stand travel and
32 operation of the beam on-off mechanism);
- 33 **(c)** source exposure indicator lights on the teletherapy unit, on the control console,
34 and in the facility;
- 35 **(d)** viewing and intercom systems;
- 36 **(e)** treatment room doors from inside and outside the treatment room; and
- 37 **(f)** electrically assisted treatment room doors with the teletherapy unit electrical
38 power turned off.

39 **(5)** If the results of the checks required in Paragraph (4) of this subsection indicate the
40 malfunction of any system, a licensee shall lock the control console in the off position and not use the unit except as
41 may be necessary to repair, replace or check the malfunctioning system.

42 **(6)** A licensee shall retain a record of each spot-check required by Paragraphs (1) and (4) of
43 this subsection, and a copy of the procedures required by Paragraph (2), in accordance with Subsection X of
44 20.3.7.715 NMAC.

45 **K. Periodic Spot-Checks For Remote Afterloader Units.**

46 **(1)** A licensee authorized to use a remote afterloader unit for medical use shall perform spot-
47 checks of each remote afterloader facility and on each unit:

- 48 **(a)** before the first use of a high dose-rate, medium dose-rate or pulsed dose-rate
49 remote afterloader unit on a given day;
- 50 **(b)** before each patient treatment with a low dose-rate remote afterloader unit; and
- 51 **(c)** after each source installation.

52 **(2)** A licensee shall perform the measurements required by Paragraph (1) of this subsection
53 in accordance with written procedures established by the authorized medical physicist. That individual need not
54 actually perform the spot check measurements.

1 **(3)** A licensee shall have the authorized medical physicist review the results of each spot-
2 check within 15 days. The authorized medical physicist shall notify the licensee as soon as possible in writing of the
3 results of each spot-check.

4 **(4)** To satisfy the requirements of Paragraph (1) of this subsection, spot-checks must, at a
5 minimum, assure proper operation of:

- 6 **(a)** electrical interlocks at each remote afterloader unit room entrance;
- 7 **(b)** source exposure indicator lights on the remote afterloader unit, on the control
8 console, and in the facility;
- 9 **(c)** viewing and intercom systems in each high dose-rate, medium dose-rate and
10 pulsed dose-rate remote afterloader facility;
- 11 **(d)** emergency response equipment;
- 12 **(e)** radiation monitors used to indicate the source position;
- 13 **(f)** timer accuracy;
- 14 **(g)** clock (date and time) in the unit's computer; and
- 15 **(h)** decayed source(s) activity in the unit's computer.

16 **(5)** If the results of the checks required in Paragraph (4) of this subsection indicate the
17 malfunction of any system, a licensee shall lock the control console in the off position and not use the unit except as
18 may be necessary to repair, replace or check the malfunctioning system.

19 **(6)** A licensee shall retain a record of each check required by Paragraph (4) of this subsection
20 and a copy of the procedures required by Paragraph (2) of this subsection in accordance with Subsection Y of
21 20.3.7.715 NMAC.

22 **L. Periodic Spot-Checks For Gamma Stereotactic Radiosurgery Units.**

23 **(1)** A licensee authorized to use a gamma stereotactic radiosurgery unit for medical use shall
24 perform spot-checks of each gamma stereotactic radiosurgery facility and on each unit:

- 25 **(a)** monthly;
- 26 **(b)** before the first use of the unit on a given day; and
- 27 **(c)** after each source installation.

28 **(2)** A licensee shall:
29 **(a)** perform the measurements required by Paragraph (1) of this subsection in
30 accordance with written procedures established by the authorized medical physicist; that individual need not actually
31 perform the spot check measurements;

32 **(b)** have the authorized medical physicist review the results of each spot-check
33 within 15 days; the authorized medical physicist shall notify the licensee as soon as possible in writing of the results
34 of each spot-check.

35 **(3)** To satisfy the requirements of Subparagraph (a) of Paragraph (1) of this subsection, spot-
36 checks must, at a minimum:

- 37 **(a)** assure proper operation of:
 - 38 **(i)** treatment table retraction mechanism, using backup battery power or
39 hydraulic backups with the unit off;
 - 40 **(ii)** helmet microswitches;
 - 41 **(iii)** emergency timing circuits; and
 - 42 **(iv)** stereotactic frames and localizing devices (trunnions); and
- 43 **(b)** determine:
 - 44 **(i)** the output for one typical set of operating conditions measured with the
45 dosimetry system described in Paragraph (2) of Subsection F of 20.3.7.711 NMAC;
 - 46 **(ii)** the difference between the measurement made above (Item (i) of
47 Subparagraph (b) of Paragraph (3) of Subsection L of 20.3.7.711 NMAC) and the anticipated output, expressed as a
48 percentage of the anticipated output (i.e., the value obtained at last full calibration corrected mathematically for
49 physical decay);
 - 50 **(iii)** source output against computer calculation;
 - 51 **(iv)** timer accuracy and linearity over the range of use;
 - 52 **(v)** on-off error; and
 - 53 **(vi)** trunnion centricity.

54 **(4)** To satisfy the requirements of Subparagraphs (b) and (c) of Paragraphs (1) of this
55 subsection, spot-checks must assure proper operation of:

- 56 **(a)** electrical interlocks at each gamma stereotactic radiosurgery room entrance;

1 (b) source exposure indicator lights on the gamma stereotactic radiosurgery unit, on
2 the control console, and in the facility;

3 (c) viewing and intercom systems;

4 (d) timer termination;

5 (e) radiation monitors used to indicate room exposures; and

6 (f) emergency off buttons.

7 (5) A licensee shall arrange for the repair of any system identified in Paragraph (3) of this
8 subsection that is not operating properly as soon as possible.

9 (6) If the results of the checks required in Paragraph (4) of this subsection indicate the
10 malfunction of any system, a licensee shall lock the control console in the off position and not use the unit except as
11 may be necessary to repair, replace or check the malfunctioning system.

12 (7) A licensee shall retain a record of each check required by Paragraphs (3) and (4) and a
13 copy of the procedures required by Paragraph (2) of this subsection in accordance with Subsection Z of 20.3.7.715
14 NMAC.

15 **M. Additional Technical Requirements for Mobile Remote Afterloader Units.**

16 (1) A licensee providing mobile remote afterloader service shall:

17 (a) check survey instruments before medical use at each address of use or on each
18 day of use, whichever is more frequent; and

19 (b) account for all sources before departure from a client's address of use.

20 (2) In addition to the periodic spot-checks required by Subsection K of 20.3.7.711 NMAC, a
21 licensee authorized to use mobile afterloaders for medical use shall perform checks on each remote afterloader unit
22 before use at each address of use. At a minimum, checks must be made to verify the operation of:

23 (a) electrical interlocks on treatment area access points;

24 (b) source exposure indicator lights on the remote afterloader unit, on the control
25 console, and in the facility;

26 (c) viewing and intercom systems;

27 (d) applicators, source transfer tubes and transfer tube-applicator interfaces;

28 (e) radiation monitors used to indicate room exposures;

29 (f) source positioning (accuracy); and

30 (g) radiation monitors used to indicate whether the source has returned to a safe
31 shielded position.

32 (3) In addition to the requirements for checks in Paragraph (2) of this subsection, a licensee
33 shall ensure overall proper operation of the remote afterloader unit by conducting a simulated cycle of treatment
34 before use at each address of use.

35 (4) If the results of the checks required in Paragraph (2) of this subsection indicate the
36 malfunction of any system, a licensee shall lock the control console in the off position and not use the unit except as
37 may be necessary to repair, replace or check the malfunctioning system.

38 (5) A licensee shall retain a record of each check required by Paragraph (2) of this subsection
39 in accordance with Subsection AA of 20.3.7.715 NMAC.

40 **N. Radiation Surveys.**

41 (1) In addition to the survey requirements in Subsection H of 20.3.7.703 NMAC and
42 20.3.4.416 NMAC, a person subject to this section shall make surveys to ensure that the maximum radiation levels
43 and average radiation levels from the surface of the main source safe with the source(s) in the shielded position do
44 not exceed the levels stated in the *sealed source and device registry*.

45 (2) The licensee shall make the survey required by Paragraph (1) of this subsection at
46 installation of a new source and following repairs to the source(s) shielding, the source(s) driving unit or other
47 electronic or mechanical component that could expose the source, reduce the shielding around the source(s) or
48 compromise the radiation safety of the unit or the source(s).

49 (3) A licensee shall retain a record of the radiation surveys required by Paragraph (1) of this
50 subsection in accordance with Subsection BB of 20.3.7.715 NMAC.

51 **O. Five-Year Inspection for Teletherapy and Gamma Stereotactic Radiosurgery Units.**

52 (1) A licensee shall have each teletherapy unit and gamma stereotactic radiosurgery unit fully
53 inspected and serviced during source replacement or at intervals not to exceed five[5] years, whichever comes first,
54 to assure proper functioning of the source exposure mechanism.

55 (2) This inspection and servicing may only be performed by persons specifically licensed to
56 do so by the department, NRC or an agreement state.

1 (3) A licensee shall keep a record of the inspection and servicing in accordance with
2 Subsection CC of 20.3.7.715 NMAC.

3 **P. Therapy-Related Computer Systems.** The licensee shall perform acceptance testing on the
4 treatment planning system of therapy-related computer systems in accordance with published protocols accepted by
5 nationally recognized bodies. At a minimum, the acceptance testing must include, as applicable, verification of:

- 6 (1) the source-specific input parameters required by the dose calculation algorithm;
- 7 (2) the accuracy of dose, dwell time and treatment time calculations at representative points;
- 8 (3) the accuracy of isodose plots and graphic displays;
- 9 (4) the accuracy of the software used to determine sealed source positions from radiographic

10 images; and
11 (5) the accuracy of electronic transfer of the treatment delivery parameters to the treatment
12 delivery unit from the treatment planning system.

13 [20.3.7.711 NMAC - Rp, 20 NMAC 3.1.7.710, 4/30/2009; A, XX/XX/2021]

14
15 **20.3.7.712 SEALED SOURCES FOR DIAGNOSIS:**

16 **A. Use of Sealed Sources for Diagnosis.** A licensee shall use only sealed sources for diagnostic
17 medical uses as approved in the *sealed source and device registry*.

18 **B. Survey Instrument.** A licensee authorized to use radioactive material as a sealed source for
19 diagnostic purposes shall have available for use a portable radiation survey meter capable of detecting dose rates
20 ranging from 0.1 millirem (one[+] millisievert) per hour to 1000 millirems (10 millisieverts) per hour. The
21 instrument shall be operable and calibrated in accordance with section Subsection C of 20.3.7.703 NMAC.

22 [20.3.7.712 NMAC - Rp, 20 NMAC 3.1.7.711, 4/30/2009; A, XX/XX/2021]

23
24 **20.3.7.713 OTHER MEDICAL USES OF RADIOACTIVE MATERIAL OR RADIATION FROM**

25 **RADIOACTIVE MATERIAL:** A licensee may use radioactive material or a radiation source approved for
26 medical use which is not specifically addressed in 20.3.7.704 NMAC through 20.3.7.712 NMAC of this part if:

27 **A.** the applicant or licensee has submitted the information required by Paragraph (2) through (4) of
28 Subsection E of 20.3.7.700 NMAC; and

29 **B.** the applicant or licensee has received written approval from the department in a license or license
30 amendment and uses the material in accordance with the requirements and specific conditions the department
31 considers necessary for the medical use of the material.

32 [20.3.7.713 NMAC - N, 4/30/2009]

33
34 **20.3.7.714 TRAINING REQUIREMENTS:**

35 **A. Radiation Safety Officer.** The regulations of the NRC set forth in 10 CFR 35.50 are hereby
36 incorporated by reference.

37 **B. Training for an Authorized Medical Physicist.** The regulations of the NRC set forth in 10 CFR
38 35.51 are hereby incorporated by reference.

39 **C. Training for an Authorized Nuclear Pharmacist.** The regulations of the NRC set forth in 10
40 CFR 35.55 are hereby incorporated by reference.

41 **D. Training for Experienced Radiation Safety Officer, Teletherapy or Medical Physicist,**
42 **Authorized Medical Physicist, Authorized User, Nuclear Pharmacist and Authorized Nuclear Pharmacist.**
43 The regulations of the NRC set forth in 10 CFR 35.57 are hereby incorporated by reference.

44 **E. Recentness of Training.** The training and experience specified in Subsections A, B, C, F, G, H, I,
45 J, K, L, M, N and O of this section must have been obtained within the seven[7] years preceding the date of
46 application or the individual must have had related continuing education and experience since the required training
47 and experience was completed.

48 **F. Training for Uptake, Dilution, and Excretion Studies.** (For use of unsealed radioactive
49 material under 20.3.7.704 NMAC) The regulations of the NRC set forth in 10 CFR 35.190 are hereby incorporated
50 by reference.

51 **G. Training for Imaging and Localization Studies.** (For use of unsealed radioactive material under
52 20.3.7.705 NMAC) The regulations of the NRC set forth in 10 CFR 35.290 are hereby incorporated by reference.

53 **H. Training for Use of Unsealed Radioactive Material for Which a Written Directive is**
54 **Required.** (For use of unsealed radioactive material under 20.3.7.708 NMAC) The regulations of the NRC set forth
55 in 10 CFR 35.390 are hereby incorporated by reference.

1 **I. Training for the Oral Administration of Sodium Iodide I-131 Requiring a Written Directive**
2 **in Quantities Less than or Equal to 33 millicuries (1.22 gigabecquerels).** The regulations of the NRC set forth in
3 10 CFR 35.392 are hereby incorporated by reference.

4 **J. Training for the Oral Administration of Sodium Iodide I-131 Requiring a Written Directive**
5 **in Quantities Greater than 33 millicuries (1.22 gigabecquerels).** The regulations of the NRC set forth in 10 CFR
6 35.394 are hereby incorporated by reference.

7 **K. Training for the Parenteral Administration of Unsealed Byproduct Material Requiring a**
8 **Written Directive.** The regulations of the NRC set forth in 10 CFR 35.396 are hereby incorporated by reference.

9 **L. Training for Use of Manual Brachytherapy Sources.** (For use of radioactive material under
10 20.3.7.710 NMAC) The regulations of the NRC set forth in 10 CFR 35.490 are hereby incorporated by reference.

11 **M. Training for Ophthalmic Use of Strontium-90.** (For use of radioactive material under
12 20.3.7.710 NMAC) The regulations of the NRC set forth in 10 CFR 35.491 are hereby incorporated by reference.

13 **N. Training for Use of Sealed Sources for Diagnosis:** (For use of radioactive material under
14 20.3.7.712 NMAC) The regulations of the NRC set forth in 10 CFR 35.590 are hereby incorporated by reference.

15 **O. Training for Use of Remote Afterloader Units, Teletherapy Units and Gamma Stereotactic**
16 **Radiosurgery Units** (For use of radioactive material under 20.3.7.711 NMAC). The regulations of the NRC set
17 forth in 10 CFR 35.690 are hereby incorporated by reference.

18 **P. Modifications.** The following modifications are made to the incorporated federal regulations in
19 this section.

20 (1) “Commission” means the department or NRC.

21 (2) “Act” means the Radiation Protection Act, Sections 74-3-1 through 74-3-16 NMSA
22 1978.

23 (3) “Byproduct material” means radioactive material as defined in this chapter.

24 (4) “10 CFR 35.100” means 20.3.7.704 NMAC.

25 (5) “10 CFR 35.200” means 20.3.7.705 NMAC.

26 (6) “10 CFR 35.300” means 20.3.7.708 NMAC.

27 (7) “10 CFR 35.400” means 20.3.7.710 NMAC.

28 (8) “10 CFR 35.500” means 20.3.7.712 NMAC.

29 (9) “10 CFR 35.600” means 20.3.7.711 NMAC.

30 (10) “At all other locations of use” in Subsection D of this section, incorporating 10 CFR
31 35.57 means at all other locations of use in non-licensing state, as defined in 20.3.1.7 NMAC.
32 [20.3.7.714 NMAC - Rp, 20 NMAC 3.1.7.712, 4/30/2009; A, XX/XX/2021]

33
34 **20.3.7.715 RECORDS:**

35 **A. Records of Authority and Responsibilities for Radiation Protection Programs.**

36 (1) A licensee shall retain a record of actions taken by the licensee’s management in
37 accordance with Subsection C of 20.3.7.702 NMAC for five[5] years. The record must include a summary of the
38 actions taken and a signature of licensee management.

39 (2) The licensee shall retain a copy of both authority, duties and responsibilities of the
40 radiation safety officer as required by Paragraph (2) of Subsection A of 20.3.7.702 NMAC, and a signed copy of
41 each radiation safety officer’s agreement to be responsible for implementing the radiation safety program, as
42 required by Paragraph (1) of Subsection A of 20.3.7.702 NMAC, for the duration of the license. The records must
43 include the signature of the radiation safety officer and licensee management.

44 **B. Records of Radiation Protection Program Changes.** A licensee shall retain a record of each
45 radiation protection program change made in accordance with Subsection E of 20.3.7.702 NMAC for five[5] years.
46 The record must include a copy of the old and new procedures, the effective date of the change and the signature of
47 the licensee management that reviewed and approved the change.

48 **C. Records of Written Directives.** A licensee shall retain a copy of each written directive as
49 required by Subsection G of 20.3.7.702 NMAC for three[3] years.

50 **D. Records for Procedures for Administrations Requiring a Written Directive.** A licensee shall
51 retain a copy of the procedures required by Subsection H of 20.3.7.702 NMAC for the duration of the license.

52 **E. Records of Calibrations, Test or Checks of Instruments Used to Measure the Activity of**
53 **Unsealed Radioactive Material.** A licensee shall maintain a record of instrument checks, tests and calibrations
54 required by Subsection A of 20.3.7.703 NMAC for three[3] years. The records must include the model and serial
55 number of the instrument, the date of the check, test or calibration, the activity and serial number of the calibration

1 source(s) used for the check, test or calibration, whichever applicable, the results of the check, test or calibration and
2 the name of the individual who performed the check, test or calibration.

3 **F. Records of Radiation Survey Instrument Calibrations.** A licensee shall maintain a record of
4 radiation survey instrument calibrations required by Subsection C of 20.3.7.703 NMAC for three[3] years. The
5 record must include the model and serial number of the instrument, the date of the calibration, the results of the
6 calibration and the name of the individual who performed the calibration.

7 **G. Records of Dosages of Unsealed Radioactive Material for Medical Use.**

8 (1) A licensee shall maintain a record of dosage determinations required by Subsection B of
9 20.3.7.703 NMAC for three[3] years.

10 (2) The record must contain:

- 11 (a) the radiopharmaceutical;
12 (b) the patient's or human research subject's name or identification number if one
13 has been assigned;
14 (c) the prescribed dosage, the determined dosage or a notation that the total activity
15 is less than 30 microcuries (1.1 megabecquerels);
16 (d) the date and time of the dosage determination; and
17 (e) the name of the individual who determined the dosage.

18 **H. Records of Leaks Tests and Inventory of Sealed Sources and Brachytherapy Sources.**

19 (1) A licensee shall retain records of leak tests required by Paragraph (2) of Subsection F of
20 20.3.7.703 NMAC for three[3] years. The records must include the model number, and serial number if one has
21 been assigned, of each source tested; the identity of each source by radionuclide and its estimated activity; the
22 results of the test; the date of the test and the name of the individual who performed the test.

23 (2) A licensee shall retain records of the semi-annual physical inventory of sealed sources
24 and brachytherapy sources required by Paragraph (7) of Subsection F of 20.3.7.703 NMAC for three[3] years. The
25 inventory records must contain the model number of each source, and serial number if one has been assigned, the
26 identity of each source by radionuclide and its nominal activity, the location of each source and the name of the
27 individual who performed the inventory.

28 **I. Records of Surveys.** A licensee shall retain a record of each survey required by Subsection H of
29 20.3.7.703 NMAC for three[3] years. The record must include the date of the survey, the results of the survey, the
30 instrument used to make the survey and the name of the individual who performed the survey.

31 **J. Records of the Release of Individuals Containing Unsealed Radioactive Material or Implants
32 Containing Radioactive Material.**

33 (1) A licensee shall retain a record of the basis for authorizing the release of an individual in
34 accordance with Subsection I of 20.3.7.703 NMAC, if the total effective dose equivalent is calculated by:

- 35 (a) using the retained activity rather than the activity administered;
36 (b) using an occupancy factor less than 0.25 at one[1] meter;
37 (c) using the biological or effective half-life; or
38 (d) considering the shielding by tissue.

39 (2) A licensee shall retain a record that the instructions required by Paragraph (2) of
40 Subsection I of 20.3.7.703 NMAC were provided to a breast-feeding female if the radiation dose to the infant or
41 child from continued breastfeeding could result in a total effective dose equivalent exceeding 0.5 rem (~~five[5]~~
42 millisieverts).

43 (3) The records required by Paragraphs (1) and (2) of this section must be retained for
44 three[3] years after the date of release of the individual.

45 **K. Records of Mobile Medical Services.**

46 (1) A licensee shall retain a copy of each letter that permits the use of radioactive material at
47 a client's address, as required by Subparagraph (a) of Paragraph (1) of Subsection J of 20.3.7.703 NMAC. Each
48 letter must clearly delineate the authority and responsibility of the licensee and the client and must be retained for
49 three[3] years after the last provision of service.

50 (2) A licensee shall retain the record of each survey required by Subparagraph (d) of
51 Paragraph (1) of Subsection J of 20.3.7.703 NMAC for three[3] years. The record must include the date of the
52 survey, the results of the survey, the instrument used to make the survey and the name of the individual who
53 performed the survey.

54 **L. Records of Decay-In-Storage.** A licensee shall maintain records of the disposal of licensed
55 materials, as required by Subsection L of 20.3.7.703 NMAC, for three[3] years. The record must include the date of

1 the disposal, the survey instrument used, the background radiation level, the radiation level measured at the surface
2 of each waste container and the name of the individual who performed the survey.

3 **M. Records of Molybdenum-99, Strontium-82 and Strontium-85 Concentrations.** A licensee
4 shall maintain a record of the molybdenum-99, strontium-82 and strontium-85 concentration tests required by
5 20.3.7.706 NMAC for three[3] years. The record must include:

6 (1) for each measured elution of technetium-99m, the ratio of the measures expressed as
7 microcuries of molybdenum-99 per each millicurie of technetium-99m (or kilobecquerel of molybdenum-99 per
8 each megabecquerel of technetium-99m), the time and date of the measurement and the name of the individual who
9 made the measurement; or

10 (2) for each measured elution of rubidium-82, the ratio of the measures expressed as
11 microcuries of strontium-82 per millicurie of rubidium-82 (or kilobecquerel of strontium-82 per megabecquerel of
12 rubidium), microcurie of strontium-85 per millicurie of rubidium-82 (or kilobecquerel of strontium-85 per
13 megabecquerel of rubidium), the time and date of the measurement and the name of the individual who made the
14 measurement.

15 **N. Records of Gas Controls.** A licensee shall maintain the records specified in Subsection D of
16 20.3.7.707 NMAC for 3 years.

17 **O. Records of Safety Instructions.** A licensee shall maintain a record of safety instructions required
18 by Subsection A of 20.3.7.709 NMAC, Subsection D of 20.3.7.710 NMAC and Subsection D of 20.3.7.711 NMAC
19 for 3 years. The record must include a list of the topics covered, the date of the instruction, the name(s) of the
20 attendee(s) and the name(s) of the individual(s) who provided the instruction.

21 **P. Records of Surveys after Source Implant and Removal.** A licensee shall maintain a record of
22 the surveys required by Subsection B of 20.3.7.710 NMAC and Subsection B of 20.3.7.711 NMAC for three[3]
23 years. Each record must include the date and results of the survey, the survey instrument used and the name of the
24 individual who made the survey.

25 **Q. Records of Brachytherapy Source Accountability.**

26 (1) A licensee shall maintain a record of brachytherapy source accountability required by
27 Subsection B of 20.3.7.710 NMAC for three[3] years.

28 (2) For temporary implants, the record must include:
29 (a) the number and activity of sources removed from storage, the time and date they
30 were removed from storage, the name of the individual who removed them from storage and the location of use; and
31 (b) the number and activity of sources returned to storage, the time and date they
32 were returned to storage and the name of the individual who returned them to storage.

33 (3) For permanent implants, the record must include:
34 (a) the number and activity of sources removed from storage, the date they were
35 removed from storage and the name of the individual who removed them from storage;
36 (b) the number and activity of sources not implanted, the date they were returned to
37 storage and the name of the individual who returned them to storage; and
38 (c) the number and activity of sources permanently implanted in the patient or
39 human research subject.

40 **R. Records of Calibration Measurements of Brachytherapy Sources.**

41 (1) A licensee shall maintain a record of the calibrations of brachytherapy sources required
42 by Subsection F of 20.3.7.710 NMAC for three[3] years after the last use of the source.

43 (2) The record must include:
44 (a) the date of the calibration;
45 (b) the manufacturer's name, model number and serial number for the source and
46 the instruments used to calibrate the source;
47 (c) the source output or activity;
48 (d) the source positioning accuracy within the applicators; and
49 (e) the name of the individual, the source manufacturer or the calibration laboratory
50 that performed the calibration.

51 **S. Records of Decay of Strontium- 90 Sources for Ophthalmic Treatments.**

52 (1) A licensee shall maintain a record of the activity of a strontium-90 source required by
53 Subsection G of 20.3.7.710 NMAC for the life of the source.

54 (2) The record must include:
55 (a) the date and initial activity of the source as determined under Subsection F of
56 20.3.7.710 NMAC; and

1 (b) for each decay calculation, the date and the source activity as determined under
2 Subsection G of 20.3.7.710 NMAC.

3 **T. Records of Installation, Maintenance, Adjustment and Repair of Remote Afterloader Units,
4 Teletherapy Units and Gamma Stereotactic Radiosurgery Units.** A licensee shall retain a record of the
5 installation, maintenance, adjustment and repair of remote afterloader units, teletherapy units and gamma
6 stereotactic radiosurgery units as required by Subsection C of 20.3.7.711 NMAC for three[3] years. For each
7 installation, maintenance, adjustment and repair, the record must include the date, description of the service and
8 name(s) of the individual(s) who performed the work.

9 **U. Records of Safety Procedures.** A licensee shall retain a copy of the procedures required by
10 Subparagraph (d) of Paragraph (1) of Subsection D of 20.3.7.711 NMAC and Subparagraph (b) of Paragraph (4) of
11 Subsection D of 20.3.7.711 NMAC until the licensee no longer possesses the remote afterloader, teletherapy unit or
12 gamma stereotactic radiosurgery unit.

13 **V. Records of Dosimetry Equipment Used with Remote Afterloader Units, Teletherapy Units
14 and Gamma Stereotactic Radiosurgery Units.**

15 (1) A licensee shall retain a record of the calibration, inter-comparison and comparisons of
16 its dosimetry equipment done in accordance with Subsection F of 20.3.7.711 NMAC for the duration of the license.

17 (2) For each calibration, inter-comparison or comparison, the record must include:

- 18 (a) the date;
19 (b) the manufacturer's name, model numbers and serial numbers of the instruments
20 that were calibrated, inter-compared or compared as required by Paragraphs (1) and (2) of Subsection F of
21 20.3.7.711 NMAC;
22 (c) the correction factor that was determined from the calibration or comparison or
23 the apparent correction factor that was determined from an inter-comparison; and
24 (d) the names of the individuals who performed the calibration, inter-comparison or
25 comparison.

26 **W. Records of Teletherapy, Remote Afterloader and Gamma Stereotactic Radiosurgery Full
27 Calibrations.**

28 (1) A licensee shall maintain a record of the teletherapy unit, remote afterloader unit and
29 gamma stereotactic radiosurgery unit full calibrations required by Subsection G of 20.3.7.711 NMAC, Subsection H
30 of 20.3.7.711 NMAC and Subsection I of 20.3.7.711 NMAC for three[3] years, respectively.

31 (2) The record must include:

- 32 (a) the date of the calibration;
33 (b) the manufacturer's name, model number and serial number of the teletherapy,
34 remote afterloader and gamma stereotactic radiosurgery unit(s), the source(s) and the instruments used to calibrate
35 the unit(s);
36 (c) the results and an assessment of the full calibrations;
37 (d) the results of the autoradiograph required for low dose-rate remote afterloader
38 units; and
39 (e) the signature of the authorized medical physicist who performed the full
40 calibration.

41 **X. Records of Periodic Spot Checks for Teletherapy Units.**

42 (1) A licensee shall retain a record of each periodic spot-check for teletherapy units required
43 by Subsection J of 20.3.7.711 NMAC for three[3] years.

44 (2) The record must include:

- 45 (a) the date of the spot-check;
46 (b) the manufacturer's name, model number and serial number of the teletherapy
47 unit, source and instrument used to measure the output of the teletherapy unit;
48 (c) an assessment of timer linearity and constancy;
49 (d) the calculated on-off error;
50 (e) a determination of the coincidence of the radiation field and the field indicated
51 by the light beam localizing device;
52 (f) the determined accuracy of each distance measuring and localization device;
53 (g) the difference between the anticipated output and the measured output;
54 (h) notations indicating the operability of each entrance door electrical interlock,
55 each electrical or mechanical stop, each source exposure indicator light and the viewing and intercom system and
56 doors; and

1 (i) the name of the individual who performed the periodic spot-check and the
2 signature of the authorized medical physicist who reviewed the record of the spot-check.

3 (3) A licensee shall retain a copy of the procedures required by Paragraph (2) of Subsection J
4 of 20.3.7.711 NMAC until the licensee no longer possesses the teletherapy unit.

5 **Y. Records of Periodic Spot-checks for Remote Afterloader Units.**

6 (1) A licensee shall retain a record of each spot-check for remote afterloader units required
7 by Subsection K of 20.3.7.711 NMAC for three[3] years.

8 (2) The record must include, as applicable:

9 (a) the date of the spot-check;

10 (b) the manufacturer's name, model number and serial number for the remote
11 afterloader unit and source;

12 (c) an assessment of timer accuracy;

13 (d) notations indicating the operability of each entrance door electrical interlock,
14 radiation monitors, source exposure indicator lights, viewing and intercom systems and clock and decayed source
15 activity in the unit's computer; and

16 (e) the name of the individual who performed the periodic spot-check and the
17 signature of the authorized medical physicist who reviewed the record of the spot-check.

18 (3) A licensee shall retain a copy of the procedures required by Paragraph (2) of Subsection
19 K of 20.3.7.711 NMAC until the licensee no longer possesses the remote afterloader unit.

20 **Z. Records of Periodic Spot-checks for Gamma Stereotactic Radiosurgery Units.**

21 (1) A licensee shall retain a record of each spot-check for gamma stereotactic radiosurgery
22 units required by Subsection L of 20.3.7.711 NMAC for three[3] years.

23 (2) The record must include:

24 (a) the date of the spot-check;

25 (b) the manufacturer's name, model number and serial number for the gamma
26 stereotactic radiosurgery unit and the instrument used to measure the output of the unit;

27 (c) an assessment of timer linearity and accuracy;

28 (d) the calculated on-off error;

29 (e) a determination of trunnion centricity;

30 (f) the difference between the anticipated output and the measured output;

31 (g) an assessment of source output against computer calculations;

32 (h) notations indicating the operability of radiation monitors, helmet microswitches,
33 emergency timing circuits, emergency off buttons, electrical interlocks, source exposure indicator lights, viewing
34 and intercom systems, timer termination, treatment table retraction mechanism and stereotactic frames and
35 localizing devices (trunnions); and

36 (i) the name of the individual who performed the periodic spot-check and the
37 signature of the authorized medical physicist who reviewed the record of the spot-check.

38 (3) A licensee shall retain a copy of the procedures required by Paragraph (2) of Subsection
39 L of 20.3.7.711 NMAC until the licensee no longer possesses the gamma stereotactic radiosurgery unit.

40 **AA. Records of Additional Technical Requirements for Mobile Remote Afterloader Units.**

41 (1) A licensee shall retain a record of each check for mobile remote afterloader units required
42 by Subsection M of 20.3.7.711 NMAC for three[3] years.

43 (2) The record must include:

44 (a) the date of the check;

45 (b) the manufacturer's name, model number and serial number of the remote
46 afterloader unit;

47 (c) notations accounting for all sources before the licensee departs from a facility;

48 (d) notations indicating the operability of each entrance door electrical interlock,
49 radiation monitors, source exposure indicator lights, viewing and intercom system, applicators, source transfer tubes
50 and transfer tube applicator interfaces and source positioning accuracy; and

51 (e) the signature of the individual who performed the check.

52 **BB. Records of Surveys of Therapeutic Treatment Units.**

53 (1) A licensee shall maintain a record of radiation surveys of treatment units made in
54 accordance with Subsection N of 20.3.7.711 NMAC for the duration of use of the unit.

55 (2) The record must include:

56 (a) the date of the measurements;

- 1 **(b)** the manufacturer’s name, model number and serial number of the treatment unit,
- 2 source and instrument used to measure radiation levels;
- 3 **(c)** each dose rate measured around the source while the unit is in the off position
- 4 and the average of all measurements; and
- 5 **(d)** the signature of the individual who performed the test.

6 **CC. Records of 5-Year Inspection for Teletherapy and Gamma Stereotactic Radiosurgery Units.**

7 **(1)** A licensee shall maintain a record of the five[5]-year inspections for teletherapy and

8 gamma stereotactic radiosurgery units required by Subsection O of 20.3.7.711 NMAC for the duration of use of the

9 unit.

10 **(2)** The record must contain:

- 11 **(a)** the inspector’s radioactive materials license number;
- 12 **(b)** the date of inspection;
- 13 **(c)** the manufacturer’s name, model number and serial number of both the treatment
- 14 unit and source;
- 15 **(d)** a list of components inspected and serviced and the type of service; and
- 16 **(e)** the signature of the inspector.

17 [20.3.7.715 NMAC - N, 4/30/2009; A, XX/XX/2021]

18

19 **20.3.7.716 REPORTS:**

20 **A. Report and Notification of a Medical Event.**

21 **(1)** A licensee shall report any event, except for an event that results from patient

22 intervention, in which the administration of radioactive material or radiation from radioactive material results in:

23 **(a)** a dose that differs from the prescribed dose or dose that would have resulted

24 from the prescribed dosage by more than five[5] rems (50 millisieverts) effective dose equivalent, 50 rems (0.5

25 sievert) to an organ or tissue or 50 rems (0.5 sievert) shallow dose equivalent to the skin; and:

- 26 **(i)** the total dose delivered differs from the prescribed dose by 20 percent
- 27 or more;
- 28 **(ii)** the total dosage delivered differs from the prescribed dosage by 20
- 29 percent or more or falls outside the prescribed dosage range; or
- 30 **(iii)** the fractionated dose delivered differs from the prescribed dose, for a
- 31 single fraction, by 50 percent or more;

32 **(b)** a dose that exceeds five[5] rems (50 millisieverts) effective dose equivalent, 50

33 rems (0.5 sievert) to an organ or tissue, or 50 rems (0.5 sievert) shallow dose equivalent to the skin from any of the

34 following:

- 35 **(i)** an administration of a wrong radioactive drug containing radioactive
- 36 material;
- 37 **(ii)** an administration of a radioactive drug containing radioactive material
- 38 by the wrong route of administration;
- 39 **(iii)** an administration of a dose or dosage to the wrong individual or human
- 40 research subject;
- 41 **(iv)** an administration of a dose or dosage delivered by the wrong mode of
- 42 treatment; or
- 43 **(v)** a leaking sealed source; and

44 **(c)** a dose to the skin or an organ or tissue other than the treatment site that exceeds

45 by 50 rems (0.5 sievert) to an organ or tissue and 50 percent or more of the dose expected from the administration

46 defined in the written directive (excluding, for permanent implants, seeds that were implanted in the correct site but

47 migrated outside the treatment site).

48 **(2)** A licensee shall report any event resulting from intervention of a patient or human

49 research subject in which the administration of radioactive material or radiation from radioactive material results or

50 will result in unintended permanent functional damage to an organ or a physiological system, as determined by a

51 physician.

52 **(3)** The licensee shall notify by telephone the department no later than the next calendar day

53 after discovery of the medical event.

54 **(4)** The licensee shall submit a written report to the department within 15 days after

55 discovery of the medical event.

56 **(a)** The written report must include:

- 1 (i) the licensee's name;
- 2 (ii) the name of the prescribing physician;
- 3 (iii) a brief description of the event;
- 4 (iv) why the event occurred;
- 5 (v) the effect, if any, on the individual(s) who received the administration;
- 6 (vi) what actions, if any, have been taken or are planned to prevent
- 7 recurrence; and
- 8 (vii) certification that the licensee notified the individual (or the individual's
- 9 responsible relative or guardian), and if not, why not.

10 (b) The report may not contain the individual's name or any other information that
 11 could lead to identification of the individual.

12 (5) The licensee shall provide notification of the event to the referring physician and also
 13 notify the individual who is the subject of the medical event no later than 24 hours after its discovery, unless the
 14 referring physician personally informs the licensee either that he or she will inform the individual or that, based on
 15 medical judgment, telling the individual would be harmful. The licensee is not required to notify the individual
 16 without first consulting the referring physician. If the referring physician or the affected individual cannot be
 17 reached within 24 hours, the licensee shall notify the individual as soon as possible thereafter. The licensee may not
 18 delay any appropriate medical care for the individual, including any necessary remedial care as a result of the
 19 medical event, because of any delay in notification. To meet the requirements of this paragraph, the notification of
 20 the individual who is the subject of the medical event may be made instead to that individual's responsible relative
 21 or guardian. If a verbal notification is made, the licensee shall inform the individual or appropriate responsible
 22 relative or guardian that a written description of the event can be obtained from the licensee upon request. The
 23 licensee shall provide such a written description if requested.

24 (6) Aside from the notification requirement, nothing in this section affects any rights or
 25 duties of licensees and physicians in relation to each other, to individuals affected by the medical event or to that
 26 individual's responsible relatives or guardians.

27 (7) A licensee shall:
 28 (a) annotate a copy of the report provided to the department with the:
 29 (i) name of the individual who is the subject of the event; and
 30 (ii) social security number or other identification number, if one has been
 31 assigned, of the individual who is the subject of the event; and

32 (b) provide a copy of the annotated report to the referring physician, if other than
 33 the licensee, no later than 15 days after the discovery of the event.

34 **B. Report and Notification of a Dose to an Embryo, Fetus or a Nursing Child.**

35 (1) A licensee shall report any dose to an embryo or fetus that is greater than five[5] rems (50
 36 millisieverts) dose equivalent that is a result of an administration of radioactive material or radiation from
 37 radioactive material to a pregnant individual unless the dose to the embryo or fetus was specifically approved, in
 38 advance, by the authorized user.

39 (2) A licensee shall report any dose to a nursing child that is a result of an administration of
 40 radioactive material to a breast-feeding individual that:

- 41 (a) is greater than five[5] rems (50 millisieverts) total effective dose equivalent; or
- 42 (b) has resulted in unintended permanent functional damage to an organ or a
 43 physiological system of the child, as determined by a physician.

44 (3) The licensee shall notify by telephone the department no later than the next calendar day
 45 after discovery of a dose to the embryo, fetus or nursing child that requires a report in Paragraphs (1) or (2) in this
 46 subsection.

47 (4) The licensee shall submit a written report to the department within 15 days after
 48 discovery of a dose to the embryo, fetus or nursing child that requires a report in Paragraphs (1) or (2) in this
 49 subsection.

- 50 (a) The written report must include:
 - 51 (i) the licensee's name;
 - 52 (ii) the name of the prescribing physician;
 - 53 (iii) a brief description of the event;
 - 54 (iv) why the event occurred;
 - 55 (v) the effect, if any, on the embryo, fetus or the nursing child;

1 (vi) what actions, if any, have been taken or are planned to prevent
2 recurrence; and

3 (vii) certification that the licensee notified the pregnant individual or mother
4 (or the mother's or child's responsible relative or guardian), and if not, why not.

5 (b) The report must not contain the individual's or child's name or any other
6 information that could lead to identification of the individual or child.

7 (5) The licensee shall provide notification of the event to the referring physician and also
8 notify the pregnant individual or mother, both hereafter referred to as the mother, no later than 24 hours after
9 discovery of an event that would require reporting under Paragraph (1) or (2) of this subsection, unless the referring
10 physician personally informs the licensee either that he or she will inform the mother or that, based on medical
11 judgment, telling the mother would be harmful. The licensee is not required to notify the mother without first
12 consulting with the referring physician. If the referring physician or mother cannot be reached within 24 hours, the
13 licensee shall make the appropriate notifications as soon as possible thereafter. The licensee may not delay any
14 appropriate medical care for the embryo, fetus or for the nursing child, including any necessary remedial care as a
15 result of the event, because of any delay in notification. To meet the requirements of this paragraph, the notification
16 may be made to the mother's or child's responsible relative or guardian instead of the mother. If a verbal notification
17 is made, the licensee shall inform the mother, or the mother's or child's responsible relative or guardian that a written
18 description of the event can be obtained from the licensee upon request. The licensee shall provide such a written
19 description if requested.

20 (6) A licensee shall:

21 (a) annotate a copy of the report provided to the NRC with the:

22 (i) name of the pregnant individual or the nursing child who is the subject
23 of the event; and

24 (ii) social security number or other identification number, if one has been
25 assigned, of the pregnant individual or the nursing child who is the subject of the event; and

26 (b) provide a copy of the annotated report to the referring physician, if other than
27 the licensee, no later than 15 days after the discovery of the event.

28 **C. Report of a Leaking Source.** A licensee shall file a report within five[5] days if a leak test
29 required by Subsection F of 20.3.7.703 NMAC reveals the presence of 0.005 microcurie (185 becquerels) or more of
30 removable contamination. The report must be filed with the department and it must include the model number and
31 serial number, if assigned, of the leaking source, the radionuclide and its estimated activity, the results of the test,
32 the date of the test and the action taken.

33 [20.3.7.716 NMAC - N, 4/30/2009; A, XX/XX/2021]

34 **HISTORY OF 20.3.7 NMAC:**

35 **Pre-NMAC History:** The material in this part was derived from that previously filed with the commission of
36 public records - state records center and archives.

37 EIB 73-2, Regulations for Governing the Health and Environmental Aspects of Radiation filed 7/9/1973; EIB 73-2,
38 Amendment 1, Regulations for Governing the Health and Environmental Aspects of Radiation filed on 4/17/1978;
39 EIB RPR-1, Radiation Protection Regulations filed on 4-21-80; EIB RPR-1, Amendment 1, Radiation Protection
40 Regulations filed on 10/13/1981; EIB RPR-1, Amendment 2, Radiation Protection Regulations filed on 12/15/1982;
41 and EIB RPR-1, Radiation Protection Regulations filed on 3/10/1989.

42 **History of Repealed Material:** 20 NMAC 3.1 Subpart 7, Radiation Materials And Radiation Machines, Medical
43 Use Of Radionuclides (filed 6/17/1999) repealed 4/30/2009.

44 **Other History:** EIB RPR 1, Radiation Protection Regulations (filed 3/10/1989) was renumbered and reformatted to
45 20 NMAC 3.1, Radiation Materials and Radiation Machines, effective 5/3/1995.

46 20 NMAC 3.1, Radiation Materials and Radiation Machines (filed 4/3/1995) was internally renumbered, reformatted
47 and replaced by 20 NMAC 3.1, Radiation Materials And Radiation Machines, effective 7/30/1999.

48 20 NMAC 3.1 Subpart 7, Radiation Materials And Radiation Machines, Medical Use Of Radionuclides (filed
49 6/17/1999) was reformatted, renumbered and replaced by 20.3.7 NMAC, Medical Use Of Radionuclides, effective
50 4/30/2009.
51
52
53

1 **TITLE 20 ENVIRONMENTAL PROTECTION**
2 **CHAPTER 3 RADIATION PROTECTION**
3 **PART 12 LICENSES AND RADIATION SAFETY REQUIREMENTS FOR WELL LOGGING**
4

5 **20.3.12.1 ISSUING AGENCY:** Environmental Improvement Board.
6 [20.3.12.1 NMAC - Rp, 20.3.12.1 NMAC, 6/30/2011]
7

8 **20.3.12.2 SCOPE:** The regulations in this part apply to all licensees who use sources of radiation for well
9 logging service operations, radioactive markers or subsurface tracer studies in oil, gas, mineral, groundwater or
10 geological exploration.
11 [20.3.12.2 NMAC - Rp, 20.3.12.2 NMAC, 6/30/2011]
12

13 **20.3.12.3 STATUTORY AUTHORITY:** Sections 74-1-9, 74-3-5, and 74-3-9 NMSA 1978.
14 [20.3.12.3 NMAC - Rp, 20.3.12.3 NMAC, 6/30/2011]
15

16 **20.3.12.4 DURATION:** Permanent.
17 [20.3.12.4 NMAC - Rp, 20.3.12.4 NMAC, 6/30/2011]
18

19 **20.3.12.5 EFFECTIVE DATE:** June 30, 2011, unless a later date is cited at the end of a section.
20 [20.3.12.5 NMAC - Rp, 20.3.12.5 NMAC, 6/30/2011]
21

22 **20.3.12.6 OBJECTIVE:**

23 **A.** This part prescribes requirements for the issuance of a license authorizing the use of licensed
24 materials including sealed sources, radioactive tracers, radioactive markers and uranium sinker bars in well logging
25 in a single well. This part also prescribes radiation safety requirements for persons using licensed materials in these
26 operations. The provisions and requirements of this part are in addition to, and not in substitution for, other
27 requirements of this chapter. In particular, the provisions of 20.3.1 NMAC, 20.3.3 NMAC, 20.3.4 NMAC and
28 20.3.10 NMAC apply to applicants and licensees subject to this part.

29 **B.** The requirements set out in this part do not apply to the issuance of a license authorizing the use of
30 licensed material in tracer studies involving multiple wells, such as field flooding studies, or to the use of sealed
31 sources auxiliary to well logging but not lowered into wells.
32 [20.3.12.6 NMAC- Rp, 20.3.12.6 NMAC, 6/30/2011]
33

34 **20.3.12.7 DEFINITIONS:** As used in this part, the following definitions apply.

35 **A.** **“Energy compensation source”** (ECS) means a small sealed source, with an activity not
36 exceeding 100 microcuries (3.7 megabecquerels), used within a logging tool, or other tool components, to provide a
37 reference standard to maintain the tool’s calibration when in use.

38 **B.** **“Field station”** means a facility where radioactive sources may be stored or used and from which
39 equipment is dispatched to temporary job sites.

40 **C.** **“Fresh water aquifer”** means a geologic formation that is capable of yielding fresh water to a
41 well or spring.

42 **D.** **“Injection tool”** means a device used for controlled subsurface injection of radioactive tracer
43 material.

44 **E.** **“Irretrievable well logging source”** means any sealed source containing licensed material that is
45 pulled off or not connected to the wireline that suspends the source in the well and for which all reasonable effort at
46 recovery has been expended.

47 **F.** **“Licensed material”** means byproduct, source, or special nuclear material received, processed,
48 used or transferred under a license issued by the department under this chapter.

49 **G.** **“Logging assistant”** means any individual who, under the personal supervision of a logging
50 supervisor, handles sealed sources or tracers that are not in logging tools or shipping containers or who performs
51 surveys required by 20.3.12.14 NMAC.

52 **H.** **“Logging supervisor”** means the individual who uses licensed material or provides personal
53 supervision in the use of licensed material at a temporary jobsite and who is responsible to the licensee for assuring
54 compliance with the requirements of the department’s regulations and the conditions of the license.

55 **I.** **“Logging tool”** means a device used subsurface to perform well logging.

1 **J. “Personal supervision”** means guidance and instruction by a logging supervisor, who is
2 physically present at a temporary job site, who is in personal contact with logging assistants and who can give
3 immediate assistance.

4 **K. “Radioactive marker”** means licensed material used for depth determination or direction
5 orientation. For the purposes of this part, this term includes radioactive collar markers and radioactive iron nails.

6 **L. “Safety review”** means a periodic review provided by the licensee for its employees on radiation
7 safety aspects of well logging. The review may include, as appropriate, the results of internal inspections, new
8 procedures or equipment, accidents or errors that have been observed and opportunities for employees to ask safety
9 questions.

10 **M. “Sealed source”** means any licensed material that is encased in a capsule designed to present
11 leakage or escape of the licensed material.

12 **N. “Source holder”** means a housing or assembly into which a sealed source is placed for the
13 purpose of facilitating the handling and use of the source in well logging operations.

14 **O. “Subsurface tracer study”** means the release of unsealed licensed material or a substance
15 labeled with licensed material in a single well for the purpose of tracing the movement or position of the material or
16 substance in the well or adjacent formation.

17 **P. “Surface casing for protecting fresh water aquifers”** means a pipe or tube used as a lining in a
18 well to isolate fresh water aquifers from the well.

19 **Q. “Temporary job site”** means a location where licensed materials are present for the purpose of
20 performing well logging or subsurface tracer studies.

21 **R. “Tritium neutron generator target source”** means a tritium source used within a neutron
22 generator tube to produce neutrons for use in well logging applications.

23 **S. “Uranium sinker bar”** means a weight containing depleted uranium used to pull a logging tool
24 toward the bottom of a well.

25 **T. “Well”** means a drilled hole, in which well logging may be performed. As used in this part,
26 “well” includes drilled holes for the purpose of oil, gas, mineral, groundwater or geological exploration.

27 **U. “Well logging”** means all operations involving the lowering and raising of measuring devices or
28 tools which may contain licensed material or are used to detect licensed materials in wells for the purpose of
29 obtaining information about the well or adjacent formations which may be used in oil, gas, mineral, groundwater or
30 geological exploration.

31 [20.3.12.7 NMAC - Rp, 20.3.12.7 NMAC, 6/30/2011]

32
33 **20.3.12.8 APPLICATION FOR A SPECIAL LICENSE:** A person, as defined in 20.3.1.7 NMAC, shall
34 file an application in duplicate for a specific license authorizing the use of licensed material in well logging on a
35 department prescribed form pursuant to 20.3.3.307 NMAC. The application must be sent to the department for
36 review and approval.

37 [20.3.12.8 NMAC - N, 6/30/2011]

38
39 **20.3.12.9 SPECIFIC LICENSES FOR WELL LOGGING:** The department will approve an application
40 for a specific license for the use of licensed material in well logging if the applicant meets the following
41 requirements.

42 **A.** The applicant shall satisfy the general requirements specified in 10 CFR 30.33 for byproduct
43 material, 10 CFR 40.32 for source material and in 10 CFR 70.23 for special nuclear material and in 20.3.3.308
44 NMAC and any special requirements contained in this part.

45 **B.** An application for a specific license of category 1 and category 2 quantities of radioactive material
46 shall comply with 10 CFR 37. The licensee shall comply with 10 CFR 37 except as follows:

47 **(1)** any reference to the commission or NRC shall be deemed a reference to the department;

48 **(2)** 10 CFR 37.5 definitions of agreement state, byproduct material, commission and person
49 shall not be applicable;

50 **(3)** 10 CFR 37.7, 10 CFR 37.9, 37.11(a) and (b), 10 CFR 37.13, 10 CFR 37.27(c), 10 CFR
51 37.71, 10 CFR 37.105, and 10 CFR 37.107 shall not be applicable;

52 **(4)** for any reporting or notification requirements that the licensee must follow in 10 CFR
53 37.45, 10 CFR 37.57, 10 CFR 37.77(a) through (d), and 10 CFR 37.81, the licensee shall use the following address:
54 New Mexico Environment Department/RCB, P.O. Box 5469, Santa Fe, NM 87502-5469 address information.

55 **C.** The applicant shall develop a program for training logging supervisors and logging assistants and
56 submit to the department a description of this program which specifies the:

- 1 (1) initial training;
- 2 (2) on-the-job training;
- 3 (3) annual safety reviews provided by the licensee;
- 4 (4) means the applicant will use to demonstrate the logging supervisor's knowledge and
- 5 understanding of and ability to comply with the department's regulations and licensing requirements and the
- 6 applicant's operating and emergency procedures; and
- 7 (5) means the applicant will use to demonstrate the logging assistant's knowledge and
- 8 understanding of and ability to comply with the applicant's operating and emergency procedures.

9 **D.** The applicant shall submit to the department written operating and emergency procedures as
 10 described in 20.3.12.12 NMAC or an outline or summary of the procedures that includes the important radiation
 11 safety aspects of the procedures.

12 **E.** The applicant shall establish and submit to the department its program for annual inspections of
 13 the job performance of each logging supervisor to ensure that the department's regulations, license requirements and
 14 the applicant's operating and emergency procedures are followed. Inspection records must be retained for three
 15 years after each internal inspection.

16 **F.** The applicant shall submit a description of its overall organizational structure as it applies to the
 17 radiation safety responsibilities in well logging, including specified delegations of authority and responsibility.

18 **G.** If an applicant wants to perform leak testing of sealed sources, the applicant shall identify the
 19 manufacturers and the model numbers of the leak test kits to be used. If the applicant wants to analyze its own wipe
 20 samples, the applicant shall establish procedures to be followed and submit a description of these procedures to the
 21 department. The description must include the:

- 22 (1) instruments to be used;
 - 23 (2) methods of performing the analysis; and
 - 24 (3) pertinent experience of the person who will analyze the wipe samples.
- 25 [20.3.12.9 NMAC- N, 6/30/2011; A, XX/XX/2021]

26
 27 **20.3.12.10 RETRIEVAL OR ABANDONMENT OF SEALED SOURCES:**

28 **A.** Agreement with well owner or operator.

29 (1) A licensee may perform well logging with a sealed source only after the licensee has a
 30 written agreement with the employing well owner or operator. This written agreement shall identify who will meet
 31 the requirements of Subsections B and C of this section and who will meet the following requirements:

- 32 (a) the radiation monitoring requirements of Subsection A of 20.3.12.15 NMAC
- 33 shall be performed; and
- 34 (b) if the environment, any equipment or personnel are contaminated with licensed
- 35 material, they shall be decontaminated before release from the site or release for unrestricted use.
- 36 (2) Recordkeeping. The licensee shall retain a copy of the written agreement for three[3]
- 37 years after the completion of the well logging operation.

38 (3) A written agreement between the licensee and the well owner or operator is not required
 39 if the licensee and the well owner or operator are part of the same corporate structure or otherwise similarly
 40 affiliated. However, the licensee shall still otherwise meet the requirements of Subsections B and C of this section.

41 **B.** Retrieval of lodged sealed sources.

- 42 (1) If a sealed source becomes lodged in the well, a reasonable effort shall be made to
- 43 recover it.
- 44 (2) A person may not attempt to recover a sealed source in a manner which, in the licensee's
- 45 opinion, could result in its rupture.

46 **C.** Irretrievable sealed sources. If the sealed source is classified as irretrievable after reasonable
 47 efforts at recovery have been expended, the licensee shall implement the requirements of this subsection within 30
 48 days.

- 49 (1) Each irretrievable well logging source shall be immobilized and sealed in place with a
- 50 cement plug.
- 51 (2) The licensee shall implement means to prevent inadvertent intrusion on the source, unless
- 52 the source is not accessible to any subsequent drilling operations.
- 53 (3) The licensee shall install a permanent identification plaque, constructed of long lasting
- 54 material such as stainless steel, brass, bronze or monel, shall be mounted at the surface of the well, unless the
- 55 mounting of the plaque is not practical. The size of the plaque shall be at least 17 centimeters (seven[7] inches)
- 56 square and three[3] millimeters (one-eighth[1/8] inch) thick. The plaque shall contain:

- 1 (a) the word "caution";
- 2 (b) the radiation symbol (the color requirement in Subsection A of 20.3.4.427
- 3 NMAC need not be met);
- 4 (c) the date the source was abandoned;
- 5 (d) the name of the well owner or well operator, as appropriate;
- 6 (e) the well name and well identification number(s) or other designation;
- 7 (f) an identification of the sealed source(s) by radionuclide and quantity;
- 8 (g) the depth of the source and depth to the top of the plug; and
- 9 (h) an appropriate warning, such as, "do not re-enter this well."

10 **D.** A licensee may apply, pursuant to Subsection A of 20.3.1.107 NMAC, for department approval,
 11 on a case-by-case basis, of proposed procedures to abandon an irretrievable well logging source in a manner not
 12 otherwise authorized in this subsection.
 13 [20.3.12.10 NMAC - Rp, 20.3.12.1203 NMAC, 6/30/2011; A, XX/XX/2021]

14
 15 **20.3.12.11 TRAINING:**

16 **A.** Logging supervisor. The licensee may not permit an individual to act as a logging supervisor until
 17 that person has met all of the following requirements:

- 18 (1) the person has completed training in the subjects outlined in Subsection E of this section;
- 19 (2) the person has received copies of, and instruction in:
 - 20 (a) the department rules contained in the applicable sections of 20.3.4 NMAC,
 - 21 20.3.10 NMAC and 20.3.12 NMAC;
 - 22 (b) the department license under which the logging supervisor will perform well
 - 23 logging; and
 - 24 (c) the licensee's operating and emergency procedures required by 20.3.12.12
 - 25 NMAC;
 - 26 (3) the person has completed on-the-job training and demonstrated competence in the use of
 - 27 licensed materials, remote handling tools and radiation survey instruments by a field evaluation; and
 - 28 (4) the person has demonstrated understanding of the requirements in Paragraphs (1) and (2)
 - 29 of this subsection by successfully completing a written test.

30 **B.** Logging assistant. The licensee may not permit an individual to act as a logging assistant until
 31 that person has met the following requirements:

- 32 (1) the person has received instruction in applicable sections of 20.3.4 NMAC, 20.3.10
- 33 NMAC and 20.3.12 NMAC;
- 34 (2) the person has received copies of, and instruction in, the licensee's operating and
- 35 emergency procedures required by 20.3.12.12 NMAC;
- 36 (3) the person has demonstrated understanding of the materials listed in Paragraphs (1) and
- 37 (2) of this subsection by successfully completing a written or oral test; and
- 38 (4) the person has received instruction in the use of licensed materials, remote handling tools
- 39 and radiation survey instruments, as appropriate for the logging assistant's intended job responsibilities.

40 **C.** The licensee shall provide safety reviews for logging supervisors and logging assistants at least
 41 once during each calendar year.

42 **D.** Recordkeeping. The licensee shall maintain a record on each logging supervisor's and logging
 43 assistant's training and annual safety review. The training records must include copies of written tests and dates of
 44 oral tests. The training records must be retained until three[3] years following the termination of employment.
 45 Records of annual safety reviews must list the topics discussed and be retained for 3 years.

46 **E.** The licensee shall include the following subjects in the training required in Paragraph (1) of
 47 Subsection A of this section.

- 48 (1) Fundamentals of radiation safety including:
 - 49 (a) characteristics of radiation;
 - 50 (b) units of radiation dose and quantity of radioactivity;
 - 51 (c) hazards of exposure to radiation;
 - 52 (d) levels of radiation from licensed material;
 - 53 (e) methods of controlling radiation dose (time, distance, and shielding); and
 - 54 (f) radiation safety practices, including prevention of contamination, and methods
 - 55 of decontamination.
- 56 (2) Radiation detection instruments including:

- 1 (a) use, operation, calibration and limitations of radiation survey instruments;
- 2 (b) survey techniques; and
- 3 (c) use of personnel monitoring equipment.
- 4 (3) Equipment to be used including:
- 5 (a) operation of equipment, including source handling equipment and remote
- 6 handling tools;
- 7 (b) storage, control and disposal of licensed material; and
- 8 (c) maintenance of equipment.
- 9 (4) The requirements of pertinent department regulations.
- 10 (5) Case histories of accidents in well logging.
- 11 [20.3.12.11 NMAC - Rp, 20.3.12.1214 and 20.3.12.1225 NMAC, 6/30/2011; A, XX/XX/2021]

12
13 **20.3.12.12 OPERATING AND EMERGENCY PROCEDURES:** Each licensee shall develop and follow
14 written operating and emergency procedures that cover the following topics:

- 15 A. the handling and use of licensed materials including the use of sealed sources in wells without
- 16 surface casing for protecting fresh water aquifers, if appropriate;
- 17 B. the use of remote handling tools for handling sealed sources and radioactive tracer material except
- 18 low-activity calibration sources;
- 19 C. methods and occasions for conducting radiation surveys, including surveys for detecting
- 20 contamination, as required by Subsections C through E of 20.3.12.14 NMAC;
- 21 D. minimizing personnel exposure including exposures from inhalation and ingestion of licensed
- 22 tracer materials;
- 23 E. methods and occasions for locking and securing stored licensed materials;
- 24 F. personnel monitoring and the use of personnel monitoring equipment;
- 25 G. transportation of licensed materials to field stations or temporary jobsites, packaging of licensed
- 26 materials for transport in vehicles, placarding of vehicles when needed, and physically securing licensed materials in
- 27 transport vehicles during transportation to prevent accidental loss, tampering or unauthorized removal;
- 28 H. picking up, receiving and opening packages containing licensed materials, in accordance with
- 29 20.3.4.432 NMAC;
- 30 I. for the use of tracers, decontamination of the environment, equipment, and personnel;
- 31 J. maintenance of records generated by logging personnel at temporary jobsites;
- 32 K. the inspection and maintenance of sealed sources, source holders, logging tools, injection tools,
- 33 source handling tools, storage containers, transport containers and uranium sinker bars as required by 20.3.12.22
- 34 NMAC;
- 35 L. actions to be taken if a sealed source is lodged in a well;
- 36 M. notifying proper persons in the event of an accident; and
- 37 N. actions to be taken if a sealed source is ruptured including actions to prevent the spread of
- 38 contamination and minimize inhalation and ingestion of licensed materials and actions to obtain suitable radiation
- 39 survey instruments as required by Subsection B of 20.3.12.17 NMAC.
- 40 [20.3.12.12 NMAC - Rp, 20.3.12.1215 and 20.3.12.1218 NMAC, 6/30/2011]

41
42 **20.3.12.13 PERSONNEL MONITORING:**

- 43 A. The licensee may not permit an individual to act as a logging supervisor or logging assistant
- 44 unless that person wears, at all times during the handling of licensed radioactive materials, a personnel dosimeter
- 45 that is processed and evaluated by an accredited national voluntary laboratory accreditation program (NVLAP)
- 46 processor. Each personnel dosimeter shall be assigned to and worn by only one individual. Film badges shall be
- 47 replaced at least monthly and other personnel dosimeters replaced at least quarterly. After replacement, each
- 48 personnel dosimeter shall be promptly processed.
- 49 B. The licensee shall provide bioassay services to individuals using licensed radioactive materials in
- 50 subsurface tracer studies if required by the license.
- 51 C. Recordkeeping. The licensee shall retain records of personnel dosimeters required by Subsection
- 52 A of this section and bioassay results for inspection until the department authorizes disposition of the records.
- 53 [20.3.12.13 NMAC - Rp, 20.3.12.1216 NMAC, 6/30/2011]

54
55 **20.3.12.14 RADIATION SURVEYS:**

1 A. The licensee shall make radiation surveys, including but not limited to the surveys required under
2 Subsections B through E of this section, of each area where licensed materials are used and stored.

3 B. Before transporting licensed materials, the licensee shall make a radiation survey of the position
4 occupied by each individual in the vehicle and of the exterior of each vehicle used to transport the licensed
5 materials.

6 C. If the sealed source assembly is removed from the logging tool before departure from the
7 temporary jobsite, the licensee shall confirm that the logging tool is free of contamination by energizing the logging
8 tool detector or by using a survey meter.

9 D. If the licensee has reason to believe that, as a result of any operation involving a sealed source, the
10 encapsulation of the sealed source could be damaged by the operation, the licensee shall conduct a radiation survey,
11 including a contamination survey, during and after the operation.

12 E. The licensee shall make a radiation survey at the temporary jobsite before and after each
13 subsurface tracer study to confirm the absence of contamination.

14 F. Recordkeeping. The results of surveys required under Subsections A through E of this section
15 must be recorded and must include the date of the survey, the name of the individual making the survey, the
16 identification of the survey instrument used, and the location of the survey. The licensee shall retain records of
17 surveys for inspection by the department for 3 years after they are made.

18 [20.3.12.14 NMAC - Rp, 20.3.12.1221 NMAC, 6/30/2011]

19
20 **20.3.12.15 RADIOACTIVE CONTAMINATION CONTROL:**

21 A. If the licensee detects evidence that a sealed source has ruptured or licensed materials have caused
22 contamination, the licensee shall initiate immediately the emergency procedures required by 20.3.12.12 NMAC.

23 B. If contamination results from the use of licensed material in well logging, the licensee shall
24 decontaminate all work areas, equipment and unrestricted areas.

25 C. During efforts to recover a sealed source lodged in the well, the licensee shall continuously
26 monitor, with an appropriate radiation detection instrument or a logging tool with a radiation detector, the
27 circulating fluids from the well, if any, to check for contamination resulting from damage to the sealed source.

28 [20.3.12.15 NMAC - N, 6/30/2011]

29
30 **20.3.12.16 LABELS, SECURITY AND TRANSPORT PRECAUTIONS:**

31 A. Labels.

32 (1) The licensee may not use a source, source holder or logging tool that contains licensed
33 material unless the smallest component that is transported as a separate piece of equipment with the licensed
34 material inside bears a durable, legible and clearly visible marking or label. The marking or label must contain the
35 radiation symbol specified in 20.3.4.427 NMAC, without the conventional color requirements, and the wording
36 "Danger (or Caution) radioactive material."

37 (2) The licensee may not use a container to store licensed material unless the container has
38 securely attached to it a durable, legible and clearly visible label. The label must contain the radiation symbol
39 specified in 20.3.4.427 NMAC and the wording "Danger (or Caution), radioactive material, notify civil authorities
40 (or name of company)."

41 (3) The licensee may not transport licensed material unless the material is packaged, labeled,
42 marked and accompanied with appropriate shipping papers in accordance with regulations set out in 20.3.3.306
43 NMAC, incorporating 10 CFR Part 71.

44 B. Security precautions during storage and transportation.

45 (1) The licensee shall store each source containing licensed material in a storage container or
46 transportation package. The container or package must be locked and physically secured to prevent tampering or
47 removal of licensed material from storage by unauthorized personnel. The licensee shall store licensed material in a
48 manner which will minimize danger from explosion or fire.

49 (2) The licensee shall lock and physically secure the transport package containing licensed
50 material in the transporting vehicle to prevent accidental loss, tampering or unauthorized removal of the licensed
51 material from the vehicle.

52 [20.3.12.16 NMAC - Rp, 20.3.12.1205, 20.3.12.1206, and 20.3.12.1212 NMAC, 6/30/2011]

53
54 **20.3.12.17 RADIATION SURVEY INSTRUMENTS:**

55 A. The licensee shall keep a calibrated and operable radiation survey instrument capable of detecting
56 beta and gamma radiation at each field station and temporary jobsite to make the radiation surveys required by this

1 part and by 20.3.4 NMAC. To satisfy this requirement, the radiation survey instrument must be capable of
2 measuring 0.001 millisievert (0.1 millirem) per hour through at least 0.5 millisievert (50 millirems) per hour.

3 **B.** The licensee shall have available additional calibrated and operable radiation detection
4 instruments sensitive enough to detect the low radiation and contamination levels that could be encountered if a
5 sealed source ruptured. The licensee may own the instruments or may have a procedure to obtain them quickly from
6 a second party.

7 **C.** The licensee shall have each radiation survey instrument required under this section calibrated:

8 (1) at intervals not to exceed six[6] months and after each instrument servicing;

9 (2) for linear scale instruments, at two points located approximately one-third[1/3] and two-
10 third[2/3] of full-scale on each scale; for logarithmic scale instruments, at mid-range of each decade, and at two
11 points of at least one decade; and for digital instruments, at appropriate points; and

12 (3) so that an accuracy within plus or minus 20 percent of the calibration standard can be
13 demonstrated on each scale.

14 **D.** Recordkeeping. The licensee shall retain calibration records for a period of three[3] years after the
15 date of calibration for inspection by the department.

16 [20.3.12.17 NMAC - Rp, 20.3.12.1207 NMAC, 6/30/2011; A, XX/XX/2021]

17 18 **20.3.12.18 LEAK TESTING OF SEALED SOURCES:**

19 **A.** Testing and recordkeeping requirements. Each licensee who uses a sealed source of radioactive
20 material shall have the source tested for leakage periodically. Records of leak tests results shall be kept in units of
21 microcuries and maintained for inspection by the department for three[3] years after the leak test is performed.

22 **B.** Method of testing. The wipe of a sealed source shall be performed using a leak test kit or method
23 approved by the department, NRC or an agreement state. The wipe sample shall be taken from the nearest
24 accessible point to the sealed source where contamination might accumulate. The wipe sample shall be analyzed for
25 radioactive contamination. The analysis shall be capable of detecting the presence of 0.005 microcurie (185
26 becquerels) of radioactive material on the test sample and shall be performed by a person approved by the
27 department, NRC or an agreement state to perform the analysis.

28 **C.** Test frequency.

29 (1) Each sealed source (except an energy compensation source (ECS)) shall be tested at
30 intervals not to exceed six[6] months. In the absence of a certificate from a transferor that a test has been made
31 within the 6 months before the transfer, the sealed source may not be used until tested.

32 (2) Each energy compensation source (ECS) that is not exempt from testing in accordance
33 with Subsection E of this section shall be tested at intervals not to exceed three[3] years. In the absence of a
34 certificate from a transferor that a test has been made within the three[3] years before the transfer, the energy
35 compensation source (ECS) may not be used until tested.

36 **D.** Removal of leaking source from service.

37 (1) If the test conducted pursuant to Subsections A and B of this section reveals the presence
38 of 0.005 microcurie (185 becquerels) or more of removable radioactive material, the licensee shall remove the
39 sealed source from service immediately and have it decontaminated, repaired or disposed of by a department, NRC
40 or an agreement state licensee that is authorized to perform these functions. The licensee shall check the equipment
41 associated with the leaking source for radioactive contamination and, if contaminated, have it decontaminated or
42 disposed of by a department, NRC or an agreement state licensee that is authorized to perform these functions.

43 (2) The licensee shall submit a report to the department within five[5] days of receiving the
44 test result. The report must describe the equipment involved in the leak, the test results, any contamination which
45 resulted from the leaking source and the corrective actions taken up to the time the report was made.

46 **E.** Exemptions. The following sealed sources are exempt from the periodic leak test requirements set
47 out in Subsections A through D of this section:

48 (1) hydrogen-3 (tritium) sources;

49 (2) sources containing licensed material with a half-life of 30 days or less;

50 (3) sealed sources containing licensed material in gaseous form;

51 (4) sources of beta- or gamma-emitting radioactive material with an activity of 100
52 microcuries (3.7 megabecquerels) or less; and

53 (5) sources of alpha- or neutron-emitting radioactive material with an activity of 10
54 microcuries (0.370 megabecquerel) or less.

55 [20.3.12.18 NMAC - Rp, 20.3.12.1208 NMAC, 6/30/2011; A, XX/XX/2021]

56

1 **20.3.12.19 PHYSICAL INVENTORY:** Each licensee shall conduct a semi-annual physical inventory to
2 account for all licensed material received and possessed under the license. The licensee shall retain records of the
3 inventory for 3 years from the date of the inventory for inspection by the department. The inventory must indicate
4 the quantity and kind of licensed material, the location of the licensed material, the date of the inventory and the
5 name of the individual conducting the inventory. Physical inventory records may be combined with leak test
6 records.

7 [20.3.12.19 NMAC - Rp, 20.3.12.1209 NMAC, 6/30/2011]
8

9 **20.3.12.20 RECORDS OF MATERIAL USE:**

10 **A.** Each licensee shall maintain records for each use of licensed material showing:
11 (1) the make, model number and serial number or a description of each sealed source used;
12 (2) in the case of unsealed licensed material used for subsurface tracer studies, the
13 radionuclide and quantity of activity used in a particular well and the disposition of any unused tracer materials;
14 (3) the identity of the logging supervisor who is responsible for the licensed material and the
15 identity of logging assistants present; and
16 (4) the location and date of use of the licensed material.

17 **B.** Recordkeeping. The licensee shall make the records required by Subsection A of this section
18 available for inspection by the department. The licensee shall retain the records for 3 years from the date of the
19 recorded event.

20 [20.3.12.20 NMAC - Rp, 20.3.12.1210 NMAC, 6/30/2011]
21

22 **20.3.12.21 DESIGN AND PERFORMANCE CRITERIA FOR SEALED SOURCES:**

23 **A.** A licensee may use a sealed source for use in well logging applications if:
24 (1) the sealed source is doubly encapsulated;
25 (2) the sealed source contains licensed material whose chemical and physical forms are as
26 insoluble and nondispersible as practical; and
27 (3) meets the requirements of Subsections B, C and D of this section.

28 **B.** For a sealed source manufactured on or before July 14, 1989, a licensee may use the sealed source,
29 for use in well logging applications if it meets the requirements of USASI N5.10-1968, classification of sealed
30 radioactive sources, or the requirements in Subsections C and D of this section.

31 **C.** For a sealed source manufactured after July 14, 1989, a licensee may use the sealed source, for use
32 in well logging applications if it meets the oil well logging requirements of ANSI/HPS N43.6-1997, sealed
33 radioactive sources - classification.

34 **D.** For a sealed source manufactured after July 14, 1989, a licensee may use the sealed source, for use
35 in well logging applications, if the sealed source's prototype has been tested and found to maintain its integrity after
36 each of the tests in Paragraphs (1) through (5) of this subsection.

37 (1) Temperature. The test source shall be held at -40 degrees celsius for 20 minutes, 600
38 degrees celsius for 1 hour, and then be subject to a thermal shock test with a temperature drop from 600 degrees
39 celsius to 20 degrees celsius within 15 seconds.

40 (2) Impact test. A 5-kilogram steel hammer, 2.5 centimeters in diameter, shall be dropped
41 from a height of 1 meter onto the test source.

42 (3) Vibration test. The test source shall be subject to a vibration from 25 hertz to 500 hertz at
43 5 g (g meaning the acceleration due to gravity) amplitude for 30 minutes.

44 (4) Puncture test. A 1 gram hammer and pin, 0.3 centimeter pin diameter, shall be dropped
45 from a height of 1 meter onto the test source.

46 (5) Pressure test. The test source shall be subject to an external pressure of 1.695x10⁷
47 pascals (24,600 pounds per square inch absolute).

48 **E.** The requirements in Subsections A, B, C and D of this section do not apply to sealed sources that
49 contain licensed material in gaseous form.

50 **F.** The requirements in Subsections A, B, C and D of this section do not apply to energy
51 compensation sources (ECS). ECSs shall be registered with the sealed source and device registry (see definition in
52 20.3.1.7 NMAC) upon an approval by the NRC under 10 CFR 32.210 or an agreement state equivalent regulations.

53 [20.3.12.21 NMAC - Rp, 20.3.12.1211 NMAC, 6/30/2011]
54

55 **20.3.12.22 INSPECTION, MAINTENANCE AND OPENING OF A SOURCE OR SOURCE
56 HOLDER:**

1 **A.** Each licensee shall visually check source holders, logging tools and source handling tools, for
2 defects before each use to ensure that the equipment is in good working condition and that required labeling is
3 present. If defects are found, the equipment must be removed from service until repaired, and a record must be
4 made listing: the date of check, name of inspector, equipment involved, defects found and repairs made. These
5 records must be retained for three[3] years after the defect is found.

6 **B.** Each licensee shall have a program for semiannual visual inspection and routine maintenance of
7 source holders, logging tools, injection tools, source handling tools, storage containers, transport containers and
8 uranium sinker bars to ensure that the required labeling is legible and that no physical damage is visible. If defects
9 are found, the equipment must be removed from service until repaired, and a record must be made listing: date,
10 equipment involved, inspection and maintenance operations performed, any defects found and any actions taken to
11 correct the defects. These records must be retained for three[3] years after the defect is found.

12 **C.** Removal of a sealed source from a source holder or logging tool, and maintenance on sealed
13 sources or holders in which sealed sources are contained may not be performed by the licensee unless a written
14 operating procedure is developed and has been approved either by the department, NRC or an agreement state.

15 **D.** If a sealed source is stuck in the source holder, the licensee may not perform any operation, such
16 as drilling, cutting or chiseling, on the source holder unless the licensee is specifically approved by the department,
17 NRC or an agreement state to perform this operation.

18 **E.** The opening, repair or modification of any sealed source must be performed by persons
19 specifically approved to do so by the department, NRC or an agreement state.

20 [20.3.12.22 NMAC - Rp, 20.3.12.1213 NMAC, 6/30/2011; A, XX/XX/2021]

21
22 **20.3.12.23 SUBSURFACE TRACER STUDIES:**

23 **A.** The licensee shall require all personnel handling radioactive tracer material to use protective
24 gloves and, if required by the license, other protective clothing and equipment. The licensee shall take precautions
25 to avoid ingestion or inhalation of radioactive tracer material and to avoid contamination of field stations and
26 temporary jobsites.

27 **B.** A licensee shall not knowingly inject licensed material into fresh water aquifers unless specifically
28 authorized to do so by the department.

29 [20.3.12.23 NMAC - Rp, 20.3.12.1219 NMAC, 6/30/2011]

30
31 **20.3.12.24 RADIOACTIVE MARKERS:** The licensee may use radioactive markers in wells only if the
32 individual markers contain quantities of licensed material not exceeding the exempt quantities specified in
33 20.3.3.330 NMAC. The use of markers is subject only to the requirements of physical inventory in 20.3.12.19
34 NMAC.

35 [20.3.12.24 NMAC - N, 6/30/2011]

36
37 **20.3.12.25 URANIUM SINKER BARS:** The licensee may use a uranium sinker bar in well logging
38 applications only if it is legibly impressed with the words "Caution - radioactive - depleted uranium" and "Notify
39 civil authorities (or name of company) if found."

40 [20.3.12.25 NMAC - Rp, 20.3.12.1200 NMAC, 6/30/2011]

41
42 **20.3.12.26 USE OF A SEALED SOURCE IN A WELL WITHOUT A SURFACE CASING:** The
43 licensee may use a sealed source in a well without a surface casing for protecting fresh water aquifers only if the
44 licensee follows a procedure for reducing the probability of the source becoming lodged in the well. The procedure
45 must be approved by the department pursuant to Subsection C of 20.3.12.9 NMAC, the NRC or an agreement state.

46 [20.3.12.26 NMAC - N, 6/30/2011]

47
48 **20.3.12.27 ENERGY COMPENSATION SOURCE:**

49 **A.** The licensee may use an energy compensation source (ECS) which is contained within a logging
50 tool or other tool components, only if the ECS contains quantities of licensed material not exceeding 100
51 microcuries (3.7 megabecquerels).

52 **B.** For well logging applications with a surface casing for protecting fresh water aquifers, use of the
53 ECS is only subject to the requirements of 20.3.12.18 NMAC, 20.3.12.19 NMAC and 20.3.12.20 NMAC.

54 **C.** For well logging applications without a surface casing for protecting fresh water aquifers, use of
55 the ECS is only subject to the requirements of 20.3.12.10 NMAC, 20.3.12.18 NMAC, 20.3.12.19 NMAC,
56 20.3.12.20 NMAC, 20.3.12.26 NMAC and 20.3.12.32 NMAC.

1 [20.3.12.27 NMAC - Rp, 20.3.12.1201 NMAC, 6/30/2011]

2
3 **20.3.12.28 TRITIUM NEUTRON GENERATOR TARGET SOURCE:**

4 **A.** Use of a tritium neutron generator target source, containing quantities not exceeding 30 curies
5 (1,110 megabecquerels) and in a well with a surface casing to protect fresh water aquifers, is subject to the
6 requirements of this part except 20.3.12.10 NMAC, 20.3.12.21 NMAC and 20.3.12.32 NMAC.

7 **B.** Use of a tritium neutron generator target source, containing quantities exceeding 30 curies (1,110
8 megabecquerels) or in a well without a surface casing to protect fresh water aquifers, is subject to the requirements
9 of this part except 20.3.12.21 NMAC.

10 [20.3.12.28 NMAC - Rp, 20.3.12.1202 NMAC, 6/30/2011]

11
12 **20.3.12.29 SECURITY DURING USE OF LICENSED MATERIAL:**

13 **A.** A logging supervisor must be physically present at a temporary jobsite whenever licensed
14 materials are being handled or are not stored and locked in a vehicle or storage place. The logging supervisor may
15 leave the jobsite in order to obtain assistance if a source becomes lodged in a well.

16 **B.** During well logging, except when radiation sources are below ground or in shipping or storage
17 containers, the logging supervisor or other individual designated by the logging supervisor shall maintain direct
18 surveillance of the operation to prevent unauthorized entry into a restricted area, as defined in 20.3.4.7 NMAC.

19 [20.3.12.29 NMAC - Rp, 20.3.12.1217 NMAC, 6/30/2011]

20
21 **20.3.12.30 DOCUMENTS AND RECORDS REQUIRED AT FIELD STATIONS:** Each licensee shall
22 maintain the following documents and records at the field station:

23 **A.** a copy of 20.3.4 NMAC, 20.3.10 NMAC and 20.3.12 NMAC;

24 **B.** the license authorizing the use of licensed material;

25 **C.** operating and emergency procedures required by 20.3.12.12 NMAC;

26 **D.** the record of radiation survey instrument calibrations required by 20.3.12.17 NMAC;

27 **E.** the record of leak test results required by 20.3.12.18 NMAC;

28 **F.** physical inventory records required by 20.3.12.19 NMAC;

29 **G.** utilization records required by 20.3.12.20 NMAC;

30 **H.** records of inspection and maintenance required by 20.3.12.22 NMAC;

31 **I.** training records required by 20.3.12.11 NMAC; and

32 **J.** survey records required by 20.3.12.14 NMAC.

33 [20.3.12.30 NMAC - Rp, 20.3.12.1222 NMAC, 6/30/2011]

34
35 **20.3.12.31 DOCUMENTS AND RECORDS REQUIRED AT TEMPORARY JOBSITES:** Each licensee
36 conducting operations at a temporary jobsite shall maintain the following documents and records at the temporary
37 jobsite until the well logging operation is completed:

38 **A.** operating and emergency procedures required by 20.3.12.12 NMAC;

39 **B.** evidence of latest calibration of the radiation survey instruments in use at the site required by
40 20.3.12.17 NMAC;

41 **C.** latest survey records required by 20.3.12.14 NMAC;

42 **D.** the shipping papers for the transportation of radioactive materials required by 20.3.3.306 NMAC,
43 incorporating 10 CFR 71.5; and

44 **E.** when operating under reciprocity pursuant to 20.3.3.324 NMAC, a copy of the NRC or agreement
45 state license authorizing use of licensed materials.

46 [20.3.12.31 NMAC - Rp, 20.3.12.1223 NMAC, 6/30/2011]

47
48 **20.3.12.32 NOTIFICATION OF INCIDENTS AND LOST SOURCES; ABANDONMENT**
49 **PROCEDURES FOR IRRETRIEVABLE SOURCES:**

50 **A.** The licensee shall immediately notify the department by telephone and subsequently, within 30
51 days, by confirmation in writing, if the licensee knows or has reason to believe that a sealed source has been
52 ruptured. The written confirmation must designate the well or other location, describe the magnitude and extent of
53 the escape of licensed materials, assess the consequences of the rupture, and explain efforts planned or being taken
54 to mitigate these consequences.

1 **B.** The licensee shall notify the department of the theft or loss of radioactive materials, radiation
2 overexposures, excessive levels and concentrations of radiation and certain other accidents as required by 20.3.4.451
3 NMAC, 20.3.4.452 NMAC, 20.3.4.453 NMAC and 20.3.3.325 NMAC.

4 **C.** If a sealed source becomes lodged in a well, and when it becomes apparent that efforts to recover
5 the sealed source will not be successful, the licensee shall:

6 (1) notify the department by telephone of the circumstances that resulted in the inability to
7 retrieve the source; and

8 (a) obtain department approval to implement abandonment procedures; or

9 (b) that the licensee implemented abandonment before department approval because
10 the licensee believed there was an immediate threat to public health and safety; and

11 (2) advise the well owner or operator, as appropriate, of the abandonment procedures under
12 Subsection A or D of 20.3.12.10 NMAC; and

13 (3) either ensure that abandonment procedures are implemented within 30 days after the
14 sealed source has been classified as irretrievable or request an extension of time if unable to complete the
15 abandonment procedures.

16 **D.** The licensee shall, within 30 days after a sealed source has been classified as irretrievable, make a
17 report in writing to the department. The licensee shall send a copy of the report to each appropriate local, state or
18 federal agency that issued permits or otherwise approved of the drilling operation. The report must contain the
19 following information:

20 (1) date of occurrence;

21 (2) a description of the irretrievable well logging source involved including the radionuclide
22 and its quantity, chemical and physical form;

23 (3) surface location and identification of the well;

24 (4) results of efforts to immobilize and seal the source in place;

25 (5) a brief description of the attempted recovery effort;

26 (6) depth of the source;

27 (7) depth of the top of the cement plug;

28 (8) depth of the well;

29 (9) the immediate threat to public health and safety justification for implementing
30 abandonment if prior department approval was not obtained in accordance with Subparagraph (b) of Paragraph (1)
31 of Subsection C of this section;

32 (10) any other information, such as a warning statement, contained on the permanent
33 identification plaque; and

34 (11) local, state and federal agencies receiving copy of this report.

35 [20.3.12.32 NMAC - Rp, 20.3.12.1224 NMAC, 6/30/2011]

36
37 **HISTORY OF 20.3.12 NMAC:**

38 **Pre-NMAC History:** The material in this part was derived from that previously filed as follows:

39 EIB 73-2, Regulations for Governing the Health and Environmental Aspects of Radiation filed on 7/9/1973;

40 EIB 73-2, Amendment 1, Regulations for Governing the Health and Environmental Aspects of Radiation filed on 4-
41 17-78;

42 EIB RPR-1, Radiation Protection Regulations filed on 4/21/1980;

43 EIB RPR-1, Amendment 1, Radiation Protection Regulations filed on 10/13/1981;

44 EIB RPR-1, Amendment 2, Radiation Protection Regulations filed on 12/15/1982; and

45 EIB RPR-1, Radiation Protection Regulations filed on 3/10/1989.

46
47 **History of Repealed Material:** 20.3.12 NMAC, Radiation Safety Requirements for Wireline Service Operations
48 and Subsurface Tracer Studies, filed 3/15/2004 is repealed effective 6/30/2011 and replaced by 20.3.12 NMAC,
49 Licenses and Radiation Safety Requirements for Well Logging, effective 6/30/2011.

50
51 **Other History:** EIB RPR 1, Radiation Protection Regulations, filed 3/10/1989 renumbered and reformatted to 20
52 NMAC 3.1; Radioactive Materials and Radiation Machines, effective 5/3/1995;

53 20 NMAC 3.1; Radioactive Materials and Radiation Machines (filed 4/3/1995) internally renumbered, reformatted
54 and replaced by 20 NMAC 3.1, Radioactive Materials and Radiation Machines, effective 7/30/1999.

1 20 NMAC 3.1.Subpart 12, Radiation Safety Requirements For Wireline Service Operations And Subsurface Tracer
2 Studies (filed 6/17/1999) reformatted, amended and replaced by 20.3.12 NMAC, Radiation Safety Requirements for
3 Wireline Service Operations and Subsurface Tracer Studies, effective 4/15/2004.
4 20.3.12 NMAC, Radiation Safety Requirements for Wireline Service Operations and Subsurface Tracer Studies,
5 filed 3/15/2004 is repealed effective 6/30/2011 and replaced by 20.3.12 NMAC, Licenses and Radiation Safety
6 Requirements for Well Logging, effective 6/30/2011.

1 **TITLE 20 ENVIRONMENTAL PROTECTION**
2 **CHAPTER 3 RADIATION PROTECTION**
3 **PART 15 LICENSES AND RADIATION SAFETY REQUIREMENTS FOR IRRADIATORS**
4

5 **20.3.15.1 ISSUING AGENCY:** Environmental Improvement Board.
6 [5/3/1995; 20.3.15.1 NMAC - Rn, 20 NMAC 3.1.1.100, 4/15/2004]
7

8 **20.3.15.2 SCOPE:**

9 **A.** The requirements of this part (20.3.15 NMAC) are in addition to other requirements in these
10 regulations. In particular, the provisions of Parts 3, 4 and 10 (20.3.3 NMAC, 20.3.4 NMAC, and 20.3.10 NMAC)
11 apply to applications and licenses subject to this part (20.3.15 NMAC). Nothing in this part (20.3.15 NMAC)
12 relieves the licensee from complying with other applicable federal, state and local regulations governing the siting,
13 zoning, land use and building code requirements for industrial facilities.

14 **B.** The regulations in this part (20.3.15 NMAC) apply to panoramic irradiators that have either dry or
15 wet storage of the radioactive sealed sources and to under water irradiators in which both the source and the product
16 being irradiated are under water. Irradiators whose dose rates exceed five [~~5~~] grays (500 rads) per hour at one[~~1~~]
17 meter from the radioactive sealed sources in air or in water, as applicable for the irradiator type, are covered by this
18 part (20.3.15 NMAC).

19 **C.** The regulations in this part (20.3.15 NMAC) do not apply to self-contained dry-source storage
20 irradiators (those in which both the source and the area subject to irradiation are contained within a device and are
21 not accessible by personnel), medical radiology or teletherapy, radiography (the irradiation of materials for
22 nondestructive testing purposes), gauging, or open-field (agricultural) irradiations.
23 [5/3/1995; 20.3.15.2 NMAC - Rn, 20 NMAC 3.1.15.1500, 4/15/2004; A, XX/XX/2021]
24

25 **20.3.15.3 STATUTORY AUTHORITY:** Sections 74-1-9, 74-3-5, and 74-3-9 NMSA 1978.
26 [5/3/1995; 20.3.15.3 NMAC - Rn, 20 NMAC 3.1.1.102, 4/15/2004]
27

28 **20.3.15.4 DURATION:** Permanent.
29 [5/3/1995; 20.3.15.4 NMAC - Rn, 20 NMAC 3.1.1.103, 4/15/2004]
30

31 **20.3.15.5 EFFECTIVE DATE:** May 3, 1995, unless a later date is cited at the end of a section.
32 [5/3/1995, 8-2-95, A, 7-30-99; 20.3.3.5 NMAC - Rn, 20 NMAC 3.1.1.104, 4/15/2004]
33

34 **20.3.15.6 OBJECTIVE:** This part (20.3.15 NMAC) contains requirements for the issuance of a license
35 authorizing the use of sealed sources containing radioactive materials in irradiators used to irradiate objects or
36 materials using gamma radiation. This part (20.3.15 NMAC) also contains radiation safety requirements for
37 operating irradiators.
38 [5/3/1995; 20.3.15.2 NMAC - Rn, 20 NMAC 3.1.15.1500.A, 4/15/2004]
39 [Refer to the purpose and scope promulgated by the board as specified in 20.3.15.2 NMAC.]
40

41 **20.3.15.7 DEFINITIONS:**

42 **A.** “Annually” means either:

43 (1) at intervals not to exceed 1 year; or

44 (2) once per year, at about the same time each year (plus or minus 1 month).

45 **B.** “Doubly encapsulated sealed source” means a sealed source in which the radioactive material is
46 sealed within a capsule and that capsule is sealed within another capsule.

47 **C.** “Irradiator” means a facility that uses radioactive sealed sources for the irradiation of objects or
48 materials and in which radiation dose rates exceeding five[~~5~~] grays (500 rads) per hour exist at one[~~1~~]
49 meter from the sealed radioactive sources in air or water, as applicable for the irradiator type, but does not include irradiators in
50 which both the sealed source and the area subject to irradiation are contained within a device and are not accessible
51 to personnel.

52 **D.** “Irradiator operator” means an individual who has successfully completed the training and
53 testing described in 20.3.15.1517 NMAC and is authorized by the terms of the license to operate the irradiator
54 without a supervisor present.

55 **E.** “Panoramic dry-source-storage irradiator” means an irradiator in which the irradiations occur
56 in air in areas potentially accessible to personnel and in which the sources are stored in shields made of solid

1 materials. The term includes beam-type dry-source-storage irradiators in which only a narrow beam of radiation is
2 produced for performing irradiations.

3 **F. “Panoramic irradiator”** means an irradiator in which the irradiations are done in air in areas
4 potentially accessible to personnel. The term includes beam-type irradiators.

5 **G. “Panoramic wet-source-storage irradiator”** means an irradiator in which the irradiations occur
6 in air in areas potentially accessible to personnel and in which the sources are stored under water in a storage pool.

7 **H. “Pool irradiator”** means any irradiator at which the sources are stored or used in a pool of water,
8 including panoramic wet-source-storage irradiators and under water irradiators.

9 **I. “Product conveyor system”** means a system for moving the product to be irradiated to, from and
10 within the area where irradiation takes place.

11 **J. “Radiation room”** means a shielded room in which irradiations take place. Under water
12 irradiators do not have radiation rooms.

13 **K. “Radiation safety officer”** means an individual with responsibility for the overall radiation safety
14 program at the facility.

15 **L. “Sealed source”** means any byproduct material that is used as a source of radiation and is encased
16 in a capsule designed to prevent leakage or escape of the byproduct material.

17 **M. “Seismic area”** means any area where the probability of a horizontal acceleration in rock of more
18 than 0.3 times the acceleration of gravity in 250 years is greater than 10 percent, as designated by the U.S.
19 geological survey.

20 **N. “Underwater irradiator”** means an irradiator in which the sources always remain shielded under
21 water and humans do not have access to the sealed sources or the space subject to irradiation without entering the
22 pool.

23 [5/3/1995; 20.3.15.7 NMAC - Rn, 20 NMAC 3.1.15.1500, 4/15/2004; A, XX/XX/2021]

24
25 **20.3.15.8 through 20.3.15.1500 [RESERVED]**

26
27 **20.3.15.1501 APPLICATION FOR A SPECIFIC LICENSE.** A person, as defined in 20.3.1 NMAC of these
28 regulations, may file an application for a specific license authorizing the use of sealed sources in an irradiator on
29 forms provided by the department, in accordance with 20.3.3.307 NMAC.

30 [5/3/1995; 20.3.15.1501 NMAC - Rn, 20 NMAC 3.1.15.1501, 4/15/2004]

31
32 **20.3.15.1502 SPECIFIC LICENSES FOR IRRADIATORS:** The department will approve an application for
33 a specific license for the use of licensed material in an irradiator if the applicant meets the requirements contained in
34 this section.

35 **A.** The applicant shall satisfy the general requirements specified in 20.3.3 NMAC and the
36 requirements contained in this part (20.3.15 NMAC).

37 **B.** An application for a specific license of category 1 and category 2 quantities of radioactive material
38 shall comply with 10 CFR 37. The licensee shall comply with 10 CFR 37 except as follows:

39 **(1)** any reference to the commission or NRC shall be deemed a reference to the department;

40 **(2)** 10 CFR 37.5 definitions of agreement state, byproduct material, commission and person
41 shall not be applicable;

42 **(3)** 10 CFR 37.7, 10 CFR 37.9, 10 CFR 37.11(a) and (b), 10 CFR 37.13, 10 CFR 37.27(c),
43 10 CFR 37.71, 10 CFR 37.105, and 10 CFR 37.107 shall not be applicable;

44 **(4)** for any reporting or notification requirements that the licensee must follow in 10 CFR
45 37.45, 10 CFR 37.57, 10 CFR 37.77(a) through (d), 10 CFR 37.81, the licensee shall use, when applicable, New
46 Mexico Environment Department/RCB, P.O. Box 5469, Santa Fe, NM 87502-5469 address information.

47 **C.** The application must describe the training provided to irradiator operators including:

48 **(1)** classroom training;

49 **(2)** on-the-job or simulator training;

50 **(3)** safety reviews;

51 **(4)** means employed by the applicant to test each operator’s understanding of these
52 regulations and licensing requirements, and the irradiator operating and emergency procedures; and

53 **(5)** minimum training and experience of personnel who may provide training.

54 **D.** The application must include an outline of the written operating and emergency procedures listed
55 in 20.3.15.1518 NMAC that describes the radiation safety aspects of the procedures.

56 **E.** The application must describe the organizational structure for managing the irradiator, specifically

1 the radiation safety responsibilities and authorities of the radiation safety officer, and those management personnel
2 who have important radiation safety responsibilities or authorities. In particular, the application must specify who
3 within the management structure has the authority to stop unsafe operations. The application must also describe the
4 training and experience required for the position of radiation safety officer.

5 **F.** The application must include a description of the access control system required by 20.3.15.1507
6 NMAC, the radiation monitors required by 20.3.15.1510 NMAC, the method of detecting leaking sources required
7 by 20.3.15.1521 NMAC including the sensitivity of the method, and a diagram of the facility that shows the
8 locations of all required interlocks and radiation monitors.

9 **G.** If the applicant intends to perform leak testing of dry-source-storage sealed sources, the applicant
10 shall establish procedures for leak testing and submit a description of these procedures to the department. The
11 description must include the:

- 12 (1) instruments to be used;
- 13 (2) methods of performing the analysis; and
- 14 (3) pertinent experience of the individual who analyzes the samples.

15 **H.** If licensee personnel are to load or unload sources, the applicant shall describe the qualifications
16 and training of the personnel and the procedures to be used. If the applicant intends to contract for source loading or
17 unloading at its facility, the loading or unloading must be done by an organization specifically authorized by the
18 department to load or unload irradiator sources.

19 **I.** The applicant shall describe the inspection and maintenance checks, including the frequency of the
20 checks required by 20.3.15.1522 NMAC.

21 [5/3/1995; 20.3.15.1502 NMAC - Rn, 20 NMAC 3.1.15.1502, 4/15/2004; A, XX/XX/2021]

22
23 **20.3.15.1503 START OF CONSTRUCTION:** The applicant may not begin construction of a new irradiator
24 prior to the submission to the department an application for a license for the irradiator. As used in this section, the
25 term “construction” includes the construction of any portion of the permanent irradiator structure on the site, but
26 does not include engineering and design work, purchase of a site, site surveys or soil testing, site preparation, site
27 excavation, construction of warehouse or auxiliary structures, and other similar tasks. Any activities undertaken
28 prior to the issuance of a license are entirely at the risk of the applicant and have no bearing on the issuance of a
29 license.

30 [5/3/1995; 20.3.15.1503 NMAC - Rn, 20 NMAC 3.1.15.1503, 4/15/2004]

31
32 **20.3.15.1504 APPLICATIONS FOR EXEMPTIONS:**

33 **A.** The department may, upon application of any interested person or upon its own initiative, grant
34 any exemptions from the requirements in this part (20.3.15 NMAC) that it determines are authorized by law and will
35 not endanger life or property or the common defense and security, and are otherwise in the public interest.

36 **B.** Any application for a license or for amendment of a license authorizing use of teletherapy-type
37 unit for irradiation of materials or objects may include proposed alternatives for the requirements of this part
38 (20.3.15 NMAC). The department will approve the proposed alternatives if the applicant provides adequate
39 rationale for the proposed alternatives and demonstrates that they are likely to provide an adequate level of safety for
40 workers and the public.

41 [5/3/1995; 20.3.15.1504 NMAC - Rn, 20 NMAC 3.1.15.1504, 4/15/2004]

42
43 **20.3.15.1505 REQUEST FOR WRITTEN STATEMENTS:**

44 **A.** After the filing of the original application, the department may request further information
45 necessary to enable the department to determine whether the application should be granted or denied.

46 **B.** Each license is issued with the condition that the licensee will, at any time before expiration of the
47 license, upon the department’s request, submit written statements to enable the department to determine whether the
48 license should be modified, suspended or revoked.

49 [5/3/1995; 20.3.15.1505 NMAC - Rn, 20 NMAC 3.1.15.1505, 4/15/2004]

50
51 **20.3.15.1506 PERFORMANCE CRITERIA FOR SEALED SOURCES:**

52 **A. Requirements.** Sealed sources installed after July 1, 1993:

- 53 (1) must be doubly encapsulated;
- 54 (2) must use radioactive material that is as non-dispersible as practical and that is as
55 insoluble as practical if the source is used in a wet-source-storage or wet-source-change irradiator;
- 56 (3) must be encapsulated in a material resistant to general corrosion and to localized

1 corrosion, such as 316L stainless steel or other material with equivalent resistance if the sources are for use in
2 irradiator pools; and

3 (4) in prototype testing of the sealed source, must have been leak tested and found leak-free
4 after each of the tests described in Subsections B through G of 20.3.15.1506 NMAC.

5 **B. Temperature.** The test source must be held at -40 degrees C for 20 minutes, 600 degrees C for
6 one hour, and then be subject to a thermal shock test with a temperature drop from 600 degrees C to 20 degrees C
7 within 15 seconds.

8 **C. Pressure.** The test source must be twice subjected for at least five minutes to an external pressure
9 (absolute) of 2 million newtons per square meter.

10 **D. Impact.** A 2-kilogram steel weight, 2.5 centimeters in diameter, must be dropped from a height of
11 1 meter onto the test source.

12 **E. Vibration.** The test source must be subjected three[3] times for 10 minutes each to vibrations
13 sweeping from 25 hertz to 500 hertz, with a peak amplitude of 5 times the acceleration of gravity. In addition, each
14 test source must be vibrated for 30 minutes at each resonant frequency found.

15 **F. Puncture.** A 50-gram weight and pin, 0.3-centimeter pin diameter, must be dropped from a
16 height of 1 meter onto the test source.

17 **G. Bend.** If the length of the source is more than 15 times larger than the minimum cross-sectional
18 dimension, the test source must be subjected to a force of 2000 newtons at its center equidistant from two support
19 cylinders, the distance between which is 10 times the minimum cross-sectional dimension of the source.

20 [5/3/1995; 20.3.15.1506 NMAC - Rn, 20 NMAC 3.1.15.1506, 4/15/2004; A, 6/13/2017; A, XX/XX/2021]

21
22 **20.3.15.1507 ACCESS CONTROL:**

23 **A.** Each entrance to a radiation room at a panoramic irradiator must have a door or other physical
24 barrier to prevent inadvertent entry of personnel if the sources are not in the shielded position. Product conveyer
25 systems may serve as barriers as long as they reliably and consistently function as a barrier. It must not be possible
26 to move the sources out of their shielded position if the door or barrier is open. Opening the door or barrier while
27 the sources are exposed must cause the sources to return promptly to their shielded position. The personnel entrance
28 door or barrier must have a lock that is operated by the same key used to move the source. The doors and barriers
29 must not prevent any individual in the radiation room from leaving.

30 **B.** In addition, each entrance to a radiation room at a panoramic irradiator must have an independent
31 backup access control to detect personnel entry while the sources are exposed. Detection of entry while the sources
32 are exposed must cause the sources to return to their fully shielded position, and must also activate a visible and
33 audible alarm to make the individual entering the room aware of the hazard. The alarm must also alert at least one
34 other individual who is on-site of the entry. That individual shall be trained on how to respond to the alarm and
35 prepared to promptly render or summon assistance.

36 **C.** A radiation monitor must be provided to detect the presence of high radiation levels in the
37 radiation room of a panoramic irradiator before personnel entry. The monitor must be integrated with personnel
38 access door locks to prevent room access when radiation levels are high. Attempted personnel entry while the
39 monitor measures high radiation levels must activate the alarm described in Subsection B of 20.3.15.1507 NMAC.
40 The monitor may be located in the entrance (normally referred to as the maze), but not in the direct radiation beam.

41 **D.** Before the sources move from their shielded position in a panoramic irradiator, the source control
42 must automatically activate conspicuous visible and audible alarms to alert people in the radiation room that the
43 sources will be moved from their shielded position. The alarms must give individuals enough time to leave the
44 room before the sources leave the shielded position.

45 **E.** Each radiation room at a panoramic irradiator must have a clearly visible and readily accessible
46 control that would allow an individual in the room to make the sources return to their fully shielded position.

47 **F.** Each radiation room of a panoramic irradiator must contain a control that prevents the sources
48 from moving from the shielded position, unless the control has been activated and the door or barrier to the radiation
49 room has been closed within a preset time after activation of the control.

50 **G.** Each entrance to the radiation room of a panoramic irradiator and each entrance to the area within
51 the personnel access barrier of an underwater irradiator must be posted as required by 20.3.4.428 NMAC. Radiation
52 postings for panoramic irradiators must comply with the posting requirements of 20.3.4.428 NMAC, except that
53 signs may be removed, covered, or otherwise made inoperative when the sources are fully shielded.

54 **H.** If the radiation room of a panoramic irradiator has roof plugs or other movable shielding, it must
55 not be possible to operate the irradiator unless the shielding is in its proper location. This requirement may be met
56 by interlocks that prevent operation if shielding is not placed properly or by an operating procedure requiring

1 inspection of shielding before operating.

2 **I.** Underwater irradiators must have a personnel access barrier around the pool which must be locked
3 to prevent access when the irradiator is not attended. Only operators and facility management may have access to
4 keys to the personnel access barrier. There must be an intrusion alarm to detect unauthorized entry when the
5 personnel access barrier is locked. Activation of the intrusion alarm must alert an individual (not necessarily onsite)
6 who is prepared to respond or summon assistance.
7 [5/3/1995; 20.3.15.1507 NMAC - Rn, 20 NMAC 3.1.15.1507 & A, 4/15/2004]

8
9 **20.3.15.1508 SHIELDING:**

10 **A.** The radiation dose rate in areas that are normally occupied during operation of a panoramic
11 irradiator may not exceed 0.02 millisievert (two[2] millirems) per hour at any location 30 centimeters or more from
12 the wall of the room when the sources are exposed. The dose rate must be averaged over an area not to exceed 100
13 square centimeters having no linear dimension greater than 20 cm. Areas where the radiation dose rate exceeds 0.02
14 millisievert (two[2] millirems) per hour must be locked, roped off or posted.

15 **B.** The radiation dose at 30 centimeters over the edge of the pool of a pool irradiator may not exceed
16 0.02 millisievert (two[2] millirems) per hour when the sources are in the fully shielded position.

17 **C.** The radiation dose rate at one[+] meter from the shield of a dry-source-storage panoramic
18 irradiator when the source in shielded may not exceed 0.02 millisievert (two[2] millirems) per hour and at five[5]
19 centimeters from the shield may not exceed 0.2 millisievert (20 millirems) per hour.
20 [5/3/1995; 20.3.15.1508 NMAC - Rn, 20 NMAC 3.1.15.1508, 4/15/2004; A, XX/XX/2021]

21
22 **20.3.15.1509 FIRE PROTECTION:**

23 **A.** The radiation room at a panoramic irradiator must have heat and smoke detectors. The detectors
24 must activate an audible alarm. The alarm must be capable of alerting a person who is prepared to summon
25 assistance promptly. The sources must automatically become fully shielded if a fire is detected.

26 **B.** The radiation room at a panoramic irradiator must be equipped with a fire extinguishing system
27 capable of extinguishing a fire without the entry of personnel into the room. The system for the radiation room must
28 have a shut-off valve to control flooding into unrestricted areas.
29 [5/3/1995; 20.3.15.1509 NMAC - Rn, 20 NMAC 3.1.15.1509, 4/15/2004]

30
31 **20.3.15.1510 RADIATION MONITORS:**

32 **A.** Irradiators with automatic product conveyor systems must have a radiation monitor with an
33 audible alarm located to detect loose radioactive sources that are carried toward the product exit. If the monitor
34 detects a source, an alarm must sound, and product conveyors must stop automatically. The alarm must be capable
35 of alerting an individual in the facility who is prepared to summon assistance. Underwater irradiators in which the
36 product moves within an enclosed stationary tube are exempt from the requirements of this subsection.

37 **B.** Underwater irradiators that are not in a shielded radiation room must have a radiation monitor over
38 the pool to detect abnormal radiation levels. The monitor must have an audible alarm and a visible indicator at
39 entrances to the personnel access barrier around the pool. The audible alarm may have a manual shut-off. The
40 alarm must be capable of alerting an individual who is prepared to respond promptly.
41 [5/3/1995; 20.3.15.1510 NMAC - Rn, 20 NMAC 3.1.15.1510, 4/15/2004]

42
43 **20.3.15.1511 CONTROL OF SOURCE MOVEMENT:**

44 **A.** The mechanism that moves the sources of a panoramic irradiator must require a key to actuate.
45 Actuation of the mechanism must cause an audible signal to indicate that the sources are leaving the shielded
46 position. Only one key may be in use at any time, and only operators or facility management may possess it. The
47 key must be attached to a portable radiation survey meter by a chain or cable. The lock for source control must be
48 designed so that the key may not be removed if the sources are in an unshielded position. The door to the radiation
49 room must require the same key.

50 **B.** The console of a panoramic irradiator must have a source position indicator that indicates when
51 the sources are in the fully shielded position, when they are in transit and when the sources are exposed.

52 **C.** The control console of a panoramic irradiator must have a control that promptly returns the
53 sources to the shielded position.

54 **D.** Each control for a panoramic irradiator must be clearly marked as to its function.
55 [5/3/1995; 20.3.15.1511 NMAC - Rn, 20 NMAC 3.1.15.1511, 4/15/2004]

1 **20.3.1512 IRRADIATOR POOLS:**

2 **A.** For licenses initially issued after July 1, 1993, irradiator pools must either:
3 **(1)** have a water-tight stainless steel liner or a liner metallurgically compatible with other
4 components in the pool; or
5 **(2)** be constructed so that there is a low likelihood of substantial leakage and have a surface
6 designed to facilitate decontamination; and
7 **(3)** in either case, the licensee shall have a method to safely store the sources during repairs
8 of the pool.

9 **B.** For licenses initially issued after July 1, 1993, irradiator pools must have no outlets more than 0.5
10 meter below the normal low water level that could allow water to drain out of the pool. Pipes that have intakes more
11 than 0.5 meter below the normal low water level and that could act as siphons must have siphon breakers to prevent
12 the siphoning of pool water.

13 **C.** A means must be provided to replenish water losses from the pool.

14 **D.** A visible indicator must be provided in a clearly visible location to indicate if the pool water level
15 is below the normal low water level or above the normal high water level.

16 **E.** Irradiator pools must be equipped with a purification system designed to be capable of
17 maintaining the water during normal operation at a conductivity of 20 microsiemens per centimeter or less and with
18 a clarity so that the sources can be seen clearly.

19 **F.** A physical barrier, such as a railing or cover, must be used around or over irradiator pools during
20 normal operation to prevent personnel from accidentally falling into the pool. The barrier may be removed during
21 maintenance, inspection and service operations.

22 **G.** If long-handled tools or poles are used in irradiator pools, the radiation dose rate on the handling
23 areas of the tools may not exceed 0.02 millisievert (~~two~~ [2] millirems) per hour.

24 [5/3/1995; 20.3.15.1512 NMAC - Rn, 20 NMAC 3.1.15.1512, 4/15/2004; A, XX/XX/2021]

25
26 **20.3.15.1513 SOURCE RACK PROTECTION:** If the product to be irradiated moves on a product conveyor
27 system, the source rack and the mechanism that moves the rack must be protected by a barrier or guides to prevent
28 products and product carriers from hitting or touching the rack or mechanism.

29 [5/3/1995; 20.3.15.1513 NMAC - Rn, 20 NMAC 3.1.15.1513. 4/15/2004]

30
31 **20.3.15.1514 POWER FAILURES:**

32 **A.** If electrical power at a panoramic irradiator is lost for longer than 10 seconds, the source must
33 automatically return to the shielded position.

34 **B.** The lock on the door of the radiation room of a panoramic irradiator may not be deactivated by a
35 power failure.

36 **C.** During a power failure, the area of any irradiator where sources are located may be entered only
37 when using an operable and calibrated radiation survey meter.

38 [5/3/1995; 20.3.15.1514 NMAC - Rn, 20 NMAC 3.1.15.1514, 4/15/2004]

39
40 **20.3.15.1515 DESIGN REQUIREMENTS:** Irradiators whose construction begins after July 1, 1993, must
41 meet the design requirements of this section.

42 **A. Shielding.** For panoramic irradiators, the licensee shall design shielding walls to meet generally
43 accepted building code requirements for reinforced concrete, and design the walls, wall penetrations and entrance
44 ways to meet the radiation shielding requirements of 20.3.15.1508 NMAC. If the irradiator will use more than $2 \times$
45 10^{17} becquerels (~~five~~[5] million curies) of activity, the licensee shall evaluate the effects of heating of the shielding
46 walls by the irradiator sources.

47 **B. Foundations.** For panoramic irradiators, the licensee shall design the foundation, with
48 consideration given to soil characteristics, to ensure it is adequate to support the weight of the facility shield walls.

49 **C. Pool integrity.** For pool irradiators, the licensee shall design the pool to assure that it is leak
50 resistant, that is strong enough to bear the weight of the pool water and shipping casks, that a dropped cask would
51 not fall on sealed sources, that all outlets or pipes meet the requirements of Subsection B of 20.3.15.1512 NMAC,
52 and that metal components are metallurgically compatible with other components in the pool.

53 **D. Water handling system.** For pool irradiators, the licensee shall verify that the design of the water
54 purification system is adequate to meet the requirements of Subsection E of 20.3.15.1512 NMAC. The system must
55 be designed so that water leaking from the system does not drain to unrestricted areas without being monitored.

56 **E. Radiation monitors.** For all irradiators, the licensee shall evaluate the location and sensitivity of

1 the monitor to detect sources carried by the product conveyor system as required by Subsection A of 20.3.15.1510
2 NMAC. The licensee shall verify that the product conveyor is designed to stop before a source on the product
3 conveyor would cause a radiation overexposure to any person. For pool irradiators, if the licensee uses radiation
4 monitors to detect contamination under Subsection B of 20.3.15.1521 NMAC, the licensee shall verify that the
5 design of radiation monitoring systems to detect pool contamination includes sensitive detectors located close to
6 where contamination is likely to concentrate.

7 **F. Source rack.** For pool irradiators, the licensee shall verify that there are no crevices on the source
8 or between the source and source holder that would promote corrosion on a critical area of the source. For
9 panoramic irradiators, the licensee shall determine that source rack drops due to loss of power will not damage the
10 source rack and that source rack drops due to failure of cables (or alternate means of support) will not cause loss of
11 integrity of sealed sources. For panoramic irradiators, the licensee shall review the design of the mechanism that
12 moves the sources to assure that the likelihood of a stuck source is low and that, if the rack sticks, a means exists to
13 free it with minimal risk to personnel.

14 **G. Access control.** For panoramic irradiators, the licensee shall verify from the design and logic
15 diagram that the access control system will meet the requirements of 20.3.15.1507 NMAC.

16 **H. Fire protection.** For panoramic irradiators, the licensee shall verify that the number, location and
17 spacing of the smoke and heat detectors are appropriate to detect fires, and that the detectors are protected from
18 mechanical and radiation damage. The licensee shall verify that the design of the fire extinguishing system provides
19 the necessary discharge patterns, densities and flow characteristics for complete coverage of the radiation room, and
20 that the system is protected from mechanical and radiation damage.

21 **I. Source return.** For panoramic irradiators, the licensee shall verify that the source rack will
22 automatically return to the fully shielded position if off-site power is lost for more than 10 seconds.

23 **J. Seismic.** For panoramic irradiators to be built in seismic areas, the licensee shall design the
24 reinforced concrete radiation shields to retain their integrity in the event of an earthquake by designing to the
25 seismic requirements of an appropriate source such as American concrete institute standard ACI 318-89, "Building
26 Code Requirements for Reinforced Concrete," Chapter 21, "Special Provisions for Seismic Design," or local
27 building codes, if current.

28 **K. Wiring.** For panoramic irradiators, the licensee shall verify that electrical wiring and electrical
29 equipment in the radiation room are selected to minimize failures due to prolonged exposure to radiation.
30 [5/3/1995; 20.3.15.1515 NMAC - Rn, 20 NMAC 3.1.15.1515, 4/15/2004; A, 6/13/2017; A, XX/XX/2021]

31
32 **20.3.15.1516 CONSTRUCTION MONITORING AND ACCEPTANCE TESTING:** The requirements of
33 this section must be met for irradiators whose construction begins after July 1, 1993. The requirements must be met
34 prior to loading sources.

35 **A. Shielding.** For panoramic irradiators, the licensee shall monitor the construction of the shielding
36 to verify that its construction meets design specifications and generally accepted building code requirements for
37 reinforced concrete.

38 **B. Foundations.** For panoramic irradiators, the licensee shall monitor the construction of the
39 foundations to verify that their construction meets design specifications.

40 **C. Pool integrity.** For pool irradiators, the licensee shall verify that the pool meets design
41 specifications and shall test the integrity of the pool. The licensee shall verify that outlets and pipes meet the
42 requirements of Subsection B of 20.3.15.1512 NMAC.

43 **D. Water handling system.** For pool irradiators, the licensee shall verify that the water purification
44 system, the conductivity meter and the water level indicators operate properly.

45 **E. Radiation monitors.** For all irradiators, the licensee shall verify the proper operation of the
46 monitor to detect sources carried on the product conveyor system, and the related alarms and interlocks required by
47 Subsection A of 20.3.15.1510 NMAC. For pool irradiators, the licensee shall verify the proper operation of the
48 radiation monitors and the related alarm, if used, to meet Subsection B of 20.3.15.1521 NMAC. For underwater
49 irradiators, the licensee shall verify the proper operation of the over-the-pool monitor, alarms and interlocks required
50 by Subsection B of 20.3.15.1510 NMAC.

51 **F. Source rack.** For panoramic irradiators, the licensee shall test the movement of the source racks
52 for proper operation prior to source loading; testing must include source rack lowering due to simulated loss of
53 power. For all irradiators with product conveyor systems, the licensee shall observe and test the operation conveyor
54 system to assure that the requirements in 20.3.15.1513 NMAC are met for protection of the source rack and the
55 mechanism that moves the rack; testing must include tests of any limit switches and interlocks used to protect the
56 source rack and mechanism that moves the rack from moving product carriers.

1 **G. Access control.** For panoramic irradiators, the licensee shall test the completed access control
2 system to assure that it functions as designed, and that all alarms, controls and interlocks work properly.

3 **H. Fire protection.** For panoramic irradiators, the licensee shall test the ability of the heat and
4 smoke detectors to detect a fire, to activate alarms and to cause the source rack to automatically become fully
5 shielded. The licensee shall test the operability of the fire extinguishing system.

6 **I. Source return.** For panoramic irradiators, the licensee shall demonstrate that the source racks can
7 be returned to their fully shielded positions without offsite power.

8 **J. Computer systems.** For panoramic irradiators that use a computer system to control the access
9 control system, the licensee shall verify that the access control system will operate properly if offsite power is lost,
10 and shall verify that the computer has security features that prevent an irradiator operator from commanding the
11 computer to override the access control system when it is required to be operable.

12 **K. Wiring.** For panoramic irradiators, the licensee shall verify that the electrical wiring and electrical
13 equipment that were installed meet the design specifications.

14 [5/3/1995; 20.3.15.1516 NMAC - Rn, 20 NMAC 3.1.15.1516, 4/15/2004]

15
16 **20.3.15.1517 TRAINING:**

17 **A.** Before an individual is permitted to operate an irradiator without a supervisor present, the
18 individual must be instructed in:

19 (1) the fundamentals of radiation protection applied to irradiators (including the differences
20 between external radiation and radioactive contamination, units of radiation dose, dose limits, why large radiation
21 doses must be avoided, how shielding and access controls as provided in these regulations prevent large doses, how
22 an irradiator is designed to prevent contamination, the proper use of survey meters and personnel dosimeters, other
23 radiation safety features of an irradiator, and the basic function of the irradiator);

24 (2) the requirements of 20.3.10 NMAC and 20.3.15 NMAC that are relevant to the
25 irradiator;

26 (3) the operation of the irradiator;

27 (4) those operating and emergency procedures listed in 20.3.15.1518 NMAC that the
28 individual is responsible for performing; and

29 (5) case histories of accidents or problems involving irradiators.

30 **B.** Before an individual is permitted to operate an irradiator without a supervisor present, the
31 individual shall pass a written test on the instruction received, consisting primarily of questions based on the
32 licensee's operating and emergency procedures that the individual is responsible for performing and other operations
33 necessary to safely operate the irradiator without supervision.

34 **C.** Before an individual is permitted to operate an irradiator without a supervisor present, the
35 individual must have received on-the-job training or simulator training in the use of the irradiator as described in the
36 license application. The individual shall also demonstrate the ability to perform those portions of the operating and
37 emergency procedures that ~~he or she~~ the individual is to perform.

38 **D.** The licensee shall conduct safety reviews for irradiator operators at least annually. The licensee
39 shall give each operator a brief written test on the information. Each safety review must include, to the extent
40 appropriate, each of the following:

41 (1) changes in operating and emergency procedures since the last review, if any;

42 (2) changes in regulations and license conditions since the last review, if any;

43 (3) reports on recent accidents, mistakes or problems that have occurred at irradiators, if any;

44 (4) relevant results of inspections of operator safety performance;

45 (5) relevant results of the facility's inspection and maintenance checks; and

46 (6) a drill to practice an emergency or abnormal event procedure.

47 **E.** The licensee shall evaluate the safety performance of each irradiator operator at least annually to
48 ensure that regulations, license conditions, and operating and emergency procedures are followed. The licensee
49 shall discuss the results of the evaluation with the operator, and shall instruct the operator on how to correct any
50 mistakes or deficiencies observed.

51 **F.** Individuals who will be permitted unescorted access to the radiation room of the irradiator or the
52 area around the pool of an underwater irradiator, but who have not received the training required for operators and
53 the radiation safety officer, shall be instructed and tested in any precautions they should take to avoid radiation
54 exposure, any procedures or parts of procedures listed in 20.3.15.1518 NMAC that they are expected to perform or
55 comply with, and their proper response to alarms required in this part (20.3.15 NMAC). Tests may be oral.

56 **G.** Individuals who must be prepared to respond to alarms required by Subsection B of 20.3.15.1507

1 NMAC, Subsection I of 20.3.15.1507 NMAC, Subsection A of 20.3.15.1509 NMAC, Subsections A and B of
2 20.3.15.1510 NMAC, and Subsection B of 20.3.15.1521 NMAC shall be trained and tested on how to respond.
3 Each individual shall be retested at least once a year. Tests may be oral.
4 [5/3/1995; 20.3.15.1517 NMAC - Rn, 20 NMAC 3.1.15.1517, 4/15/2004; A, XX/XX/2021]

5
6 **20.3.15.1518 OPERATING AND EMERGENCY PROCEDURES:**

7 **A.** The licensee shall have and follow written operating procedures for:
8 (1) operation of the irradiator, including entering and leaving the radiation room;
9 (2) use of personnel dosimeters;
10 (3) surveying the shielding of panoramic irradiators;
11 (4) monitoring pool water for contamination while the water is in the pool and before release
12 of pool water to unrestricted areas;
13 (5) leak testing of sources;
14 (6) inspection and maintenance checks required by 20.3.15.1522 NMAC;
15 (7) loading, unloading and repositioning sources, if the operations will be performed by the
16 licensee; and
17 (8) inspection of movable shielding required by Subsection H of 20.3.15.1507 NMAC; if
18 applicable.

19 **B.** The licensee shall have and follow emergency or abnormal event procedures, appropriate for the
20 irradiator type, for:

21 (1) sources stuck in the unshielded position;
22 (2) personnel overexposures;
23 (3) a radiation alarm from the product exit portal monitor or pool monitor;
24 (4) detection of leaking sources, pool contamination or alarm caused by contamination of
25 pool water;
26 (5) a low or high water level indicator, an abnormal water loss or leakage from the source
27 storage pool;
28 (6) a prolonged loss of electrical power;
29 (7) a fire alarm or explosion in the radiation room;
30 (8) an alarm indicating unauthorized entry into the radiation room, area around pool or
31 another alarmed area;
32 (9) natural phenomena, including an earthquake, a tornado, flooding, or other phenomena as
33 appropriate for the geographical location of the facility; and
34 (10) the jamming of automatic conveyor systems.

35 **C.** The licensee may revise operating and emergency procedures without department approval only if
36 all of the following conditions are met:

37 (1) the revisions do not reduce the safety of the facility;
38 (2) the revisions are consistent with the outline or summary of procedures submitted with the
39 license application;
40 (3) the revisions have been reviewed and approved by the radiation safety officer; and
41 (4) the users or operators are instructed and tested on the revised procedures before they are
42 put into use.

43 [5/3/1995; 20.3.15.1518 NMAC - Rn, 20 NMAC 3.1.15.1518, 4/15/2004; A, 6/13/2017]

44
45 **20.3.15.1519 PERSONNEL MONITORING:**

46 **A.** Irradiator operators shall wear a personnel dosimeter that is processed and evaluated by an
47 accredited national voluntary laboratory accreditation program (NVLAP) processor while operating a panoramic
48 irradiator, or while in the area around the pool of an underwater irradiator. The personnel dosimeter processor must
49 be accredited for high-energy photons in the normal and accident dose ranges (see Subsection C of 20.3.4.416
50 NMAC). Each personnel dosimeter must be assigned to and worn by only one individual. Film badges must be
51 processed at least monthly, and other personnel dosimeters must be processed at least quarterly.

52 **B.** Other individuals who enter the radiation room of a panoramic irradiator shall wear a dosimeter,
53 which may be a pocket dosimeter. For groups of visitors, only two people who enter the radiation room are required
54 to wear dosimeters. If pocket dosimeters are used to meet the requirements of this subsection, a check of their
55 response to radiation must be done at least annually. Acceptable dosimeters must read within plus or minus 30
56 percent of the true radiation dose.

1 [5/3/1995; 20.3.15.1519 NMAC - Rn, 20 NMAC 3.1.15.1519, 4/15/2004; A, 8/31/2005]

2
3 **20.3.15.1520 RADIATION SURVEYS:**

4 **A.** A radiation survey of the area outside the shielding of the radiation room of a panoramic irradiator
5 must be conducted with the sources in the exposed position before the facility starts to operate. A radiation survey
6 of the area above the pool of pool irradiators must be conducted after the sources are loaded, but before the facility
7 starts to operate. Additional radiation surveys of the shielding must be performed at intervals not to exceed three [3]
8 years and before resuming operation after addition of new sources or any modification to the radiation room
9 shielding or structure that might increase dose rates.

10 **B.** If the radiation levels specified in 20.3.15.1508 NMAC are exceeded, the facility must be
11 modified to comply with the requirements in 20.3.15.1508 NMAC.

12 **C.** Portable radiation survey meters must be calibrated at least annually to an accuracy of +20 percent
13 for the gamma energy of the sources in use. The calibration must be done at two points on each scale, or for digital
14 instruments at one point per decade over the range that will be used. Portable radiation survey meters must be of a
15 type that does not saturate and read zero at high radiation dose rates.

16 **D.** Water from the irradiator pool, other potentially contaminated liquids and sediments from pool
17 vacuuming must be monitored for radioactive contamination before release to unrestricted areas. Radioactive
18 concentrations must not exceed those specified in 20.3.4 NMAC, column 2 of table II, or table III of 20.3.4.461
19 NMAC, "annual limits on intake (ALIs) and derived air concentrations (DACs) of radionuclides for occupational
20 exposure; effluent concentration; concentrations for release to sewerage".

21 **E.** Before releasing resins for unrestricted use, they must be monitored before release in an area with
22 a background level less than 0.5 microsievert (0.05 millirem) per hour. The resins may be released only if the
23 survey does not detect radiation levels above background radiation levels. The survey meter used must be capable
24 of detecting radiation levels of 0.5 microsievert (0.05 millirem) per hour.

25 [5/3/1995; 20.3.15.1520 NMAC - Rn, 20 NMAC 3.1.15.1520, 4/15/2004; A, XX/XX/2021]

26
27 **20.3.15.1521 DETECTION OF LEAKING SOURCES:**

28 **A.** Each dry-source-storage sealed source must be tested for leakage at intervals not to exceed 6
29 months using a leak test kit or method approved by the department. In the absence of a certificate from a transferor
30 that a test has been made within the six [6] months before the transfer, the sealed source may not be used until
31 tested. The test must be capable of detecting the presence of 200 becquerels (0.005 microcurie) of radioactive
32 material and must be performed by a person approved by the department to perform the test.

33 **B.** For pool irradiators, sources may not be put into the pool unless the licensee tests the sources for
34 leaks or has a certificate from a transferor that a leak test has been done within the six [6] months before the transfer.
35 Water from the pool must be checked for contamination each day the irradiator operates. The check may be done
36 either by using a radiation monitor on a pool water circulating system or by analysis of a sample of pool water. If a
37 check for contamination is done by analysis of a sample of pool water, the results of the analysis must be available
38 within 24 hours. If the licensee uses a radiation monitor on a pool water circulating system, the detection of above
39 normal radiation levels must activate an alarm. The alarm set-point must be set as low as practical, but high enough
40 to avoid false alarms. The licensee may reset the alarm set point to a higher level if necessary, to operate the pool
41 water purification system to clean up contamination in the pool if specifically provided for in written emergency
42 procedures.

43 **C.** If a leaking source is detected, the licensee shall arrange to remove the leaking source from service
44 and have it decontaminated, repaired or disposed of by a department licensee that is authorized to perform these
45 functions. The licensee shall promptly check its personnel, equipment, facilities and irradiated product for
46 radioactive contamination. No product may be shipped until the product has been checked and found free of
47 contamination. If a product has been shipped that may have been inadvertently contaminated, the licensee shall
48 arrange to locate and survey that product for contamination. If any personnel are found to be contaminated,
49 decontamination must be performed promptly. If contaminated equipment, facilities or products are found, the
50 licensee shall arrange to have them decontaminated or disposed of by a department licensee that is authorized to
51 perform these functions. If a pool is contaminated, the licensee shall arrange to clean the pool until the
52 contamination levels do not exceed the appropriate concentration in column 2 of table II, 20.3.4.461 NMAC. (See
53 20.3.3.325 NMAC for reporting requirements.)

54 [5/3/1995; 20.3.15.1521 NMAC - Rn, 20 NMAC 3.1.15.1521, 4/15/2004; A, 4/30/2009; A, XX/XX/2021]

55
56 **20.3.15.1522 INSPECTION AND MAINTENANCE:**

1 **A.** The licensee shall perform inspection and maintenance checks that include, as a minimum, each of
2 the following at the frequency specified in the license or license application:

- 3 (1) operability of each aspect of the access control system required by 20.3.15.1507 NMAC;
4 (2) functioning of the source position indicator required by Subsection B of 20.3.15.1511
5 NMAC;
6 (3) operability of the radiation monitor for radioactive contamination in pool water required
7 by Subsection B of 20.3.15.1521 NMAC, using a radiation check source, if applicable;
8 (4) operability of the over-pool radiation monitor at underwater irradiator as required by
9 Subsection B of 20.3.15.1510 NMAC;
10 (5) operability of the product exit monitor required by Subsection A of 20.3.15.1510 NMAC;
11 (6) operability of the emergency source return control required by Subsection C of
12 20.3.15.1511 NMAC;
13 (7) leak-tightness of systems through which pool water circulates (visual inspection);
14 (8) operability of the heat and smoke detectors and extinguisher system required by
15 20.3.15.1509 NMAC, but without turning extinguishers on;
16 (9) operability of the means of pool water replenishment required by Subsection C of
17 20.3.15.1512 NMAC;
18 (10) operability of the indicators of high and low pool water levels required by Subsection D
19 of 20.3.15.1512 NMAC;
20 (11) operability of the intrusion alarm required by Subsection I of 20.3.15.1507 NMAC;
21 (12) functioning and wear of the system, mechanisms, and cables used to raise and lower
22 sources;
23 (13) condition of the barrier to prevent products from hitting the sources or source mechanism
24 as required by 20.3.15.1513 NMAC;
25 (14) amount of water added to the pool to determine if the pool is leaking;
26 (15) electrical wiring on required safety systems for radiation damage; and
27 (16) pool water conductivity measurements and analysis as required by Subsection B of
28 20.3.15.1523 NMAC.

29 **B.** Malfunctions and defects found during inspection and maintenance checks must be repaired
30 without undue delay.
31 [5/3/1995; 20.3.15.1522 NMAC - Rn, 20 NMAC 3.1.15.1522, 4/15/2004]

32
33 **20.3.15.1523 POOL WATER PURITY:**

34 **A.** Pool water purification system must be run sufficiently to maintain the conductivity of the pool
35 water below 20 microsiemens per centimeter under normal circumstances. If pool water conductivity rises above 20
36 microsiemens per centimeter, the licensee shall take prompt actions to lower the pool water conductivity and shall
37 take corrective actions to prevent future recurrences.

38 **B.** The licensee shall measure the pool water conductivity frequently enough, but no less than
39 weekly, to assure that the conductivity remains below 20 microsiemens per centimeter. Conductivity meters must
40 be calibrated at least annually.
41 [5/3/1995; 20.3.15.1523 NMAC - Rn, 20 NMAC 3.1.15.1523, 4/15/2004]

42
43 **20.3.15.1524 ATTENDANCE DURING OPERATION:**

44 **A.** Both an irradiator operator, and at least one other individual who is trained on how to respond and
45 prepared to promptly render or summon assistance if the access control alarm sounds, shall be present on-site:

- 46 (1) whenever the irradiator is operated using an automatic product conveyor system; and
47 (2) whenever the product is moved into or out of the radiation room when the irradiator is
48 operated in a batch mode.

49 **B.** At a panoramic irradiator at which static irradiations (no movement of the product) are occurring,
50 a person who has received the training on how to respond to alarms described in Subsection G of 20.3.15.1517
51 NMAC must be onsite.

52 **C.** At an underwater irradiator, an irradiator operator must be present at the facility whenever the
53 product is moved into or out of the pool. Individuals who move the product into or out of the pool of an underwater
54 irradiator need not be qualified as irradiator operators; however, they must have received the training described in
55 Subsections F and G of 20.3.15.1517 NMAC. Static irradiations may be performed without a person present at the
56 facility.

1 [5/3/1995; 20.3.15.1524 NMAC - Rn, 20 NMAC 3.1.15.1524, 4/15/2004; A, 6/13/2017]

2
3 **20.3.15.1525 ENTERING AND LEAVING THE RADIATION ROOM:**

4 **A.** Upon first entering the radiation room of a panoramic irradiator after an irradiation, the irradiator
5 operator shall use a survey meter to determine that the source has returned to its fully shielded position. The
6 operator shall check the functioning of the survey meter with a radiation check source prior to entry.

7 **B.** Before exiting from and locking the door to the radiation room of a panoramic irradiator prior to a
8 planned irradiation, the irradiator operator shall:

9 (1) visually inspect the entire radiation room to verify that no one else is in it; and

10 (2) activate a control in the radiation room that permits the sources to be moved from the
11 shielded position, only if the door to the radiation room is locked within a preset time after setting the control.

12 **C.** During a power failure, the area around the pool of an underwater irradiator may not be entered
13 without using an operable and calibrated radiation survey meter, unless the over-the-pool monitor required by
14 Subsection B of 20.3.15.1510 NMAC is operating with backup power.

15 [5/3/1995; 20.3.15.1525 NMAC - Rn, 20 NMAC 3.1.15.1525, 4/15/2004]

16
17 **20.3.15.1526 IRRADIATION OF EXPLOSIVE OR FLAMMABLE MATERIALS:**

18 **A.** Irradiation of explosive material is prohibited, unless the licensee has received prior written
19 authorization from the department. Authorization will not be granted, unless the licensee can demonstrate that
20 detonation of the explosive would not rupture the sealed sources, injure personnel, damage safety systems or cause
21 radiation overexposures of personnel.

22 **B.** Irradiation of more than small quantities of flammable material (flash point below 140 degrees F)
23 is prohibited in panoramic irradiators, unless the licensee has received prior written authorization from the
24 department. Authorization will not be granted, unless the licensee can demonstrate that a fire in the radiation room
25 could be controlled without damage to sealed sources or safety systems and without radiation overexposures of
26 personnel.

27 [5/3/1995; 20.3.15.1526 NMAC - Rn, 20 NMAC 3.1.15.1526, 4/15/2004]

28
29 **20.3.15.1527 RECORDS AND RETENTION PERIODS:** The licensee shall maintain the following records
30 at the irradiator for the periods specified.

31 **A.** A copy of the license, license conditions, documents incorporated into a license by reference, and
32 amendments thereto until superseded by new documents or until the department terminates the license for
33 documents not superseded.

34 **B.** Records of each individual's training, tests and safety reviews provided to meet the requirements
35 of Subsections A, B, C, D, F and G of 20.3.15.1517 NMAC, until three [3] years after the individual terminates
36 work.

37 **C.** Records of the annual evaluations of the safety performance of irradiator operators required by
38 Subsection E of 20.3.15.1517 NMAC for three [3] years after the evaluation.

39 **D.** A copy of the current operating and emergency procedures required by 20.3.15.1518 NMAC, until
40 superseded or the department terminates the license. Records of the radiation safety officer's review and approval
41 of changes in procedures as required by Paragraph (3) of Subsection C of 20.3.15.1518 NMAC retained for three [3]
42 years from the date of the change.

43 **E.** Evaluations of personnel dosimeters required by 20.3.15.1519 NMAC until the department
44 terminates the license.

45 **F.** Records of radiation surveys required by 20.3.15.1520 NMAC for three [3] years from the date of
46 the survey.

47 **G.** Records of radiation survey meter calibrations required by 20.3.15.1520 NMAC, and pool water
48 conductivity meter calibrations required by Subsection B of 20.3.15.1523 NMAC until three [3] years from the date
49 of calibration.

50 **H.** Records of the results of leak tests required by Subsection A of 20.3.15.1521 NMAC, and the
51 results of contamination checks required by Subsection B of 20.3.15.1521 NMAC for three [3] years from the date
52 of each test.

53 **I.** Records of the results of leak tests required by 20.3.15.1522 NMAC for three [3] years.

54 **J.** Records of major malfunctions, significant defects, operating difficulties or irregularities, and
55 major operating problems that involve required radiation safety equipment for three [3] years after repairs are
56 completed.

1 **K.** Records of the receipt, transfer and disposal of all licensed sealed sources as required by
2 20.3.1.108 NMAC.

3 **L.** Records on the design checks required by 20.3.15.1515 NMAC, and the construction control
4 checks as required by 20.3.15.1516 NMAC until the license is terminated. The records must be signed and dated.
5 The title or qualification of the person signing must be included.

6 **M.** Records related to decommissioning of the irradiator as required by 20.3.3.311 NMAC.
7 [5/3/1995; 20.3.15.1527 NMAC - Rn, 20 NMAC 3.1.15.1527, 4/15/2004; A, 8/31/2005; A, XX/XX/2021]

8
9 **20.3.15.1528 REPORTS:**

10 **A.** In addition to the reporting requirements in other parts these regulations (20.3 NMAC), the
11 licensee shall report the following events, if not reported under other parts these regulations (20.3 NMAC):

- 12 (1) source stuck in an unshielded position;
- 13 (2) any fire or explosion in a radiation room;
- 14 (3) damage to the source racks;
- 15 (4) failure of the cable or drive mechanism used to move the source racks;
- 16 (5) inoperability of the access control system;
- 17 (6) detection of radiation source by the product exit monitor;
- 18 (7) detection of radioactive contamination attributable to licensed radioactive material;
- 19 (8) structural damage to the pool liner or walls;
- 20 (9) abnormal water loss or leakage from the source storage pool; and
- 21 (10) pool water conductivity exceeding 100 microsiemens (mS) per centimeter.

22 **B.** The report must include a telephone report within 24 hours as described in Paragraph (1) of
23 Subsection C of 20.3.3.325 NMAC, and a written report within 30 days as described in Paragraph (2) of Subsection
24 C of 20.3.3.325 NMAC.

25 [5/3/1995; 20.3.15.1528 NMAC - Rn, 20 NMAC 3.1.15.1528, 4/15/2004; A, 4/30/2009]

26
27 **HISTORY OF 20.3.15 NMAC:**

28 **Pre-NMAC History:** The material in this part was derived from that previously filed as follows:

29 EIB 73-2, Regulations for Governing the Health and Environmental Aspects of Radiation filed on 7/9/1973;

30 EIB 73-2, Amendment 1, Regulations for Governing the Health and Environmental Aspects of Radiation filed on 4-
31 17-78;

32 EIB RPR-1, Radiation Protection Regulations filed on 4/21-80;

33 EIB RPR-1, Amendment 1, Radiation Protection Regulations filed on 10/13/1981;

34 EIB RPR-1, Amendment 2, Radiation Protection Regulations filed on 12/15/1982; and

35 EIB RPR-1, Radiation Protection Regulations filed on 3/10/1989.

36
37 **History of Repealed Material:** [RESERVED]

38
39 **Other History:** EIB RPR 1, Radiation Protection Regulations, filed 3/10/1989 renumbered and reformatted to 20
40 NMAC 3.1; Radioactive Materials and Radiation Machines, effective 5/3/1995;

41 20 NMAC 3.1; Radioactive Materials and Radiation Machines (filed 4/3/1995) internally renumbered, reformatted
42 and replaced by 20 NMAC 3.1, Radioactive Materials and Radiation Machines, effective 7/30/1999.

43 20 NMAC 3.1.Subpart 15, Licenses and Radiation Safety Requirements for Irradiators (filed 6/17/1999)

44 reformatted, amended and replaced by 20.3.15 NMAC, Licenses and Radiation Safety Requirements for Irradiators,
45 effective 4/15/2004.

State Regulation, 20.3 NMAC	Federal Regulation 10 CFR	Comments
<p>20.3.1.7 DEFINITIONS: P. "Department" means the environment department, its successors, or its predecessors, the environmental improvement agency, or the environmental <u>protection</u> [improvement] division of the [health and environment] environment department.</p>		RCB Correction To align with current department structure
<p>20.3.3.7 DEFINITIONS: D. Indian <u>T[tribe]</u> "Indian <u>T[tribe]</u>" means an Indian or Alaska native T[tribe], band, nation, pueblo, village, or community that the secretary of the interior acknowledges to exist as an Indian <u>T[tribe]</u> pursuant to the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. 479a. E. Tribal official "Tribal official" means the highest ranking individual that represents <u>T[tribe]</u> leadership, such as the chief, president, or <u>T[tribe]</u> council leadership.</p>	<p><i>RATS 2015-5 category - B</i> § 71.4 Definitions Indian Tribe means an Indian or Alaska Native Tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian Tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. 5130.</p>	10 CFR 71.4- wherever they may occur, remove the word "tribe" and add in its place the word "Tribe", remove the word "tribes" and add in its place the word "Tribes", and remove the word "tribal" and add in its place the word "Tribal". Base on RATS 2015-5 letter dated 12/31/15
<p>20.3.3.301 EXEMPTIONS - UNIMPORTANT QUANTITIES OF SOURCE MATERIAL: C. Any person is exempt from the requirements for a license set forth in <u>the Radiation Protection Act, NMSA 1978, Sections 74-3-1 through 16</u> [section 62 of the Atomic Energy] and from the regulations in this part and in 10 CFR Parts 19, 20, and 21 to the extent that such person receives, possesses, uses or transfers:</p>	<p><i>RATS 2013-2 Category - B</i> § 40.13 Unimportant quantities of source material. (c) Any person is exempt from the requirements for a license set forth in <u>section 62 of the Act</u> and from the regulations in this part and parts 19, 20, and 21 of this chapter to the extent that such person receives, possesses, uses, or transfers:</p>	New Mexico references the "Atomic Energy Act" in its regulations. New Mexico needs to reference their State Radiation Control Act instead. New Mexico needs to make the changes indicated above in order to meet the Compatibility Category B designation assigned to 10 CFR 40.13(c). NRC Review Comments letter dated 8/9/17

State Regulation, 20.3 NMAC	Federal Regulation 10 CFR	Comments
<p>20.3.3.301 EXEMPTIONS - UNIMPORTANT QUANTITIES OF SOURCE MATERIAL: D(2) Persons authorized to manufacture, process, or produce these materials or products containing source material by an agreement state, and persons who import finished products of parts, for sale or distribution must be authorized by a license issued pursuant to 10 CFR 40.52 for distribution only and are exempt from the requirements of <u>10 CFR 19 and 10 CFR 20</u> [20.3.3 NMAC and 20.3.4 NMAC], and 10 CFR 40.32(b) and (c).</p>	<p><i>RATS 2013-2 Category - B</i> § 40.13 Unimportant quantities of source material. (c)10(ii) Persons authorized to manufacture, process, or produce these materials or products containing source material by an Agreement State, and persons who import finished products or parts, for sale or distribution must be authorized by a license issued under § 40.52 for distribution only and are exempt from the requirements of parts 19 and 20 of this chapter, and § 40.32(b) and (c).</p>	<p>in 20.3.3.301.D(2), New Mexico replaced “Parts 19 and 20” with their regulations. As this section applies to the NRC-issued distribution license, New Mexico needs to delete their regulations and insert “10 CFR Parts 19 and 20”. New Mexico needs to make the changes indicated above in order to meet the Compatibility Category B designation assigned to 10 CFR 40.13(c). NRC Review Comments letter dated 8/9/17</p>
<p>20.3.3.302 EXEMPTIONS - RADIOACTIVE MATERIAL OTHER THAN SOURCE MATERIAL: C. Exempt items. <u>1(b) Static elimination device. Devices designed for use as static eliminators which contain, as a sealed source or sources, byproduct material consisting of a total of not more than 500 microcuries (18.5 megabecquerels) of polonium-210 per device.</u> <u>(c) Ion generating tube. Devices designed for ionization of air which contain, as a sealed source or sources, byproduct material consisting of a total of not more than 500 microcuries (18.5 megabecquerels) of polonium-210 per device or a total of not more than 50 millicuries (1.85 gigabecquerels) of hydrogen-3 (tritium) per device.</u></p>	<p><i>None</i> §30.15 Certain items containing byproduct material. (2)(i) <u>Static elimination devices which contain, as a sealed source or sources, byproduct material consisting of a total of not more than 18.5 MBq (500 µCi) of polonium-210 per device.</u> (ii) <u>Ion generating tubes designed for ionization of air that contain, as a sealed source or sources, byproduct material consisting of a total of not more than 18.5 MBq (500 µCi) of polonium-210 per device or of a total of not more than 1.85 GBq (50 mCi) of hydrogen-3 (tritium) per device.</u></p>	<p>RCB correction: General licenses are no longer issued for static eliminators or Ion generating tubes. Static eliminators and Ion generating tubes are listed in exemptions in 10 CFR 30.15.</p>

State Regulation, 20.3 NMAC	Federal Regulation 10 CFR	Comments
<p>20.3.3.302 EXEMPTIONS - RADIOACTIVE MATERIAL OTHER THAN SOURCE MATERIAL:</p> <p>C. Exempt items.</p> <p>2(b) Any person who desires to manufacture, process or produce, or initially transfer for sale or distribution self-luminous products containing tritium, krypton-85 or promethium-147 for use pursuant to Subparagraph (a) of this paragraph, shall apply to NRC for a license pursuant to 10 CFR 32.22, and for a certificate of registration in accordance with 10 CFR 32.210, which license states that the product may be transferred by the licensee to persons exempt from the regulations pursuant to Subparagraph (a) of this paragraph or equivalent regulations of the NRC or an agreement state].</p>	<p><i>RATS 2012-4 Category - B</i></p> <p>§ 30.19 Self-luminous products containing tritium, krypton-85, or promethium-147</p> <p>(b) Any person who desires to manufacture, process, or produce, or initially transfer for sale or distribution self-luminous products containing tritium, krypton-85, or promethium-147 for use under paragraph (a) of this section, should apply for a license under § 32.22 of this chapter and for a certificate of registration in accordance with § 32.210 of this chapter.</p>	<p>New Mexico added the wording “which license states that the product may be transferred by the licensee to persons exempt from the regulations pursuant to Subparagraph (a) of this paragraph or equivalent regulations of the NRC or an agreement state” to New Mexico’s equivalent regulations to 10 CFR 30.19(b). New Mexico needs to remove the wording indicated above in order to meet the Compatibility Category B designation assigned to 10 CFR 30.20.</p> <p>NRC Review Comments letter dated 8/9/17</p>

State Regulation, 20.3 NMAC	Federal Regulation 10 CFR	Comments
<p>20.3.3.302 EXEMPTIONS - RADIOACTIVE MATERIAL OTHER THAN SOURCE MATERIAL:</p> <p>C. Exempt items.</p> <p>(4)(a) Except for persons who manufacture, process, produce or initially transfer for sale or distribution gas and aerosol detectors containing byproduct material, any person is exempt from the licensing requirements in this part to the extent that such person receives, possesses, uses, transfers, owns or acquires byproduct material, in gas and aerosol detectors designed to protect <u>health, safety</u> (life) or property [from fires and airborne hazards], and manufactured, processed, produced or initially transferred in accordance with a specific license issued by the NRC, pursuant to 10 CFR 32.26, which license authorizes the initial transfer of the product for use under this paragraph. This exemption also covers gas and aerosol detectors manufactured or distributed before November 30, 2007 in accordance with a specific license issued by the department, agreement state or non-agreement state under comparable provisions to 10 CFR 32.26 authorizing distribution to persons exempt from regulatory requirements.</p>	<p><i>RATS 2012-4 Category - B</i></p> <p>§ 30.20 Gas and aerosol detectors containing byproduct material</p> <p>(a) Except for persons who manufacture, process, produce, or initially transfer for sale or distribution gas and aerosol detectors containing byproduct material, any person is exempt from the requirements for a license set forth in section 81 of the Act and from the regulations in parts 19, 20, 21, and 30 through 36 and 39 of this chapter to the extent that such person receives, possesses, uses, transfers, owns, or acquires byproduct material in gas and aerosol detectors designed to protect <u>health, safety, or property</u>, and manufactured, processed, produced, or initially transferred in accordance with a specific license issued under § 32.26 of this chapter, which license authorizes the initial transfer of the product for use under this section. This exemption also covers gas and aerosol detectors manufactured or distributed before November 30, 2007, in accordance with a specific license issued by a State under comparable provisions to § 32.26 of this chapter authorizing distribution to persons exempt from regulatory requirements.</p>	<p>New Mexico added the wording “from fires or airborne hazards” to New Mexico’s equivalent regulations to 10 CFR 30.20(a). New Mexico needs to remove the wording indicated above in order to meet the Compatibility Category B designation assigned to 10 CFR 30.20.</p> <p>New Mexico needs to remove the wording indicated above in order to meet the Compatibility Category B designation assigned to 10 CFR30.20.</p> <p>NRC Review Comments letter dated 8/9/17 and Based on RATS 2012-4 letter dated 10/23/15</p>

State Regulation, 20.3 NMAC	Federal Regulation 10 CFR	Comments
<p>20.3.3.302 EXEMPTIONS - RADIOACTIVE MATERIAL OTHER THAN SOURCE MATERIAL:</p> <p>C. Exempt items. (4)(b) ☐</p> <p>Any person who desires to manufacture, process or produce gas and aerosol detectors containing byproduct material, or to initially transfer such products for use pursuant to Subparagraph (a) of this paragraph, shall apply for a license to the NRC pursuant to 10 CFR 32.26, [which license states that the product may be initially transferred by the licensee to persons exempt from the regulations pursuant to Subparagraph (a) or equivalent regulations of the NRC or an agreement state of this paragraph] and for a certificate of registration in accordance with 10 CFR 32.210.</p>	<p><i>RATS 2012-4 Category - B</i></p> <p>§ 30.20 Gas and aerosol detectors containing byproduct material</p> <p>(b) Any person who desires to manufacture, process, or produce gas and aerosol detectors containing byproduct material, or to initially transfer such products for use under paragraph (a) of this section, should apply for a license under § 32.26 of this chapter and for a certificate of registration in accordance with § 32.210 of this chapter.</p>	<p>New Mexico added the wording “which license states that the product may be transferred by the licensee to persons exempt from the regulations pursuant to Subparagraph (a) of this paragraph or equivalent regulations of the NRC or an agreement state” to New Mexico’s equivalent regulations to 10 CFR 30.19(b). New Mexico needs to remove the wording indicated above in order to meet the Compatibility Category B designation assigned to 10 CFR 30.20. NRC Review Comments letter dated 8/9/17</p>
<p>20.3.3.304 ☐</p> <p>GENERAL LICENSES - SOURCE MATERIAL:</p> <p>B. ☐ Small quantities of source material.</p> <p>A general license is hereby issued authorizing commercial and industrial firms; research, educational, and medical institutions; and federal, state, and local government agencies to receive, possess, use, and transfer uranium and thorium, in their natural <u>isotopic</u> concentrations and in the form of depleted uranium, for research, development, educational, commercial, or operational purposes in the following forms and quantities:</p>	<p><i>RATS 2013-2 Category - B</i></p> <p>§ 40.22 Small quantities of source material</p> <p>(a) A general license is hereby issued authorizing commercial and industrial firms; research, educational, and medical institutions; and Federal, State, and local government agencies to receive, possess, use, and transfer uranium and thorium, in their natural <u>isotopic</u> concentrations and in the form of depleted uranium, for research, development, educational, commercial, or operational purposes in the following forms and quantities:</p>	<p>New Mexico omits the word “isotopic” from its equivalent regulation. New Mexico needs to add the word “isotopic” where indicated above in order to meet the Compatibility Category B designation assigned to 10 CFR 40.22(a). NRC Review Comments letter dated 8/9/17</p>

State Regulation, 20.3 NMAC	Federal Regulation 10 CFR	Comments
<p>20.3.3.304</p> <p>GENERAL LICENSES - SOURCE MATERIAL:</p> <p>B. Small quantities of source material. (1)</p> <p>No more than 1.5 kg (3.3 lb) of uranium and thorium in dispersible forms (e.g., gaseous, liquid, powder, etc.) at any one time. Any material processed by the general licensee that alters the chemical or physical form of the material containing source material must be accounted for as a dispersible form. A person authorized to possess, use, and transfer source material under Subsection B of this section may not receive more than a total of 7 kg (15.4 lb) of uranium and thorium in any one calendar year. Persons possessing source material in excess of these limits as of August 27, 2013, may continue to possess up to 7 kg (15.4 lb) of uranium and thorium at any one time for one year beyond this date, or until the department takes final action on a pending application submitted on or before August 27, 2014, for a specific license for such material and receive up to 70 kg (154 lb) of uranium or thorium in any one calendar year until December 31, 2014, or until the department takes final action on a pending application submitted on or before August 27, 2014, for a specific license for such material; <u>and</u></p>	<p>§ 40.22 Small quantities of source material. (1)</p> <p>No more than 1.5 kg (3.3 lb) of uranium and thorium in dispersible forms (e.g., gaseous, liquid, powder, etc.) at any one time. Any material processed by the general licensee that alters the chemical or physical form of the material containing source material must be accounted for as a dispersible form. A person authorized to possess, use, and transfer source material under this paragraph may not receive more than a total of 7 kg (15.4 lb) of uranium and thorium in any one calendar year. Persons possessing source material in excess of these limits as of August 27, 2013, may continue to possess up to 7 kg (15.4 lb) of uranium and thorium at any one time for one year beyond this date, or until the Commission takes final action on a pending application submitted on or before August 27, 2014, for a specific license for such material; and receive up to 70 kg (154 lb) of uranium or thorium in any one calendar year until December 31, 2014, or until the Commission takes final action on a pending application submitted on or before August 27, 2014, for a specific license for such material; and</p>	<p>RCB correction to align with Federal regulations</p>

State Regulation, 20.3 NMAC	Federal Regulation 10 CFR	Comments
<p>20.3.3.304</p> <p>GENERAL LICENSES - SOURCE MATERIAL:</p> <p>B. Small quantities of source material.</p> <p>(2) No more than a total of 7 kg (15.4 lb) of uranium and thorium at any one time. A person authorized to possess, use, and transfer source material under Subsection B of this section may not receive more than a total of 70 kg (154 lb) of uranium and thorium in any one calendar year. A person may not alter the chemical or physical form of the source material possessed under this paragraph unless it is accounted for under the limits of Subsection B(1) of this section; <u>or</u></p>	<p><i>RATS 2013-2 Category - B</i></p> <p>§ 40.22 Small quantities of source material.</p> <p>(2) No more than a total of 7 kg (15.4 lb) of uranium and thorium at any one time. A person authorized to possess, use, and transfer source material under this paragraph may not receive more than a total of 70 kg (154 lb) of uranium and thorium in any one calendar year. A person may not alter the chemical or physical form of the source material possessed under this paragraph unless it is accounted for under the limits of paragraph (a)(1) of this section; or</p>	<p>New Mexico omits the word “or” between their equivalent regulations to 40.22(a)(2) and (3). New Mexico needs to add the word “or” as indicated above in order to meet the Compatibility Category B designation assigned to 10 CFR 40.22(a). NRC Review Comments letter dated 8/9/17</p>

State Regulation, 20.3 NMAC	Federal Regulation 10 CFR	Comments
<p>20.3.3.304</p> <p>GENERAL LICENSES - SOURCE MATERIAL:</p> <p>F. No person may initially transfer or distribute source material to persons generally licensed under Subsection B(1) and (2) of this section, <u>or equivalent regulations of an agreement state</u>, unless authorized by a specific license in accordance with 10 CFR 40.54 <u>or</u> and <u>equivalent provisions of an agreement state</u> [regulations under 20.3.3.307 NMAC]. This prohibition does not apply to analytical laboratories returning processed samples to the client who initially provided the sample. Initial distribution of source material to persons generally licensed by Subsection A of this section before August 27, 2013, without specific authorization may continue for 1 year beyond this date. Distribution may also be continued until the NRC takes final action on a pending application for a license or license amendment to specifically authorize distribution submitted on or before August 27, 2014.</p>	<p><i>RATS 2013-2 Category - B</i></p> <p>§ 40.22 Small quantities of source material. (e)</p> <p>No person may initially transfer or distribute source material to persons generally licensed under paragraph (a)(1) or (2) of this section, <u>or equivalent regulations of an Agreement State</u>, unless authorized by a specific license issued in accordance with § 40.54 <u>or</u> equivalent <u>provisions of an Agreement State</u>. This prohibition does not apply to analytical laboratories returning processed samples to the client who initially provided the sample. Initial distribution of source material to persons generally licensed by paragraph (a) of this section before August 27, 2013, without specific authorization may continue for 1 year beyond this date. Distribution may also be continued until the Commission takes final action on a pending application for license or license amendment to specifically authorize distribution submitted on or before August 27, 2014.</p>	<p>New Mexico omits the word “or” between their equivalent regulations to 40.22(a)(2) and (3).</p> <p>New Mexico omits the word “or” and inserts “and” in their equivalent regulations to 40.22(e) as follows: “unless authorized by a specific license issued in accordance with §40.54 or equivalent provisions of an Agreement State.”</p> <p>New Mexico needs to add the word “or” as indicated above in order to meet the Compatibility Category B designation assigned to 10 CFR40.22(a). NRC Review Comments letter dated 8/9/17</p>

State Regulation, 20.3 NMAC	Federal Regulation 10 CFR	Comments
<p>20.3.3.305 GENERAL LICENSES - RADIOACTIVE MATERIAL OTHER THAN SOURCE MATERIAL:</p> <p>A. Certain devices and equipment. <u>Reserved</u></p> <p>[A general license is hereby issued to transfer, receive, acquire, own, possess and use radioactive material incorporated in the following devices or equipment which have been manufactured, tested and labeled by the manufacturer in accordance with the specifications in a specific license issued to the manufacturer by the NRC.]</p>	<p><i>None</i></p>	<p>Removed as requested by NRC Michelle Beardsley. General licenses are no longer issued for static eliminators or Ion generating tubes. Static eliminators and Ion generating tubes are listed in exemptions in 10 CFR 30.15.</p>
<p>20.3.3.305</p> <p>GENERAL LICENSES - RADIOACTIVE MATERIAL OTHER THAN SOURCE MATERIAL:</p> <p>A. Certain devices and equipment.</p> <p>[(3) Devices authorized before October 23, 2012 for use— under the general license provided in 10 CFR 31.3 and in this section and manufactured, tested, and labeled by the manufacturer in accordance with the specifications contained in a specific license issued by the NRC or an agreement state.]</p>	<p><i>RATS 2012-4 Category - B</i></p> <p>10 CFR 31.3 has been removed from NRC regulations</p>	<p>10 CFR 31.3 has been removed from NRC regulations. New Mexico has not omitted its equivalent regulation in NMAC 20.3.3.305.A.</p> <p>New Mexico needs to remove their equivalent regulation to 10 CFR 31.3 to meet the Compatibility Category B designation assigned to 10 CFR 31.3. NRC Review Comments letter dated 8/9/17</p>

State Regulation, 20.3 NMAC	Federal Regulation 10 CFR	Comments
<p>20.3.3.305</p> <p>GENERAL LICENSES - RADIOACTIVE MATERIAL OTHER THAN SOURCE MATERIAL:</p> <p>B. Certain detecting, measuring, gauging or controlling devices and certain devices for producing light or an ionized atmosphere. (1)</p> <p>A general license is hereby issued as required by 20.3.3.305B(3)(m) of this section to commercial and industrial firms and research, educational and medical institutions, individuals in the conduct of their business, and federal, state or local government agencies to receive, acquire, possess, use or transfer, in accordance with the provisions of Paragraphs (2), (3), and (4) of this subsection, byproduct [radioactive] material contained in devices designed and manufactured for the purpose of detecting, measuring, gauging or controlling thickness, density, level, interface location, radiation, leakage, or qualitative or quantitative chemical composition, or for producing light or an ionized atmosphere, and the device has been registered in the sealed source and device registry.</p>	<p>§ 31.5 Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere</p> <p>(a) A general license is hereby issued to commercial and industrial firms and research, educational and medical institutions, individuals in the conduct of their business, and Federal, State or local government agencies to acquire, receive, possess, use or transfer, in accordance with the provisions of paragraphs (b), (c) and (d) of this section, byproduct material contained in devices designed and manufactured for the purpose of detecting, measuring, gauging or controlling thickness, density, level, interface location, radiation, leakage, or qualitative or quantitative chemical composition, or for producing light or an ionized atmosphere.</p>	<p>RCB correction to align with Federal regulations</p>

State Regulation, 20.3 NMAC	Federal Regulation 10 CFR	Comments
<p>20.3.3.305</p> <p>GENERAL LICENSES - RADIOACTIVE MATERIAL OTHER THAN SOURCE MATERIAL:</p> <p>B. Certain detecting, measuring, gauging or controlling devices and certain devices for producing light or an ionized atmosphere. (2) The general license in Paragraph (1) of this subsection applies only to byproduct [radioactive] material contained in devices which have been manufactured or initially transferred and labeled in accordance with the specifications contained in:</p>	<p>§ 31.5 Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere (b)(1) The general license in paragraph (a) of this section applies only to byproduct material contained in devices which have been manufactured or initially transferred and labeled in accordance with the specifications contained in—</p>	<p>RCB correction to align with Federal regulations</p>
<p>20.3.3.305</p> <p>GENERAL LICENSES - RADIOACTIVE MATERIAL OTHER THAN SOURCE MATERIAL:</p> <p>B. Certain detecting, measuring, gauging or controlling devices and certain devices for producing light or an ionized atmosphere. (3) Any person who receives, acquires, possesses, uses or transfers [radioactive] byproduct material in a device pursuant to the general license in Paragraph (1) of this subsection shall comply with the following.</p>	<p>§ 31.5 Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere (c) Any person who acquires, receives, possesses, uses or transfers byproduct material in a device pursuant to the general license in paragraph (a) of this section:</p>	<p>RCB correction to align with Federal regulations</p>

State Regulation, 20.3 NMAC	Federal Regulation 10 CFR	Comments
<p>20.3.3.305 GENERAL LICENSES - RADIOACTIVE MATERIAL OTHER THAN SOURCE MATERIAL: Luminous safety devices for use in aircraft. (1)(b) ☐ each device has been manufactured, assembled or initially transferred in accordance with a license issued under the provisions of [in] 10 CFR 32.53 [Subsection F of 20.3.3.315-NMAC], or manufactured or assembled in accordance with a specific license issued by the NRC [or an agreement state which authorizes manufacture or assembly of the device for distribution to persons generally licensed by the NRC or an agreement state, and the device has been registered in the sealed source and device registry];</p>	<p>§ 31.7 Luminous safety devices for use in aircraft. (a) A general license is hereby issued to own, receive, acquire, possess, and use tritium or promethium-147 contained in luminous safety devices for use in aircraft, provided each device contains not more than 10 curies of tritium or 300 millicuries of promethium-147 and that each device has been manufactured, assembled or initially transferred in accordance with a license issued under the provisions of § 32.53 of this chapter or manufactured or assembled in accordance with a specific license issued by an Agreement State which authorizes manufacture or assembly of the device for distribution to persons generally licensed by the Agreement State.</p>	<p>RCB Correction: New Mexico does not have licensees subject to this regulation</p>

State Regulation, 20.3 NMAC	Federal Regulation 10 CFR	Comments
<p>20.3.3.305 GENERAL LICENSES - RADIOACTIVE MATERIAL OTHER THAN SOURCE MATERIAL: Luminous safety devices for use in aircraft. (2) The applicant [Each person licensed under 10 CFR 32.53 or equivalent agreement state regulations] shall subject at least five prototypes of the device to tests [the required tests and satisfactorily pass the required tests] as follows:</p>	<p><i>RATS 2012-4 Category - B</i> § 32.53 Luminous safety devices for use in aircraft: C. Requirements for license to manufacture, assemble, repair or initially transfer. (e) The applicant shall subject at least five prototypes of the device to tests as follows:</p>	<p>New Mexico's equivalent regulations to 32.53(e) contain additional wording (highlighted), "(e) Each person licensed under 10 CFR 32.53 or equivalent agreement state regulations shall subject at least five prototypes of the device to the required tests and satisfactorily pass the required tests as follows:". New Mexico needs to remove this wording as it is not essentially identical. New Mexico needs to make the changes indicated above in order to meet the Compatibility Category B designation assigned to 10 CFR 32.53(e). NRC Review Comments letter dated 8/9/17</p>

State Regulation, 20.3 NMAC	Federal Regulation 10 CFR	Comments
<p>20.3.3.305 GENERAL LICENSES - RADIOACTIVE MATERIAL OTHER THAN SOURCE MATERIAL: Luminous safety devices for use in aircraft. (3) Each person licensed under 10 CFR 32.55 or 20.3.3.305(C) NMAC [equivalent agreement state regulations] shall visually inspect each device and shall reject any that has an observable physical defect that could adversely affect containment of the tritium or promethium-147.</p>	<p><i>RATS 2012-4 Category - B</i> § 32.55 Same: Quality assurance; prohibition of transfer. C. (a) Each person licensed under § 32.53 shall visually inspect each device and shall reject any that has an observable physical defect that could adversely affect containment of the tritium or promethium-147.</p>	<p>Throughout New Mexico’s equivalent regulations to 32.55, they add the phrase, “and equivalent Agreement State regulations”. New Mexico needs to omit this phrase and insert their equivalent regulation to 32.53, i.e. 20.3.3.305(C). New Mexico needs to make the changes indicated above in order to meet the Compatibility Category B designation assigned to 10 CFR 32.55. NRC Review Comments letter dated 8/9/17</p>

State Regulation, 20.3 NMAC	Federal Regulation 10 CFR	Comments
<p>20.3.3.305 GENERAL LICENSES - RADIOACTIVE MATERIAL OTHER THAN SOURCE MATERIAL: Luminous safety devices for use in aircraft. (4) Each person licensed under 10 CFR 32.53 or 20.3.3.305(C) NMAC [equivalent agreement state regulations] shall:</p> <p>(a) Maintain quality assurance systems in the manufacture of the luminous safety device in a manner sufficient to provide reasonable assurance that the safety-related components of the distributed devices are capable of performing their intended functions; and</p> <p>(b) Subject inspection lots to acceptance sampling procedures, by procedures specified in Subparagraph C(2) of this section and in the license issued under 10 CFR 32.53 or 20.3.3.305(C) NMAC [equivalent agreement state regulations] to provide at least ninety-five percent confidence that the lot tolerance percent defective of five percent will not be exceeded.</p>	<p><i>RATS 2012-4 Category - B</i> § 32.55 Same: Quality assurance; prohibition of transfer. (b) Each person licensed under § 32.53 shall:</p> <p>(1) Maintain quality assurance systems in the manufacture of the luminous safety device in a manner sufficient to provide reasonable assurance that the safety-related components of the distributed devices are capable of performing their intended functions; and</p> <p>(2) Subject inspection lots to acceptance sampling procedures, by procedures specified in paragraph (c) of this section and in the license issued under § 32.53, to provide at least 95 percent confidence that the Lot Tolerance Percent Defective of 5.0 percent will not be exceeded.</p>	<p>Throughout New Mexico’s equivalent regulations to 32.55, they add the phrase, “and equivalent Agreement State regulations”. New Mexico needs to omit this phrase and insert their equivalent regulation to 32.53, i.e. 20.3.3.305(C). New Mexico needs to make the changes indicated above in order to meet the Compatibility Category B designation assigned to 10 CFR 32.55. NRC Review Comments letter dated 8/9/17</p>

State Regulation, 20.3 NMAC	Federal Regulation 10 CFR	Comments
<p>20.3.3.305 GENERAL LICENSES - RADIOACTIVE MATERIAL OTHER THAN SOURCE MATERIAL: C. Luminous safety devices for use in aircraft. (5)(b) inspection [inspect the inspection lot] for evidence of physical damage, containment failure, or loss of tritium or promethium-147 after each stage of testing, <u>using methods of inspection adequate for applying the following criteria for defective:</u> [using the following methods of inspection]:</p>	<p><i>RATS 2012-4 Category - B</i> § 32.55 Same: Quality assurance; prohibition of transfer. C(2) Inspection for evidence of physical damage, containment failure, or for loss of tritium or promethium-147 after each stage of testing, using methods of inspection adequate for applying the following criteria for defective:</p>	<p>Also, New Mexico's regulations contain the following added language: (2) Inspection [inspect the inspection lot] for evidence of physical damage, containment failure, or for loss of tritium or promethium-147 after each stage of testing, [using the following methods of inspection] using methods of inspection adequate for...". New Mexico needs to delete this additional language as it is not essentially identical to 32.55. New Mexico needs to make the changes indicated above in order to meet the Compatibility Category B designation assigned to 10 CFR 32.55. NRC Review Comments letter dated 8/9/17</p>

State Regulation, 20.3 NMAC	Federal Regulation 10 CFR	Comments
<p>20.3.3.305 GENERAL LICENSES - RADIOACTIVE MATERIAL OTHER THAN SOURCE MATERIAL: Luminous safety devices for use in aircraft. (5)(b)(iii) Any other criteria specified in the license issued under 10 CFR 32.53 or <u>20.3.3.305(C) NMAC</u> [equivalent agreement state regulations]</p>	<p><i>RATS 2012-4 Category - B</i> § 32.55 Same: Quality assurance; prohibition of transfer. (c) The licensee shall subject each inspection lot to: (iii) Any other criteria specified in the license issued under § 32.53.</p>	<p>Throughout New Mexico’s equivalent regulations to 32.55, they add the phrase, “and equivalent Agreement State regulations”. New Mexico needs to omit this phrase and insert their equivalent regulation to 32.53, i.e. 20.3.3.305(C). New Mexico needs to make the changes indicated above in order to meet the Compatibility Category B designation assigned to 10 CFR 32.55. NRC Review Comments letter dated 8/9/17</p>
<p>20.3.3.305 GENERAL LICENSES - RADIOACTIVE MATERIAL OTHER THAN SOURCE MATERIAL: Luminous safety devices for use in aircraft. (6) No person licensed under 10 CFR 32.53 or <u>20.3.3.305(C) NMAC</u> [equivalent agreement state regulations] shall transfer [the following luminous safety devices] to persons generally licensed pursuant to 10 CFR 31.7 or under an equivalent general license of an agreement state:</p>	<p><i>RATS 2012-4 Category - B</i> § 32.55 Same: Quality assurance; prohibition of transfer. C. (d) No person licensed under § 32.53 shall transfer to persons generally licensed under § 31.7 of this chapter, or under an equivalent general license of an Agreement State: (1) Any luminous safety device tested and found defective under any condition of a license issued under § 32.53, or paragraph (b) of this section, unless the defective luminous safety device has been repaired or reworked, retested, and determined by an independent inspector to meet the applicable acceptance criteria; or</p>	<p>Throughout New Mexico’s equivalent regulations to 32.55, they add the phrase, “and equivalent Agreement State regulations”. New Mexico needs to omit this phrase and insert their equivalent regulation to 32.53, i.e. 20.3.3.305(C). NRC Review Comments letter dated 8/9/17</p>

State Regulation, 20.3 NMAC	Federal Regulation 10 CFR	Comments
<p>20.3.3.305 GENERAL LICENSES - RADIOACTIVE MATERIAL OTHER THAN SOURCE MATERIAL: C. Luminous safety devices for use in aircraft. (6)(b) any luminous safety device contained within any lot that has been sampled and rejected as a result of the procedures in Subsection C(4)(b) of this section, unless a procedure for defining sub-lot size, independence, and additional testing procedures is contained in the license issued under 10 CFR 32.53 or <u>20.3.3.305(C) NMAC [equivalent agreement state regulations]</u> and each individual sub-lot is sampled, tested, and accepted in accordance with Subsection C(2) of this section and any other criteria that may be required as a condition of the license issued under 10 CFR 32.53 or <u>20.3.3.305(C) NMAC [equivalent agreement state regulations]</u>.</p>	<p><i>RATS 2012-4 Category - B</i> § 32.55 Same: Quality assurance; prohibition of transfer. (d) (2) Any luminous safety device contained within any lot that has been sampled and rejected as a result of the procedures in paragraph (b)(2) of this section, unless: (i) A procedure for defining sub-lot size, independence, and additional testing procedures is contained in the license issued under § 32.53; and (ii) Each individual sub-lot is sampled, tested, and accepted in accordance with paragraphs (b)(2) and (d)(2)(i) of this section and any other criteria that may be required as a condition of the license issued under § 32.53.</p>	<p>Throughout New Mexico’s equivalent regulations to 32.55, they add the phrase, “and equivalent Agreement State regulations”. New Mexico needs to omit this phrase and insert their equivalent regulation to 32.53, i.e. 20.3.3.305(C). New Mexico needs to make the changes indicated above in order to meet the Compatibility Category B designation assigned to 10 CFR 32.53. NRC Review Comments letter dated 8/9/17</p>
<p>20.3.3.306 TRANSPORTATION OF RADIOACTIVE MATERIAL: C. The following modifications are made to the incorporated federal regulations in this section: (1) “commission” means the department or NRC <u>except as specified in subsection (4) below;</u></p>	<p><i>RATS 2015-3 category - B</i> 10 CFR 71 PACKAGING AND TRANSPORTATION OF RADIOACTIVE MATERIAL- See attachment 10 CFR 71_20.3.3.306 Amendments Highlighted</p>	<p>NM states that references to the "Commission" means the "department or NRC." NM needs to delete this statement and explicitly specify that the term "commission" applies to the NRC. NM needs to make the changes indicated above to meet the various Compatibility Category designations assigned to 10 CFR Part 71. NRC Review Comments letter dated 1/16/18</p>

State Regulation, 20.3 NMAC	Federal Regulation 10 CFR	Comments
<p>20.3.3.306</p> <p>TRANSPORTATION OF RADIOACTIVE MATERIAL:</p> <p>C. The following modifications are made to the incorporated federal regulations in this section:</p> <p>(4) All reference in 10 CFR to "commission" and "NRC" are changed to Department as follows: 71.17(a), 71.17(b), 71.21, 71.91(c), 71.91(d), 71.101(c)(1), 71.106(a), 71.106(a)(1), 71.106(b) and 71.106(b)(1).</p>	<p><i>RATS 2015-3 category - B</i></p> <p>§ 71.17 General license: NRC-approved package. (a) A general license is issued to any licensee of the Commission to transport, or to deliver to a carrier for transport, licensed material in a package for which a license, certificate of compliance (CoC), or other approval has been issued by the NRC.</p> <p>(b) This general license applies only to a licensee who has a quality assurance program approved by the Commission as satisfying the provisions of subpart H of this part.</p>	<p>NM needs to indicate that the references to the "Commission" and "NRC" in this section should be replaced with the NM agency. NM needs to make the change indicated above to meet the Compatibility Category B designation assigned to 10 CFR 71.17 a.</p> <p>NM needs to make the changes indicated above to meet the Compatibility Category B designation assigned to 10 CFR 71.17 b .</p> <p>NRC Review Comments letter dated 1/16/18</p>

State Regulation, 20.3 NMAC	Federal Regulation 10 CFR	Comments
<p>20.3.3.306</p> <p>TRANSPORTATION OF RADIOACTIVE MATERIAL:</p> <p>C. The following modifications are made to the incorporated federal regulations in this section:</p> <p>(4) All reference in 10 CFR to "commission" and "NRC" are changed to Department as follows: <u>71.17(a), 71.17(b), 71.21, 71.91(c), 71.91(d), 71.101(c)(1), 71.106(a), 71.106(a)(1), 71.106(b) and 71.106(b)(1).</u></p>	<p><i>RATS 2015-3 category - B</i></p> <p>§ 71.21 General license: Use of foreign approved package.</p> <p>(a) A general license is issued to any licensee of the Commission to transport, or to deliver to a carrier for transport, licensed material in a package, the design of which has been approved in a foreign national competent authority certificate, that has been revalidated by the DOT as meeting the applicable requirements of 49 CFR 171.23.</p> <p>(b) Except as otherwise provided in this section, the general license applies only to a licensee who has a quality assurance program approved by the Commission as satisfying the applicable provisions of subpart H of this part.</p> <p>(c) This general license applies only to shipments made to or from locations outside the United States.</p> <p>(d) Each licensee issued a general license under paragraph (a) of this section shall—</p> <p>(1) Maintain a copy of the applicable certificate, the revalidation, and the drawings and other documents referenced in the certificate, relating to the use and maintenance of the packaging and to the actions to be taken before shipment; and</p> <p>(2) Comply with the terms and conditions of the certificate and revalidation, and with the applicable requirements of subparts A, G, and H of this part.</p>	<p>NM needs to indicate that the references to the "Commission" in this section should be replaced with the NM agency.</p> <p>NM needs to make the change indicated above to meet the Compatibility Category B designation assigned to 10 CFR 71.21.</p> <p>NRC Review Comments letter dated 1/16/18</p>

State Regulation, 20.3 NMAC	Federal Regulation 10 CFR	Comments
<p>20.3.3.306</p> <p>TRANSPORTATION OF RADIOACTIVE MATERIAL:</p> <p>C. The following modifications are made to the incorporated federal regulations in this section: <u>(4)</u> <u>All reference in 10 CFR to "commission" and "NRC" are changed to Department as follows: 71.17(a), 71.17(b), 71.21, 71.91(c), 71.91(d), 71.101(c)(1), 71.106(a), 71.106(a)(1), 71.106(b) and 71.106(b)(1).</u></p>	<p><i>RATS 2015-3 category - C</i></p> <p>§ 71.91 Records.</p> <p>(c) The licensee, certificate holder, and an applicant for a CoC, shall make available to the Commission for inspection, upon reasonable notice, all records required by this part. Records are only valid if stamped, initialed, or signed and dated by authorized personnel, or otherwise authenticated.</p>	<p>As the NRC has sole authority for issuing a Certificate of Compliance (COC), NM needs to indicate that the terms "certificate holder, and applicant for a COC" in this section apply to the NRC.</p> <p>NM needs to indicate that the references to the "Commission" in this section should be replaced with the NM agency.</p> <p>NM needs to make the changes indicated above to meet the Compatibility Category C designation assigned to 10 CFR 71.91 c .</p> <p>NRC Review Comments letter dated 1/16/18</p>
<p>20.3.3.306</p> <p>TRANSPORTATION OF RADIOACTIVE MATERIAL:</p> <p>C. The following modifications are made to the incorporated federal regulations in this section: <u>(4)</u> <u>All reference in 10 CFR to "commission" and "NRC" are changed to Department as follows: 71.17(a), 71.17(b), 71.21, 71.91(c), 71.91(d), 71.101(c)(1), 71.106(a), 71.106(a)(1), 71.106(b) and 71.106(b)(1).</u></p>	<p><i>RATS 2015-3 category - C</i></p> <p>§ 71.91 Records.</p> <p>(d) The licensee, certificate holder, and an applicant for a CoC shall maintain sufficient written records to furnish evidence of the quality of packaging. The records to be maintained include results of the determinations required by § 71.85; design, fabrication, and assembly records; results of reviews, inspections, tests, and audits; results of monitoring work performance and materials analyses; and results of maintenance, modification, and repair activities. Inspection, test, and audit records must identify the inspector or data recorder, the type of observation, the results, the acceptability, and the action taken in connection with any deficiencies noted. These records must be retained for 3 years after the life of the packaging to which they apply.</p>	<p>As the NRC has sole authority for issuing a Certificate of Compliance, NM needs to indicate that the terms "certificate holder, and applicant for a COC" in this section apply to the NRC.</p> <p>NM needs to indicate that the references to the "Commission" in this section should be replaced with the NM agency.</p> <p>NM needs to make the changes indicated above to meet the Compatibility Category C designation assigned to 10 CFR 71.91 d .</p> <p>NRC Review Comments letter dated 1/16/18</p>

State Regulation, 20.3 NMAC	Federal Regulation 10 CFR	Comments
<p>20.3.3.306</p> <p>TRANSPORTATION OF RADIOACTIVE MATERIAL:</p> <p>C. The following modifications are made to the incorporated federal regulations in this section: (4) <u>All reference in 10 CFR to "commission" and "NRC" are changed to Department as follows: 71.17(a), 71.17(b), 71.21, 71.91(c), 71.91(d), 71.101(c)(1), 71.106(a), 71.106(a)(1), 71.106(b) and 71.106(b)(1).</u></p>	<p><i>RATS 2015-3 category - C</i></p> <p>§ 71.101 Quality assurance requirements. (c)</p> <p>Approval of program. (1)</p> <p>Before the use of any package for the shipment of licensed material subject to this subpart, each licensee shall obtain Commission approval of its quality assurance program. Using an appropriate method listed in § 71.1(a), each licensee shall file a description of its quality assurance program, including a discussion of which requirements of this subpart are applicable and how they will be satisfied, by submitting the description to: ATTN: Document Control Desk, Director, Division of Spent Fuel Management, Office of Nuclear Material Safety and Safeguards.</p>	<p>NM needs to indicate that the references to the "Commission" in this section should be replaced with the NM agency.</p> <p>NM needs to indicate that their licensee's quality assurance programs should be sent to the NM agency and indicate the mailing address for the NM Agency.</p> <p>NM needs to make the changes indicated above to meet the Compatibility Category C designation assigned to 10 CFR 71.101 c 1 .</p> <p>NRC Review Comments letter dated 1/16/18</p>
<p>20.3.3.306</p> <p>TRANSPORTATION OF RADIOACTIVE MATERIAL:</p> <p>C. The following modifications are made to the incorporated federal regulations in this section: (4) <u>All reference in 10 CFR to "commission" and "NRC" are changed to Department as follows: 71.17(a), 71.17(b), 71.21, 71.91(c), 71.91(d), 71.101(c)(1), 71.106(a), 71.106(a)(1), 71.106(b) and 71.106(b)(1).</u></p>	<p><i>RATS 2015-3 category - C</i></p> <p>71.106 Changes to quality assurance program.</p> <p>(a) Each quality assurance program approval holder shall submit, in accordance with § 71.1(a), a description of a proposed change to its NRC-approved quality assurance program that will reduce commitments in the program description as approved by the NRC. The quality assurance program approval holder shall not implement the change before receiving NRC approval.</p>	<p>§ NM needs to indicate that the references to the "Commission" in this section should be replaced with the NM agency.</p> <p>NM needs to make the change indicated above to meet the Compatibility Category C designation assigned to 10 CFR 71.106 a.</p> <p>NRC Review Comments letter dated 1/16/18</p>

State Regulation, 20.3 NMAC	Federal Regulation 10 CFR	Comments
<p>20.3.3.306</p> <p>TRANSPORTATION OF RADIOACTIVE MATERIAL:</p> <p>C. The following modifications are made to the incorporated federal regulations in this section: (4) <u>All reference in 10 CFR to “commission” and “NRC” are changed to Department as follows: 71.17(a), 71.17(b), 71.21, 71.91(c), 71.91(d), 71.101(c)(1), 71.106(a), 71.106(a)(1), 71.106(b) and 71.106(b)(1).</u></p>	<p><i>RATS 2015-3 category - C</i></p> <p>§ 71.106 Changes to quality assurance program.</p> <p>(a)</p> <p>(1) The description of a proposed change to the NRC-approved quality assurance program must identify the change, the reason for the change, and the basis for concluding that the revised program incorporating the change continues to satisfy the applicable requirements of subpart H of this part.</p>	<p>NM needs to indicate that the references to the "NRC" in this section should be replaced with the NM agency.</p> <p>NM needs to make the change indicated above to meet the Compatibility Category C designation assigned to 10 CFR 71.106 a 1 .</p> <p>NRC Review Comments letter dated 1/16/18</p>
<p>20.3.3.306</p> <p>TRANSPORTATION OF RADIOACTIVE MATERIAL:</p> <p>C. The following modifications are made to the incorporated federal regulations in this section: (4) <u>All reference in 10 CFR to “commission” and “NRC” are changed to Department as follows: 71.17(a), 71.17(b), 71.21, 71.91(c), 71.91(d), 71.101(c)(1), 71.106(a), 71.106(a)(1), 71.106(b) and 71.106(b)(1).</u></p>	<p><i>RATS 2015-3 category - C</i></p> <p>§ 71.106 Changes to quality assurance program. (b)</p> <p>Each quality assurance program approval holder may change a previously approved quality assurance program without prior NRC approval, if the change does not reduce the commitments in the quality assurance program previously approved by the NRC. Changes to the quality assurance program that do not reduce the commitments shall be submitted to the NRC every 24 months, in accordance with § 71.1(a). In addition to quality assurance program changes involving administrative improvements and clarifications, spelling corrections, and non-substantive changes to punctuation or editorial items, the following changes are not considered reductions in commitment:</p>	<p>NM needs to indicate that the references to the "NRC" in this section should be replaced with the NM agency.</p> <p>NM needs to make the change indicated above to meet the Compatibility Category C designation assigned to 10 CFR 71.106 b.</p> <p>NRC Review Comments letter dated 1/16/18</p>

State Regulation, 20.3 NMAC	Federal Regulation 10 CFR	Comments
<p>20.3.3.306</p> <p>TRANSPORTATION OF RADIOACTIVE MATERIAL:</p> <p>C. The following modifications are made to the incorporated federal regulations in this section: (4) <u>all reference in 10 CFR to "commission" and "NRC" are changed to Department as follows: 71.17(a), 71.17(b), 71.21, 71.91(c), 71.91(d), 71.101(c)(1), 71.106(a), 71.106(a)(1), 71.106(b) and 71.106(b)(1).</u></p>	<p><i>RATS 2015-3 category - B</i></p> <p>§ 71.106 Changes to quality assurance program.</p> <p>(b)(1) The use of a quality assurance standard approved by the NRC that is more recent than the quality assurance standard in the certificate holder's or applicant's current quality assurance program at the time of the change;</p>	<p>NM needs to indicate that the references to the "Commission" and "NRC" in this section should be replaced with the NM agency. NM needs to make the change indicated above to meet the Compatibility Category C designation assigned to 10 CFR 71.106 b 1 .</p> <p>NRC Review Comments letter dated 1/16/18</p>
<p>20.3.3.306</p> <p>TRANSPORTATION OF RADIOACTIVE MATERIAL:</p> <p>C. The following modifications are made to the incorporated federal regulations in this section: (5) <u>all reference in 10 CRF to "certificate holder", "applicant" and "applicant for a certificate of compliance (COC)" apply to the NRC as follows 71.91(c), 71.91(d), 71.101(a), 71.101(b), 71.103(a) and 71.135.</u></p>	<p><i>RATS 2015-3 category - C</i></p> <p>§ 71.91 Records.</p> <p>(c) The licensee, certificate holder, and an applicant for a CoC, shall make available to the Commission for inspection, upon reasonable notice, all records required by this part. Records are only valid if stamped, initialed, or signed and dated by authorized personnel, or otherwise authenticated.</p>	<p>As the NRG has sole authority for issuing a Certificate of Compliance (COC), NM needs to indicate that the terms "certificate holder, and applicant for a COC" in this section apply to the NRG.</p> <p>NM needs to indicate that the references to the "Commission" in this section should be replaced with the NM agency.</p> <p>NM needs to make the changes indicated above to meet the Compatibility Category C designation assigned to 10 CFR 71.91 c .</p> <p>NRC Review Comments letter dated 1/16/18</p>

State Regulation, 20.3 NMAC	Federal Regulation 10 CFR	Comments
<p>20.3.3.306</p> <p>TRANSPORTATION OF RADIOACTIVE MATERIAL:</p> <p>C. The following modifications are made to the incorporated federal regulations in this section: <u>(5) all reference in 10 CRF to "certificate holder", "applicant" and "applicant for a certificate of compliance (COC)" apply to the NRC as follows 71.91(c), 71.91(d), 71.101(a), 71.101(b), 71.103(a) and 71.135.</u></p>	<p><i>RATS 2015-3 category - C</i></p> <p>§ 71.91 Records</p> <p>(d) The licensee, certificate holder, and an applicant for a CoC shall maintain sufficient written records to furnish evidence of the quality of packaging. The records to be maintained include results of the determinations required by § 71.85; design, fabrication, and assembly records; results of reviews, inspections, tests, and audits; results of monitoring work performance and materials analyses; and results of maintenance, modification, and repair activities. Inspection, test, and audit records must identify the inspector or data recorder, the type of observation, the results, the acceptability, and the action taken in connection with any deficiencies noted. These records must be retained for 3 years after the life of the packaging to which they apply.</p>	<p>As the NRC has sole authority for issuing a Certificate of Compliance, NM needs to indicate that the terms "certificate holder, and applicant for a COG" in this section apply to the NRC.</p> <p>NM needs to indicate that the references to the "Commission" in this section should be replaced with the NM agency.</p> <p>NM needs to make the changes indicated above to meet the Compatibility Category C designation assigned to 10 CFR 71.91 d .</p> <p>NRC Review Comments letter dated 1/16/18</p>

State Regulation, 20.3 NMAC	Federal Regulation 10 CFR	Comments
<p>20.3.3.306</p> <p>TRANSPORTATION OF RADIOACTIVE MATERIAL:</p> <p>C. The following modifications are made to the incorporated federal regulations in this section: <u>(5) all reference in 10 CFR to "certificate holder", "applicant" and "applicant for a certificate of compliance (COC)" apply to the NRC as follows 71.91(c), 71.91(d), 71.101(a), 71.101(b), 71.103(a) and 71.135.</u></p>	<p><i>RATS 2015-3 category -C</i></p> <p>§ 71.101 Quality assurance requirements (a)</p> <p>Purpose. This subpart describes quality assurance requirements applying to design, purchase, fabrication, handling, shipping, storing, cleaning, assembly, inspection, testing, operation, maintenance, repair, and modification of components of packaging that are important to safety. As used in this subpart, "quality assurance" comprises all those planned and systematic actions necessary to provide adequate confidence that a system or component will perform satisfactorily in service. Quality assurance includes quality control, which comprises those quality assurance actions related to control of the physical characteristics and quality of the material or component to predetermined requirements. Each certificate holder and applicant for a package approval is responsible for satisfying the quality assurance requirements that apply to design, fabrication, testing, and modification of packaging subject to this subpart. Each licensee is responsible for satisfying the quality assurance requirements that apply to its use of a packaging for the shipment of licensed material subject to this subpart.</p>	<p>As the NRC has sole authority for issuing a Certificate of Compliance, NM needs to indicate that the terms "certificate holder, and applicant for a COC" in this section apply to the NRC.</p> <p>NM needs to make the change indicated above to meet the Compatibility Category C designation assigned to 10 CFR 71.101 a.</p> <p>NRC Review Comments letter dated 1/16/18</p>

State Regulation, 20.3 NMAC	Federal Regulation 10 CFR	Comments
<p>20.3.3.306</p> <p>TRANSPORTATION OF RADIOACTIVE MATERIAL:</p> <p>C. The following modifications are made to the incorporated federal regulations in this section: (5) <u>all reference in 10 CRF to "certificate holder", "applicant" and "applicant for a certificate of compliance (COC)" apply to the NRC as follows 71.91(c), 71.91(d), 71.101(a), 71.101(b), 71.103(a) and 71.135.</u></p>	<p><i>RATS 2015-3 category - C</i></p> <p>§ 71.101 Quality assurance requirements (b)</p> <p>Establishment of program. Each licensee, certificate holder, and applicant for a CoC shall establish, maintain, and execute a quality assurance program satisfying each of the applicable criteria of §§ 71.101 through 71.137 and satisfying any specific provisions that are applicable to the licensee's activities including procurement of packaging. The licensee, certificate holder, and applicant for a CoC shall execute the applicable criteria in a graded approach to an extent that is commensurate with the quality assurance requirement's importance to safety.</p>	<p>As the NRC has sole authority for issuing a Certificate of Compliance, NM needs to indicate that the terms "certificate holder, and applicant for a COC" in this section apply to the NRC.</p> <p>NM needs to make the change indicated above to meet the Compatibility Category C designation assigned to 10 CFR 71.101 b.</p> <p>NRC Review Comments letter dated 1/16/18</p>
<p>20.3.3.306</p> <p>TRANSPORTATION OF RADIOACTIVE MATERIAL:</p> <p>C. The following modifications are made to the incorporated federal regulations in this section: (5) <u>all reference in 10 CRF to "certificate holder", "applicant" and "applicant for a certificate of compliance (COC)" apply to the NRC as follows 71.91(c), 71.91(d), 71.101(a), 71.101(b), 71.103(a) and 71.135.</u></p>	<p><i>RATS 2015-3 category - C</i></p> <p>§ 71.103 Quality assurance organization.</p> <p>(a) The licensee, certificate holder, and applicant for a Certificate of Compliance shall be responsible for the establishment and execution of the quality assurance program. The licensee, certificate holder, and applicant for a Certificate of Compliance may delegate to others, such as contractors, agents, or consultants, the work of establishing and executing the quality assurance program, or any part of the quality assurance program, but shall retain responsibility for the program. These activities include performing the functions associated with attaining quality objectives and the quality assurance functions.</p>	<p>As the NRC has sole authority for issuing a Certificate of Compliance, NM needs to indicate that the terms "certificate holder, and applicant for a COC" in this section apply to the NRC.</p> <p>NM needs to make the change indicated above to meet the Compatibility Category C designation assigned to 10 CFR 71.103 a.</p> <p>NRC Review Comments letter dated 1/16/18</p>

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<p>20.3.3.306</p> <p>TRANSPORTATION OF RADIOACTIVE MATERIAL:</p> <p>C. The following modifications are made to the incorporated federal regulations in this section: <u>(5) all reference in 10 CFR to "certificate holder", "applicant" and "applicant for a certificate of compliance (COC)" apply to the NRC as follows 71.91(c), 71.91(d), 71.101(a), 71.101(b), 71.103(a) and 71.135.</u></p>	<p><i>RATS 2015-3 category - C</i></p> <p>§ 71.135 Quality assurance records.</p> <p>The licensee, certificate holder, and applicant for a Certificate of Compliance shall maintain sufficient written records to describe the activities affecting quality. These records must include changes to the quality assurance program as required by § 71.106, the instructions, procedures, and drawings required by § 71.111 to prescribe quality assurance activities, and closely related specifications such as required qualifications of personnel, procedures, and equipment. The records must include the instructions or procedures that establish a records retention program that is consistent with applicable regulations and designates factors such as duration, location, and assigned responsibility. The licensee, certificate holder, and applicant for a Certificate of Compliance shall retain these records for 3 years beyond the date when the licensee, certificate holder, and applicant for a Certificate of Compliance last engage in the activity for which the quality assurance program was developed. If any portion of the quality assurance program, written procedures or instructions is superseded, the licensee, certificate holder, and applicant for a Certificate of Compliance shall retain the superseded material for 3 years after it is superseded.</p>	<p>As the NRC has sole authority for issuing a Certificate of Compliance, NM needs to indicate that the terms "certificate holder, and applicant for a COC" in this section apply to the NRC.</p> <p>NM needs to make the change indicated above to meet the Compatibility Category C designation assigned to 10 CFR 71.135.</p> <p>NRC Review Comments letter dated 1/16/18</p>

State Regulation, 20.3 NMAC	Federal Regulation 10 CFR	Comments
<p>20.3.3.306</p> <p>TRANSPORTATION OF RADIOACTIVE MATERIAL:</p> <p>D. The following provisions contained in 10 CFR 71 are applicable to the NRC and not incorporated in this section: 71.11, 71.14(b), 71.19, 71.31, 71.33, 71.35, 71.37, 71.38, 71.39, 71.41, 71.43, 71.45, 71.51, 71.55, 71.59, 71.61, 71.63, 71.64, 71.65, 71.70, 71.71, 71.73, 71.74, 71.75, 71.77, 71.85(a)-(c), 71.91(b), 71.101(c)(2), (d), and (e), 71.107, 71.109, 71.111, 71.113, 71.115, 71.117, 71.119, 71.121, 71.123, and 71.125.</p>	<p><i>RATS 2015-3 category - NRC</i></p> <p>§ 71.11 Protection of Safeguards Information</p> <p>Each licensee, certificate holder, or applicant for a Certificate of Compliance for a transportation package for transport of irradiated reactor fuel, strategic special nuclear material, a critical mass of special nuclear material, or byproduct material in quantities determined by the Commission through order or regulation to be significant to the public health and safety or the common defense and security, shall protect Safeguards Information against unauthorized disclosure in accordance with the requirements in § 73.21 and the requirements of § 73.22 or § 73.23 of this chapter, as applicable.</p>	<p>NM needs to except 71.11, 71.70, 71.85(a)-(c), and 71.91(b) from incorporation by reference as they are reserved to the NRC.</p> <p>NM needs to make the change indicated above to meet the Compatibility Category NRC designation assigned to 10 CFR 71.11, 71.70, 71.85(a)-(c), and 71.91 b.</p> <p>NRC Review Comments letter dated 1/16/18</p>

State Regulation, 20.3 NMAC	Federal Regulation 10 CFR	Comments
<p>20.3.3.306</p> <p>TRANSPORTATION OF RADIOACTIVE MATERIAL:</p> <p>D. The following provisions contained in 10 CFR 71 are applicable to the NRC and not incorporated in this section: 71.11, 71.14(b), 71.19, 71.31, 71.33, 71.35, 71.37, 71.38, 71.39, 71.41, 71.43, 71.45, 71.51, 71.55, 71.59, 71.61, 71.63, 71.64, 71.65, 71.70, 1.71, 71.73, 71.74, 71.75, 71.77, 71.85(a)-(c), 71.91(b), 71.101(c)(2), (d), and (e), 71.107, 71.109, 71.111, 71.113, 71.115, 71.117, 71.119, 71.121, 71.123, and 71.125.</p>	<p><i>RATS 2015-3 category - NRC</i></p> <p>§ 71.70 Incorporations by reference. (a)</p> <p>The materials listed in this section are incorporated by reference in the corresponding sections noted and made a part of the regulations in part 71. These incorporations by reference were approved by the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. These materials are incorporated as they exist on the date of the approval. A notice of any changes made to the material incorporated by reference will be published in the Federal Register, and the material must be available to the public. The materials can be examined, by appointment, at the NRC's Technical Library, which is located at Two White Flint North, 11545 Rockville Pike, Rockville, Maryland 20852; telephone: 301-415-7000; email: Library.Resource@nrc.gov. The materials are also available from the sources listed below. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 1-202-741-6030 or go to http://www.archives.gov/federal-register/cfr/ibr-locations.html.</p>	<p>NM needs to except 71.11, 71.70, 71.85(a)-(c), and 71.91(b) from incorporation by reference as they are reserved to the NRC.</p> <p>NM needs to make the change indicated above to meet the Compatibility Category NRC designation assigned to 10 CFR 71.11, 71.70, 71.85(a)-(c), and 71.91 b.</p> <p>NRC Review Comments letter dated 1/16/18</p>

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	<p>§ 71.70 Incorporations by reference. Continued</p> <p>(b) International Organization for Standardization, ISO Central Secretariat, Chemin de Blandonnet 8 CP 401, 1214 Vernier, Geneva, Switzerland; email: central@iso.org; phone: +41 22 749 01 11; Web site: http://www.iso.org.</p> <p>(1) ISO 9978:1992(E), "Radiation protection—Sealed radioactive sources—Leakage test methods," First Edition (February 15, 1992), incorporation by reference approved for § 71.75(a), is available for purchase from the American National Standards Institute, 25 West 43rd Street, 4th Floor, New York, NY 10036, 212-642-4900, http://www.ansi.org, or info@ansi.org.</p> <p>(2) ISO 2919:1999(E), "Radiation protection—Sealed radioactive sources—General requirements and classification," Second Edition (February 15, 1999), incorporation by reference approved for § 71.75(d), is available on http://www.amazon.com.</p>	

State Regulation, 20.3 NMAC	Federal Regulation 10 CFR	Comments
<p>20.3.3.306</p> <p>TRANSPORTATION OF RADIOACTIVE MATERIAL:</p> <p>D. The following provisions contained in 10 CFR 71 are applicable to the NRC and not incorporated in this section:</p> <p>71.11, 71.14(b), 71.19, 71.31, 71.33, 71.35, 71.37, 71.38, 71.39, 71.41, 71.43, 71.45, 71.51, 71.55, 71.59, 71.61, 71.63, 71.64, 71.65, 71.70, 71.71, 71.73, 71.74, 71.75, 71.77, 71.85(a)-(c), 71.91(b), 71.101(c)(2), (d), and (e), 71.107, 71.109, 71.111, 71.113, 71.115, 71.117, 71.119, 71.121, 71.123, and 71.125.</p>	<p><i>RATS 2015-3 category - NRC</i></p> <p>§ 71.85 Preliminary determinations.</p> <p>Before the first use of any packaging for the shipment of licensed material —</p> <p>(a) The certificate holder shall ascertain that there are no cracks, pinholes, uncontrolled voids, or other defects that could significantly reduce the effectiveness of the packaging;</p> <p>(b) Where the maximum normal operating pressure will exceed 35 kPa (5 lbf/in²) gauge, the certificate holder shall test the containment system at an internal pressure at least 50 percent higher than the maximum normal operating pressure, to verify the capability of that system to maintain its structural integrity at that pressure;</p> <p>(c) The certificate holder shall conspicuously and durably mark the packaging with its model number, serial number, gross weight, and a package identification number assigned by the NRC. Before applying the model number, the certificate holder shall determine that the packaging has been fabricated in accordance with the design approved by the Commission; and</p> <p>(d) The licensee shall ascertain that the determinations in paragraphs (a) through (c) of this section have been made.</p>	<p>NM needs to except 71.11, 71.70, 71.85(a)-(c), and 71.91(b) from incorporation by reference as they are reserved to the NRC.</p> <p>NM needs to make the change indicated above to meet the Compatibility Category NRC designation assigned to 10 CFR 71.11, 71.70, 71.85(a)-(c), and 71.91 b.</p> <p>NRC Review Comments letter dated 1/16/18</p>

State Regulation, 20.3 NMAC	Federal Regulation 10 CFR	Comments
<p>20.3.3.306</p> <p>TRANSPORTATION OF RADIOACTIVE MATERIAL:</p> <p>D. The following provisions contained in 10 CFR 71 are applicable to the NRC and not incorporated in this section: 71.11, 71.14(b), 71.19, 71.31, 71.33, 71.35, 71.37, 71.38, 71.39, 71.41, 71.43, 71.45, 71.51, 71.55, 71.59, 71.61, 71.63, 71.64, 71.65, 71.70, 71.71, 71.73, 71.74, 71.75, 71.77, 71.85(a)-(c), 71.91(b), 71.101(c)(2), (d), and (e), 71.107, 71.109, 71.111, 71.113, 71.115, 71.117, 71.119, 71.121, 71.123, and 71.125.</p>	<p><i>RATS 2015-3 category - NRC</i></p> <p>§ 71.91 Records.</p> <p>(b) Each certificate holder shall maintain, for a period of 3 years after the life of the packaging to which they apply, records identifying the packaging by model number, serial number, and date of manufacture.</p>	<p>NM needs to except 71.11, 71.70, 71.85(a)-(c), and 71.91(b) from incorporation by reference as they are reserved to the NRC.</p> <p>NM needs to make the change indicated above to meet the Compatibility Category NRC designation assigned to 10 CFR 71.11, 71.70, 71.85(a)-(c), and 71.91 b.</p> <p>NRC Review Comments letter dated 1/16/18</p>

State Regulation, 20.3 NMAC	Federal Regulation 10 CFR	Comments
<p>20.3.3.307</p> <p>FILING APPLICATION FOR SPECIFIC LICENSES:</p> <p>E. An application for a specific license of category 1 and category 2 quantities of radioactive material shall comply with 10 CFR 37. The licensee shall comply with 10 CFR 37 except as follows:</p> <p>(1) Any reference to the commission or NRC shall be deemed a reference to the department;</p> <p>(2) 10 CFR 37.5 definitions of agreement state, byproduct material, commission and person shall not be applicable;</p> <p>(3) 10 CFR 37.7, 10 CFR 37.9, 10 CFR 37.11(a) and (b), 10 CFR 37.13, 10 CFR 37.27(c), 10 CFR 37.105, and 10 CFR 37.107 shall not be applicable; and</p> <p>(4) The license required report of events or notification in 10 CFR 37.45, 10 CFR 37.57, 10 CFR 37.77(a) through (d), and 10 CFR 37.81 shall use the following address: New Mexico Environment Department/RCB, P.O. Box 5469, Santa Fe, NM 87502-5469.</p>	<p>RATS 2013-1 category - B</p> <p>§ 37.27 Requirements for criminal history records checks of individuals granted unescorted access to category 1 or category 2 quantities of radioactive material.</p> <p>(c) Procedures for processing of fingerprint checks.</p>	<p>New Mexico adopts Part 37 by reference and states, “any reference made to the commission or NRC shall be deemed a reference to the department”. This does not apply to 10 CFR 37.27(c) fingerprint submissions.</p> <p>New Mexico needs to exempt 37.27(c) from 20.3.3.307.E (1) in order to meet the Compatibility Category B designation assigned to 10 CFR 37.27(c).</p> <p>NRC Review Comments letter dated 8/9/17</p>

State Regulation, 20.3 NMAC	Federal Regulation 10 CFR	Comments
<p>20.3.3.307</p> <p>FILING APPLICATION FOR SPECIFIC LICENSES:</p> <p>L. An application for a specific license to transfer source material under <u>this section</u> [10 CFR 40].</p> <p>(1) An application for a specific license to initially transfer source material for use under [10 CFR 40.22, and equivalent regulations] <u>20.3.3.307</u> [20.3.3.304.B] NMAC, will be approved if:</p> <p>(a) the applicant satisfies the general requirements specified in 10 CFR 40.32 and equivalent regulations 20.3.3.307 NMAC; and</p> <p>(b) the applicant submits adequate information on, and the <u>department</u> [NRC] approves the methods to be used for quality control, labeling, and providing safety instructions to recipients.</p>		<p>RCB correction</p> <ol style="list-style-type: none"> 1. New Mexico has its own equivalent regulation 2. <p>Incorrect reference: 10 CFR 40.22 is for a general license</p> <ol style="list-style-type: none"> 3. Incorrect reference: 20.3.3.304.B is for a general license 4. The department issues the license

State Regulation, 20.3 NMAC	Federal Regulation 10 CFR	Comments
<p>20.3.3.307</p> <p>FILING APPLICATION FOR SPECIFIC LICENSES:</p> <p>L. Continued</p> <p>(2) Each person licensed under this section [10-CFR-40.54] shall label the immediate container of each quantity of source material with the type of source material and quantity of material and the words, "radioactive material."</p> <p>(B) Each person licensed under this section [10-CFR-40.54] shall ensure that the quantities and concentrations of source material are as labeled and indicated in any transfer records.</p> <p>(4) Each person licensed under this section [10-CFR-40.54] shall provide the information specified in this paragraph to each person to whom source material is transferred for use under this section [10-CFR 40.22 and 20.3.3.304.B NMAC]. This information must be transferred before the source material is transferred for the first time in each calendar year to the particular recipient. The required information includes:</p> <p>(1)</p>	<p><i>RATS 2013-1 category - B</i></p>	<p>Throughout their equivalent regulations to 40.55, New Mexico references 10 CFR "40.54". As New Mexico has equivalent regulations to 40.54, they should cite their regulations and not "40.54". New Mexico needs to make the changes indicated above in order to meet the Compatibility Category B designation assigned to 10 CFR 40.55. NRC Review Comments letter dated 8/9/17</p>

State Regulation, 20.3 NMAC	Federal Regulation 10 CFR	Comments
<p>20.3.3.307</p> <p>FILING APPLICATION FOR SPECIFIC LICENSES:</p> <p>L. (4) Continued</p> <p>(a) a copy of 20.3.3.307.L NMAC [10 CFR 40.22] and 10 CFR 40.51 [or equivalent regulations under 20.3.3.304 NMAC]; and</p> <p>(b) appropriate radiation safety precautions and instructions relating to handling, use, storage, and disposal of the material.</p> <p>(5) Each person licensed under this section [10 CFR 40.54] shall report transfers as follows:</p> <p>(a) file a report with the department under 20.3.1.116 NMAC. The report shall include the following information:</p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p><i>RATS 2013-1 category - B</i></p> <p>continued</p>	<p>Throughout their equivalent regulations to 40.55, New Mexico references 10 CFR "40.54". As New Mexico has equivalent regulations to 40.54, they should cite their regulations and not "40.54".</p> <p>New Mexico needs to make the changes indicated above in order to meet the Compatibility Category B designation assigned to 10 CFR 40.55.</p> <p>NRC Review Comments letter dated 8/9/17 RCB</p> <p>Correction Incorrect reference: 10 CFR 40.22 is for a general license</p>

State Regulation, 20.3 NMAC	Federal Regulation 10 CFR	Comments
<p>FILING APPLICATION FOR SPECIFIC LICENSES:</p> <p>L.(5)(a) Continued</p> <p>(i) The name, address, and license number of the person who transferred the source material; and (ii) For each general licensee under 10 CFR 40.22 or and 20.3.3.304 [20.3.3.307] NMAC to whom greater than 50 grams (0.11 lb) of source material has been transferred in a single calendar quarter, the name and address of the general licensee to whom source material is distributed; a responsible agent, by name and/or position and phone number, of the general licensee to whom the material was sent; and the type, physical form, and quantity of source material transferred; and</p> <p>(ii) The total quantity of each type and physical form of source material transferred in the reporting period to all such generally licensed recipients.</p>	<p><i>RATS 2013-2 Category - B</i></p> <p>§ 40.55 Conditions of licenses to initially transfer source material for use under the 'small quantities of source material' general license: Quality control, labeling, safety instructions, and records and reports. (d) Each person licensed under § 40.54 shall report transfers as follows:</p> <p>(2) File a report with each responsible Agreement State agency that identifies all persons, operating under provisions equivalent to § 40.22, to whom greater than 50 grams (0.11 lb) of source material has been transferred within a single calendar quarter. The report shall include the following information specific to those transfers made to the Agreement State being reported to:</p> <p>(i) The name, address, and license number of the person who transferred the source material; and</p> <p>(ii) The name and address of the general licensee to whom source material was distributed; a responsible agent, by name and/or position and phone number, of the general licensee to whom the material was sent; and the type, physical form, and quantity of source material transferred.</p>	<p>New Mexico omits the word “and” between their equivalent to 40.55(d)(2)(i) and (ii). New Mexico needs to add the word “and” as indicated. New Mexico needs to make the changes indicated above in order to meet the Compatibility Category B designation assigned to 10 CFR 40.55(d). NRC Review Comments letter dated 8/9/17</p>




State Regulation, 20.3 NMAC	Federal Regulation 10 CFR	Comments
<p>FILING APPLICATION FOR SPECIFIC LICENSES:</p> <p>L.(5)(a) Continued</p> <p>(i) The name, address, and license number of the person who transferred the source material; and (ii) For each general licensee under 10 CFR 40.22 or and 20.3.3.304 [20.3.3.307] NMAC to whom greater than 50 grams (0.11 lb) of source material has been transferred in a single calendar quarter, the name and address of the general licensee to whom source material is distributed; a responsible agent, by name and/or position and phone number, of the general licensee to whom the material was sent; and the type, physical form, and quantity of source material transferred; and</p> <p>(ii) The total quantity of each type and physical form of source material transferred in the reporting period to all such generally licensed recipients.</p> <p>☐</p>	<p><i>RATS 2013-2 Category - B</i></p> <p>§ 40.55 Conditions of licenses to initially transfer source material for use under the 'small quantities of source material' general license: Quality control, labeling, safety instructions, and records and reports. (d) Each person licensed under § 40.54 shall report transfers as follows:</p> <p>(2) File a report with each responsible Agreement State agency that identifies all persons, operating under provisions equivalent to § 40.22, to whom greater than 50 grams (0.11 lb) of source material has been transferred within a single calendar quarter. The report shall include the following information specific to those transfers made to the Agreement State being reported to:</p> <p>(i) The name, address, and license number of the person who transferred the source material; and</p> <p>(ii) The name and address of the general licensee to whom source material was distributed; a responsible agent, by name and/or position and phone number, of the general licensee to whom the material was sent; and the type, physical form, and quantity of source material transferred.</p>	<p>In their equivalent regulations to 40.55(d)(2)(ii), New Mexico omits the word “or” and inserts the word “and” in the sentence, “(ii) For each general licensee under § 40.22 (ii) For each general licensee under § 40.22 or equivalent Agreement State provisions equivalent Agreement State provisions...” . New Mexico needs to replace “and” with “or”.</p> <p>RCB Correction</p> <p>Incorrect reference:20.3.3.307 is for a specific license</p>


State Regulation, 20.3 NMAC	Federal Regulation 10 CFR	Comments
<p>FILING APPLICATION FOR SPECIFIC LICENSES: L.(5) (d)Each person licensed under 20.3.3.304 NMAC [10 CFR 40.54] shall maintain all information that supports the reports required by this section concerning each transfer to a general licensee for a period of one year after the event is included in a report to the NRC or to an agreement state agency.</p>	<p><i>RATS 2013-1 category - B</i></p>	<p>Throughout their equivalent regulations to 40.55, New Mexico references 10 CFR "40.54". As New Mexico has equivalent regulations to 40.54, they should cite their regulations and not "40.54". New Mexico needs to make the changes indicated above in order to meet the Compatibility Category B designation assigned to 10 CFR 40.55. NRC Review Comments letter dated 8/9/17</p>
<p>20.3.3.310 PUBLIC NOTICE, PARTICIPATION AND HEARING: B.(3)(a) any local, state, Indian I[t]ribal government or federal government agency that the secretary determines may be significantly affected or interested; and</p>	<p><i>RATS 2015-5 category - B</i></p>	<p>10 CFR 71.4- wherever they may occur, remove the word "tribe" and add in its place the word "Tribe", remove the word "tribes" and add in its place the word "Tribes", and remove the word "tribal" and add in its place the word "Tribal". Base on RATS 2015-5 letter dated 12/31/15</p>

State Regulation, 20.3 NMAC	Federal Regulation 10 CFR	Comments
<p>20.3.3.315 E. Licensing the manufacture and distribution of devices to persons generally licensed under Subsection B of 20.3.3.305 NMAC (1) Requirements for approval of a license application. An application for a specific license to manufacture or initially transfer devices containing radioactive material to persons generally licensed under Subsection B of 20.3.3.305 NMAC or equivalent regulations of the NRC or an agreement state will be approved if: <u>(f) The device has been registered in the Sealed Source and Device Registry.</u></p>	<p><i>RATS 2012-4 category - B</i> § 32.51 Byproduct material contained in devices for use under § 31.5; requirements for license to manufacture, or initially transfer. (a) An application for a specific license to manufacture, or initially transfer devices containing byproduct material to persons generally licensed under § 31.5 of this chapter or equivalent regulations of an Agreement State will be approved if: (6) The device has been registered in the Sealed Source and Device Registry.</p>	<p>In § 32.51, paragraph(a)(6) is added to read as follows: (a) * * * (6) The device has been registered in the Sealed Source and Device Registry. Base on RATS 2012-4 letter dated 10/23/15</p>

State Regulation, 20.3 NMAC	Federal Regulation 10 CFR	Comments
<p>20.3.3.315 E. Licensing the manufacture and distribution of devices to persons generally licensed under Subsection B of 20.3.3.305 NMAC. (4) Transfer provisions:</p> <p>(a) <u>Reserved</u> (If a device containing radioactive material is to be transferred for use under the general license contained in Subsection B of 20.3.3.305 NMAC, each person that is licensed under Paragraph (1) of Subsection D of 20.3.3.315 NMAC shall provide the information specified in this paragraph to each person to whom a device is to be transferred. This information shall be provided before the device may be transferred. In the case of a transfer through an intermediate person, the information shall also be provided to the intended user prior to initial transfer to the intermediate person. The required information includes:</p> <p>(i) a copy of the general license contained in Paragraph (1) of Subsection D of 20.3.3.315 NMAC; if Subparagraphs (b) through (d) of Paragraph (3) of Subsection B of 20.3.3.305 NMAC or Subparagraph (m) of Paragraph (3) of Subsection B of 20.3.3.305 NMAC do not apply to the particular device, those paragraphs may be omitted;</p> <p>☐</p>		<p>20.3.3 NMAC RCB Amendments RCB correction: subsection D of 20.3.3.315 is reserved.</p>

State Regulation, 20.3 NMAC	Federal Regulation 10 CFR	Comments
<p>20.3.3.315 E. Licensing the manufacture and distribution of devices to persons generally licensed under Subsection B of 20.3.3.305 NMAC. (4) Transfer provisions: continued</p> <p>(ii) a copy of Subsection F of 20.3.3.317 NMAC, 20.3.3.326 NMAC, 20.3.4.451 NMAC and 20.3.4.452 NMAC;</p> <p>(iii) a list of the services that can only be performed by a specific licensee;</p> <p>(iv) information on acceptable disposal options including estimated costs of disposal; and</p> <p>(v) a statement indicating that improper disposal of radioactive material is subject to civil and criminal penalties pursuant to 20.3.1 NMAC.]</p>		<p>20.3.3 NMAC RCB Amendments RCB correction: subsection D of 20.3.3.315 is reserved.</p>
<p>20.3.3.315 E. Licensing the manufacture and distribution of devices to persons generally licensed under Subsection B of 20.3.3.305 NMAC. (4) Transfer provisions:</p> <p>(e) If a notification of bankruptcy <u>is submitted</u> [has been made] under Subsection E of 20.3.3.317 NMAC of this part <u>and each specific licensee</u> or the license is to be terminated, each person licensed under Paragraph (1) of this subsection shall provide, upon request, to the department, NRC and any agreement state, records of final disposition required under <u>10CFR30.34(h)</u> [Subparagraph (c) of Paragraph (5) of Subsection D of 20.3.3.315 NMAC].</p>		<p>20.3.3 NMAC RCB Amendments RCB correction: subsection D of 20.3.3.315 is reserved.</p>

State Regulation, 20.3 NMAC	Federal Regulation 10 CFR	Comments
<p>20.3.3.315 </p> <p>SPECIAL REQUIREMENTS FOR A SPECIFIC LICENSE TO MANUFACTURE, ASSEMBLE, REPAIR OR DISTRIBUTE COMMODITIES, PRODUCTS OR DEVICES WHICH CONTAIN RADIOACTIVE MATERIAL: F.  Special requirements for the manufacture, assembly, repair or initial transfer of luminous safety devices for use in aircraft.</p> <p>(3)  Each person licensed under 10 CFR 32.53 shall file an annual report with the director, office of Nuclear Materials Safety and Safeguards [federal and state materials and environmental management programs], ATTN: document control desk/GLTS by an appropriate method listed in 10 CFR 30.6(a) which must state the total quantity of tritium or promethium-147 transferred to persons generally licensed under 10 CFR 31.7. The report must identify each general licensee by name, state the kinds and number of luminous devices transferred, and specify the quantity of tritium or promethium-147 in each kind of device. Each report must cover the year ending June 30 and must be filed within 30 days thereafter. If no transfers have been made to persons generally licensed under 10 CFR 31.7 during the reporting period, the report must so indicate; and</p>	<p><i>RATS 2012-4 Category - B</i></p> <p>§ 32.56 Same: Material transfer reports.</p> <p>(a) Each person licensed under § 32.53 shall file an annual report with the Director, Office of Nuclear Material Safety and Safeguards, ATTN: Document Control Desk/GLTS, by an appropriate method listed in § 30.6(a) of this chapter, which must state the total quantity of tritium or promethium-147 transferred to persons generally licensed under § 31.7 of this chapter. The report must identify each general licensee by name, state the kinds and numbers of luminous devices transferred, and specify the quantity of tritium or promethium-147 in each kind of device. Each report must cover the year ending June 30 and must be filed within thirty (30) days thereafter. If no transfers have been made to persons generally licensed under § 31.7 of this chapter during the reporting period, the report must so indicate.</p>	<p>New Mexico needs to update the NRC’s contact office name to, “Office of Nuclear Material Safety and Safeguards”. New Mexico needs to make the changes indicated above in order to meet the Compatibility Category B designation assigned to 10 CFR32.56. NRC Review Comments letter dated 8/9/17</p>

State Regulation, 20.3 NMAC	Federal Regulation 10 CFR	Comments
<p>20.3.3.315  SPECIAL</p> <p>REQUIREMENTS FOR A SPECIFIC LICENSE TO MANUFACTURE, ASSEMBLE, REPAIR OR DISTRIBUTE COMMODITIES, PRODUCTS OR DEVICES WHICH CONTAIN RADIOACTIVE MATERIAL: F. Special requirements for the manufacture, assembly, repair or initial transfer of luminous safety devices for use in aircraft.</p> <p>(4) each person licensed under 10 CFR 32.53 shall report annually all transfers of devices to persons for use under a general license in an agreement state’s regulations that are equivalent to 10 CFR 31.7 of this paragraph to the responsible agreement state agency. The report must state the total quantity of tritium or promethium-147 transferred, identify each general licensee by name, state the kinds and numbers of luminous devices transferred, and specify the quantity of tritium or promethium-147 in each kind of device. If no transfers have been made to a particular agreement state during the reporting period, this information must be reported to the responsible agreement state agency upon request of the agency.</p>	<p><i>RATS 2012-4 Category - B</i></p> <p>§ 32.56 Same: Material transfer reports.</p> <p>(b) Each person licensed under § 32.53 shall report annually all transfers of devices to persons for use under a general license in an Agreement State's regulations that are equivalent to § 31.7 of this chapter to the responsible Agreement State agency. The report must state the total quantity of tritium or promethium-147 transferred, identify each general licensee by name, state the kinds and numbers of luminous devices transferred, and specify the quantity of tritium or promethium-147 in each kind of device. If no transfers have been made to a particular Agreement State during the reporting period, this information must be reported to the responsible Agreement State agency upon request of the agency.</p>	<p>in section F.(4), New Mexico omitted the word “State” in the following: “...are equivalent to § 31.7 of this chapter to the responsible Agreement State agency.”</p> <p>New Mexico needs to make the changes indicated above in order to meet the Compatibility Category B designation assigned to 10 CFR 32.56.</p> <p>NRC Review Comments letter dated 8/9/17</p>

State Regulation, 20.3 NMAC	Federal Regulation 10 CFR	Comments
<p>20.3.3.315 SPECIAL REQUIREMENTS FOR A SPECIFIC LICENSE TO MANUFACTURE, ASSEMBLE, REPAIR OR DISTRIBUTE COMMODITIES, PRODUCTS OR DEVICES WHICH CONTAIN RADIOACTIVE MATERIAL: J. (2)(d)(ii) the individual practiced at a pharmacy at a government agency or federally recognized Indian I[t]ribe before November 30, 2007, or at all other pharmacies in non-licensing states, as defined in 20.3.1.7 NMAC, before August 8, 2009, or an earlier date as noticed by the NRC;</p>	<p>RATS 2015-5 category - B</p>	<p>10 CFR 71.4- wherever they may occur, remove the word “tribe” and add in its place the word “Tribe”, remove the word “tribes” and add in its place the word “Tribes”, and remove the word “tribal” and add in its place the word “Tribal”. Base on RATS 2015-5 letter dated 12/31/15</p>
<p>20.3.3.315 SPECIAL REQUIREMENTS FOR A SPECIFIC LICENSE TO MANUFACTURE, ASSEMBLE, REPAIR OR DISTRIBUTE COMMODITIES, PRODUCTS OR DEVICES WHICH CONTAIN RADIOACTIVE MATERIAL: J(2)(f)(v) documentation that only accelerator-produced radioactive materials were used in the practice of nuclear pharmacy at a government agency or federally recognized Indian I[t]ribe before November 30, 2007, or at all other pharmacies in non-licensing states, as defined in 20.3.1.7 NMAC, before August 8, 2009, or an earlier date as noticed by the NRC; and</p>	<p>RATS 2015-5 category - B</p>	<p>10 CFR 71.4- wherever they may occur, remove the word “tribe” and add in its place the word “Tribe”, remove the word “tribes” and add in its place the word “Tribes”, and remove the word “tribal” and add in its place the word “Tribal”. Base on RATS 2015-5 letter dated 12/31/15</p>

State Regulation, 20.3 NMAC	Federal Regulation 10 CFR	Comments
<p>20.3.4 Table 462.1 Hydrogen-3 1,000 Beryllium-7 1,000 Beryllium-10 1 Carbon-11 1,000 Carbon-14 1,000 100</p>	<p>Appendix C to Part 20—Quantities of Licensed Material Requiring Labeling Hydrogen-3 H-3 1,000 Beryllium-7 Be-7 1,000 Beryllium-10 Be-10 1 Carbon-11 C-11 1,000 Carbon-14 C-14 100</p>	<p>RCB Correction</p>
<p>20.3.4.425 SECURITY AND CONTROL OF LICENSED OR REGISTERED SOURCES OF RADIATION: A. The licensee shall secure from unauthorized removal or access licensed materials that are stored in controlled or unrestricted areas. The licensee possessing category 1 and category 2 quantities of radioactive materials shall comply with 10 CFR 37. The licensee shall comply with 10 CFR 37 except as follows: (1) Any reference to the commission or NRC shall be deemed a reference to the department; (2) 10 CFR 37.5 definitions of agreement state, byproduct material, commission and person shall not be applicable; (3) 10 CFR 37.7, 10 CFR 37.9, 10 CFR 37.11(a) and (b), 10 CFR 37.13, <u>10 CFR 37.27(c)</u>, 10 CFR 37.71, 10 CFR 37.105, and 10 CFR 37.107 shall not be applicable; and</p>	<p>RATS 2013-1 category - B § 37.27 Requirements for criminal history records checks of individuals granted unescorted access to category 1 or category 2 quantities of radioactive material. (c) Procedures for processing of fingerprint checks.</p>	<p>New Mexico adopts Part 37 by reference and states, “any reference made to the commission or NRC shall be deemed a reference to the department”. This does not apply to 10 CFR 37.27(c) fingerprint submissions. New Mexico needs to exempt 37.27(c) from 20.3.3.307.E (1) in order to meet the Compatibility Category B designation assigned to 10 CFR 37.27(c). NRC Review Comments letter dated 8/9/17</p>

State Regulation, 20.3 NMAC	Federal Regulation 10 CFR	Comments
<p>20.3.4.466 APPENDIX G - REQUIREMENTS FOR TRANSFERS OF LOW-LEVEL RADIOACTIVE WASTE INTENDED FOR DISPOSAL AT LICENSED LAND DISPOSAL FACILITIES AND MANIFESTS:</p> <p>A.</p> <p>(3) NRC forms 540, 540A, 541, 541A, 542 and 542A, and the accompanying instructions, in hard copy, may be obtained by writing or calling the [e]Office of the [e]Chief information [e]Officer, United States Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone (301) 415-5877, or by visiting the NRC's web site at http://www.nrc.gov and selecting forms from the index found on the home page.</p>	<p>RATS 2015-5 category - B</p>	<p>In part 20, wherever it may occur, remove the phrase "Office of Information Services" and add in its place the phrase "Office of the Chief Information Officer" Base on RATS 2015-5 letter dated 12/31/15</p>

State Regulation, 20.3 NMAC	Federal Regulation 10 CFR	Comments
<p>20.3.5.10</p> <p>SPECIFIC LICENSE FOR INDUSTRIAL RADIOGRAPHY: An application for a specific license for the use of licensed material in industrial radiography will be approved if the applicant meets the following requirements:</p> <p>B. An application for a specific license of category 1 and category 2 quantities of radioactive material shall comply with 10 CFR 37. The licensee shall comply with 10 CFR 37 except as follows:</p> <p>(1) Any reference to the commission or NRC shall be deemed a reference to the department;</p> <p>(2) 10 CFR 37.5 definitions of agreement state, byproduct material, commission and person shall not be applicable;</p> <p>(3) 10 CFR 37.7, 10 CFR 37.9, 10 CFR 37.11(a) and (b), 10 CFR 37.13, <u>10 CFR 37.27(c)</u>, 10 CFR 37.71, 10 CFR 37.105, and 10 CFR 37.107 shall not be applicable; and</p> <p>(4) For any reporting or notification requirements that the licensee must follow in 10 CFR 37.45, 10 CFR 37.57, 10 CFR 37.77(a) through (d), and 10 CFR 37.81 the licensee shall use the following address: New Mexico Environment Department/RCB, P.O. Box 5469, Santa Fe, NM 87502-5469 address information.</p>	<p><u>RATS 2013-1 category - B</u></p> <p>§ 37.27 Requirements for criminal history records checks of individuals granted unescorted access to category 1 or category 2 quantities of radioactive material.</p> <p>(c) Procedures for processing of fingerprint checks.</p>	<p>New Mexico adopts Part 37 by reference and states, “any reference made to the commission or NRC shall be deemed a reference to the department”. This does not apply to 10 CFR 37.27(c) fingerprint submissions.</p> <p>New Mexico needs to exempt 37.27(c) from 20.3.3.307.E (1) in order to meet the Compatibility Category B designation assigned to 10 CFR 37.27(c).</p> <p>NRC Review Comments letter dated 8/9/17</p>

State Regulation, 20.3 NMAC	Federal Regulation 10 CFR	Comments
<p>20.3.7.700</p> <p>GENERAL REGULATORY REQUIREMENTS:</p> <p>E. Application for license, amendment or renewal.</p> <p>(3) An application for a specific license of category 1 and category 2 quantities of radioactive material shall comply with 10 CFR 37. The licensee shall comply with 10 CFR 37 except as follows:</p> <p>(a) Any reference to the commission or NRC shall be deemed a reference to the department;</p> <p>(b) 10 CFR 37.5 Definitions of: agreement state, byproduct material, commission and person shall not be applicable,</p> <p>(c) 10 CFR 37.7, 10 CFR 37.9, 10 CFR 37.11(a) and (b), 10 CFR 37.13, 10 CFR 37.27(c), 10 CFR 37.71, 10 CFR 37.105, and 10 CFR 37.107 shall not be applicable;</p>	<p>RATS 2013-1 category - B</p> <p>§ 37.27 Requirements for criminal history records checks of individuals granted unescorted access to category 1 or category 2 quantities of radioactive material.</p> <p>(c) Procedures for processing of fingerprint checks.</p>	<p>New Mexico adopts Part 37 by reference and states, “any reference made to the commission or NRC shall be deemed a reference to the department”. This does not apply to 10 CFR 37.27(c) fingerprint submissions.</p> <p>New Mexico needs to exempt 37.27(c) from 20.3.3.307.E (1) in order to meet the Compatibility Category B designation assigned to 10 CFR 37.27(c).</p> <p>NRC Review Comments letter dated 8/9/17</p>

State Regulation, 20.3 NMAC	Federal Regulation 10 CFR	Comments
<p>20.3.12.9</p> <p>SPECIFIC LICENSES FOR WELL LOGGING:</p> <p>B. An application for a specific license of category 1 and category 2 quantities of radioactive material shall comply with 10 CFR 37. The licensee shall comply with 10 CFR 37 except as follows:</p> <p>(1) Any reference to the commission or NRC shall be deemed a reference to the department;</p> <p>(2) 10 CFR 37.5 definitions of agreement state, byproduct material, commission and person shall not be applicable;</p> <p>(3) 10 CFR 37.7, 10 CFR 37.9, 37.11(a) and (b), 10 CFR 37.13, 10 CFR 37.27(c), 10 CFR 37.71, 10 CFR 37.105, and 10 CFR 37.107 shall not be applicable;</p>	<p>RATS 2013-1 category - B</p> <p>§ 37.27 Requirements for criminal history records checks of individuals granted unescorted access to category 1 or category 2 quantities of radioactive material.</p> <p>(c) Procedures for processing of fingerprint checks.</p>	<p>New Mexico adopts Part 37 by reference and states, “any reference made to the commission or NRC shall be deemed a reference to the department”. This does not apply to 10 CFR 37.27(c) fingerprint submissions.</p> <p>New Mexico needs to exempt 37.27(c) from 20.3.3.307.E (1) in order to meet the Compatibility Category B designation assigned to 10 CFR 37.27(c).</p> <p>NRC Review Comments letter dated 8/9/17</p>

State Regulation, 20.3 NMAC	Federal Regulation 10 CFR	Comments
<p>20.3.15.1502</p> <p>SPECIFIC LICENSES FOR IRRADIATORS:</p> <p>An application for a specific license of category 1 and category 2 quantities of radioactive material shall comply with 10 CFR 37. The licensee shall comply with 10 CFR 37 except as follows:</p> <p>(1) Any reference to the commission or NRC shall be deemed a reference to the department;</p> <p>(2) 10 CFR 37.5 definitions of agreement state, byproduct material, commission and person shall not be applicable;</p> <p>(3) 10 CFR 37.7, 10 CFR 37.9, 10 CFR 37.11(a) and (b), 10 CFR 37.13, 10 CFR 37.27(c), 10 CFR 37.71, 10 CFR 37.105, and 10 CFR 37.107 shall not be applicable;</p> <p>(4) For any reporting or notification requirements that the licensee must follow in 10 CFR 37.45, 10 CFR 37.57, 10 CFR 37.77(a) through (d), 10 CFR 37.81, the licensee shall use New Mexico Environment Department/RCB, P.O. Box 5469, Santa Fe, NM 87502-5469 address information.</p>	<p>RATS 2013-1 category - B</p> <p>§ 37.27 Requirements for criminal history records checks of individuals granted unescorted access to category 1 or category 2 quantities of radioactive material.</p> <p>(c) Procedures for processing of fingerprint checks.</p>	<p>New Mexico adopts Part 37 by reference and states, “any reference made to the commission or NRC shall be deemed a reference to the department”. This does not apply to 10 CFR 37.27(c) fingerprint submissions.</p> <p>New Mexico needs to exempt 37.27(c) from 20.3.3.307.E (1) in order to meet the Compatibility Category B designation assigned to 10 CFR 37.27(c). NRC Review Comments letter dated 8/9/17</p>

DIRECT TESTIMONY OF THOMAS COLLINS

I. INTRODUCTION

This technical testimony is submitted by Thomas Collins, Environmental Scientist for the Radiation Control Bureau (“RCB”) within the New Mexico Environment Department (“NMED” or the “Department”). The hearing is to be held via internet (Zoom) and via telephone beginning at 1:00 p.m. on June 25, 2021 before the Environmental Improvement Board (“EIB”).

The purpose of this testimony is to describe the proposed amendments to the Radiation Protection Regulations, 20.3 NMAC, for purposes of aligning New Mexico’s state regulations with the United States Nuclear Regulatory Commission’s (“NRC”) regulations in 10 CFR. New Mexico is an agreement state under 42 U.S.C. §2021 and NMSA 1978, Section 74-3-15 (1977). As an agreement state, New Mexico’s state regulations must be compatible to the NRC’s regulations. 42 U.S.C. §2021(d)(2). The compatibility requirement is met through the promulgation of state regulations when necessary.

This testimony will provide justification for the proposed changes to 20.3.1 NMAC, 20.3.3 NMAC, 20.3.4 NMAC, 20.3.5 NMAC, 20.3.7 NMAC, 20.3.12 NMAC, and 20.3.15 NMAC. The majority of the amendments being proposed to 20.3 NMAC are to align certain provisions within the state regulations with the federal NRC regulations. The remaining amendments being proposed to 20.3 NMAC are to address several minor and mostly typographical errors.

II. BACKGROUND AND EXPERIENCE

I, Thomas Collins, have been employed by NMED for 11 years and 6 months. I currently hold the position of Environmental Scientist-A for RCB and have held this position since February 23, 2019. In this position, I am responsible for the inspections of facilities that possess radioactive materials and machines that produce ionizing radiation, assisting RCB with rulemakings, and

providing radiological services and radioactive materials reciprocity. Prior to this position, I was a compliance supervisor for NMED's Air Quality Bureau and supervised up to eight air quality inspectors to meet the United States Environmental Protection Agency's ("EPA") grant commitment of inspecting permitted sources to determine compliance with state and federal air quality regulations and permits from July 1, 2016, to March 1, 2018. Prior to that, I was an Environmental Scientist-A for NMED's Air Quality Bureau and conducted inspections and investigations to ensure compliance with state and federal air quality regulations from August 1, 2013, to June 30, 2016.

Before I was an environmental scientist for NMED's Air Quality Bureau, I was a Compliance Assistance Coordinator for NMED's Petroleum Storage Tank Bureau. I was responsible for the development and implementation of the fuel delivery prohibition program to ensure compliance with state and federal regulations from December 1, 2011, to August 1, 2013.

From November 1, 2008, to December 1, 2011, I was an environmental scientist for NMED's Air Quality Bureau and conducted inspections and investigations to ensure compliance with state and federal air quality regulations. Prior to that, I was District Conservationist (Supervisor) for the United States Department of Agriculture – Natural Resources Conservation Service.

I hold a Master of Science degree in Environmental Science from New Mexico Highlands University, and a bachelor's degree in Biology from the University of New Mexico. A copy of my resume is attached hereto and marked as **NMED Exhibit 4**.

III. AUTHORITY TO REVISE REGULATIONS

Under Section 74-3-15, the State of New Mexico ("State") administers the Radiation Protection Program through an agreement between the NRC and the State titled "Agreement

Between the United States Atomic Energy Commission and the State of New Mexico for Discontinuance of Certain Commission Regulatory Authority and Responsibility within the State Pursuant to Section 274 of the Atomic Energy Act of 1954, As Amended” executed on April 3, 1974 (“Agreement”) (NMED Exhibit 5). The Agreement provides for discontinuance of the regulatory authority of the NRC and acceptance of that authority by the EIB and Environmental Protection Division of NMED. § 74-3-15. For the duration of the Agreement, the EIB shall have the authority to regulate the radioactive materials covered by the Agreement for the protection of the public health and safety and the environment from radiation hazards. *Id.* As an agreement state under 42 U.S.C. § 2021 and Section 74-3-15, New Mexico's state regulations must be compatible to the NRC’s regulations. 42 U.S.C. § 2021(d)(2). An agreement state’s radiation control program is adequate to protect public health and safety if administration of the program provides reasonable assurance of the protection of public health and safety in regulating the handling, use, and storage of agreement material.

Although the NRC has discontinued its authority over New Mexico, as an agreement state the NRC maintains oversight authority to ensure that each state maintains program elements that are adequate to protect public health and safety and that are compatible with NRC requirements.

NMED is authorized by NMSA 1978, Section 74-1-7(A)(5) (2000) to revise New Mexico’s Radiation Protection Regulations, 20.3 NMAC, to align with their federal counterparts as required by the Agreement between the State and the NRC. The EIB has the authority to adopt the proposed amendments pursuant to NMSA 1978, Section 74-1-8(A)(5) (1953, amended 2020), NMSA 1978, Section 74-1-9 (1953, amended 1985), and NMSA 1978, Section 74-3-5(A) (1959, amended 2000).

IV. NRC REVIEW PROCESS FOR AGREEMENT STATES

The NRC provides review summary sheets for the regulation amendments called the Regulation Amendment Tracking System Identification Numbers (“RATS IDs”). The RATS IDs are used to document the NRC’s review of an agreement state’s equivalent regulations. The RATS IDs applicable to this rulemaking are marked as **NMED Exhibit 6**.

The RATS IDs are divided into several columns, including but not limited to, the “NRC Regulation Section”, “State Section” and “Compatibility Category.” The “Compatibility Category” column contains the compatibility or health and safety (“H&S”) categories for each regulation. In general, an agreement state’s radiation control program is compatible with the NRC’s regulatory program when the State program does not create conflicts, duplications, gaps, or other conditions that would jeopardize uniform regulation for radioactive materials.

The NRC will determine what program elements an agreement state must adopt in order to maintain an adequate and compatible program. Program elements, including regulations, are placed into six compatibility categories (A, B, C, D, NRC, H&S). These six categories form the basis for evaluating and classifying the program elements of an agreement state. (**NMED Exhibit 7**).

Compatibility Category A

Program elements in this category are those that are basic radiation protection standards and scientific terms, definitions, signs, or labels necessary for a common understanding of radiation protection principles. The state program element should be essentially identical to that of the NRC to provide uniformity in the regulation of agreement material on a nationwide basis.

Compatibility Category B

Program elements in this category are those that apply to activities that cross jurisdictional boundaries. These program elements have a particular impact on public health and safety and need to be adopted in an essentially identical manner in order to ensure uniformity of regulation on a nationwide basis.

Compatibility Category C

Program elements in this category include those elements that are important for an agreement state to have in order to avoid conflict, duplication, gaps, or other conditions that would jeopardize an orderly pattern in the regulation of agreement material on a nationwide basis. The agreement state program elements may be more restrictive than the NRC program elements provided that the essential objective is met.

Compatibility Category D

Program elements in this category are those that do not meet any of the criteria of compatibility categories A, B, or C, or have a particular health and safety role and, thus, do not need to be adopted by agreement states for purposes of compatibility.

Compatibility Category NRC

The NRC maintains exclusive regulatory authority over these program elements.

Compatibility Category H&S

Program elements in this category are not required for purposes of compatibility, however they do have particular health and safety significance.

The NRC includes an established deadline in the RATS IDs for agreement states to meet compatibility requirements imposed by the NRC. RCB has met the deadlines established in RATS ID# 2012-4, RATS ID# 2013-1, RATS ID# 2013-2, and RATS ID# 2015-3 in a prior rulemaking,

however, the NRC has informed RCB that it must make a few corrections in order to meet the compatibility requirements imposed by the NRC. On August 9, 2017, the NRC issued a letter to RCB informing RCB of 14 corrections RCB must make in order to meet the compatibility and health and safety categories established in RATS ID# 2012-4, RATS ID# 2013-1, and RATS ID# 2013-2. **(NMED Exhibit 8)**. On January 16, 2018, the NRC issued a letter to RCB informing RCB of 17 corrections RCB must make in order to meet the compatibility and health and safety categories established in RATS ID# 2015-3. **(NMED Exhibit 9)**. RCB met the deadline established in RATS ID# 2015-5 by imposing the requirements via license condition, as opposed to promulgating regulations through a rulemaking, however RCB must update its regulations to capitalize “Tribe” per RATS ID# 2015-5.

V. Public Outreach

NMED prepared the “Notice of Scheduled Public Hearing to Consider Proposed Amendments to 20.3.1 NMAC, 20.3.3 NMAC, 20.3.4 NMAC, 20.3.5 NMAC, 20.3.7 NMAC, 20.3.12 NMAC, and 20.3.15 NMAC of the Radiation Protection Regulations EIB 21-09” in both English and Spanish (“Public Notice”). **(NMED Exhibit 10)**. The Public Notice complies with the requirements of 20.1.1.301(B) NMAC.

The Public Notice was published in two newspapers of general circulation within the State of New Mexico. The Public Notice was published in the Santa Fe New Mexican on April 14, 2021, meeting the requirement contained in 20.1.1.301(A) NMAC **(NMED Exhibit 11)** and was published in the Albuquerque Journal on April 29, 2021. **(NMED Exhibit 12)**. The Public Notice was also published in the New Mexico Register, Volume XXXII, Issue 8, on April 20, 2021, meeting the requirement in 20.1.1.301(A) NMAC. **(NMED Exhibit 13)**.

Public notice requirements in compliance with NMSA 1978, Section 14-4-5.2 (2017), as incorporated into the EIB's Rulemaking regulations in 20.1.1.300(A) NMAC and 20.1.1.7(N) NMAC, were met. The Department posted the Public Notice on the EIB's website on April 5, 2021, as required by 20.1.1.7(N)(1) NMAC, which is available online via public search at <https://www.env.nm.gov/environmental-improvement/21-09-petition-to-amend-radiation-protection/>. (NMED Exhibit 14). The Department conducted additional outreach by also posting the Public Notice on the Bureau's website on April 5, 2021, which is available online via public search at <https://www.env.nm.gov/rcb/open-meeting-notification-for-radioactive-material-rule-revision/>. (NMED Exhibit 15).

The Department posted the Public Notice on the New Mexico Sunshine Portal on April 5, 2021 as required by 20.1.1.7(N)(2) NMAC, available online via public search at http://statenm.force.com/public/SSP_RuleHearingSearchPublic. (NMED Exhibit 16). As required by 20.1.1.7(N)(7) NMAC, the Department provided the Public Notice to the Legislative Council for distribution via email on April 1, 2021. (NMED Exhibit 17).

Due to COVID-19, the Department's district, field, and regional offices are closed to the public as of the date of this NOI and are open on a limited basis for employees. The Department will make the Public Notice available once these offices are open, as required by 20.1.1.7(N)(3) NMAC. As of the date of this NOI, no person has made a written request for notice of announcements addressing the subject of this rulemaking proceeding. If the Department receives such a written request, it will send to the person a copy of the Public Notice by email, as required by 20.1.1.7(N)(4) NMAC.

The Department did, however, conduct additional outreach directly to licensees and businesses that might be affected by the proposed revisions by sending the Public Notice via

electronic mail (**NMED Exhibit 18**) and certified mail return receipt requested (**NMED Exhibit 19**). The Public Notice was provided via certified mail return receipt requested to every address outlined in the RCB's spreadsheet of licensee postal addresses (**NMED Exhibit 20**). The Public Notice was provided via email to every licensee email address that is outlined in RCB's spreadsheet of licensee email addresses (**NMED Exhibit 21**). Please note, it is RCB's business practice to blind copy all licensee email addresses when sending out mass emails. As a result, the licensee email addresses outlined in RCB's spreadsheet (**NMED Exhibit 21**) are invisible in the public notice emails (**NMED Exhibit 18**). The only email address that can be identified in **NMED Exhibit 18** is an RCB staff member's email address.

As of the date of this NOI, no person who participated in the rulemaking has provided an email address or a postal address to the board administrator regarding this rulemaking. If the Department receives such a request, it will send to the person a copy of the Public Notice via email or certified mail return receipt requested, as required by 20.1.1.7(N)(5) and (6) NMAC. The Department did, however, provide the Public Notice to individuals whose email addresses are included in the EIB rulemaking listserv (**NMED Exhibit 22**).

Per 20.1.1.301(A) NMAC, the Department provided the proper public notice of the proposed rulemaking at least 60 days prior to the hearing.

As required by NMSA 1978, Section 14-4A-4 (2005), the Public Notice was provided to the Small Business Regulatory Advisory Commission via email on April 6, 2021(**NMED Exhibit 23**). On May 3, 2021, the Small Business Regulatory Advisory Commission informed the Department that the proposed amendments will not pose a hardship to small businesses. (**NMED Exhibit 24**).

Pursuant to Section 74-3-5(A), the proposed amendments were provided to the Radiation Technology Advisory Council (“RTAC”) at its March 3, 2021, meeting (**NMED Exhibit 25**). The meeting was conducted pursuant to the Open Meetings Act, NMSA 1978, Sections 10-5-1 to -4 (1953, as amended through 2013) and was held via internet (Zoom) and via telephone due to the ongoing public health emergency declared in Executive Order 2020-004 and most recently renewed and extended in Executive Order 2021-012 (**NMED Exhibit 26**). The RTAC approved the amendments as proposed (**NMED Exhibit 27**).

VI. Proposed Amendments to 20.3 NMAC

RCB is proposing amendments to 20.3.1 NMAC, 20.3.3 NMAC, 20.3.4 NMAC, 20.3.5 NMAC, 20.3.7 NMAC, 20.3.12 NMAC, and 20.3.15 NMAC to align the New Mexico Radiation Protection Regulations, 20.3 NMAC, with their federal counterparts as required by the Agreement. RCB is also using this opportunity to clarify existing requirements, fix minor and typographical errors, and update citations based on the federally required changes. The proposed amendments will be made to: 1) definitions; 2) licensing of radioactive materials; and 3) requirements for possession, use, health, and safety of source material, byproduct material, and special nuclear material. The required changes are found in the following RATS IDs: RATS ID # 2012-4; RATS ID # 2013-1; RATS ID # 2013-2; RATS ID # 2015-3; and RATS ID # 2015-5 (*see* **NMED Exhibit 6**).

Below are justifications for RCB’s proposed revisions to the New Mexico Radiation Protection Regulations, 20.3 NMAC. Due to the complex nature of the NRC agreement-state rulemaking process, RCB attached a spreadsheet to help aid the EIB with its review (**NMED Exhibit 2**). The spreadsheet is divided into several columns, such as “State Regulation, 20.3 NMAC”, “Federal Regulation 10 CFR”, and “Comments”. The “Comments” column will discuss

whether the change is a result of a federally mandated requirement that RCB must adopt in order to keep its agreement state status or if the change is an RCB correction to update its regulations and fix typographical errors. The proposed changes will allow New Mexico to become compatible with the current federal regulations required by the NRC's RATS IDs. RCB requests that the EIB accept in their entirety the proposed changes to 20.3 NMAC.

20.3.1 NMAC GENERAL PROVISIONS

20.3.1.7 NMAC Definitions

- 20.3.1.7(P) NMAC. RCB identified this correction. This involves changes to the definition of "Department" to align with current department structure.

20.3.3 NMAC LICENSING OF RADIOACTIVE MATERIAL

20.3.3.7 NMAC Definitions

- 20.3.3.7(D) NMAC. Required by RATS ID # 2015-5. Requires the capitalization of "Tribe" wherever the word occurs.

20.3.3.301 NMAC Exemptions- Unimportant Quantities of Source Material

- 20.3.3.301(C) NMAC. Required by RATS ID # 2013-2. Requires New Mexico to reference the Radiation Protection Act, NMSA 1978, Sections 74-3-1 through 16 (1953, as amended through 2003) instead of Section 62 of the Atomic Energy Act.

- 20.3.3.301(D)(2) NMAC. Required by RATS ID # 2013-2. Currently, this subsection references 20.3.3 NMAC and 20.3.4 NMAC, which refer to the New Mexico Radiation Protection Regulations. As this subsection applies to the NRC-issued distribution license, New Mexico needs to replace their regulations with the NRC regulations, "10 CFR Parts 19 and 20". New Mexico is required to make this change in order to meet Compatibility Category B designation.

20.3.3.302 NMAC Exemptions-Radioactive Material Other Than Source Material

- 20.3.3.302(C)(1)(b) NMAC: “Exempt Items.” RCB identified this correction. General licenses are no longer issued for static eliminators or ion generating tubes in the NRC regulations. In 10 CFR 30.15 static eliminators and ion generating tubes are listed in exemptions for licensure. Currently, general licenses are issued for static eliminators and ion generating tubes under 20.3.3.305(A)(1) and (2) NMAC. In order to align with 10 CFR 30.15, RCB proposes to list static eliminators and ion generating tubes under 20.3.3.302(C) NMAC Exemptions to align with the NRC regulations as general licenses are no longer issued for static eliminators and ion generating tubes.

- 20.3.3.302.(C)(2)(b) NMAC: “Exempt Items: Self-luminous products containing tritium, krypton-85, promethium-147 or radium-226.” Required by RATS ID # 2012-4. New Mexico added wording that is not identical to its equivalent regulation in 10 CFR 30.19. The NRC is requiring New Mexico to remove this wording in order to meet Compatibility Category B designation.

- 20.3.3.302.(C)(4)(a) NMAC: “Exempt Items: Gas and aerosol detectors containing radioactive material.” Required by RATS ID # 2012-4. New Mexico added wording that is not identical to its equivalent regulation in 10 CFR 30.19. The NRC is requiring New Mexico to remove this wording in order to meet Compatibility Category B designation.

- 20.3.3.302.(C)(4)(b) NMAC: “Exempt Items. Gas and aerosol detectors containing radioactive material.” Required by RATS ID # 2012-4. New Mexico added wording that is not identical to its equivalent regulation in 10 CFR 30.20. The NRC is requiring New Mexico to remove this wording in order to meet Compatibility Category B designation.

20.3.3.304 NMAC General Licenses-Source Material

- 20.3.3.304(B) NMAC: “Small quantities of source material.” Required by RATS ID # 2013-2. New Mexico omitted the word isotopic from its equivalent regulation to 10 CFR 40.2. New Mexico is required to add this wording in order to meet Compatibility Category B designation.

- 20.3.3.304(B)(1) NMAC: “Small quantities of source material.” RCB identified this correction. New Mexico omitted the word “and” between “20.3.2.304(B)(1) NMAC” and “20.3.2.304(B)(2) NMAC.” By adding “and” the wording will be identical to the equivalent regulation in 10 CFR 40.22.

- 20.3.3.304(F) NMAC. Required by RATS ID # 2013-2. New Mexico omitted the word “or” in this regulation. Other corrections are to align with its equivalent NRC regulation, 10 CFR 40.22.

20.3.3.305 NMAC General Licenses-Radioactive Material Other Than Source Material

- 20.3.3.305(A)(1) and (2) NMAC: “Certain devices and equipment.” RCB and the NRC identified this correction. General licenses are no longer issued for static eliminators or ion generating tubes. Static eliminators and ion generating tubes are listed in exemptions in 10 CFR 30.15.

- 20.3.3.305(A)(3) NMAC: “Certain devices and equipment.” Required by RATS ID # 2012-4. 10 CFR 31.3 has been removed from the NRC regulations. 20.3.3.305(A)(3) references 10 CFR 31.3. As such, RCB proposes to remove this subsection. After moving static eliminators or ion generating tubes from 20.3.3.305(A)(1) and (2) NMAC to 20.3.3.302(C) NMAC, and deleting 20.3.3.305(A)(3) NMAC, nothing is left in this subpart. Consequently, 20.3.3.305(A) NMAC should be reserved.

- 20.3.3.305(B)(1), (2), and (3) NMAC: “Certain detecting, measuring, gauging or controlling devices and certain devices for producing light or an ionized atmosphere.” RCB identified this correction. Currently, Subsections 20.3.3.305(B)(1), (2), and (3) NMAC use the phrase “radioactive material” instead of “biproduct material.” Biproduct material is a more precise term and aligns with 10 CFR 31.5(a), (b)(1), and (c). New Mexico needs to change the phrase from “radioactive material” to “biproduct material.” This change will allow 20.3.3.305.(B)(1), (2), and (3) NMAC to be identical to 10 CFR 31.5(a), (b)(1), and (c).

- 20.3.3.305(C)(1)(b) NMAC: “Luminous safety devices for aircraft. RCB identified this correction.” This portion of the regulation indicates that the state issues licenses for luminous safety devices for use in aircraft. This is incorrect. New Mexico does not have licensees subject to this regulation and therefore must refer to the NRC regulation, 10 CFR 32.53, when discussing licensure for a luminous safety device for use in aircraft. With these corrections, the wording of 20.3.3.305(C)(1)(b) NMAC will be nearly identical to 10 CFR 31.7.

- 20.3.3.305(C)(2) NMAC: “Luminous safety devices for aircraft.” Required by RATS ID #2012-4. New Mexico added wording that is not identical to its equivalent regulation in 10 CFR 32.53. The NRC is requiring New Mexico to remove this wording in order to meet Compatibility Category B designation.

- 20.3.3.305(C)(3) NMAC: “Luminous safety devices for aircraft.” Required by RATS ID # 2012-4. Throughout our equivalent regulation to 10 CFR 32.55, which is 20.3.3.305, New Mexico add the phrase, “and equivalent Agreement State regulations,” New Mexico needs to omit this phrase and insert their equivalent regulation to 10 CFR 32.53. New Mexico is required to change this wording in order to meet Compatibility Category B designation.

- 20.3.3.305(C)(4) NMAC: “Luminous safety devices for aircraft.” Required by RATS ID # 2012-4. Throughout 20.3.3.305 NMAC, New Mexico added the phrase “and equivalent Agreement State regulations.” In order to align 20.3.305 NMAC with its equivalent NRC regulation, 10 CFR 32.55, the NRC is requiring New Mexico to omit this phrase and insert the actual NMAC citation rather than state “and equivalent Agreement State regulations.” New Mexico is required to change this wording in order to meet Compatibility Category B designation.

- 20.3.3.305(C)(5)(b) NMAC: “Luminous safety devices for aircraft.” Required by RATS ID # 2012-4. New Mexico added wording that is not identical to its equivalent regulation in 10 CFR 32.55. The NRC is requiring New Mexico to remove this wording and replace it with identical wording from 10 CFR 32.55 in order to meet Compatibility Category B designation.

- 20.3.3.305(C)(5)(b)(iii) NMAC: “Luminous safety devices for aircraft.” Required by RATS ID # 2012-4. Throughout 20.3.3.305 NMAC, New Mexico added the phrase “and equivalent Agreement State regulations.” In order to align 20.3.305 NMAC with its equivalent NRC regulation, 10 CFR 32.55, the NRC is requiring New Mexico to omit this phrase and insert the actual NMAC citation rather than state “and equivalent Agreement State regulations.” New Mexico is required to change this wording in order to meet Compatibility Category B designation.

- 20.3.3.305(C)(6) NMAC: “Luminous safety devices for aircraft.” Required by RATS ID# 2012-4. Throughout 20.3.3.305 NMAC, New Mexico added the phrase “and equivalent Agreement State regulations.” In order to align 20.3.305 NMAC with its equivalent NRC regulation, 10 CFR 32.55, the NRC is requiring New Mexico to omit this phrase and insert the actual NMAC citation rather than the phrase “and equivalent Agreement State regulations.” New Mexico is required to change this wording in order to meet Compatibility Category B designation. In addition, RCB deleted wording that was not identical to 10 CFR 32.55.

20.3.3.306 NMAC Transportation of Radioactive Material

- 20.3.3.306(C)(1) NMAC. Required by RATS ID# 2015-3. The NRC regulations, 10 CFR 71, are incorporated by reference into 20.3.3.306 NMAC. Currently, 20.3.3.306(C)(1) NMAC states that references to the "Commission" means the "department or NRC." The NRC is informing RCB that this statement must be deleted as the term "Commission" means the NRC. New Mexico is required to make this change in order to meet Compatibility Category B designation.

- 20.3.3.306(C)(4) NMAC. Required by RATS ID # 2015-3. As discussed above, the NRC regulations are incorporated by reference into 20.3.3.306 NMAC. In many instances, the word "Commission" means the "NRC", as noted above. However, there are some instances where New Mexico needs to indicate that the references to the "Commission" and "NRC" refer to NMED. The NRC is requiring New Mexico to ensure that in these instances "Commission" and "NRC" mean "Department." Thus, any reference to "Commission" and the "NRC" in 10 CFR 71.17(a), 10 CFR 71.17(b), 10 CFR 71.21, 10 CFR 71.91(c), 10 CFR 71.91(d), 10 CFR 71.101(c)(1), 10 CFR 71.106(a), 10 CFR 71.106(a)(1), 10 CFR 71.106(b) and 10 CFR 71.106(b)(1) should be replaced with the New Mexico agency (*see NMED Exhibit 28*). New Mexico is required to make this change in order to meet Compatibility Category B designation.

- 20.3.3.306(C)(5) NMAC. Required by RATS ID# 2015-3. The NRC has sole authority for issuing a Certificate of Compliance so New Mexico needs to indicate that the terms "certificate holder", "applicant", and "applicant for a certificate of compliance (COC)" in this subsection apply to the NRC in 10 CFR 71.91(c), 10 CFR 71.91(d), 10 CFR 71.101(a), 10 CFR 71.101(b), 10 CFR 71.103(a) and 10 CFR 71.135. The NRC is requiring New Mexico to make this change in order to meet Compatibility Category B designation.

- 20.3.3.306(D) NMAC. Required by RATS ID# 2015-3. New Mexico needs to except 10 CFR 71.11, 10 CFR 71.70, 10 CFR 71.85(a)-(c), and 10 CFR 71.91(b) from incorporation by reference as they are reserved to the NRC. The NRC is requiring New Mexico to make this change in order to meet Compatibility Category B designation.

20.3.3.307 NMAC Filing Application for Specific Licenses

- 20.3.3.307(E) NMAC. Required by RATS ID # 2013-1. The NRC regulations, 10 CFR 37, are incorporated by reference into 20.3.3.307(E) NMAC, however there are several subsections within 10 CFR 37 that are reserved for the NRC. The NRC is requiring New Mexico to add 10 CFR 37.27(c) to the list of exemptions in 20.3.3.307(E)(3) NMAC since fingerprint submissions are reserved for the NRC. The NRC is also requiring New Mexico to exempt 10 CFR 37.43(d)(9) since this is a Compatibility Category NRC and should not be adopted by New Mexico. As required by the NRC, New Mexico needs to exempt 10 CFR 37.27(c) and 10 CFR 37.43(d)(9) from 20.3.3.307(E)(3) NMAC in order to meet the Compatibility Category B and Compatibility Category NRC designations. As a result of this amendment, RCB must also exempt 10 CFR 37.27(c) from 20.3.5.10(B) NMAC, 20.3.7.700(E) NMAC, 20.3.12.9(B) NMAC and 20.3.15.1502(B) NMAC since the fingerprint submissions requirements are reserved for the NRC.

- 20.3.3.307(L) NMAC: “An application for a specific license to transfer source material under 10 CFR 40.” RCB identified these corrections and proposes to replace the references to 10 CFR 40.22 and 20.3.3.304(B) NMAC with the accurate citation, 20.3.3.307 NMAC. The references to 10 CFR 40.22 and 20.3.3.304(B) NMAC are not accurate as these citations refer to a general license and not a specific license. New Mexico has its own equivalent regulation to 10 CFR 40 which is 20.3.3.307(E) NMAC and RCB issues the specific license not the NRC.

- 20.3.3.307(L) NMAC: “An application for a specific license to transfer source material under 10 CFR 40.” Required by RATS ID # 2013-1. Throughout New Mexico’s equivalent regulations to 10 CFR 40.55, New Mexico references 10 CFR 40.54. New Mexico has its own equivalent regulations to 10 CFR 40.54 and should cite to 20.3.3.307 NMAC instead of 10 CFR 40.54. The NRC is requiring New Mexico to make this change in order to meet Compatibility Category B designation.

- 20.3.3.307(L)(5)(a) NMAC: “An application for a specific license to transfer source material under 10 CFR 40.” Required by RATS ID # 2013-2. New Mexico omits the word “and” between their equivalent regulation to 40.55(d)(2)(i) and (ii). New Mexico needs to add the word “and” as indicated. The NRC is requiring New Mexico to make this change in order to meet Compatibility Category B designation.

- 20.3.3.307(L)(5)(a) NMAC: “An application for a specific license to transfer source material under 10 CFR 40.” Required by RATS ID# 2013-2. New Mexico needs to delete the word “and” and replace it with “or” in this subsection. New Mexico also needs to insert an “and” that it failed to include in the current regulations. New Mexico is required to make this change in order to meet Compatibility Category B designation. In addition, RCB identified an incorrect reference and is proposing to delete a reference to 20.3.3.307 NMAC and replace it with the correct reference, 20.3.3.304 NMAC.

20.3.3.310 NMAC Public Notice, Participation and Hearing

- 20.3.3.310 NMAC. Required by RATS ID # 2015-5. New Mexico is required to capitalize the word, “Tribe.” New Mexico is required to make this change in order to meet Compatibility Category B designation.

20.3.3.315 NMAC Special Requirements for Specific License to Manufacture, Assemble, Repair, or Distribute Commodities Products or Devices which Contain Radioactive Material

- 20.3.3.315(E) NMAC: “Licensing the manufacture and distribution of devices to persons generally licensed under Subsection B of 20.3.3.305 NMAC.” Required by RATS ID# 2015-5. The NRC requires New Mexico to add the following language: “The device has been registered in the Sealed Source and Device Registry” to align with its federal counterpart. The NRC is requiring New Mexico to make this change in order to meet Compatibility Category B designation.

- 20.3.3.315(E)(4)(a) NMAC: “Licensing the manufacture and distribution of devices to persons generally licensed under Subsection B of 20.3.3.305 NMAC.” RCB identified this correction. RCB proposes to reserve this section and delete the language in this subsection because the language is no longer applicable. This subsection references a license in 20.3.3.315(D)(1) NMAC and since 20.3.3.315(D)(1) NMAC is currently reserved, subsection 20.3.3.315(E)(4)(a) NMAC is no longer needed.

- 20.3.3.315(E)(4)(e) NMAC: “Licensing the manufacture and distribution of devices to persons generally licensed under Subsection B of 20.3.3.305 NMAC.” RCB identified this correction. The proposed amendments are to fix some typographical errors and replace a citation to the Radiation Protection Regulations, 20.3.3.315(D) NMAC with a federal citation, 10 CFR 30.34(h). 20.3.3.315(D) NMAC is currently reserved and so this regulation must reference the federal regulation instead.

- 20.3.3.315(F)(3) NMAC: “Licensing the manufacture and distribution of devices to persons generally licensed under Subsection B of 20.3.3.305 NMAC.” Required by RATS ID# 2012-4. The NRC changed the name of “Federal and State Materials and Environmental

Management Programs” to “Office of Nuclear Material Safety and Safeguards.” The NRC is requiring New Mexico to make this change in order to meet Compatibility Category B designation.

- 20.3.3.315(F)(4) NMAC: “Licensing the manufacture and distribution of devices to persons generally licensed under Subsection B of 20.3.3.305 NMAC.” Required by RATS ID# 2012-4. New Mexico omitted the word “State.” The NRC is requiring New Mexico to make this change in order to meet Compatibility Category B designation.

- 20.3.3.315(J)(2)(d)(ii) NMAC: “Manufacture, preparation or transfer for commercial distribution of radioactive drugs containing radioactive material for medical use under 20.3.7 NMAC.” Required by RATS ID# 2015-5. New Mexico is required to capitalize the word, “Tribe.” The NRC is requiring New Mexico to make this change in order to meet Compatibility Category B designation.

20.3.4 NMAC Standards for Protection Against Radiation

- 20.3.4.462 NMAC: “Table 462.1. Appendix C - Quantities of Licensed Material Requiring Labeling.” RCB identified this correction. The quantity in microcuries for Carbon-14 is incorrectly listed as 1000 microcuries. According to 10 CFR 20 Appendix C this amount should be 100 microcuries.

- 20.3.4.466 NMAC: “Appendix G - Requirements for Transfer of Low-Level Radioactive Waste Intended for Disposal at Licensed Land Disposal Facilities and Manifests.” Required by RATS ID# 2015-5. “Office of the Chief Information Officer” needs to be capitalized. The NRC is requiring New Mexico to make this change in order to meet Compatibility Category B designation.

20.3.5 NMAC Radiation Safety Requirements for Industrial Radiographic Operations

As a result of the amendment to 20.3.3.307(E) NMAC, RCB must also exempt 10 CFR 37.27(c) from 20.3.5.10(B) NMAC since the fingerprint submissions requirements in 10 CFR 37.27(c) are reserved for the NRC. For additional information on this amendment, please review RCB's discussion for 20.3.3.307(E) NMAC on page 16 of my written testimony.

20.3.7 NMAC Medical use of Radionuclides

As a result of the amendment to 20.3.3.307(E) NMAC, RCB must also exempt 10 CFR 37.27(c) from 20.3.7.700(E) NMAC since the fingerprint submissions requirements in 10 CFR 37.27(c) are reserved for the NRC. For additional information on this amendment, please review RCB's discussion for 20.3.3.307(E) NMAC on page 16 of my written testimony.

20.3.12 NMAC Licenses and Radiation Safety Requirements for Well Logging

As a result of the amendment to 20.3.3.307(E) NMAC, RCB must also exempt 10 CFR 37.27(c) from 20.3.12.9(B) NMAC since the fingerprint submissions in 10 CFR 37.27(c) are reserved for the NRC. For additional information on this amendment, please review RCB's discussion for 20.3.3.307(E) NMAC on page 16 of my written testimony.

20.3.15 NMAC Licenses and Radiation Safety Requirements for Irradiators As a result of the amendment to 20.3.3.307(E) NMAC, RCB must also exempt 10 CFR 37.27(c) from 20.3.15.1502(B) NMAC since the fingerprint submissions in 10 CFR 37.27(c) are reserved for the NRC. For additional information on this amendment, please review RCB's discussion for 20.3.3.307(E) NMAC on page 16 of my written testimony.

This concludes my pre-filed written testimony.

Thomas R. Collins

**6521 Quail Run Rd
Rio Rancho, NM 87144**

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Work: (505) 476-8610

E-mail: collinsthomasr@msn.com

EXPERIENCE:

2-23-2019 to Present: Radiation Specialist ESS-A; New Mexico Environment Department-Radiation Control Bureau. Conduct inspections of x-ray registrants and radioactive materials licensees to ensure compliance with the New Mexico Radiation Protection Regulations. Prepare and present amendments to the New Mexico Administrative Code. Maintain the Radiological Service Provider Program. Maintain the Radioactive Materials Reciprocity Program. Coordinate Compliance Assistance with Oil and Gas Operators and Naturally Occurring Radioactive Material Regulations. Assist and advise management in the evaluation of current licensing and inspection programs and recordkeeping protocols to update and streamline operations.

7-01-2016 to 3-01-2018: Compliance Supervisor; New Mexico Environment Department-Air Quality Bureau. Supervise up to eight Air Quality Inspectors to meet EPA grant commitment of inspecting permitted sources to determine compliance with state and federal air quality regulations and permits. Review inspection reports for compliance with state and federal air quality regulations and permits. Review and evaluate potential "Areas of Concern" for referral to enforcement. Develop annual inspection schedules and assign inspections. Assign complaint investigations and track progress. Prepare hiring documentation to fill vacant positions within the compliance section according to policy and procedure. Coordinate with the human resource division concerning employee evaluations and conduct. Familiar with disciplinary actions and the PDP process. Monitor staff performance and perform employee evaluations. Perform EPA compliance reporting and database entry. Review and evaluate stack test waivers. Assign and track permit reviews. Review and draft enforcement discretions following department procedures. Fulfill freedom of information requests and respond to public inquiries.

11-01-2008 to 11-30-2011 and 8-1-2013 to 6-30-2016: Environmental Scientist; New Mexico Environment Department-Air Quality Bureau. Conduct independent field office operations in support of the department's mission and objectives. Schedule and perform inspections and investigations to ensure compliance with state and federal air quality regulations. Audit facility records and equipment, prepare inspection reports and notices of violation for complex facilities such as natural gas plants and refineries. Receive, evaluate and resolve citizen complaints concerning environmental issues. Conduct complex complaint investigations and issue field citations when warranted. Observe and

evaluate air quality compliance testing and associated test reports. Collaborate with the regulated community to ensure continued compliance with state and federal regulations. Train new staff, interns and supervisors concerning responsibilities, internal policy and department expectations. Conduct interviews of potential staff and interns. Assist individual staff with compliance and enforcement regulatory issues. Provide training and presentations concerning regulated facilities and complex regulatory issues. Research and coordinate training programs to improve staff performance and development. Create regulatory checklists to facilitate compliance with state and federal regulations. Assist with the development and implementation of the compliance and enforcement intern program. Coordinate tours of regulated facilities to familiarize staff with the regulations, processes and equipment that is utilized at such facilities. Collaborate with municipal and county fire departments and law enforcement to improve enforcement of state open burning regulations. Provide proposals and support to the camaraderie committee to improve staff moral and retention. Provide guidance and suggestions to the process improvement committee to improve compliance and enforcement policy and procedures. Field new equipment and technologies to determine their effectiveness in compliance and enforcement activities. Maintain current certifications and attend additional training and seminars to increase knowledge and skills concerning regulatory equipment and standards.

12-01-2011 to 7-31-2013: Compliance Assistance Coordinator; New Mexico Environment Department-Petroleum Storage Tank Bureau. Coordinate the development and implementation of the fuel delivery prohibition program to ensure compliance with state and federal regulations. Develop an enforcement program and implement processes and standard operating procedures for the prevention and inspection program. Develop and maintain the primary delivery prohibition database to track facility compliance. Perform thorough reviews of inspection reports for accuracy and applicability to state regulations. Accompany inspectors to ensure consistency in regulatory application. Provide training to inspectors concerning SOPs, evidence collection and reporting. Formulate recommendations concerning delivery prohibition to management. Maintain project files, track compliance and prepare concise reports for management. Maintain the delivery prohibition webpage and update applicable forms.

10-01-2007 to 10-31-2008: District Conservationist (Supervisor), GS-401-11, United States Department of Agriculture – Natural Resources Conservation Service (USDA-NRCS). Manage and direct up to three field office personnel in support of the USDA-NRCS mission and objectives in Cross County, Arkansas. Supervise employee workload and conduct. Provide leadership and guidance to employees concerning personnel rules and regulations. Perform employee evaluations and ensure training needs are addressed in individual employee development plans. Coordinate planning activities with area and state personnel. Provide technical guidance and assistance to agricultural producers and field office staff concerning the implementation of Farm Bill Programs including Environmental Quality Incentives Program (EQIP), Conservation Stewardship Program (CSP), Conservation Reserve Program (CRP) and Wildlife Habitat Incentive Program (WHIP). Develop resource management plans according to NRCS policy and procedure to address natural resource issues on cropland. Perform and approve wetland

determinations. Coordinate with Arkansas Forestry and, Game and Fish Departments to produce planting plans for vegetative filter strips, riparian buffers, wetland restorations and wildlife vegetative buffers. Improve participation in Farm Bill Programs through community outreach such as project tours, radio announcements and public meetings with the local Farm Bureau. Improve relations with the Cross County Soil and Water Conservation District.

05-01-2005 to 9-31-2007: Soil Conservationist, GS-401-9, USDA-NRCS. Performed duties for the USDA-NRCS in two conservation areas, three conservation districts, representing three counties and six soil and water conservation districts. Implement conservation practices on dairies and farms. Perform project management for the implementation of waste management systems on dairies. Develop and review comprehensive nutrient management plans for dairies. Perform and assist with preliminary topographic and hydrologic surveys of animal feeding operations and farms. Coordinate program delivery with producers, technical service providers, contractors, federal and state personnel. Plan and assist with the development and implementation of engineering practices. Provide training and technical assistance to NRCS personnel. Participate in planning groups regarding complex issues on farms and dairies. Educate farmers, ranchers and dairy owners about conservation practices. Conduct and approve noxious weed surveys, range vegetation surveys and insect surveys. Perform environmental evaluations, archeological clearances and wildlife habitat assessments. Conduct administrative and clerical duties to maintain and develop records and files. Improve Comprehensive Nutrient Management Plans (CNMP) development through automation. Participate in technical groups to address nutrient management, water quality, salinity and human resource issues. Provide agronomy technical notes for distribution to NRCS personnel.

03-01-2004 to 04-30-2005: Coop in Residence / Soil Conservationist Student Trainee GS-401-7; USDA-NRCS. Establish and manage a federal career resource center to assist students in seeking federal employment and temporary career opportunities. Act as a liaison between federal agencies and New Mexico Highlands University. Establish and maintain contacts with federal agency human resource personnel. Advise university staff, faculty and students about federal careers and qualifications. Develop a multimedia library of career resources for federal agencies. Promote federal careers through presentations, employment fairs, radio broadcasts and regular announcements.

08-01-2002 to 05-01-2003: Chemistry Teacher, temporary employee; Tivy High School. Instruct pre-college and regular high school chemistry. Supervise and educate approximately 120 students. Prepare effective lesson plans following recommended standards and benchmarks. Provide concise technical presentations using a variety of methods including lecture, powerpoint, slides and practical demonstrations. Communicate effectively with peers and students. Provide safe, relevant laboratory experiments. Safely handle and dispose of hazardous materials. Maintain effective classroom management and safety.

08-01-2001 to 07-31-2002: Math and Science Teacher, contract employee, Infinity High School. Instruct high school Biology, Chemistry, Physics, Math (all levels) and Computer Skills. Supervise and educate approximately 30 students. Perform school administration and clerical duties, including purchase order requests and safety logs. Prepare effective lesson plans according to recommended standards and benchmarks. Provide concise technical presentations using a variety of methods including lecture, powerpoint, slides and practical demonstrations. Communicate effectively with peers and students. Maintain a materials safety data sheets. Provide safe laboratory experiments. Safely handle and dispose of hazardous materials. Establish and maintain a computer laboratory. Assist with software and technology difficulties. Establish and stock an integrated chemistry, biology and physics laboratory; maintain effective classroom management and safety.

EDUCATION:

Masters Degree of Science – Environmental Management 12-2005, New Mexico Highlands University, Las Vegas, New Mexico. 37 semester hours 3.8 GPA.

Post-Bachelors Teachers Certification and Licensure 5-2003, Schreiner University, Kerrville, Texas. 30 semester hours. 4.0 GPA

Bachelors Degree of Science 5-2001, University of New Mexico, Albuquerque, New Mexico. Major: Biology, Minor: Geography. 148 semester hours; 3.1 GPA in Major

High School Diploma 1986, Highland High School, Albuquerque, New Mexico.

LICENCES/CERTIFICATES:

Optical Gas Imaging Thermographer, 3-2015

Asbestos Building Inspector, 4-2014

Hazardous Waste Operations and Emergency Response, 2-2012

Certified Crop Advisor (International and New Mexico) 5-2009

Comprehensive Nutrient Management Planner Level II 5-2006

Certified Specialist: Manure Waste Handling and Storage 5-2006

Certified Specialist: Land Treatment Practices 5-2006

Certified Specialist: Nutrient Management 5-2006

Texas Teachers Licensure, Secondary Biology. Kerrville, Texas 05-2003

U.S. Army Primary Leadership Development Certificate. Ft. Jackson, S. Carolina 04-1991

U.S. Army Airborne Certificate. Ft. Benning, Georgia 05-1991

TRAINING:

Transportation of Radioactive Materials (H-308S) 4-2021

Safety Aspects of Industrial Radiography (H-305) 3-2021

Fundamentals of Health Physics, 4-2020

MARRSSIM, 11-2019

Licensing of Radioactive Materials, 10-2019

Intro to Health Physics, 8-2019

Materials Control, Security Systems & Principles, 8-2019

NM Rule Making, 4-2019
EPA Method 9 Visible Opacity Reading, 2-2017
Managing Employee Performance, 12-2016
Fundamentals of Supervision, 12-2016
Continuous Emission Monitoring (NACT221) 7-2015
Observing Source Tests (NACT224) 7-2015
Hot Mix Asphalt Plants (NACT242) 7-2015
Coatings: Auto, Metal Parts and Products (NACT231) 7-2015
Construction Safety and Health, 5-2013
NMED Environmental Enforcement Procedure Training, 12-2012
Petroleum Storage Tank Operator Training, 1-2012
Advanced Inspector Training 10-2011
Managing Employees Using the Fundamentals of Supervision 10-2011
Continuous Emission Monitoring 6-2011
HR and OGC Inspector Training, 1-2010
Asbestos Contractor/ Supervisor Training, 1-2010
Prescribed Fire as a Management Tool 9-2008
Basic Concepts of Wildland Fire 9-2008
Principles of Federal Appropriations Law, 9-2008
Performance Management in USDA, 8-2008
Supervising for Excellence, 6-2008
Environmental Compliance for Conservation Assistance, 1-2008
Advanced RUSLE 2, 12-2006
Center Pivot Irrigation Design, 10-2006
Conservation Planning and Contracting, 8-2006
Conservation Planning Course 6-2006
Cultural Resources Training Modules 1-7, 3-2006
Comprehensive Nutrient Management Training, 1-2006
Nutrient and Pest Management, 12-2005
Civil Rights Compliance in Program Delivery, 7-2005

APPRAISALS & AWARDS:

NMED Group Award, 9-2019
Commendation for Service, 5-2018
NMED Group Award, 11-2016
Meritorious Service Award, 3-2016
NMED Employee of the Quarter Award, 10-2011
NMED Outstanding Achievement Award, 04-2010
NMED Outstanding Achievement Award, 10-2009
NRCS Individual Award, 10-2009
NRCS Individual Award, 12-2006
NRCS Group Award, 12-2005
NRCS Individual Award, 12-2004
Honorable Discharge, 11-1996
Army Achievement Medal, 12-1990

U.S. MILITARY SERVICE INFORMATION:

11-1986 to 11-1987, Active Duty, New Mexico National Guard. Honorable Discharge,
Release from Active Duty.

RESERVE SERVICE INFORMATION:

10-1990 to 10-1991, U.S. Army Reserves, Co. B, 12th Special Forces ODA 225,
Honorable Discharge

11-1987 to 10-1990, New Mexico National Guard, Btry. A, 7TH Bn. (Hawk) 200th ADA
Honorable Discharge

AGREEMENT
BETWEEN THE
UNITED STATES ATOMIC ENERGY COMMISSION
AND THE
STATE OF NEW MEXICO
FOR
DISCONTINUANCE OF CERTAIN COMMISSION REGULATORY
AUTHORITY
AND
RESPONSIBILITY WITHIN THE STATE PURSUANT TO
SECTION 274 OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

WHEREAS, The United States Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under Section 274 of the Atomic Energy Act of 1954, as amended, (hereinafter referred to as the Act) to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8, and Section 161 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

WHEREAS, The Governor of the State of New Mexico is authorized under Chapter 284, Section 12-9-11, Laws of 1971 to enter into this Agreement with the Commission; and

WHEREAS, The Governor of the State of New Mexico certified on July 2, 1973, that the State of New New Mexico (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and

WHEREAS, The Commission found on March 28, 1974, that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

WHEREAS, The State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and

WHEREAS, The Commission and the State recognize the desirability of reciprocal recognition of licenses and exemptions from licensing of those materials subject to this Agreement; and

WHEREAS, This Agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

NOW, THEREFORE, It is hereby agreed between the Commission and Governor of the State, acting in behalf of the State, as follows:

ARTICLE I

Subject to the exceptions provided in Articles II, III, and IV, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under Chapters 6, 7, and 8, and Section 161 of the Act with respect to the following materials:

- A. Byproduct materials;
- B. Source materials; and

- C. Special nuclear materials in quantities not sufficient to form a critical mass.

ARTICLE II

This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

- A. The construction and operation of any production or utilization facility;
- B. The export from or import into the United States of byproduct, source, or special nuclear material, of any production or utilization facility;
- C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;
- D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

ARTICLE III

Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

ARTICLE IV

This Agreement shall not affect the authority of the Commission under subsection 161 b. or i. of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

ARTICLE V

The Commission will use its best efforts to cooperate with the State and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other agreement States in the formulation of standards and regulatory program of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection and enforcement policies and criteria, and to obtain the comments and assistance of the other party thereon.

ARTICLE VI

The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State

agree to use their best effort to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

ARTICLE VII

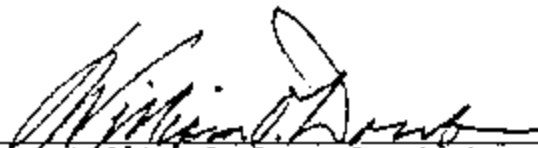
The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this Agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that such termination or suspension is required to protect the public health and safety.

ARTICLE VIII

This Agreement shall become effective on May 1, 1974, and shall remain in effect unless, and until such time as it is terminated pursuant to Article VII.

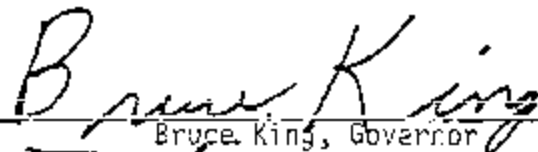
Done at Santa Fe, State of New Mexico, in triplicate, this 3rd day of April 1974.

FOR THE UNITED STATES ATOMIC ENERGY COMMISSION

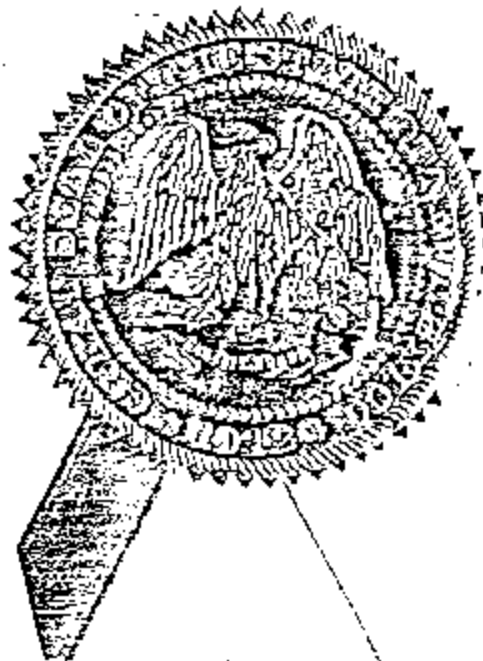
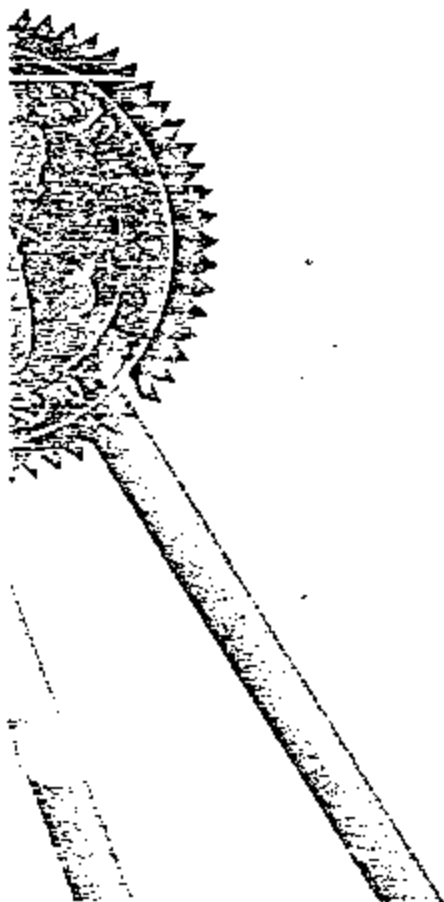
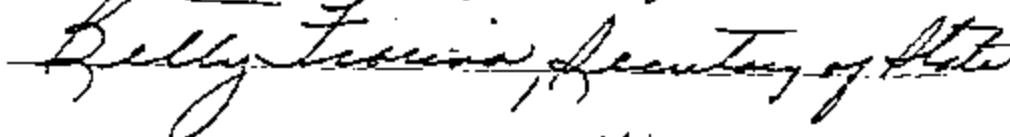


William O. Doub, Commissioner

FOR THE STATE OF NEW MEXICO



Bruce King, Governor



**Requirements for Distribution of Byproduct Material, Parts 30, 31, 32, 40, and 70
 (77 FR 43666, Published July 25, 2012) RATS ID: 2012-4 Effective: October 23, 2012
 Date Due for State Adoption: October 23, 2015**

REVIEWER PLEASE NOTE: 79 FR 75735, 12/19/2014 – Organization change from FSME to NMSS

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
§30.6(b)(1)(iv)	Communications		D	N/A			
§30.8(c)(1)	Information collection requirements: OMB approval		D	N/A			
§30.15(a)(2)	Certain items containing byproduct material		B	<p>In § 30.15, paragraph (a)(2) is added to read as follows:</p> <p>(a) * * *</p> <p>(2)(i) Static elimination devices which contain, as a sealed source or sources, byproduct material consisting of a total of not more than 18.5 MBq (500 µCi) of polonium-210 per device.</p> <p>(ii) Ion generating tubes designed for ionization of air that contain, as a sealed source or sources, byproduct material consisting of a total of not more than 18.5 MBq (500 µCi) of polonium-210 per device or of a total of not more than 1.85 GBq (50 mCi) of hydrogen-3 (tritium) per device.</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				(iii) Such devices authorized before October 23, 2012 for use under the general license then provided in § 31.3 and equivalent regulations of Agreement States and manufactured, tested, and labeled by the manufacturer in accordance with the specifications contained in a specific license issued by the Commission.			
§30.19(b)	Self-luminous products containing tritium, krypton-85, or promethium-147		B	<p>In § 30.19, paragraph (b) is revised to read as follows:</p> <p>(b) Any person who desires to manufacture, process, or produce, or initially transfer for sale or distribution self-luminous products containing tritium, krypton-85, or promethium-147 for use under paragraph (a) of this section, should apply for a license under § 32.22 of this chapter and for a certificate of registration in accordance with § 32.210 of this chapter.</p>			
§30.20	Gas and aerosol detectors containing byproduct material		B	<p>Section 30.20 is revised to read as follows:</p> <p>(a) Except for persons who manufacture, process, produce, or</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				<p>initially transfer for sale or distribution gas and aerosol detectors containing byproduct material, any person is exempt from the requirements for a license set forth in section 81 of the Act and from the regulations in parts 19, 20, 21, and 30 through 36 and 39 of this chapter to the extent that such person receives, possesses, uses, transfers, owns, or acquires byproduct material in gas and aerosol detectors designed to protect health, safety, or property, and manufactured, processed, produced, or initially transferred in accordance with a specific license issued under § 32.26 of this chapter, which license authorizes the initial transfer of the product for use under this section. This exemption also covers gas and aerosol detectors manufactured or distributed before November 30, 2007, in accordance with a specific license issued by a State under comparable provisions to § 32.26 of this chapter authorizing distribution to persons exempt from regulatory requirements.</p> <p>(b) Any person who desires to manufacture, process, or produce gas and aerosol detectors containing</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				byproduct material, or to initially transfer such products for use under paragraph (a) of this section, should apply for a license under § 32.26 of this chapter and for a certificate of registration in accordance with § 32.210 of this chapter.			
§30.22	Certain industrial devices		B	Section 30.22 is added under the undesignated heading Exemptions to read as follows:			

				<p>(a) Except for persons who manufacture, process, produce, or initially transfer for sale or distribution industrial devices containing byproduct material designed and manufactured for the purpose of detecting, measuring, gauging or controlling thickness, density, level, interface location, radiation, leakage, or qualitative or quantitative chemical composition, or for producing an ionized atmosphere, any person is exempt from the requirements for a license set forth in section 81 of the Act and from the regulations in parts 19, 20, 21, 30 through 36, and 39 of this chapter to the extent that such person receives, possesses, uses, transfers, owns, or acquires byproduct material, in these certain detecting, measuring, gauging, or controlling devices and certain devices for producing an ionized atmosphere, and manufactured, processed, produced, or initially transferred in accordance with a specific license issued under § 32.30 of this chapter, which license authorizes the initial transfer of the device for use under this section. This exemption does not cover sources not incorporated into a device, such as calibration and reference sources.</p> <p>(b) Any person who desires to manufacture, process, produce, or initially transfer for sale or distribution industrial devices containing byproduct material for use under</p>			
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Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				paragraph (a) of this section, should apply for a license under § 32.30 of this chapter and for a certificate of registration in accordance with § 32.210 of this chapter.			
§30.32(g)	Application for specific licenses		C	<p>In § 30.32, paragraph (g) is revised to read as follows:</p> <p>(g)(1) Except as provided in paragraphs (g)(2), (g)(3), and (g)(4) of this section, an application for a specific license to use byproduct material in the form of a sealed source or in a device that contains the sealed source must either--</p> <p style="padding-left: 40px;">(i) Identify the source or device by manufacturer and model number as registered with the Commission under § 32.210 of this chapter, with an Agreement State, or for a source or a device containing radium-226 or accelerator-produced radioactive material with a State under provisions comparable to § 32.210 of this chapter; or</p> <p style="padding-left: 40px;">(ii) Contain the information identified in § 32.210(c) of this chapter.</p> <p>(2) For sources or devices manufactured before October 23,</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				<p>2012 that are not registered with the Commission under § 32.210 of this chapter or with an Agreement State, and for which the applicant is unable to provide all categories of information specified in § 32.210(c) of this chapter, the application must include:</p> <p>(i) All available information identified in § 32.210(c) of this chapter concerning the source, and, if applicable, the device; and</p> <p>(ii) Sufficient additional information to demonstrate that there is reasonable assurance that the radiation safety properties of the source or device are adequate to protect health and minimize danger to life and property. Such information must include a description of the source or device, a description of radiation safety features, the intended use and associated operating experience, and the results of a recent leak test.</p> <p>(3) For sealed sources and devices allowed to be distributed without registration of safety information in accordance with § 32.210(g)(1) of this chapter, the applicant may supply only the</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				<p>manufacturer, model number, and radionuclide and quantity.</p> <p>(4) If it is not feasible to identify each sealed source and device individually, the applicant may propose constraints on the number and type of sealed sources and devices to be used and the conditions under which they will be used, in lieu of identifying each sealed source and device.</p>			
§30.38	Application for amendment of licenses and registration certificates		D	N/A			
§30.39	Commission action on applications to renew or amend		D	N/A			
§30.61	Modification and revocation of licenses and registration certificates		D	N/A			
§31.3	Certain devices and equipment		B	Section 31.3 is removed and reserved			
§31.23(b)	Criminal penalties		D	N/A			
§32.1(a)	Purpose and scope		D	N/A			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
§32.2	Definition: Committed dose		D	N/A			
§32.2	Definition: Sealed source and device registry		D	N/A			
§32.8(b)	Information collection requirements: OMB approval		D	N/A			
§32.14(b)(4) & (b)(5)	Certain items containing byproduct material; requirements for license to apply or initially transfer		NRC	<p>In § 32.14, paragraphs (b)(4) and (b)(5) are revised to read as follows:</p> <p>(b) * * *</p> <p>(4) Except for electron tubes and ionization chamber smoke detectors and timepieces containing promethium-147 or tritium in the form of gaseous tritium light sources, procedures for and results of prototype testing to demonstrate that the byproduct material will not become detached from the product and that the byproduct material will not be released to the environment under the most severe conditions likely to be encountered in normal use of the product;</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				(5) In the case of ionizing radiation measuring instruments and timepieces containing tritium in the form of paint, quality control procedures to be followed in the fabrication of production lots of the product and the quality control standards the product will be required to meet;			
§ 32.15	Same: Quality assurance, prohibition of transfer, and labeling.		NRC	<p>In § 32.15, paragraph (c) is removed and reserved and paragraphs (a) and (b) are revised to read as follows:</p> <p>(a) Each person licensed under § 32.14 for products for which quality control procedures are required shall:</p> <p>(1) Maintain quality assurance systems in the manufacture of the part or product, or the installation of the part into the product, in a manner sufficient to provide reasonable assurance that the safety-related components of the distributed products are capable of performing their intended functions;</p> <p>(2) Subject inspection lots to acceptance sampling procedures, by procedures specified in the license issued under § 32.14, to provide at least 95 percent confidence that the</p>			

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				<p>Lot Tolerance Percent Defective of 5.0 percent will not be exceeded; and</p> <p>(3) Visually inspect each unit in inspection lots. Any unit which has an observable physical defect that could adversely affect containment of the byproduct material must be considered a defective unit.</p> <p>(b) No person licensed under § 32.14 shall transfer to other persons for use under § 30.15 of this chapter or equivalent regulations of an Agreement State:</p> <p>(1) Any part or product tested and found defective under the criteria and procedures specified in the license issued under § 32.14, unless the defective part or product has been repaired or reworked, retested, and found by an independent inspector to meet the applicable acceptance criteria; or</p> <p>(2) Any part or product contained within any lot that has been sampled and rejected as a result of the procedures in paragraph (a)(2) of this section, unless:</p> <p>(i) A procedure for defining sub-lot size, independence, and additional testing procedures is</p>			

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				<p>contained in the license issued under § 32.14; and</p> <p>(ii) Each individual sub-lot is sampled, tested, and accepted in accordance with the procedures specified in paragraphs (a)(2) and (b)(2)(i) of this section and any other criteria that may be required as a condition of the license issued under § 32.14.</p> <p>(c) [Reserved]</p>			
§32.22(a)(3)	Self-luminous products containing tritium, krypton-85 or promethium-147: Requirements for license to manufacture, process, produce, or initially transfer		NRC	<p>In § 32.22, paragraph (a)(3) is added to read as follows:</p> <p>(a) * * *</p> <p>(3)(i) The Commission determines that the product meets the safety criteria in § 32.23; and</p> <p>(ii) The product has been evaluated by the NRC and registered in the Sealed Source and Device Registry.</p>			
§32.26	Gas and aerosol detectors containing byproduct material: Requirements for license to		NRC	<p>In § 32.26, the introductory text is revised and paragraph (c) is added to read as follows:</p>			

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	manufacture, process, produce, or initially transfer			<p>An application for a specific license to manufacture, process, or produce gas and aerosol detectors containing byproduct material and designed to protect health, safety, or property, or to initially transfer such products for use under § 30.20 of this chapter or equivalent regulations of an Agreement State, will be approved if:</p> <p style="text-align: center;">* * * * *</p> <p>(c)(1) The Commission determines that the product meets the safety criteria in § 32.27; and</p> <p>(2) The product has been evaluated by the NRC and registered in the Sealed Source and Device Registry.</p>			
§32.30	Certain industrial devices containing byproduct material: Requirements for license to manufacture, process, produce, or initially transfer		NRC	<p>Section 32.30 is added under subpart A to read as follows:</p> <p>An application for a specific license to manufacture, process, produce, or initially transfer for sale or distribution devices containing byproduct material for use under § 30.22 of this chapter or equivalent regulations of an Agreement State will be approved if:</p> <p>(a) The applicant satisfies the general requirements of § 30.33 of this chapter: However, the requirements</p>			

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				<p>of § 30.33(a)(2) and (a)(3) do not apply to an application for a license to transfer byproduct material in such industrial devices manufactured, processed, or produced under a license issued by an Agreement State;</p> <p>(b) The applicant submits sufficient information relating to the design, manufacture, prototype testing, quality control procedures, labeling or marking, and conditions of handling, storage, use, and disposal of the industrial devices to demonstrate that the device will meet the safety criteria set forth in § 32.31. The information should include:</p> <ul style="list-style-type: none"> (1) A description of the device and its intended use or uses; (2) The type and quantity of byproduct material in each unit; (3) Chemical and physical form of the byproduct material in the device and changes in chemical and physical form that may occur during the useful life of the device; (4) Solubility in water and body fluids of the forms of the byproduct material identified in paragraphs (b)(3) and (b)(12) of this section; 			

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				<p>(5) Details of construction and design of the device as related to containment and shielding of the byproduct material and other safety features under normal and severe conditions of handling, storage, use, and disposal of the device;</p> <p>(6) Maximum external radiation levels at 5 and 30 centimeters from any external surface of the device, averaged over an area not to exceed 10 square centimeters, and the method of measurement;</p> <p>(7) Degree of access of human beings to the device during normal handling and use;</p> <p>(8) Total quantity of byproduct material expected to be distributed in the devices annually;</p> <p>(9) The expected useful life of the device;</p> <p>(10) The proposed methods of labeling or marking the device and its point-of-sale package to satisfy the requirements of § 32.32(b);</p> <p>(11) Procedures for prototype testing of the device to demonstrate the effectiveness of the containment, shielding, and other safety features under both normal and severe</p>			

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				<p>conditions of handling, storage, use, and disposal of the device;</p> <p>(12) Results of the prototype testing of the device, including any change in the form of the byproduct material contained in the device, the extent to which the byproduct material may be released to the environment, any increase in external radiation levels, and any other changes in safety features;</p> <p>(13) The estimated external radiation doses and committed doses resulting from the intake of byproduct material in any one year relevant to the safety criteria in § 32.31 and the basis for these estimates;</p> <p>(14) A determination that the probabilities with respect to the doses referred to in § 32.31(a)(4) meet the criteria of that paragraph;</p> <p>(15) Quality control procedures to be followed in the fabrication of production lots of the devices and the quality control standards the devices will be required to meet; and</p> <p>(16) Any additional information, including experimental studies and tests, required by the Commission.</p>			

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				<p>(c)(1) The Commission determines that the device meets the safety criteria in § 32.31.</p> <p>(2) The device is unlikely to be routinely used by members of the general public in a non-occupational environment.</p> <p>(3) The device has been registered in the Sealed Source and Device Registry.</p>			
§32.31	Certain industrial devices containing byproduct material: Safety criteria		NRC	<p>Section 32.31 is added under subpart A to read as follows:</p> <p>(a) An applicant for a license under § 32.30 shall demonstrate that the device is designed and will be manufactured so that:</p> <p>(b)</p> <p>(1) In normal use, handling, and storage of the quantities of exempt units likely to accumulate in one location, including during marketing, distribution, installation, and servicing of the device, it is unlikely that the external radiation dose in any one year, or the committed dose resulting from the intake of radioactive material in any one year, to a suitable sample of the group of individuals expected to be most highly exposed to radiation or</p>			

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				<p>radioactive material from the device will exceed 200 μSv (20 mrem).</p> <p>(2) It is unlikely that the external radiation dose in any one year, or the committed dose resulting from the intake of radioactive material in any one year, to a suitable sample of the group of individuals expected to be most highly exposed to radiation or radioactive material from disposal of the quantities of units likely to accumulate in the same disposal site will exceed 10 μSv (1 mrem).</p> <p>(3) It is unlikely that there will be a significant reduction in the effectiveness of the containment, shielding, or other safety features of the device from wear and abuse likely to occur in normal handling and use of the device during its useful life.</p> <p>(4) In use, handling, storage, and disposal of the quantities of exempt units likely to accumulate in one location, including during marketing, distribution, installation, and servicing of the device, the probability is low that the containment, shielding, or other safety features of the device would fail under such circumstances that a person would receive an external radiation dose or committed</p>			

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				<p>dose in excess of 5 mSv (500 mrem), and the probability is negligible that a person would receive an external radiation dose or committed dose of 100 mSv (10 rem) or greater. ¹</p> <p>(b) An applicant for a license under § 32.30 shall demonstrate that, even in unlikely scenarios of misuse, including those resulting in direct exposure to the unshielded source removed from the device for 1,000 hours at an average distance of 1 meter and those resulting in dispersal and subsequent intake of 10⁻⁴ of the quantity of byproduct material (or in the case of tritium, an intake of 10 percent), a person will not receive an external radiation dose or committed dose in excess of 100 mSv (10 rem), and, if the unshielded source is small enough to fit in a pocket, that the dose to localized areas of skin averaged over areas no larger than 1 square centimeter from carrying the unshielded source in a pocket for 80 hours will not exceed 2 Sv (200 rem).</p> <p>¹It is the intent of this paragraph that as the magnitude of the potential dose increases above that permitted</p>			

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				<p>under normal conditions, the probability that any individual will receive such a dose must decrease. The probabilities have been expressed in general terms to emphasize the approximate nature of the estimates that are to be made. The following values may be used as guides in estimating compliance with the criteria: Low--not more than one such failure/incident per year for each 10,000 exempt units distributed. Negligible--not more than one such failure/incident per year for each one million exempt units distributed.</p>			
§32.32	Conditions of licenses issued under § 32.30: Quality control, labeling, and reports of transfer		NRC	<p>Section 32.32 is added under subpart A to read as follows:</p> <p>Each person licensed under § 32.30 shall:</p> <p>(a) Carry out adequate control procedures in the manufacture of the device to ensure that each production lot meets the quality control standards approved by the Commission;</p> <p>(b) Label or mark each device and its point-of-sale package so that:</p> <p>(1) Each item has a durable, legible, readily visible label or marking</p>			

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				<p>on the external surface of the device containing:</p> <ul style="list-style-type: none"> (i) The following statement: "CONTAINS RADIOACTIVE MATERIAL"; (ii) The name of the radionuclide(s) and quantity(ies) of activity; (iii) An identification of the person licensed under § 32.30 to transfer the device for use under § 30.22 of this chapter or equivalent regulations of an Agreement State; and (iv) Instructions and precautions necessary to assure safe installation, operation, and servicing of the device (documents such as operating and service manuals may be identified in the label and used to provide this information). <p>(2) The external surface of the point-of-sale package has a legible, readily visible label or marking containing:</p> <ul style="list-style-type: none"> (i) The name of the radionuclide and quantity of activity; (ii) An identification of the person licensed under § 32.30 to transfer the device for use under § 30.22 of this chapter or equivalent 			

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				<p>regulations of an Agreement State; and</p> <p>(iii) The following or a substantially similar statement: "THIS DEVICE CONTAINS RADIOACTIVE MATERIAL AND HAS BEEN MANUFACTURED IN COMPLIANCE WITH U.S. NUCLEAR REGULATORY COMMISSION SAFETY CRITERIA IN 10 CFR 32.31. THE PURCHASER IS EXEMPT FROM ANY REGULATORY REQUIREMENTS."</p> <p>(3) Each device and point-of-sale package contains such other information as may be required by the Commission; and</p> <p>(c) Maintain records of all transfers and file a report with the Director of the Office of Nuclear Material Safety and Safeguards* by an appropriate method listed in § 30.6(a) of this chapter, including in the address: ATTN: Document Control Desk/Exempt Distribution.</p> <p>(1) The report must clearly identify the specific licensee submitting the report and include the license number of the specific licensee.</p> <p>(2) The report must indicate that the devices are transferred for use</p>			

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				<p>under § 30.22 of this chapter or equivalent regulations of an Agreement State.</p> <p>(3) The report must include the following information on devices transferred to other persons for use under § 30.22 or equivalent regulations of an Agreement State:</p> <ul style="list-style-type: none"> (i) A description or identification of the type of each device and the model number(s); (ii) For each radionuclide in each type of device and each model number, the total quantity of the radionuclide; and (iii) The number of units of each type of device transferred during the reporting period by model number. <p>(4)(i) The licensee shall file the report, covering the preceding calendar year, on or before January 31 of each year.</p> <p>(ii) Licensees who permanently discontinue activities authorized by the license issued under § 32.30 shall file a report for the current calendar year within 30 days after ceasing distribution.</p> <p>(5) If no transfers of byproduct material have been made under</p>			

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				<p>§ 32.30 during the reporting period, the report must so indicate.</p> <p>(6) The licensee shall maintain the record of a transfer for a period of one year after the transfer is included in a report to the Commission.</p> <p>*REVIEWER PLEASE NOTE: 79 FR 75735, 12/19/2014 – Organization change from FSME to NMSS</p>			
§32.51(a)(6)	Byproduct material contained in devices for use under § 31.5; requirements for license to manufacture, or initially transfer		B	<p>In § 32.51, paragraph(a)(6) is added to read as follows:</p> <p>(a) * * *</p> <p>(6) The device has been registered in the Sealed Source and Device Registry.</p>			
§32.53(b)(5)	Luminous safety devices for use in aircraft: Requirements for license to manufacture, assemble, repair or initially transfer		B	<p>In § 32.53, paragraph (b)(5) is revised as follows:</p> <p>(b) * * *</p> <p>(5) Quality assurance procedures to be followed that are sufficient to ensure compliance with § 32.55;</p>			

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§32.53(d)(4)	Luminous safety devices for use in aircraft: Requirements for license to manufacture, assemble, repair or initially transfer		B	<p>In § 32.53, paragraph (d)(4) is revised follows:</p> <p>(d) * * *</p> <p>(4) Prototypes of the device have been subjected to and have satisfactorily passed the tests required by paragraph (e) of this section.</p>			
§32.53(e)	Luminous safety devices for use in aircraft: Requirements for license to manufacture, assemble, repair or initially transfer		B	<p>In § 32.53, paragraph (e) is added to read as follows:</p> <p>(e) The applicant shall subject at least five prototypes of the device to tests as follows:</p> <p>(1) The devices are subjected to tests that adequately take into account the individual, aggregate, and cumulative effects of environmental conditions expected in service that could adversely affect the effective containment of tritium or promethium-147, such as temperature, moisture, absolute pressure, water immersion, vibration, shock, and weathering.</p> <p>(2) The devices are inspected for evidence of physical damage and for loss of tritium or promethium-147, after each stage of testing, using</p>			

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				<p>methods of inspection adequate for determining compliance with the criteria in paragraph (e)(3) of this section.</p> <p>(3) Device designs are rejected for which the following has been detected for any unit:</p> <p>(i) A leak resulting in a loss of 0.1 percent or more of the original amount of tritium or promethium-147 from the device; or</p> <p>(ii) Surface contamination of tritium or promethium-147 on the device of more than 2,200 disintegrations per minute per 100 square centimeters of surface area; or</p> <p>(iii) Any other evidence of physical damage.</p>			
§32.53(f)	Luminous safety devices for use in aircraft: Requirements for license to manufacture, assemble, repair or initially transfer		B	<p>In § 32.53, paragraph (f) is added to read as follows:</p> <p>(f) The device has been registered in the Sealed Source and Device Registry.</p>			

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§32.55	Same: Quality assurance, prohibition of transfer		B	<p>Section 32.55 is revised to read as follows:</p> <p>(a) Each person licensed under § 32.53 shall visually inspect each device and shall reject any that has an observable physical defect that could adversely affect containment of the tritium or promethium-147.</p> <p>(b) Each person licensed under § 32.53 shall:</p> <p>(1) Maintain quality assurance systems in the manufacture of the luminous safety device in a manner sufficient to provide reasonable assurance that the safety-related components of the distributed devices are capable of performing their intended functions; and</p> <p>(2) Subject inspection lots to acceptance sampling procedures, by procedures specified in paragraph (c) of this section and in the license issued under § 32.53, to provide at least 95 percent confidence that the Lot Tolerance Percent Defective of 5.0 percent will not be exceeded.</p> <p>(c) The licensee shall subject each inspection lot to:</p>			

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				<p>(1) Tests that adequately take into account the individual, aggregate, and cumulative effects of environmental conditions expected in service that could adversely affect the effective containment of tritium or promethium-147, such as absolute pressure and water immersion.</p> <p>(2) Inspection for evidence of physical damage, containment failure, or for loss of tritium or promethium-147 after each stage of testing, using methods of inspection adequate for applying the following criteria for defective:</p> <p>(i) A leak resulting in a loss of 0.1 percent or more of the original amount of tritium or promethium-147 from the device;</p> <p>(ii) Levels of radiation in excess of 5 microgray (0.5 millirad) per hour at 10 centimeters from any surface when measured through 50 milligrams per square centimeter of absorber, if the device contains promethium-147; and</p> <p>(iii) Any other criteria specified in the license issued under § 32.53.</p> <p>(d) No person licensed under § 32.53 shall transfer to persons generally licensed under § 31.7 of this chapter,</p>			

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				<p>or under an equivalent general license of an Agreement State:</p> <p>(1) Any luminous safety device tested and found defective under any condition of a license issued under § 32.53, or paragraph (b) of this section, unless the defective luminous safety device has been repaired or reworked, retested, and determined by an independent inspector to meet the applicable acceptance criteria; or</p> <p>(2) Any luminous safety device contained within any lot that has been sampled and rejected as a result of the procedures in paragraph (b)(2) of this section, unless:</p> <p>(i) A procedure for defining sub-lot size, independence, and additional testing procedures is contained in the license issued under § 32.53; and</p> <p>(ii) Each individual sub-lot is sampled, tested, and accepted in accordance with paragraphs (b)(2) and (d)(2)(i) of this section and any other criteria that may be required as a condition of the license issued under § 32.53.</p>			

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§32.56	Same: Material transfer reports		B	<p>Section 32.56 is revised to read as follows:</p> <p>(a) Each person licensed under § 32.53 shall file an annual report with the Director, Office of Nuclear Material Safety and Safeguards*, ATTN: Document Control Desk/GLTS, by an appropriate method listed in § 30.6(a) of this chapter, which must state the total quantity of tritium or promethium-147 transferred to persons generally licensed under § 31.7 of this chapter. The report must identify each general licensee by name, state the kinds and numbers of luminous devices transferred, and specify the quantity of tritium or promethium-147 in each kind of device. Each report must cover the year ending June 30 and must be filed within thirty (30) days thereafter. If no transfers have been made to persons generally licensed under § 31.7 of this chapter during the reporting period, the report must so indicate.</p> <p>(b) Each person licensed under § 32.53 shall report annually all transfers of devices to persons for use under a general license in an</p>			

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				<p>Agreement State's regulations that are equivalent to § 31.7 of this chapter to the responsible Agreement State agency. The report must state the total quantity of tritium or promethium-147 transferred, identify each general licensee by name, state the kinds and numbers of luminous devices transferred, and specify the quantity of tritium or promethium-147 in each kind of device. If no transfers have been made to a particular Agreement State during the reporting period, this information must be reported to the responsible Agreement State agency upon request of the agency.</p> <p>*REVIEWER PLEASE NOTE: 79 FR 75735, 12/19/2014 – Organization change from FSME to NMSS</p>			
§32.57(d)(2)	Calibration or reference sources containing americium-241 or radium-226: Requirements for license to manufacture or initially transfer		B	<p>In § 32.57, paragraph (d)(2) is revised as follows:</p> <p>(d) * * *</p> <p>(2) The source has been subjected to and has satisfactorily passed appropriate tests required by paragraph (e) of this section.</p>			

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§32.57(e)	Calibration or reference sources containing americium-241 or radium-226: Requirements for license to manufacture or initially transfer		B	<p>In § 32.57 paragraph (e) is added to read as follows:</p> <p>(e) The applicant shall subject at least five prototypes of each source that is designed to contain more than 0.185 kilobecquerel (0.005 microcurie) of americium-241 or radium-226 to tests as follows:</p> <p>(1) The initial quantity of radioactive material deposited on each source is measured by direct counting of the source.</p> <p>(2) The sources are subjected to tests that adequately take into account the individual, aggregate, and cumulative effects of environmental conditions expected in service that could adversely affect the effective containment or binding of americium-241 or radium-226, such as physical handling, moisture, and water immersion.</p> <p>(3) The sources are inspected for evidence of physical damage and for loss of americium-241 or radium-226, after each stage of testing, using methods of inspection adequate for determining compliance with the criteria in paragraph (e)(4) of this section.</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				(4) Source designs are rejected for which the following has been detected for any unit: removal of more than 0.185 kilobecquerel (0.005 microcurie) of americium-241 or radium-226 from the source or any other evidence of physical damage.			
§32.59	Same: Leak testing of each source		B	Section 32.59 is revised to read as follows:			

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				<p>Each person licensed under § 32.57 shall perform a dry wipe test upon each source containing more than 3.7 kilobecquerels (0.1 microcurie) of americium-241 or radium-226 before transferring the source to a general licensee under § 31.8 of this chapter or under equivalent regulations of an Agreement State. This test must be performed by wiping the entire radioactive surface of the source with a filter paper with the application of moderate finger pressure. The radioactivity on the filter paper must be measured using methods capable of detecting 0.185 kilobecquerel (0.005 microcurie) of americium-241 or radium-226. If a source has been shown to be leaking or losing more than 0.185 kilobecquerel (0.005 microcurie) of americium-241 or radium-226 by the methods described in this section, the source must be rejected and must not be transferred to a general licensee under § 31.8 of this chapter, or equivalent regulations of an Agreement State.</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
§32.61(e)(4)	Ice detection devices containing strontium-90; requirements for license to manufacture or initially transfer		B	<p>In § 32.61, paragraph (e)(4) is revised as follows: e) * * *</p> <p>(4) Prototypes of the device have been subjected to and have satisfactorily passed the tests required by paragraph (f) of this section.</p>			
§32.61(f)	Ice detection devices containing strontium-90; requirements for license to manufacture or initially transfer		B	<p>In § 32.61, paragraph (f) is added to read as follows:</p> <p>(f) The applicant shall subject at least five prototypes of the device to tests as follows:</p> <p>(1) The devices are subjected to tests that adequately take into account the individual, aggregate, and cumulative effects of environmental conditions expected in service that could adversely affect the effective containment of strontium-90, such as temperature, moisture, absolute pressure, water immersion, vibration, shock, and weathering.</p> <p>(2) The devices are inspected for evidence of physical damage and for loss of strontium-90 after each stage of testing, using methods of inspection adequate for determining compliance with the criteria in paragraph (f)(3) of this section.</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				<p>(3) Device designs are rejected for which the following has been detected for any unit:</p> <p>(i) A leak resulting in a loss of 0.1 percent or more of the original amount of strontium-90 from the device; or</p> <p>(ii) Surface contamination of strontium-90 on the device of more than 2,200 disintegrations per minute per 100 square centimeters of surface area; or</p> <p>(iii) Any other evidence of physical damage.</p>			
§32.61(g)	Ice detection devices containing strontium-90; requirements for license to manufacture or initially transfer		B	<p>In § 32.61, paragraph (f) is added to read as follows:</p> <p>(g) The device has been registered in the Sealed Source and Device Registry.</p>			
§32.62(c), (d), & (e)	Same: Quality assurance; prohibition of transfer		B	<p>In § 32.62, paragraphs (c), (d), and (e) are revised to read as follows:</p> <p>(c) Each person licensed under § 32.61 shall:</p> <p>(1) Maintain quality assurance systems in the manufacture of the ice detection device containing strontium-90 in a manner sufficient to provide reasonable assurance that</p>			

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				<p>the safety-related components of the distributed devices are capable of performing their intended functions; and</p> <p>(2) Subject inspection lots to acceptance sampling procedures, by procedures specified in paragraph (d) of this section and in the license issued under § 32.61, to provide at least 95 percent confidence that the Lot Tolerance Percent Defective of 5.0 percent will not be exceeded.</p> <p>(d) Each person licensed under § 32.61 shall subject each inspection lot to:</p> <p>(1) Tests that adequately take into account the individual, aggregate, and cumulative effects of environmental conditions expected in service that could possibly affect the effective containment of strontium-90, such as absolute pressure and water immersion.</p> <p>(2) Inspection for evidence of physical damage, containment failure, or for loss of strontium-90 after each stage of testing, using methods of inspection adequate to determine compliance with the following criteria for defective: a leak resulting in a loss of 0.1 percent or more of the original</p>			

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				<p>amount of strontium-90 from the device and any other criteria specified in the license issued under § 32.61.</p> <p>(e) No person licensed under § 32.61 shall transfer to persons generally licensed under § 31.10 of this chapter, or under an equivalent general license of an Agreement State:</p> <p>(1) Any ice detection device containing strontium-90 tested and found defective under the criteria specified in a license issued under § 32.61, unless the defective ice detection device has been repaired or reworked, retested, and determined by an independent inspector to meet the applicable acceptance criteria; or</p> <p>(2) Any ice detection device containing strontium-90 contained within any lot that has been sampled and rejected as a result of the procedures in paragraph (c)(2) of this section, unless:</p> <p>(i) A procedure for defining sub-lot size, independence, and additional testing procedures is contained in the license issued under § 32.61; and</p> <p>(ii) Each individual sub-lot is sampled, tested, and accepted in</p>			

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				accordance with paragraphs (c)(2) and (e)(2)(i) of this section and any other criteria as may be required as a condition of the license issued under § 32.61.			
§32.74(a)(4)	Manufacture and distribution of sources or devices containing byproduct material for medical use		B	<p>Section 32.74 is amended by adding paragraph (a)(4) to read as follows:</p> <p>(a) * * *</p> <p>(4) The source or device has been registered in the Sealed Source and Device Registry.</p>			
§32.101	Schedule B-- prototype tests for luminous safety devices for use in aircraft		B	Section 32.101 is removed.			
§32.102	Schedule C— prototype tests for calibration or reference sources containing americium-241 or radium-226		B	Section 32.102 is removed.			
§32.103	Schedule D-- prototype tests for ice detection devices containing strontium-90		B	Section 32.103 is removed.			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
§32.110	Acceptance sampling procedures under certain specific licenses		B	Section 32.110 is removed.			
§32.210(a)	Registration of product information		B - States with authority for sealed source and device (SS&D) evaluations D - States without SS&D authority	In § 32.210, paragraph (a) is revised as follows: (a) Any manufacturer or initial distributor of a sealed source or device containing a sealed source may submit a request to the NRC for evaluation of radiation safety information about its product and for its registration.			
§32.210(b)	Registration of product information		B - States with authority for sealed source and device (SS&D) evaluations D - States without SS&D authority	In § 32.210, paragraph (b) is revised as follows: (b) The request for review must be sent to the NRC's Office of Nuclear Material Safety and Safeguards*, ATTN: SDDR by an appropriate method listed in § 30.6(a) of this chapter. *REVIEWER PLEASE NOTE: 79 FR 75735, 12/19/2014 – Organization change from FSME to NMSS			

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§32.210(d)	Registration of product information		<p>B - States with authority for sealed source and device (SS&D) evaluations</p> <p>D - States without SS&D authority</p>	<p>In § 32.210, paragraph (d) is revised as follows:</p> <p>(d) The NRC normally evaluates a sealed source or a device using radiation safety criteria in accepted industry standards. If these standards and criteria do not readily apply to a particular case, the NRC formulates reasonable standards and criteria with the help of the manufacturer or distributor. The NRC shall use criteria and standards sufficient to ensure that the radiation safety properties of the device or sealed source are adequate to protect health and minimize danger to life and property. Subpart A of this part includes specific criteria that apply to certain exempt products and subpart B includes specific criteria applicable to certain generally licensed devices. Subpart C includes specific provisions that apply to certain specifically licensed items.</p>			
§32.210(e)	Registration of product information		<p>B - States with authority for sealed source and device (SS&D)</p>	<p>In § 32.210, paragraph (e) is revised as follows:</p> <p>(e) After completion of the evaluation, the Commission issues a certificate of registration to the person making the</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
			evaluations D - States without SS&D authority	request. The certificate of registration acknowledges the availability of the submitted information for inclusion in an application for a specific license proposing use of the product, or concerning use under an exemption from licensing or general license as applicable for the category of certificate.			
§32.210(g)	Registration of product information		B - States with authority for sealed source and device (SS&D) evaluations D - States without SS&D authority	<p>In § 32.210, paragraph (g) is added to read as follows:</p> <p>(g) Authority to manufacture or initially distribute a sealed source or device to specific licensees may be provided in the license without the issuance of a certificate of registration in the following cases:</p> <p>(1) Calibration and reference sources containing no more than:</p> <p>(i) 37 MBq (1 mCi), for beta and/or gamma emitting radionuclides; or</p> <p>(ii) 0.37 MBq (10 µCi), for alpha emitting radionuclides; or</p> <p>(2) The intended recipients are qualified by training and experience and have sufficient facilities and equipment to safely use and handle the requested quantity of radioactive material in any form in the case of</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				<p>unregistered sources or, for registered sealed sources contained in unregistered devices, are qualified by training and experience and have sufficient facilities and equipment to safely use and handle the requested quantity of radioactive material in unshielded form, as specified in their licenses; and</p> <p>(i) The intended recipients are licensed under part 33 of this chapter or comparable provisions of an Agreement State; or</p> <p>(ii) The recipients are authorized for research and development; or</p> <p>(iii) The sources and devices are to be built to the unique specifications of the particular recipient and contain no more than 740 GBq (20 Ci) of tritium or 7.4 GBq (200 mCi) of any other radionuclide.</p>			
§32.210(h)	Registration of product information		<p>C - States with authority for sealed source and device (SS&D) evaluations</p> <p>D - States</p>	<p>In § 32.210, paragraph (h) is added to read as follows:</p> <p>(h) After the certificate is issued, the Commission may conduct an additional review as it determines is necessary to ensure compliance with current regulatory standards. In conducting its review, the Commission will complete its</p>			

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			without SS&D authority	evaluation in accordance with criteria specified in this section. The Commission may request such additional information as it considers necessary to conduct its review and the certificate holder shall provide the information as requested.			
§32.211	Inactivation of certificates of registration of sealed sources and devices		<p>B - States with authority for sealed source and device (SS&D) evaluations</p> <p>D - States without SS&D authority</p>	<p>Section 32.211 is added to read as follows:</p> <p>(a) A certificate holder who no longer manufactures or initially transfers any of the sealed source(s) or device(s) covered by a particular certificate issued by the Commission shall request inactivation of the registration certificate. Such a request must be made to the NRC's Office of Nuclear Material Safety and Safeguards*, ATTN: SDDR by an appropriate method listed in § 30.6(a) of this chapter and must normally be made no later than two years after initial distribution of all of the source(s) or device(s) covered by the certificate has ceased. However, if the certificate holder determines that an initial transfer was in fact the last initial transfer more than two years after that transfer, the certificate holder shall request inactivation of the certificate within 90 days of this</p>			

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				<p>determination and briefly describe the circumstances of the delay.</p> <p>(b) If a distribution license is to be terminated in accordance with § 30.36 of this chapter, the licensee shall request inactivation of its registration certificates associated with that distribution license before the Commission will terminate the license. Such a request for inactivation of certificate(s) must indicate that the license is being terminated and include the associated specific license number.</p> <p>(c) A specific license to manufacture or initially transfer a source or device covered only by an inactivated certificate no longer authorizes the licensee to initially transfer such sources or devices for use. Servicing of devices must be in accordance with any conditions in the certificate, including in the case of an inactive certificate.</p> <p>*REVIEWER PLEASE NOTE: 79 FR 75735, 12/19/2014 – Organization change from FSME to NMSS</p>			
§32.303(b)	Criminal penalties		D	N/A			
§40.5(b)(1)(iv)	Communications		D	N/A			

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§70.5(b)(1)(iv)	Communications		D	N/A			

Physical Protection of Byproduct Material, 10 CFR Parts 20, 30, 32, 33, 34, 35, 36, 37, 39, 51, 71 and 73
 (78 FR 16922, Published March 19, 2013) RATS ID: 2013-1
 Effective Date: May 20, 2013
 Compliance Date for NRC licensees: March 19, 2014
 Date Due for State Adoption: March 19, 2016

REVIEWER PLEASE NOTE: 79 FR 75735, 12/19/2014 – Organization change from FSME to NMSS

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
§20.2201(c)	Reports of theft or loss of licensed material		D	N/A			
§30.6(a)	Communications		D	N/A			
§30.13	Carriers		B	<p>§30.13 is revised to read as follows:</p> <p>Common and contract carriers, freight forwarders, warehousemen, and the U.S. Postal Service are exempt from the regulations in this part and parts 31 through 37 and 39 of this chapter and the requirements for a license set forth in section 81 of the Act to the extent that they transport or store byproduct material in the regular course of carriage for another or storage incident thereto.</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
§30.33	General requirements for issuance of specific licenses		D	N/A			
§32.1(b)	Purpose and scope		D	N/A			
§33.1	Purpose and scope		D	N/A			
§34.1	Purpose and scope		D	N/A			
§35.1	Purpose and scope		D	N/A			
§36.1(a)	Purpose and scope		D	N/A			
Note: Since Part 37 is a new part, all text will be listed under the Summary of Change to CFR, including those with Compatibility Category D and NRC. The text for changes that are Compatibility Category D and NRC in other parts will not be provided, but can be found in 78 FR 16922							
§37.1	Purpose		D	This part has been established to provide the requirements for the physical protection program for any licensee that possesses an aggregated category 1 or category 2 quantity of radioactive material listed in Appendix A to this part. These requirements provide reasonable assurance of the security of category 1 or category 2 quantities of radioactive material by protecting these materials from theft or diversion. Specific requirements for access to material, use of material,			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				transfer of material, and transport of material are included. No provision of this part authorizes possession of licensed material.			
§37.3	Scope		D	<p>(a) Subparts B and C of this part apply to any person who, under the regulations in this chapter, possesses or uses at any site, an aggregated category 1 or category 2 quantity of radioactive material.</p> <p>(b) Subpart D of this part applies to any person who, under the regulations of this chapter:</p> <p>(1) Transports or delivers to a carrier for transport in a single shipment, a category 1 or category 2 quantity of radioactive material; or</p> <p>(2) Imports or exports a category 1 or category 2 quantity of radioactive material; the provisions only apply to the domestic portion of the transport.</p>			
§37.5	Definition: Access control		C	<i>Access control</i> means a system for allowing only approved individuals to have unescorted access to the security zone and for ensuring that all other individuals are subject to escorted access.			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
§37.5	Definition: Act		D	<i>Act</i> means the Atomic Energy Act of 1954 (68 Stat. 919), including any amendments thereto.			
§37.5	Definition: Aggregated		C	<i>Aggregated</i> means accessible by the breach of a single physical barrier that would allow access to radioactive material in any form, including any devices that contain the radioactive material, when the total activity equals or exceeds a category 2 quantity of radioactive material.			
§37.5	Definition: Agreement State		[B]	<i>Agreement State</i> means any state with which the Atomic Energy Commission or the U.S. Nuclear Regulatory Commission has entered into an effective agreement under subsection 274b. of the Act. Non-agreement State means any other State.			
§37.5	Definition: Approved individual		B	<i>Approved individual</i> means an individual whom the licensee has determined to be trustworthy and reliable for unescorted access in accordance with subpart B of this part and who has completed the training required by § 37.43(c).			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
§37.5	Definition: Background Investigation		C	<i>Background investigation</i> means the investigation conducted by a licensee or applicant to support the determination of trustworthiness and reliability.			
§37.5	Definition: Becquerel		[A]	<i>Becquerel (Bq)</i> means one disintegration per second.			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
§37.5	Definition: Byproduct Material		[H&S]	<p><i>Byproduct material</i> means—</p> <p>(1) Any radioactive material (except special nuclear material) yielded in, or made radioactive by, exposure to the radiation incident to the process of producing or using special nuclear material;</p> <p>(2) The tailings or wastes produced by the extraction or concentration of uranium or thorium from ore processed primarily for its source material content, including discrete surface wastes resulting from uranium solution extraction processes. Underground ore bodies depleted by these solution extraction operations do not constitute “byproduct material” within this definition;</p> <p>(3)(i) Any discrete source of radium-226 that is produced, extracted, or converted after extraction, before, on, or after August 8, 2005, for use for a commercial, medical, or research activity; or</p> <p>(ii) Any material that—</p> <p>(A) Has been made radioactive by use of a particle accelerator; and</p> <p>(B) Is produced, extracted, or converted after extraction, before, on, or after August 8, 2005, for use for a</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				<p>commercial, medical, or research activity; and</p> <p>(4) Any discrete source of naturally occurring radioactive material, other than source material, that—</p> <p>(i) The Commission, in consultation with the Administrator of the Environmental Protection Agency, the Secretary of Energy, the Secretary of Homeland Security, and the head of any other appropriate Federal agency, determines would pose a threat similar to the threat posed by a discrete source of radium-226 to the public health and safety or the common defense and security; and</p> <p>(ii) Before, on, or after August 8, 2005, is extracted or converted after extraction for use in a commercial, medical, or research activity.</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
§37.5	Definition: Carrier		[B]	<i>Carrier</i> means a person engaged in the transportation of passengers or property by land or water as a common, contract, or private carrier, or by civil aircraft.			
§37.5	Definition: Category 1 quantity of radioactive material		B	<i>Category 1 quantity of radioactive material</i> means a quantity of radioactive material meeting or exceeding the category 1 threshold in Table 1 of Appendix A to this part. This is determined by calculating the ratio of the total activity of each radionuclide to the category 1 threshold for that radionuclide and adding the ratios together. If the sum is equal to or exceeds 1, the quantity would be considered a category 1 quantity. Category 1 quantities of radioactive material do not include the radioactive material contained in any fuel assembly, subassembly, fuel rod, or fuel pellet.			
§37.5	Definition: Category 2 quantity of radioactive material		B	<i>Category 2 quantity of radioactive material</i> means a quantity of radioactive material meeting or exceeding the category 2 threshold but less than the category 1 threshold in Table 1 of Appendix A to this part. This is determined by calculating the ratio of the total activity of each			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				radionuclide to the category 2 threshold for that radionuclide and adding the ratios together. If the sum is equal to or exceeds 1, the quantity would be considered a category 2 quantity. Category 2 quantities of radioactive material do not include the radioactive material contained in any fuel assembly, subassembly, fuel rod, or fuel pellet.			
§37.5	Definition: Commission		D	<i>Commission</i> means the U.S. Nuclear Regulatory Commission or its duly authorized representatives.			
§37.5	Definition: Curie		[A]	<i>Curie</i> means that amount of radioactive material which disintegrates at the rate of 37 billion atoms per second.			
§37.5	Definition: Diversion		C	<i>Diversion</i> means the unauthorized movement of radioactive material subject to this part to a location different from the material's authorized destination inside or outside of the site at which the material is used or stored.			
§37.5	Definition: Escorted access		B	<i>Escorted access</i> means accompaniment while in a security zone by an approved individual who			

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				maintains continuous direct visual surveillance at all times over an individual who is not approved for unescorted access.			
§37.5	Definition: Fingerprint orders		C	<i>Fingerprint orders</i> means the orders issued by the U.S. Nuclear Regulatory Commission or the legally binding requirements issued by Agreement States that require fingerprints and criminal history records checks for individuals with unescorted access to category 1 and category 2 quantities of radioactive material or safeguards information-modified handling.			
§37.5	Definition: Government agency		D	<i>Government agency</i> means any executive department, commission, independent establishment, corporation, wholly or partly owned by the United States of America which is an instrumentality of the United States, or any board, bureau, division, service, office, officer, authority, administration, or other establishment in the executive branch of the Government.			
§37.5	Definition: License		D	<i>License</i> , except where otherwise specified, means a license for			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				byproduct material issued pursuant to the regulations in parts 30 through 36 and 39 of this chapter.			
§37.5	Definition: License issuing authority		D	<i>License issuing authority</i> means the licensing agency that issued the license, i.e. the U.S. Nuclear Regulatory Commission or the appropriate agency of an Agreement State.			
§37.5	Definition: Local law enforcement agency		C	<i>Local law enforcement agency (LLEA)</i> means a public or private organization that has been approved by a federal, state, or local government to carry firearms and make arrests, and is authorized and has the capability to provide an armed response in the jurisdiction where the licensed category 1 or category 2 quantity of radioactive material is used, stored, or transported.			
§37.5	Definition: Lost or missing licensed material		[B]	<i>Lost or missing licensed material</i> means licensed material whose location is unknown. It includes material that has been shipped but has not reached its destination and whose location cannot be readily traced in the transportation system.			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
§37.5	Definition: Mobile device		B	<i>Mobile device</i> means a piece of equipment containing licensed radioactive material that is either mounted on wheels or casters, or otherwise equipped for moving without a need for disassembly or dismantling; or designed to be hand carried. Mobile devices do not include stationary equipment installed in a fixed location.			
§37.5	Definition: Movement control center		B	<i>Movement control center</i> means an operations center that is remote from transport activity and that maintains position information on the movement of radioactive material, receives reports of attempted attacks or thefts, provides a means for reporting these and other problems to appropriate agencies and can request and coordinate appropriate aid.			
§37.5	Definition: No-later-than arrival time		B	<i>No-later-than arrival time</i> means the date and time that the shipping licensee and receiving licensee have established as the time at which an investigation will be initiated if the shipment has not arrived at the receiving facility. The no-later-than-arrival time may not be more than 6 hours after the estimated arrival time			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				for shipments of category 2 quantities of radioactive material.			
§37.5	Definition: Person		[C]	<p><i>Person</i> means—</p> <p>(1) Any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, Government agency other than the Commission or the DOE (except that the Department shall be considered a person within the meaning of the regulations in 10 CFR chapter I to the extent that its facilities and activities are subject to the licensing and related regulatory authority of the Commission under section 202 of the Energy Reorganization Act of 1974 (88 Stat. 1244), the Uranium Mill Tailings Radiation Control Act of 1978 (92 Stat. 3021), the Nuclear Waste Policy Act of 1982 (96 Stat. 2201), and section 3(b)(2) of the Low-Level Radioactive Waste Policy Amendments Act of 1985 (99 Stat. 1842), any State or any political subdivision of or any political entity within a State, any foreign government or nation or any political subdivision of any such government or nation, or other entity; and</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				(2) Any legal successor, representative, agent, or agency of the foregoing.			
§37.5	Definition: Reviewing official		C	<i>Reviewing official</i> means the individual who shall make the trustworthiness and reliability determination of an individual to determine whether the individual may have, or continue to have, unescorted access to the category 1 or category 2 quantities of radioactive materials that are possessed by the licensee.			
§37.5	Definition: Sabotage		C	<i>Sabotage</i> means deliberate damage, with malevolent intent, to a category 1 or category 2 quantity of radioactive material, a device that contains a category 1 or category 2 quantity of radioactive material, or the components of the security system.			
§37.5	Definition: Safe haven		B	<i>Safe haven</i> means a readily recognizable and readily accessible site at which security is present or from which, in the event of an emergency, the transport crew can notify and wait for the local law enforcement authorities.			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
§37.5	Definition: Security zone		C	<i>Security zone</i> means any temporary or permanent area determined and established by the licensee for the physical protection of category 1 or category 2 quantities of radioactive material.			
§37.5	Definition: State		D	<i>State</i> means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.			
§37.5	Definition: Telemetric position monitoring system		B	<i>Telemetric position monitoring system</i> means a data transfer system that captures information by instrumentation and/or measuring devices about the location and status of a transport vehicle or package between the departure and destination locations.			
§37.5	Definition: Trustworthiness and reliability		B	<i>Trustworthiness and reliability</i> are characteristics of an individual considered dependable in judgment, character, and performance, such that unescorted access to category 1 or category 2 quantities of radioactive material by that individual does not constitute an unreasonable risk to the			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				public health and safety or security. A determination of trustworthiness and reliability for this purpose is based upon the results from a background investigation.			
§37.5	Definition: Unescorted access		B	<i>Unescorted access</i> means solitary access to an aggregated category 1 or category 2 quantity of radioactive material or the devices that contain the material.			
§37.5	Definition: United States		D	<i>United States</i> , when used in a geographical sense, includes Puerto Rico and all territories and possessions of the United States.			
§37.7	Communications		D	Except where otherwise specified or covered under the regional licensing program as provided in § 30.6(b) of this chapter, all communications and reports concerning the regulations in this part may be sent as follows: (a) By mail addressed to: ATTN: Document Control Desk; Director, Office of Nuclear Reactor Regulation; Director, Office of New Reactors; Director, Office of Nuclear Material Safety and Safeguards; or Director, Division of Security Policy, Office of			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				<p>Nuclear Security and Incident Response, as appropriate, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001;</p> <p>(b) By hand delivery to the NRC's offices at 11555 Rockville Pike, Rockville, Maryland 20852;</p> <p>(c) Where practicable, by electronic submission, for example, Electronic Information Exchange, or CD-ROM. Electronic submissions must be made in a manner that enables the NRC to receive, read, authenticate, distribute, and archive the submission, and process and retrieve it a single page at a time. Detailed guidance on making electronic submissions can be obtained by visiting the NRC's Web site at http://www.nrc.gov/site-help/e-submittals.html; by e-mail to MSHD.Resource@nrc.gov; or by writing the Office of Information Services, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. The guidance discusses, among other topics, the formats the NRC can accept, the use of electronic signatures, and the treatment of nonpublic information.</p>			

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§37.9	Interpretations		D	Except as specifically authorized by the Commission in writing, no interpretations of the meaning of the regulations in this part by any officer or employee of the Commission other than a written interpretation by the General Counsel will be recognized as binding upon the Commission.			
§37.11(a)	Specific exemptions		D	(a) The Commission may, upon application of any interested person or upon its own initiative, grant such exemptions from the requirements of the regulations in this part as it determines are authorized by law and will not endanger life or property or the common defense and security, and are otherwise in the public interest.			
§ 37.11(b)	Specific exemptions		D	(b) Any licensee's NRC-licensed activities are exempt from the requirements of subparts B and C of this part to the extent that its activities are included in a security plan required by part 73 of this chapter.			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
§37.11(c)	Specific exemptions		B	<p>(c) A licensee that possesses radioactive waste that contains category 1 or category 2 quantities of radioactive material is exempt from the requirements of subparts B, C, and D of this part. Except that any radioactive waste that contains discrete sources, ion-exchange resins, or activated material that weighs less than 2,000 kg (4,409 lbs) is not exempt from the requirements of this part. The licensee shall implement the following requirements to secure the radioactive waste:</p> <ul style="list-style-type: none"> (1) Use continuous physical barriers that allow access to the radioactive waste only through established access control points; (2) Use a locked door or gate with monitored alarm at the access control point; (3) Assess and respond to each actual or attempted unauthorized access to determine whether an actual or attempted theft, sabotage, or diversion occurred; and (4) Immediately notify the LLEA and request an armed response from the LLEA upon determination that there was an actual or attempted theft, sabotage, or diversion of the 			

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				radioactive waste that contains category 1 or category 2 quantities of radioactive material.			
§37.13	Information collection requirements: OMB approval		D	<p>(a) The U.S. Nuclear Regulatory Commission has submitted the information collection requirements contained in this part to the Office of Management and Budget (OMB) for approval as required by the Paperwork Reduction Act (44 U.S.C. 3501 et seq.). The NRC may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB has approved the information collection requirements contained in this part under control number 3150-0214.</p> <p>(b) The approved information collection requirements contained in this part appear in §§ 37.11, 37.21, 37.23, 37.25, 37.27, 37.29, 37.31, 37.33, 37.41, 37.43, 37.45, 37.49, 37.51, 37.55, 37.57, 37.71, 37.75, 37.77, 37.79, and 37.81.</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
§37.21(a)	Personnel access authorization requirements for category 1 or category 2 quantities of radioactive material		C	<p>(a) <i>General.</i></p> <p>(1) Each licensee that possesses an aggregated quantity of radioactive material at or above the category 2 threshold shall establish, implement, and maintain its access authorization program in accordance with the requirements of this subpart.</p> <p>(2) An applicant for a new license and each licensee that would become newly subject to the requirements of this subpart upon application for modification of its license shall implement the requirements of this subpart, as appropriate, before taking possession of an aggregated category 1 or category 2 quantity of radioactive material.</p> <p>(3) Any licensee that has not previously implemented the Security Orders or been subject to the provisions of this subpart B shall implement the provisions of this subpart B before aggregating radioactive material to a quantity that equals or exceeds the category 2 threshold.</p>			
§37.21(b)	Personnel access authorization		B	<p>(b) <i>General performance objective.</i> The licensee's access authorization</p>			

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	requirements for category 1 or category 2 quantities of radioactive material			program must ensure that the individuals specified in paragraph (c)(1) of this section are trustworthy and reliable.			
§37.21(c)	Personnel access authorization requirements for category 1 or category 2 quantities of radioactive material		B	<p>(c) <i>Applicability.</i></p> <p>(1) Licensees shall subject the following individuals to an access authorization program:</p> <p>(i) Any individual whose assigned duties require unescorted access to category 1 or category 2 quantities of radioactive material or to any device that contains the radioactive material; and</p> <p>(ii) Reviewing officials.</p> <p>(2) Licensees need not subject the categories of individuals listed in § 37.29(a)(1) through (13) to the investigation elements of the access authorization program.</p> <p>(3) Licensees shall approve for unescorted access to category 1 or category 2 quantities of radioactive material only those individuals with job duties that require unescorted access to category 1 or category 2 quantities of radioactive material.</p> <p>(4) Licensees may include individuals needing access to</p>			

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				safeguards information-modified handling under part 73 of this chapter in the access authorization program under this subpart B.			
§37.23(a)	Access authorization program requirements		B	<p><i>(a) Granting unescorted access authorization.</i></p> <p>(1) Licensees shall implement the requirements of this subpart for granting initial or reinstated unescorted access authorization.</p> <p>(2) Individuals who have been determined to be trustworthy and reliable shall also complete the security training required by § 37.43(c) before being allowed unescorted access to category 1 or category 2 quantities of radioactive material.</p>			
§37.23(b)(1) & (b)(2)	Access authorization program requirements		B	<p><i>(b) Reviewing officials.</i></p> <p>(1) Reviewing officials are the only individuals who may make trustworthiness and reliability determinations that allow individuals to have unescorted access to category 1 or category 2 quantities of radioactive materials possessed by the licensee.</p> <p>(2) Each licensee shall name one or more individuals to be reviewing</p>			

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				<p>officials. After completing the background investigation on the reviewing official, the licensee shall provide under oath or affirmation, a certification that the reviewing official is deemed trustworthy and reliable by the licensee. The fingerprints of the named reviewing official must be taken by a law enforcement agency, Federal or State agencies that provide fingerprinting services to the public, or commercial fingerprinting services authorized by a State to take fingerprints. The licensee shall recertify that the reviewing official is deemed trustworthy and reliable every 10 years in accordance with § 37.25(b).</p>			
§37.23(b)(3)	Access authorization program requirements		C	<p>(b) <i>Reviewing officials.</i> ****</p> <p>(3) Reviewing officials must be permitted to have unescorted access to category 1 or category 2 quantities of radioactive materials or access to safeguards information or safeguards information-modified handling, if the licensee possesses safeguards information or safeguards information-modified handling.</p>			

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§37.23(b)(4) & (b)(5)	Access authorization program requirements		B	<p>(b) <i>Reviewing officials.</i> ****</p> <p>(4) Reviewing officials cannot approve other individuals to act as reviewing officials.</p> <p>(5) A reviewing official does not need to undergo a new background investigation before being named by the licensee as the reviewing official if:</p> <p>(i) The individual has undergone a background investigation that included fingerprinting and an FBI criminal history records check and has been determined to be trustworthy and reliable by the licensee; or</p> <p>(ii) The individual is subject to a category listed in § 37.29(a).</p>			
§37.23(c)	Access authorization program requirements		B	<p>(c) <i>Informed consent.</i></p> <p>(1) Licensees may not initiate a background investigation without the informed and signed consent of the subject individual. This consent must include authorization to share personal information with other individuals or organizations as necessary to complete the background investigation. Before a final adverse determination, the</p>			

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				<p>licensee shall provide the individual with an opportunity to correct any inaccurate or incomplete information that is developed during the background investigation. Licensees do not need to obtain signed consent from those individuals that meet the requirements of § 37.25(b). A signed consent must be obtained prior to any reinvestigation.</p> <p>(2) The subject individual may withdraw his or her consent at any time. Licensees shall inform the individual that:</p> <p>(i) If an individual withdraws his or her consent, the licensee may not initiate any elements of the background investigation that were not in progress at the time the individual withdrew his or her consent; and</p> <p>(ii) The withdrawal of consent for the background investigation is sufficient cause for denial or termination of unescorted access authorization.</p>			
§37.23(d)	Access authorization program requirements		B	(d) <i>Personal history disclosure.</i> Any individual who is applying for unescorted access authorization shall disclose the personal history			

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				information that is required by the licensee's access authorization program for the reviewing official to make a determination of the individual's trustworthiness and reliability. Refusal to provide, or the falsification of, any personal history information required by this subpart is sufficient cause for denial or termination of unescorted access.			
§37.23(e)	Access authorization program requirements		B	<p><i>(e) Determination basis.</i></p> <p>(1) The reviewing official shall determine whether to permit, deny, unfavorably terminate, maintain, or administratively withdraw an individual's unescorted access authorization based on an evaluation of all of the information collected to meet the requirements of this subpart.</p> <p>(2) The reviewing official may not permit any individual to have unescorted access until the reviewing official has evaluated all of the information collected to meet the requirements of this subpart and determined that the individual is trustworthy and reliable. The reviewing official may deny unescorted access to any individual based on information obtained at any</p>			

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				<p>time during the background investigation.</p> <p>(3) The licensee shall document the basis for concluding whether or not there is reasonable assurance that an individual is trustworthy and reliable.</p> <p>(4) The reviewing official may terminate or administratively withdraw an individual's unescorted access authorization based on information obtained after the background investigation has been completed and the individual granted unescorted access authorization.</p> <p>(5) Licensees shall maintain a list of persons currently approved for unescorted access authorization. When a licensee determines that a person no longer requires unescorted access or meets the access authorization requirement, the licensee shall remove the person from the approved list as soon as possible, but no later than 7 working days, and take prompt measures to ensure that the individual is unable to have unescorted access to the material.</p>			
§37.23(f)	Access authorization		C	(f) <i>Procedures.</i> Licensees shall develop, implement, and maintain written procedures for			

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	program requirements			implementing the access authorization program. The procedures must include provisions for the notification of individuals who are denied unescorted access. The procedures must include provisions for the review, at the request of the affected individual, of a denial or termination of unescorted access authorization. The procedures must contain a provision to ensure that the individual is informed of the grounds for the denial or termination of unescorted access authorization and allow the individual an opportunity to provide additional relevant information.			
§37.23(g)	Access authorization program requirements		B	<p>(g) <i>Right to correct and complete information.</i></p> <p>(1) Prior to any final adverse determination, licensees shall provide each individual subject to this subpart with the right to complete, correct, and explain information obtained as a result of the licensee's background investigation. Confirmation of receipt by the individual of this notification must be maintained by the licensee for a period of 1 year from the date of the notification.</p>			

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				<p>(2) If, after reviewing his or her criminal history record, an individual believes that it is incorrect or incomplete in any respect and wishes to change, correct, update, or explain anything in the record, the individual may initiate challenge procedures. These procedures include direct application by the individual challenging the record to the law enforcement agency that contributed the questioned information or a direct challenge as to the accuracy or completeness of any entry on the criminal history record to the Federal Bureau of Investigation, Criminal Justice Information Services (CJIS) Division, ATTN: SCU, Mod. D-2, 1000 Custer Hollow Road, Clarksburg, WV 26306 as set forth in 28 CFR 16.30 through 16.34. In the latter case, the Federal Bureau of Investigation (FBI) will forward the challenge to the agency that submitted the data, and will request that the agency verify or correct the challenged entry. Upon receipt of an official communication directly from the agency that contributed the original information, the FBI Identification Division makes any changes necessary in</p>			

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				<p>accordance with the information supplied by that agency. Licensees must provide at least 10 days for an individual to initiate action to challenge the results of an FBI criminal history records check after the record being made available for his or her review. The licensee may make a final adverse determination based upon the criminal history records only after receipt of the FBI's confirmation or correction of the record.</p>			
§37.23(h)	Access authorization program requirements		C	<p>(h) <i>Records.</i></p> <p>(1) The licensee shall retain documentation regarding the trustworthiness and reliability of individual employees for 3 years from the date the individual no longer requires unescorted access to category 1 or category 2 quantities of radioactive material.</p> <p>(2) The licensee shall retain a copy of the current access authorization program procedures as a record for 3 years after the procedure is no longer needed. If any portion of the procedure is superseded, the licensee shall retain the superseded material</p>			

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				<p>for 3 years after the record is superseded.</p> <p>(3) The licensee shall retain the list of persons approved for unescorted access authorization for 3 years after the list is superseded or replaced.</p>			
§37.25(a)	Background investigations		B	<p>(a) <i>Initial investigation.</i> Before allowing an individual unescorted access to category 1 or category 2 quantities of radioactive material or to the devices that contain the material, licensees shall complete a background investigation of the individual seeking unescorted access authorization. The scope of the investigation must encompass at least the 7 years preceding the date of the background investigation or since the individual's eighteenth birthday, whichever is shorter. The background investigation must include at a minimum:</p> <p>(1) Fingerprinting and an FBI identification and criminal history records check in accordance with § 37.27;</p> <p>(2) Verification of true identity. Licensees shall verify the true identity of the individual who is applying for</p>			

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				<p>unescorted access authorization to ensure that the applicant is who he or she claims to be. A licensee shall review official identification documents (e.g., driver's license; passport; government identification; certificate of birth issued by the state, province, or country of birth) and compare the documents to personal information data provided by the individual to identify any discrepancy in the information. Licensees shall document the type, expiration, and identification number of the identification document, or maintain a photocopy of identifying documents on file in accordance with § 37.31. Licensees shall certify in writing that the identification was properly reviewed, and shall maintain the certification and all related documents for review upon inspection;</p> <p>(3) Employment history verification. Licensees shall complete an employment history verification, including military history. Licensees shall verify the individual's employment with each previous employer for the most recent 7 years before the date of application;</p>			

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				<p>(4) Verification of education. Licensees shall verify that the individual participated in the education process during the claimed period;</p> <p>(5) Character and reputation determination. Licensees shall complete reference checks to determine the character and reputation of the individual who has applied for unescorted access authorization. Unless other references are not available, reference checks may not be conducted with any person who is known to be a close member of the individual's family, including but not limited to the individual's spouse, parents, siblings, or children, or any individual who resides in the individual's permanent household. Reference checks under this subpart must be limited to whether the individual has been and continues to be trustworthy and reliable;</p> <p>(6) The licensee shall also, to the extent possible, obtain independent information to corroborate that provided by the individual (e.g., seek</p>			

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				<p>references not supplied by the individual); and</p> <p>(7) If a previous employer, educational institution, or any other entity with which the individual claims to have been engaged fails to provide information or indicates an inability or unwillingness to provide information within a time frame deemed appropriate by the licensee but at least after 10 business days of the request or if the licensee is unable to reach the entity, the licensee shall document the refusal, unwillingness, or inability in the record of investigation; and attempt to obtain the information from an alternate source.</p>			
§37.25(b)	Background investigations		C	<p>(b) <i>Grandfathering.</i></p> <p>(1) Individuals who have been determined to be trustworthy and reliable for unescorted access to category 1 or category 2 quantities of radioactive material under the Fingerprint Orders may continue to have unescorted access to category 1 and category 2 quantities of radioactive material without further investigation. These individuals shall</p>			

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				<p>be subject to the reinvestigation requirement.</p> <p>(2) Individuals who have been determined to be trustworthy and reliable under the provisions of part 73 of this chapter or the security orders for access to safeguards information, safeguards information-modified handling, or risk-significant material may have unescorted access to category 1 and category 2 quantities of radioactive material without further investigation. The licensee shall document that the individual was determined to be trustworthy and reliable under the provisions of part 73 of this chapter or a security order. Security order, in this context, refers to any order that was issued by the NRC that required fingerprints and an FBI criminal history records check for access to safeguards information, safeguards information-modified handling, or risk significant material such as special nuclear material or large quantities of uranium hexafluoride. These individuals shall be subject to the reinvestigation requirement.</p>			

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§37.25(c)	Background investigations		B	<p><i>(c) Reinvestigations.</i> Licensees shall conduct a reinvestigation every 10 years for any individual with unescorted access to category 1 or category 2 quantities of radioactive material. The reinvestigation shall consist of fingerprinting and an FBI identification and criminal history records check in accordance with § 37.27. The reinvestigations must be completed within 10 years of the date on which these elements were last completed.</p>			
§37.27(a)	Requirements for criminal history records checks of individuals granted unescorted access to category 1 or category 2 quantities of radioactive material		B	<p><i>(a) General performance objective and requirements.</i> (1) Except for those individuals listed in § 37.29 and those individuals grandfathered under § 37.25(b), each licensee subject to the provisions of this subpart shall fingerprint each individual who is to be permitted unescorted access to category 1 or category 2 quantities of radioactive material. Licensees shall transmit all collected fingerprints to the Commission for transmission to the FBI. The licensee shall use the information received from the FBI as part of the required background investigation to determine whether to</p>			

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				<p>grant or deny further unescorted access to category 1 or category 2 quantities of radioactive materials for that individual.</p> <p>(2) The licensee shall notify each affected individual that his or her fingerprints will be used to secure a review of his or her criminal history record, and shall inform him or her of the procedures for revising the record or adding explanations to the record.</p> <p>(3) Fingerprinting is not required if a licensee is reinstating an individual's unescorted access authorization to category 1 or category 2 quantities of radioactive materials if:</p> <p>(i) The individual returns to the same facility that granted unescorted access authorization within 365 days of the termination of his or her unescorted access authorization; and</p> <p>(ii) The previous access was terminated under favorable conditions.</p> <p>(4) Fingerprints do not need to be taken if an individual who is an employee of a licensee, contractor, manufacturer, or supplier has been granted unescorted access to category 1 or category 2 quantities of radioactive material, access to</p>			

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				<p>safeguards information, or safeguards information-modified handling by another licensee, based upon a background investigation conducted under this subpart, the Fingerprint Orders, or part 73 of this chapter. An existing criminal history records check file may be transferred to the licensee asked to grant unescorted access in accordance with the provisions of § 37.31(c).</p> <p>(5) Licensees shall use the information obtained as part of a criminal history records check solely for the purpose of determining an individual's suitability for unescorted access authorization to category 1 or category 2 quantities of radioactive materials, access to safeguards information, or safeguards information-modified handling.</p>			
§37.27(b)	Requirements for criminal history records checks of individuals granted unescorted access to category 1 or category 2		B	<p>(b) <i>Prohibitions.</i></p> <p>(1) Licensees may not base a final determination to deny an individual unescorted access authorization to category 1 or category 2 quantities of radioactive material solely on the basis of information received from the FBI involving:</p>			

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	quantities of radioactive material			<p>(i) An arrest more than 1 year old for which there is no information of the disposition of the case; or</p> <p>(ii) An arrest that resulted in dismissal of the charge or an acquittal.</p> <p>(2) Licensees may not use information received from a criminal history records check obtained under this subpart in a manner that would infringe upon the rights of any individual under the First Amendment to the Constitution of the United States, nor shall licensees use the information in any way that would discriminate among individuals on the basis of race, religion, national origin, gender, or age.</p>			

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§37.27(c)	Requirements for criminal history records checks of individuals granted unescorted access to category 1 or category 2 quantities of radioactive material		B	<p><i>(c) Procedures for processing of fingerprint checks.</i></p> <p>(1) For the purpose of complying with this subpart, licensees shall use an appropriate method listed in § 37.7 to submit to the U.S. Nuclear Regulatory Commission, Director, Division of Facilities and Security, 11545 Rockville Pike, ATTN: Criminal History Program/Mail Stop T-03B46M, Rockville, Maryland 20852-2738, one completed, legible standard fingerprint card (Form FD-258, ORIMDNRCOOOZ), electronic fingerprint scan or, where practicable, other fingerprint record for each individual requiring unescorted access to category 1 or category 2 quantities of radioactive material. Copies of these forms may be obtained by writing the Office of Information Services, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, by calling 1-630-829-9565, or by e-mail to FORMS.Resource@nrc.gov. Guidance on submitting electronic fingerprints can be found at http://www.nrc.gov/site-help/e-submittals.html.</p>			

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				<p>(2) Fees for the processing of fingerprint checks are due upon application. Licensees shall submit payment with the application for the processing of fingerprints through corporate check, certified check, cashier's check, money order, or electronic payment, made payable to "U.S. NRC." (For guidance on making electronic payments, contact the Security Branch, Division of Facilities and Security at 301-415-7513.) Combined payment for multiple applications is acceptable. The Commission publishes the amount of the fingerprint check application fee on the NRC's public Web site. (To find the current fee amount, go to the Electronic Submittals page at http://www.nrc.gov/site-help/e-submittals.html and see the link for the Criminal History Program under Electronic Submission Systems.)</p> <p>(3) The Commission will forward to the submitting licensee all data received from the FBI as a result of the licensee's application(s) for criminal history records checks.</p>			

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				<p><i>Note: See FSME-13-081 dated August 16, 2013, for notification to Agreement States of the change of address from that published in the regulations. Change is reflected above.</i></p>			
§37.29(a)	Relief from fingerprinting, identification, and criminal history records checks and other elements of background investigations for designated categories of individuals permitted unescorted		B	<p>(a) Fingerprinting, and the identification and criminal history records checks required by section 149 of the Atomic Energy Act of 1954, as amended, and other elements of the background investigation are not required for the following individuals prior to granting unescorted access to category 1 or category 2 quantities of radioactive materials:</p> <p>(1) An employee of the Commission or of the Executive Branch of the U.S. Government who has undergone fingerprinting for a prior U.S.</p>			

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	access to certain radioactive materials			<p>Government criminal history records check;</p> <p>(2) A Member of Congress;</p> <p>(3) An employee of a member of Congress or Congressional committee who has undergone fingerprinting for a prior U.S. Government criminal history records check;</p> <p>(4) The Governor of a State or his or her designated State employee representative;</p> <p>(5) Federal, State, or local law enforcement personnel;</p> <p>(6) State Radiation Control Program Directors and State Homeland Security Advisors or their designated State employee representatives;</p> <p>(7) Agreement State employees conducting security inspections on behalf of the NRC under an agreement executed under section 274.i. of the Atomic Energy Act;</p> <p>(8) Representatives of the International Atomic Energy Agency (IAEA) engaged in activities associated with the U.S./IAEA Safeguards Agreement who have been certified by the NRC;</p> <p>(9) Emergency response personnel who are responding to an emergency;</p>			

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				<p>(10) Commercial vehicle drivers for road shipments of category 2 quantities of radioactive material;</p> <p>(11) Package handlers at transportation facilities such as freight terminals and railroad yards;</p> <p>(12) Any individual who has an active Federal security clearance, provided that he or she makes available the appropriate documentation. Written confirmation from the agency/employer that granted the Federal security clearance or reviewed the criminal history records check must be provided to the licensee. The licensee shall retain this documentation for a period of 3 years from the date the individual no longer requires unescorted access to category 1 or category 2 quantities of radioactive material; and</p> <p>(13) Any individual employed by a service provider licensee for which the service provider licensee has conducted the background investigation for the individual and approved the individual for unescorted access to category 1 or category 2 quantities of radioactive material. Written verification from the</p>			

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				service provider must be provided to the licensee. The licensee shall retain the documentation for a period of 3 years from the date the individual no longer requires unescorted access to category 1 or category 2 quantities of radioactive material.			
§37.29(b)	Relief from fingerprinting, identification, and criminal history records checks and other elements of background investigations for designated categories of individuals permitted unescorted access to certain radioactive materials		B	(b) Fingerprinting, and the identification and criminal history records checks required by section 149 of the Atomic Energy Act of 1954, as amended, are not required for an individual who has had a favorably adjudicated U.S. Government criminal history records check within the last 5 years, under a comparable U.S. Government program involving fingerprinting and an FBI identification and criminal history records check provided that he or she makes available the appropriate documentation. Written confirmation from the agency/employer that reviewed the criminal history records check must be provided to the licensee. The licensee shall retain this documentation for a period of 3 years from the date the individual no longer requires unescorted access to category 1 or category 2 quantities of			

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				<p>radioactive material. These programs include, but are not limited to:</p> <ul style="list-style-type: none"> (1) National Agency Check; (2) Transportation Worker Identification Credentials (TWIC) under 49 CFR part 1572; (3) Bureau of Alcohol, Tobacco, Firearms, and Explosives background check and clearances under 27 CFR part 555; (4) Health and Human Services security risk assessments for possession and use of select agents and toxins under 42 CFR part 73; (5) Hazardous Material security threat assessment for hazardous material endorsement to commercial drivers license under 49 CFR part 1572; and (6) Customs and Border Protection's Free and Secure Trade (FAST) Program. 			
§37.31(a)-(d)	Protection of information.		B	(a) Each licensee who obtains background information on an individual under this subpart shall establish and maintain a system of files and written procedures for protection of the record and the personal information from unauthorized disclosure.			

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				<p>(b) The licensee may not disclose the record or personal information collected and maintained to persons other than the subject individual, his or her representative, or to those who have a need to have access to the information in performing assigned duties in the process of granting or denying unescorted access to category 1 or category 2 quantities of radioactive material, safeguards information, or safeguards information-modified handling. No individual authorized to have access to the information may disseminate the information to any other individual who does not have a need to know.</p> <p>(c) The personal information obtained on an individual from a background investigation may be provided to another licensee:</p> <ul style="list-style-type: none"> (1) Upon the individual's written request to the licensee holding the data to disseminate the information contained in his or her file; and (2) The recipient licensee verifies information such as name, date of 			

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				<p>birth, social security number, gender, and other applicable physical characteristics.</p> <p>(d) The licensee shall make background investigation records obtained under this subpart available for examination by an authorized representative of the NRC to determine compliance with the regulations and laws.</p>			
§37.31(e)	Protection of information.		C	(e) The licensee shall retain all fingerprint and criminal history records (including data indicating no record) received from the FBI, or a copy of these records if the individual's file has been transferred, on an individual for 3 years from the date the individual no longer requires unescorted access to category 1 or category 2 quantities of radioactive material.			
§37.33	Access authorization program review.		C	(a) Each licensee shall be responsible for the continuing effectiveness of the access authorization program. Each licensee shall ensure that access authorization programs are reviewed to confirm compliance with the requirements of this subpart and that			

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				<p>comprehensive actions are taken to correct any noncompliance that is identified. The review program shall evaluate all program performance objectives and requirements. Each licensee shall periodically (at least annually) review the access program content and implementation.</p> <p>(b) The results of the reviews, along with any recommendations, must be documented. Each review report must identify conditions that are adverse to the proper performance of the access authorization program, the cause of the condition(s), and, when appropriate, recommend corrective actions, and corrective actions taken. The licensee shall review the findings and take any additional corrective actions necessary to preclude repetition of the condition, including reassessment of the deficient areas where indicated.</p> <p>(c) Review records must be maintained for 3 years.</p>			
§37.41(a)	Security program		B	<p>(a) <i>Applicability.</i></p> <p>(1) Each licensee that possesses an aggregated category 1 or category 2</p>			

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				<p>quantity of radioactive material shall establish, implement, and maintain a security program in accordance with the requirements of this subpart.</p> <p>(2) An applicant for a new license and each licensee that would become newly subject to the requirements of this subpart upon application for modification of its license shall implement the requirements of this subpart, as appropriate, before taking possession of an aggregated category 1 or category 2 quantity of radioactive material.</p> <p>(3) Any licensee that has not previously implemented the Security Orders or been subject to the provisions of subpart C shall provide written notification to the NRC regional office specified in § 30.6 of this chapter at least 90 days before aggregating radioactive material to a quantity that equals or exceeds the category 2 threshold.</p>			
§37.41(b)	Security program		B	(b) <i>General performance objective.</i> Each licensee shall establish, implement, and maintain a security program that is designed to monitor and, without delay, detect, assess, and respond to an actual or attempted			

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				unauthorized access to category 1 or category 2 quantities of radioactive material.			
§37.41(c)	Security program		C	(c) <i>Program features.</i> Each licensee's security program must include the program features, as appropriate, described in §§ 37.43, 37.45, 37.47, 37.49, 37.51, 37.53, and 37.55.			
§37.43(a)	General security program requirements		B	<p>(a) <i>Security plan.</i></p> <p>(1) Each licensee identified in § 37.41(a) shall develop a written security plan specific to its facilities and operations. The purpose of the security plan is to establish the licensee's overall security strategy to ensure the integrated and effective functioning of the security program required by this subpart. The security plan must, at a minimum:</p> <ul style="list-style-type: none"> (i) Describe the measures and strategies used to implement the requirements of this subpart; and (ii) Identify the security resources, equipment, and technology used to satisfy the requirements of this subpart. <p>(2) The security plan must be reviewed and approved by the</p>			

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				<p>individual with overall responsibility for the security program.</p> <p>(3) A licensee shall revise its security plan as necessary to ensure the effective implementation of Commission requirements. The licensee shall ensure that:</p> <p>(i) The revision has been reviewed and approved by the individual with overall responsibility for the security program; and</p> <p>(ii) The affected individuals are instructed on the revised plan before the changes are implemented.</p> <p>(4) The licensee shall retain a copy of the current security plan as a record for 3 years after the security plan is no longer required. If any portion of the plan is superseded, the licensee shall retain the superseded material for 3 years after the record is superseded.</p>			
§37.43(b)	General security program requirements		C	<p>(b) <i>Implementing procedures.</i></p> <p>(1) The licensee shall develop and maintain written procedures that document how the requirements of this subpart and the security plan will be met.</p> <p>(2) The implementing procedures and revisions to these procedures</p>			

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				<p>must be approved in writing by the individual with overall responsibility for the security program.</p> <p>(3) The licensee shall retain a copy of the current procedure as a record for 3 years after the procedure is no longer needed. Superseded portions of the procedure must be retained for 3 years after the record is superseded.</p>			
§37.43(c)(1)-(c)(3)	General security program requirements		B	<p>(c) <i>Training.</i></p> <p>(1) Each licensee shall conduct training to ensure that those individuals implementing the security program possess and maintain the knowledge, skills, and abilities to carry out their assigned duties and responsibilities effectively. The training must include instruction in:</p> <p>(i) The licensee's security program and procedures to secure category 1 or category 2 quantities of radioactive material, and in the purposes and functions of the security measures employed;</p> <p>(ii) The responsibility to report promptly to the licensee any condition that causes or may cause a violation of Commission requirements;</p>			

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				<p>(iii) The responsibility of the licensee to report promptly to the local law enforcement agency and licensee any actual or attempted theft, sabotage, or diversion of category 1 or category 2 quantities of radioactive material; and</p> <p>(iv) The appropriate response to security alarms.</p> <p>(2) In determining those individuals who shall be trained on the security program, the licensee shall consider each individual's assigned activities during authorized use and response to potential situations involving actual or attempted theft, diversion, or sabotage of category 1 or category 2 quantities of radioactive material. The extent of the training must be commensurate with the individual's potential involvement in the security of category 1 or category 2 quantities of radioactive material.</p> <p>(3) Refresher training must be provided at a frequency not to exceed 12 months and when significant changes have been made to the security program. This training must include:</p>			

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				(i) Review of the training requirements of paragraph (c) of this section and any changes made to the security program since the last training; (ii) Reports on any relevant security issues, problems, and lessons learned; (iii) Relevant results of NRC inspections; and (iv) Relevant results of the licensee's program review and testing and maintenance.			
§37.43(c)(4)	General security program requirements		C	(c) <i>Training.</i> ***** (4) The licensee shall maintain records of the initial and refresher training for 3 years from the date of the training. The training records must include dates of the training, topics covered, a list of licensee personnel in attendance, and related information.			
§37.43(d)(1)-(d)(8)	General security program requirements		C	(d) <i>Protection of information.</i> (1) Except as provided in paragraph (d)(9) of this section, licensees authorized to possess category 1 or category 2 quantities of radioactive material shall limit access to and			

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				<p>unauthorized disclosure of their security plan, implementing procedures, and the list of individuals that have been approved for unescorted access.</p> <p>(2) Efforts to limit access shall include the development, implementation, and maintenance of written policies and procedures for controlling access to, and for proper handling and protection against unauthorized disclosure of, the security plan and implementing procedures.</p> <p>(3) Before granting an individual access to the security plan or implementing procedures, licensees shall:</p> <p>(i) Evaluate an individual's need to know the security plan or implementing procedures; and</p> <p>(ii) If the individual has not been authorized for unescorted access to category 1 or category 2 quantities of radioactive material, safeguards information, or safeguards information-modified handling, the licensee must complete a background investigation to determine the individual's trustworthiness and reliability. A trustworthiness and</p>			

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				<p>reliability determination shall be conducted by the reviewing official and shall include the background investigation elements contained in § 37.25(a)(2) through (a)(7).</p> <p>(4) Licensees need not subject the following individuals to the background investigation elements for protection of information:</p> <ul style="list-style-type: none"> (i) The categories of individuals listed in § 37.29(a)(1) through (13); or (ii) Security service provider employees, provided written verification that the employee has been determined to be trustworthy and reliable, by the required background investigation in § 37.25(a)(2) through (a)(7), has been provided by the security service provider. <p>(5) The licensee shall document the basis for concluding that an individual is trustworthy and reliable and should be granted access to the security plan or implementing procedures.</p> <p>(6) Licensees shall maintain a list of persons currently approved for access to the security plan or implementing procedures. When a licensee determines that a person no longer needs access to the security</p>			

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				<p>plan or implementing procedures or no longer meets the access authorization requirements for access to the information, the licensee shall remove the person from the approved list as soon as possible, but no later than 7 working days, and take prompt measures to ensure that the individual is unable to obtain the security plan or implementing procedures.</p> <p>(7) When not in use, the licensee shall store its security plan and implementing procedures in a manner to prevent unauthorized access. Information stored in nonremovable electronic form must be password protected.</p> <p>(8) The licensee shall retain as a record for 3 years after the document is no longer needed:</p> <p>(i) A copy of the information protection procedures; and</p> <p>(ii) The list of individuals approved for access to the security plan or implementing procedures.</p>			
§37.43(d)(9)	General security program requirements		<p>NRC</p> <p>[NOTE: This regulation was removed</p>	<p>(d) <i>Protection of information</i> ****</p> <p>(9) Licensees that possess safeguards information or safeguards information-modified handling are</p>			

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			as part of RATS ID 2015-2; See 79 FR 58664]	subject to the requirements of § 73.21 of this chapter, and shall protect any safeguards information or safeguards information-modified handling in accordance with the requirements of that section.			
§37.45(a) & (b)	LLEA coordination		B	<p>(a) A licensee subject to this subpart shall coordinate, to the extent practicable, with an LLEA for responding to threats to the licensee's facility, including any necessary armed response. The information provided to the LLEA must include:</p> <ul style="list-style-type: none"> (1) A description of the facilities and the category 1 and category 2 quantities of radioactive materials along with a description of the licensee's security measures that have been implemented to comply with this subpart; and (2) A notification that the licensee will request a timely armed response by the LLEA to any actual or attempted theft, sabotage, or diversion of category 1 or category 2 quantities of material. <p>(b) The licensee shall notify the appropriate NRC regional office listed in § 30.6(a)(2) of this chapter within 3 business days if:</p>			

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				<p>(1) The LLEA has not responded to the request for coordination within 60 days of the coordination request; or</p> <p>(2) The LLEA notifies the licensee that the LLEA does not plan to participate in coordination activities.</p>			
§37.45(c)	LLEA coordination		C	(c) The licensee shall document its efforts to coordinate with the LLEA. The documentation must be kept for 3 years.			
§37.45(d)	LLEA coordination		B	(d) The licensee shall coordinate with the LLEA at least every 12 months, or when changes to the facility design or operation adversely affect the potential vulnerability of the licensee's material to theft, sabotage, or diversion.			
§37.47	Security zones		B	(a) Licensees shall ensure that all aggregated category 1 and category 2 quantities of radioactive material are used or stored within licensee-established security zones. Security zones may be permanent or temporary.			

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				<p>(b) Temporary security zones must be established as necessary to meet the licensee's transitory or intermittent business activities, such as periods of maintenance, source delivery, and source replacement.</p> <p>(c) Security zones must, at a minimum, allow unescorted access only to approved individuals through:</p> <ul style="list-style-type: none"> (1) Isolation of category 1 and category 2 quantities of radioactive materials by the use of continuous physical barriers that allow access to the security zone only through established access control points. A physical barrier is a natural or man-made structure or formation sufficient for the isolation of the category 1 or category 2 quantities of radioactive material within a security zone; or (2) Direct control of the security zone by approved individuals at all times; or (3) A combination of continuous physical barriers and direct control. <p>(d) For category 1 quantities of radioactive material during periods of maintenance, source receipt, preparation for shipment, installation,</p>			

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				<p>or source removal or exchange, the licensee shall, at a minimum, provide sufficient individuals approved for unescorted access to maintain continuous surveillance of sources in temporary security zones and in any security zone in which physical barriers or intrusion detection systems have been disabled to allow such activities.</p> <p>(e) Individuals not approved for unescorted access to category 1 or category 2 quantities of radioactive material must be escorted by an approved individual when in a security zone.</p>			
§37.49(a)	Monitoring, detection, and assessment		B	<p>(a) <i>Monitoring and detection.</i></p> <p>(1) Licensees shall establish and maintain the capability to continuously monitor and detect without delay all unauthorized entries into its security zones. Licensees shall provide the means to maintain continuous monitoring and detection capability in the event of a loss of the primary power source, or provide for an alarm and response in the event of a loss of this capability to continuously monitor and detect unauthorized entries.</p>			

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				<p>(2) Monitoring and detection must be performed by:</p> <ul style="list-style-type: none"> (i) A monitored intrusion detection system that is linked to an onsite or offsite central monitoring facility; or (ii) Electronic devices for intrusion detection alarms that will alert nearby facility personnel; or (iii) A monitored video surveillance system; or (iv) Direct visual surveillance by approved individuals located within the security zone; or (v) Direct visual surveillance by a licensee designated individual located outside the security zone. <p>(3) A licensee subject to this subpart shall also have a means to detect unauthorized removal of the radioactive material from the security zone. This detection capability must provide:</p> <ul style="list-style-type: none"> (i) For category 1 quantities of radioactive material, immediate detection of any attempted unauthorized removal of the radioactive material from the security zone. Such immediate detection capability must be provided by: 			

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				<p>(A) Electronic sensors linked to an alarm; or (B) Continuous monitored video surveillance; or (C) Direct visual surveillance. (ii) For category 2 quantities of radioactive material, weekly verification through physical checks, tamper indicating devices, use, or other means to ensure that the radioactive material is present.</p>			
§37.49(b)	Monitoring, detection, and assessment		B	<p>(b) <i>Assessment.</i> Licensees shall immediately assess each actual or attempted unauthorized entry into the security zone to determine whether the unauthorized access was an actual or attempted theft, sabotage, or diversion.</p>			
§37.49(c)	Monitoring, detection, and assessment		B	<p>(c) <i>Personnel communications and data transmission.</i> For personnel and automated or electronic systems supporting the licensee's monitoring, detection, and assessment systems, licensees shall: (1) Maintain continuous capability for personnel communication and electronic data transmission and processing among site security systems; and</p>			

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				(2) Provide an alternative communication capability for personnel, and an alternative data transmission and processing capability, in the event of a loss of the primary means of communication or data transmission and processing. Alternative communications and data transmission systems may not be subject to the same failure modes as the primary systems.			
§37.49(d)	Monitoring, detection, and assessment		B	(d) <i>Response.</i> Licensees shall immediately respond to any actual or attempted unauthorized access to the security zones, or actual or attempted theft, sabotage, or diversion of category 1 or category 2 quantities of radioactive material at licensee facilities or temporary job sites. For any unauthorized access involving an actual or attempted theft, sabotage, or diversion of category 1 or category 2 quantities of radioactive material, the licensee's response shall include requesting, without delay, an armed response from the LLEA.			
§37.51	Maintenance and testing		C	(a) Each licensee subject to this subpart shall implement a			

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				<p>maintenance and testing program to ensure that intrusion alarms, associated communication systems, and other physical components of the systems used to secure or detect unauthorized access to radioactive material are maintained in operable condition and are capable of performing their intended function when needed. The equipment relied on to meet the security requirements of this part must be inspected and tested for operability and performance at the manufacturer's suggested frequency. If there is no suggested manufacturer's suggested frequency, the testing must be performed at least annually, not to exceed 12 months.</p> <p>(b) The licensee shall maintain records on the maintenance and testing activities for 3 years.</p>			
§37.53	Requirements for mobile devices		B	<p>Each licensee that possesses mobile devices containing category 1 or category 2 quantities of radioactive material must:</p> <p>(a) Have two independent physical controls that form tangible barriers to secure the material from unauthorized</p>			

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				<p>removal when the device is not under direct control and constant surveillance by the licensee; and</p> <p>(b) For devices in or on a vehicle or trailer, unless the health and safety requirements for a site prohibit the disabling of the vehicle, the licensee shall utilize a method to disable the vehicle or trailer when not under direct control and constant surveillance by the licensee. Licensees shall not rely on the removal of an ignition key to meet this requirement.</p>			
§37.55	Security program review		C	(a) Each licensee shall be responsible for the continuing effectiveness of the security program. Each licensee shall ensure that the security program is reviewed to confirm compliance with the requirements of this subpart and that comprehensive actions are taken to correct any noncompliance that is identified. The review must include the radioactive material security program content and implementation. Each licensee shall periodically (at least annually) review the security program content and implementation.			

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				<p>(b) The results of the review, along with any recommendations, must be documented. Each review report must identify conditions that are adverse to the proper performance of the security program, the cause of the condition(s), and, when appropriate, recommend corrective actions, and corrective actions taken. The licensee shall review the findings and take any additional corrective actions necessary to preclude repetition of the condition, including reassessment of the deficient areas where indicated.</p> <p>(c) The licensee shall maintain the review documentation for 3 years.</p>			
§37.57	Reporting of events		C	<p>(a) The licensee shall immediately notify the LLEA after determining that an unauthorized entry resulted in an actual or attempted theft, sabotage, or diversion of a category 1 or category 2 quantity of radioactive material. As soon as possible after initiating a response, but not at the expense of causing delay or interfering with the LLEA response to the event, the licensee shall notify the NRC's Operations Center (301-816-5100). In no case shall the notification to the NRC be later than 4 hours after the</p>			

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				<p>discovery of any attempted or actual theft, sabotage, or diversion.</p> <p>(b) The licensee shall assess any suspicious activity related to possible theft, sabotage, or diversion of category 1 or category 2 quantities of radioactive material and notify the LLEA as appropriate. As soon as possible but not later than 4 hours after notifying the LLEA, the licensee shall notify the NRC's Operations Center (301-816-5100).</p> <p>(c) The initial telephonic notification required by paragraph (a) of this section must be followed within a period of 30 days by a written report submitted to the NRC by an appropriate method listed in § 37.7. The report must include sufficient information for NRC analysis and evaluation, including identification of any necessary corrective actions to prevent future instances.</p>			
§37.71, (a)-(c)	Additional requirements for transfer of category 1 and category 2		B	A licensee transferring a category 1 or category 2 quantity of radioactive material to a licensee of the Commission or an Agreement State shall meet the license verification			

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	quantities of radioactive material			<p>provisions listed below instead of those listed in § 30.41(d) of this chapter:</p> <p>(a) Any licensee transferring category 1 quantities of radioactive material to a licensee of the Commission or an Agreement State, prior to conducting such transfer, shall verify with the NRC's license verification system or the license issuing authority that the transferee's license authorizes the receipt of the type, form, and quantity of radioactive material to be transferred and that the licensee is authorized to receive radioactive material at the location requested for delivery. If the verification is conducted by contacting the license issuing authority, the transferor shall document the verification. For transfers within the same organization, the licensee does not need to verify the transfer.</p> <p>(b) Any licensee transferring category 2 quantities of radioactive material to a licensee of the Commission or an Agreement State, prior to conducting such transfer, shall verify with the</p>			

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				<p>NRC's license verification system or the license issuing authority that the transferee's license authorizes the receipt of the type, form, and quantity of radioactive material to be transferred. If the verification is conducted by contacting the license issuing authority, the transferor shall document the verification. For transfers within the same organization, the licensee does not need to verify the transfer.</p> <p>(c) In an emergency where the licensee cannot reach the license issuing authority and the license verification system is nonfunctional, the licensee may accept a written certification by the transferee that it is authorized by license to receive the type, form, and quantity of radioactive material to be transferred. The certification must include the license number, current revision number, issuing agency, expiration date, and for a category 1 shipment the authorized address. The licensee shall keep a copy of the certification. The certification must be confirmed by use of the NRC's license verification system or by contacting the license</p>			

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				issuing authority by the end of the next business day.			
§37.71(d)	Additional requirements for transfer of category 1 and category 2 quantities of radioactive material		C	(d) The transferor shall keep a copy of the verification documentation as a record for 3 years.			
§37.73(a) & (b)	Applicability of physical protection of category 1 and category 2 quantities of radioactive material during transit		D	<p>(a) For shipments of category 1 quantities of radioactive material, each shipping licensee shall comply with the requirements for physical protection contained in §§ 37.75(a) and (e); 37.77; 37.79(a)(1), (b)(1), and (c); and 37.81(a), (c), (e), (g) and (h).</p> <p>(b) For shipments of category 2 quantities of radioactive material, each shipping licensee shall comply with the requirements for physical protection contained in §§ 37.75(b) through (e); 37.79(a)(2), (a)(3), (b)(2), and (c); and 37.81(b), (d), (f), (g), and (h). For those shipments of category 2 quantities of radioactive material that meet the criteria of § 71.97(b) of this chapter, the shipping licensee</p>			

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				shall also comply with the advance notification provisions of § 71.97 of this chapter.			
§37.73(c)	Applicability of physical protection of category 1 and category 2 quantities of radioactive material during transit		B	(c) The shipping licensee shall be responsible for meeting the requirements of this subpart unless the receiving licensee has agreed in writing to arrange for the in-transit physical protection required under this subpart.			
§37.73(d) & (e)	Applicability of physical protection of category 1 and category 2 quantities of radioactive material during transit		D	<p>(d) Each licensee that imports or exports category 1 quantities of radioactive material shall comply with the requirements for physical protection during transit contained in §§ 37.75(a)(2) and (e); 37.77; 37.79(a)(1), (b)(1), and (c); and 37.81(a), (c), (e), (g), and (h) for the domestic portion of the shipment.</p> <p>(e) Each licensee that imports or exports category 2 quantities of radioactive material shall comply with the requirements for physical protection during transit contained in §§ 37.79(a)(2), (a)(3), and (b)(2); and 37.81(b), (d), (f), (g), and (h) for the domestic portion of the shipment.</p>			

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§ 37.75(a)-(d)	Preplanning and coordination of shipment of category 1 or category 2 quantities of radioactive material		B	<p>(a) Each licensee that plans to transport, or deliver to a carrier for transport, licensed material that is a category 1 quantity of radioactive material outside the confines of the licensee's facility or other place of use or storage shall:</p> <ul style="list-style-type: none"> (1) Preplan and coordinate shipment arrival and departure times with the receiving licensee; (2) Preplan and coordinate shipment information with the governor or the governor's designee of any State through which the shipment will pass to: <ul style="list-style-type: none"> (i) Discuss the State's intention to provide law enforcement escorts; and (ii) Identify safe havens; and (3) Document the preplanning and coordination activities. <p>(b) Each licensee that plans to transport, or deliver to a carrier for transport, licensed material that is a category 2 quantity of radioactive material outside the confines of the licensee's facility or other place of use or storage shall coordinate the shipment no-later-than arrival time and the expected shipment arrival</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				<p>with the receiving licensee. The licensee shall document the coordination activities.</p> <p>(c) Each licensee who receives a shipment of a category 2 quantity of radioactive material shall confirm receipt of the shipment with the originator. If the shipment has not arrived by the no-later-than arrival time, the receiving licensee shall notify the originator.</p> <p>(d) Each licensee, who transports or plans to transport a shipment of a category 2 quantity of radioactive material, and determines that the shipment will arrive after the no-later-than arrival time provided pursuant to paragraph (b) of this section, shall promptly notify the receiving licensee of the new no-later-than arrival time.</p>			
§ 37.75(e)	Preplanning and coordination of shipment of category 1 or category 2 quantities of radioactive material		C	(e) The licensee shall retain a copy of the documentation for preplanning and coordination and any revision thereof, as a record for 3 years.			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
§37.77, (a)-(d)	Advance notification of shipment of category 1 quantities of radioactive material		B	<p>As specified in paragraphs (a) and (b) of this section, each licensee shall provide advance notification to the NRC** and the governor of a State, or the governor's designee, of the shipment of licensed material in a category 1 quantity, through or across the boundary of the State, before the transport, or delivery to a carrier for transport of the licensed material outside the confines of the licensee's facility or other place of use or storage.</p> <p><i>(a) Procedures for submitting advance notification.</i></p> <p>(1) The notification must be made to the NRC** and to the office of each appropriate governor or governor's designee. The contact information, including telephone and mailing addresses, of governors and governors' designees, is available on the NRC's Web site at http://nrc-stp.ornl.gov/special/designee.pdf. A list of the contact information is also available upon request from the Director, Division of Material Safety, State, Tribal, and Rulemaking Programs, Office of Nuclear Material Safety and Safeguards*, U.S. Nuclear</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				<p>Regulatory Commission, Washington, DC 20555-0001.** Notifications to the NRC must be to the NRC's Director, Division of Security Policy, Office of Nuclear Security and Incident Response, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. The notification to the NRC may be made by e-mail to RAMQC_SHIPMENTS@nrc.gov or by fax to 301-816-5151.**</p> <p>(2) A notification delivered by mail must be postmarked at least 7 days before transport of the shipment commences at the shipping facility.</p> <p>(3) A notification delivered by any means other than mail must reach NRC at least 4 days before the transport of the shipment commences and must reach the office of the governor or the governor's designee at least 4 days before transport of a shipment within or through the State.</p> <p><i>(b) Information to be furnished in advance notification of shipment.</i> Each advance notification of shipment of category 1 quantities of radioactive material must contain the following information, if available at the time of notification:</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				<p>(1) The name, address, and telephone number of the shipper, carrier, and receiver of the category 1 radioactive material;</p> <p>(2) The license numbers of the shipper and receiver;</p> <p>(3) A description of the radioactive material contained in the shipment, including the radionuclides and quantity;</p> <p>(4) The point of origin of the shipment and the estimated time and date that shipment will commence;</p> <p>(5) The estimated time and date that the shipment is expected to enter each State along the route;</p> <p>(6) The estimated time and date of arrival of the shipment at the destination; and</p> <p>(7) A point of contact, with a telephone number, for current shipment information.</p> <p>(c) <i>Revision notice.</i></p> <p>(1) The licensee shall provide any information not previously available at the time of the initial notification, as soon as the information becomes available but not later than commencement of the shipment, to the governor of the State or the</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				<p>governor's designee and to the NRC's Director of Nuclear Security, Office of Nuclear Security and Incident Response, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001**.</p> <p>(2) A licensee shall promptly notify the governor of the State or the governor's designee of any changes to the information provided in accordance with paragraphs (b) and (c)(1) of this section. The licensee shall also immediately notify the NRC's Director, Division of Security Policy, Office of Nuclear Security and Incident Response, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001 of any such changes.**</p> <p>(d) <i>Cancellation notice.</i> Each licensee who cancels a shipment for which advance notification has been sent shall send a cancellation notice to the governor of each State or to the governor's designee previously notified and to the NRC's Director, Division of Security Policy, Office of Nuclear Security and Incident Response, U.S. Nuclear Regulatory Commission,</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				<p>Washington, DC 20555-0001.** The licensee shall send the cancellation notice before the shipment would have commenced or as soon thereafter as possible. The licensee shall state in the notice that it is a cancellation and identify the advance notification that is being cancelled.</p> <p>**Please Note: For those shipments initially made by an Agreement State licensee, the NRC would not be notified as the notification would go to the Agreement State. FRN 78 FR 16922</p> <p>*REVIEWER PLEASE NOTE: 79 FR 75735, 12/19/2014 – Organization change from FSME to NMSS</p>			
§37.77(e)	Advance notification of shipment of category 1 quantities of radioactive material		C	(e) <i>Records.</i> The licensee shall retain a copy of the advance notification and any revision and cancellation notices as a record for 3 years.			
§37.77(f)	Advance notification of		NRC	(f) <i>Protection of information.</i>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
	shipment of category 1 quantities of radioactive material		[NOTE: This regulation was changed from Compatibility Category "NRC" to Compatibility Category "C", as part of RATS ID 2015-2; See 79 FR 58664]	State officials, State employees, and other individuals, whether or not licensees of the Commission or an Agreement State, who receive schedule information of the kind specified in § 37.77(b) shall protect that information against unauthorized disclosure as specified in § 73.21 of this chapter.			
§37.79(a)	Requirements for physical protection of category 1 and category 2 quantities of radioactive material during shipment.		B	<p>(a) <i>Shipments by road.</i></p> <p>(1) Each licensee who transports, or delivers to a carrier for transport, in a single shipment, a category 1 quantity of radioactive material shall:</p> <p>(i) Ensure that movement control centers are established that maintain position information from a remote location. These control centers must monitor shipments 24 hours a day, 7 days a week, and have the ability to communicate immediately, in an emergency, with the appropriate law enforcement agencies.</p> <p>(ii) Ensure that redundant communications are established that allow the transport to contact the escort vehicle (when used) and</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				<p>movement control center at all times. Redundant communications may not be subject to the same interference factors as the primary communication.</p> <p>(iii) Ensure that shipments are continuously and actively monitored by a telemetric position monitoring system or an alternative tracking system reporting to a movement control center. A movement control center must provide positive confirmation of the location, status, and control over the shipment. The movement control center must be prepared to promptly implement preplanned procedures in response to deviations from the authorized route or a notification of actual, attempted, or suspicious activities related to the theft, loss, or diversion of a shipment. These procedures will include, but not be limited to, the identification of and contact information for the appropriate LLEA along the shipment route.</p> <p>(iv) Provide an individual to accompany the driver for those highway shipments with a driving time period greater than the maximum number of allowable hours of service in a 24 hour duty day as established by the Department of Transportation</p>			

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				<p>Federal Motor Carrier Safety Administration. The accompanying individual may be another driver.</p> <p>(v) Develop written normal and contingency procedures to address:</p> <p>(A) Notifications to the communication center and law enforcement agencies;</p> <p>(B) Communication protocols. Communication protocols must include a strategy for the use of authentication codes and duress codes and provisions for refueling or other stops, detours, and locations where communication is expected to be temporarily lost;</p> <p>(C) Loss of communications;</p> <p>and</p> <p>(D) Responses to an actual or attempted theft or diversion of a shipment.</p> <p>(vi) Each licensee who makes arrangements for the shipment of category 1 quantities of radioactive material shall ensure that drivers, accompanying personnel, and movement control center personnel have access to the normal and contingency procedures.</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				<p>(2) Each licensee that transports category 2 quantities of radioactive material shall maintain constant control and/or surveillance during transit and have the capability for immediate communication to summon appropriate response or assistance.</p> <p>(3) Each licensee who delivers to a carrier for transport, in a single shipment, a category 2 quantity of radioactive material shall:</p> <p>(i) Use carriers that have established package tracking systems. An established package tracking system is a documented, proven, and reliable system routinely used to transport objects of value. In order for a package tracking system to maintain constant control and/or surveillance, the package tracking system must allow the shipper or transporter to identify when and where the package was last and when it should arrive at the next point of control.</p> <p>(ii) Use carriers that maintain constant control and/or surveillance during transit and have the capability for immediate communication to summon appropriate response or assistance; and</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				(iii) Use carriers that have established tracking systems that require an authorized signature prior to releasing the package for delivery or return.			
§37.79(b)	Requirements for physical protection of category 1 and category 2 quantities of radioactive material during shipment		B	<p>(b) <i>Shipments by rail.</i></p> <p>(1) Each licensee who transports, or delivers to a carrier for transport, in a single shipment, a category 1 quantity of radioactive material shall:</p> <p>(i) Ensure that rail shipments are monitored by a telemetric position monitoring system or an alternative tracking system reporting to the licensee, third-party, or railroad communications center. The communications center shall provide positive confirmation of the location of the shipment and its status. The communications center shall implement preplanned procedures in response to deviations from the authorized route or to a notification of actual, attempted, or suspicious activities related to the theft or diversion of a shipment. These procedures will include, but not be limited to, the identification of and contact information for the appropriate LLEA along the shipment route.</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				<p>(ii) Ensure that periodic reports to the communications center are made at preset intervals.</p> <p>(2) Each licensee who transports, or delivers to a carrier for transport, in a single shipment, a category 2 quantity of radioactive material shall:</p> <p>(i) Use carriers that have established package tracking systems. An established package tracking system is a documented, proven, and reliable system routinely used to transport objects of value. In order for a package tracking system to maintain constant control and/or surveillance, the package tracking system must allow the shipper or transporter to identify when and where the package was last and when it should arrive at the next point of control.</p> <p>(ii) Use carriers that maintain constant control and/or surveillance during transit and have the capability for immediate communication to summon appropriate response or assistance; and</p> <p>(iii) Use carriers that have established tracking systems that require an authorized signature prior</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				to releasing the package for delivery or return.			
§37.79(c)	Requirements for physical protection of category 1 and category 2 quantities of radioactive material during shipment		B	(c) <i>Investigations.</i> Each licensee who makes arrangements for the shipment of category 1 quantities of radioactive material shall immediately conduct an investigation upon the discovery that a category 1 shipment is lost or missing. Each licensee who makes arrangements for the shipment of category 2 quantities of radioactive material shall immediately conduct an investigation, in coordination with the receiving licensee, of any shipment that has not arrived by the designated no-later-than arrival time.			
§37.81(a)-(f)	Reporting of events.		B	(a) The shipping licensee shall notify the appropriate LLEA and the NRC's Operations Center (301-816-5100) within 1 hour of its determination that a shipment of category 1 quantities of radioactive material is lost or missing. The appropriate LLEA would be the law enforcement agency in the area of the shipment's last confirmed location. During the investigation required by § 37.79(c), the shipping licensee will provide agreed upon updates to the NRC's Operations			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				<p>Center on the status of the investigation.</p> <p>(b) The shipping licensee shall notify the NRC's Operations Center (301-816-5100) within 4 hours of its determination that a shipment of category 2 quantities of radioactive material is lost or missing. If, after 24 hours of its determination that the shipment is lost or missing, the radioactive material has not been located and secured, the licensee shall immediately notify the NRC's Operations Center.</p> <p>(c) The shipping licensee shall notify the designated LLEA along the shipment route as soon as possible upon discovery of any actual or attempted theft or diversion of a shipment or suspicious activities related to the theft or diversion of a shipment of a category 1 quantity of radioactive material. As soon as possible after notifying the LLEA, the licensee shall notify the NRC's Operations Center (301-816-5100) upon discovery of any actual or attempted theft or diversion of a shipment, or any suspicious activity</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				<p>related to the shipment of category 1 radioactive material.</p> <p>(d) The shipping licensee shall notify the NRC's Operations Center (301-816-5100) as soon as possible upon discovery of any actual or attempted theft or diversion of a shipment, or any suspicious activity related to the shipment, of a category 2 quantity of radioactive material.</p> <p>(e) The shipping licensee shall notify the NRC's Operations Center (301-816-5100) and the LLEA as soon as possible upon recovery of any lost or missing category 1 quantities of radioactive material.</p> <p>(f) The shipping licensee shall notify the NRC's Operations Center (301-816-5100) as soon as possible upon recovery of any lost or missing category 2 quantities of radioactive material.</p>			
§37.81(g) & (h)	Reporting of events.		C	(g) The initial telephonic notification required by paragraphs (a) through (d) of this section must be followed within a period of 30 days by a written			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				<p>report submitted to the NRC by an appropriate method listed in § 37.7. A written report is not required for notifications on suspicious activities required by paragraphs (c) and (d) of this section. In addition, the licensee shall provide one copy of the written report addressed to the Director, Division of Security Policy, Office of Nuclear Security and Incident Response, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. The report must set forth the following information:</p> <p>(1) A description of the licensed material involved, including kind, quantity, and chemical and physical form;</p> <p>(2) A description of the circumstances under which the loss or theft occurred;</p> <p>(3) A statement of disposition, or probable disposition, of the licensed material involved;</p> <p>(4) Actions that have been taken, or will be taken, to recover the material; and</p> <p>(5) Procedures or measures that have been, or will be, adopted to</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				<p>ensure against a recurrence of the loss or theft of licensed material.</p> <p>(h) Subsequent to filing the written report, the licensee shall also report any additional substantive information on the loss or theft within 30 days after the licensee learns of such information.</p>			
§37.101	Form of records		C	<p>Each record required by this part must be legible throughout the retention period specified by each Commission regulation. The record may be the original or a reproduced copy or a microform, provided that the copy or microform is authenticated by authorized personnel and that the microform is capable of producing a clear copy throughout the required retention period. The record may also be stored in electronic media with the capability for producing legible, accurate, and complete records during the required retention period. Records such as letters, drawings, and specifications, must include all pertinent information such as stamps, initials, and signatures. The licensee shall maintain adequate safeguards</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				against tampering with and loss of records.			
§37.103	Record retention.		C	Licensees shall maintain the records that are required by the regulations in this part for the period specified by the appropriate regulation. If a retention period is not otherwise specified, these records must be retained until the Commission terminates the facility's license. All records related to this part may be destroyed upon Commission termination of the facility license.			
§37.105	Inspections.		D	<p>(a) Each licensee shall afford to the Commission at all reasonable times opportunity to inspect category 1 or category 2 quantities of radioactive material and the premises and facilities wherein the nuclear material is used, produced, or stored.</p> <p>(b) Each licensee shall make available to the Commission for inspection, upon reasonable notice, records kept by the licensee pertaining to its receipt, possession, use, acquisition, import, export, or</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				transfer of category 1 or category 2 quantities of radioactive material.			
§37.107	Violations		D	<p>(a) The Commission may obtain an injunction or other court order to prevent a violation of the provisions of --</p> <ul style="list-style-type: none"> (1) The Atomic Energy Act of 1954, as amended; (2) Title II of the Energy Reorganization Act of 1974, as amended; or (3) A regulation or order issued pursuant to those Acts. <p>(b) The Commission may obtain a court order for the payment of a civil penalty imposed under section 234 of the Atomic Energy Act:</p> <ul style="list-style-type: none"> (1) For violations of -- <ul style="list-style-type: none"> (i) Sections 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, or 109 of the Atomic Energy Act of 1954, as amended; (ii) Section 206 of the Energy Reorganization Act; (iii) Any rule, regulation, or order issued pursuant to the sections specified in paragraph (b)(1)(i) of this section; 			

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				<p>(iv) Any term, condition, or limitation of any license issued under the sections specified in paragraph (b)(1)(i) of this section.</p> <p>(2) For any violation for which a license may be revoked under Section 186 of the Atomic Energy Act of 1954, as amended.</p>			
§37.109	Criminal penalties.		D	<p>(a) Section 223 of the Atomic Energy Act of 1954, as amended, provides for criminal sanctions for willful violation of, attempted violation of, or conspiracy to violate, any regulation issued under sections 161b, 161i, or 161o of the Act. For purposes of section 223, all the regulations in this part 37 are issued under one or more of sections 161b, 161i, or 161o, except for the sections listed in paragraph (b) of this section.</p> <p>(b) The regulations in this part 37 that are not issued under sections 161b, 161i, or 161o for the purposes of section 223 are as follows: §§ 37.1, 37.3, 37.5, 37.7, 37.9, 37.11, 37.13, 37.107, and 37.109.</p>			
Appendix A to	Category 1 and		B	See table at end of document			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
Part 37	Category 2 Radioactive Materials						
§39.1	Purpose and scope		D	N/A			
§51.22	Criterion for categorical exclusion; identification of licensing and regulatory actions eligible for categorical exclusion or otherwise not requiring environmental review.		NRC	N/A			
§71.97	Advance notification of shipment of irradiated reactor fuel and nuclear waste.		B	<p>In § 71.97, the introductory text of paragraph (b) is revised to read as follows:</p> <p>(b) Advance notification is also required under this section for the shipment of licensed material, other than irradiated fuel, meeting the following three conditions:</p>			
§73.35	Requirements for physical		NRC	N/A			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
	protection of irradiated reactor fuel (100 grams or less) in transit						

Table 1 – Category 1 and Category 2 Threshold

The terabecquerel (TBq) values are the regulatory standard. The curie (Ci) values specified are obtained by converting from the TBq value. The curie values are provided for practical usefulness only.

Radioactive material	Category 1 (TBq)	Category 1 (Ci)	Category 2 (TBq)	Category 2 (Ci)
Americium-241	60	1,620	0.6	16.2
Americium-241/Be	60	1,620	0.6	16.2
Californium-252	20	540	0.2	5.40
Cobalt-60	30	810	0.3	8.10
Curium-244	50	1,350	0.5	13.5
Cesium-137	100	2,700	1	27.0
Gadolinium-153	1,000	27,000	10	270
Iridium-192	80	2,160	0.8	21.6
Plutonium-238	60	1,620	0.6	16.2
Plutonium-239/Be	60	1,620	0.6	16.2
Promethium-147	40,000	1,080,000	400	10,800
Radium-226	40	1,080	0.4	10.8

Selenium-75	200	5,400	2	54.0
Strontium-90	1,000	27,000	10	270
Thulium-170	20,000	540,000	200	5,400
Ytterbium-169	300	8,100	3	81.0

Note: Calculations Concerning Multiple Sources or Multiple Radionuclides

The "sum of fractions" methodology for evaluating combinations of multiple sources or multiple radionuclides is to be used in determining whether a location meets or exceeds the threshold and is thus subject to the requirements of this part.

I. If multiple sources of the same radionuclide and/or multiple radionuclides are aggregated at a location, the sum of the ratios of the total activity of each of the radionuclides must be determined to verify whether the activity at the location is less than the category 1 or category 2 thresholds of Table 1, as appropriate. If the calculated sum of the ratios, using the equation below, is greater than or equal to 1.0, then the applicable requirements of this part apply.

II. First determine the total activity for each radionuclide from Table 1. This is done by adding the activity of each individual source, material in any device, and any loose or bulk material that contains the radionuclide. Then use the equation below to calculate the sum of the ratios by inserting the total activity of the applicable radionuclides from Table 1 in the numerator of the equation and the corresponding threshold activity from Table 1 in the denominator of the equation. Calculations must be performed in metric values (i.e., TBq) and the numerator and denominator values must be in the same units.

- R₁ = total activity for radionuclide 1
- R₂ = total activity for radionuclide 2
- R_N = total activity for radionuclide n
- AR₁ = activity threshold for radionuclide 1
- AR₂ = activity threshold for radionuclide 2
- AR_N = activity threshold for radionuclide n

$$\sum \left[\frac{R_1}{AR_1} + \frac{R_2}{AR_2} + \frac{R_n}{AR_n} \right] \geq 1.0$$

Distribution of Source Material to Exempt Persons and to General Licensees and Revision of General License and Exemptions
10 CFR Parts 30, 40, 70, 170, and 171
(78 FR 32310, Published May 29, 2013) RATS ID: 2013-2
Effective Date: August 27, 2013
Date Due for State Adoption: August 27, 2016

REVIEWER PLEASE NOTE: 79 FR 75735, 12/19/2014 – Organization change from FSME to NMSS

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§30.6	Communications		D	N/A			
§40.4	Definitions		B	<p>In §40.4, the definition of <i>Unrefined and unprocessed ore</i> is revised to read as follows:</p> <p><i>Unrefined and unprocessed ore</i> means ore in its natural form prior to any processing, such as grinding, roasting or beneficiating, or refining. Processing does not include sieving or encapsulation of ore or preparation of samples for laboratory analysis.</p>			
§40.5	Communications		D	N/A			
§40.8	Information collection		D	N/A			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
	requirements: OMB approval						
§40.13(c)	Unimportant quantities of source material		B	<p>In §40.13(c), introductory text, is revised to read as follows:</p> <p>(c) Any person is exempt from the requirements for a license set forth in section 62 of the Act and from the regulations in this part and parts 19, 20, and 21 of this chapter to the extent that such person receives, possesses, uses, or transfers:</p>			
§40.13(c)(2)(i)	Unimportant quantities of source material		B	<p>Section 40.13(c)(2)(i) is revised to read as follows:</p> <p>(2) * * *</p> <p>(i) Glazed ceramic tableware manufactured before August 27, 2013, provided that the glaze contains not more than 20 percent by weight source material;</p>			
§40.13(c)(2)(iii)	Unimportant quantities of source material		B	<p>Section 40.13(c)(2)(iii) is revised to read as follows:</p> <p>(2) * * *</p> <p>(iii) Glassware containing not more than 2 percent by weight source</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				material or, for glassware manufactured before August 27, 2013, 10 percent by weight source material; but not including commercially manufactured glass brick, pane glass, ceramic tile, or other glass or ceramic used in construction;			
§40.13(c)(5)(i)	Unimportant quantities of source material		B	Section 40.13(c)(5)(i) is removed.			
§40.13(c)(5)(ii) –(iv)	Unimportant quantities of source material		B	In §40.13, paragraphs (c)(5)(ii) through (iv) are redesignated as paragraphs (c)(5)(i) through (iii).			
§40.13(c)(5)(v)	Unimportant quantities of source material		NRC	In §40.13, paragraphs (c)(5)(v) is redesignated as paragraphs (c)(5)(iv).			
§40.13(c)(7)	Unimportant quantities of source material		B	In §40.13, paragraph (c)(7) is revised as follows: (7) Thorium or uranium contained in or on finished optical lenses and mirrors, provided that each lens or mirror does not contain more than 10 percent by weight thorium or uranium or, for lenses manufactured before August 27, 2013, 30 percent by			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				<p>weight of thorium; and that the exemption contained in this paragraph does not authorize either:</p> <p>(i) The shaping, grinding or polishing of such lens or mirror or manufacturing processes other than the assembly of such lens or mirror into optical systems and devices without any alteration of the lens or mirror; or</p> <p>(ii) The receipt, possession, use, or transfer of uranium or thorium contained in contact lenses, or in spectacles, or in eyepieces in binoculars or other optical instruments.</p>			
§40.13(c)(10)	Unimportant quantities of source material		B	<p>In §40.13, paragraph (c)(10) is added.</p> <p>(10) No person may initially transfer for sale or distribution a product containing source material to persons exempt under this paragraph (c), or equivalent regulations of an Agreement State, unless authorized by a license issued under § 40.52 to initially transfer such products for sale or distribution.</p> <p>(i) Persons initially distributing source material in products covered</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				<p>by the exemptions in this paragraph (c) before August 27, 2013, without specific authorization may continue such distribution for 1 year beyond this date. Initial distribution may also be continued until the Commission takes final action on a pending application for license or license amendment to specifically authorize distribution submitted no later than 1 year beyond this date.</p> <p>(ii) Persons authorized to manufacture, process, or produce these materials or products containing source material by an Agreement State, and persons who import finished products or parts, for sale or distribution must be authorized by a license issued under § 40.52 for distribution only and are exempt from the requirements of parts 19 and 20 of this chapter, and § 40.32(b) and (c).</p>			
§40.13(d)	Unimportant quantities of source material		B	Section 40.13(d) is removed.			
§40.13 Footnote 2	Unimportant quantities of source material		B	<p>In §40.13, Footnote 2 is revised as follows:</p> <p>²The requirements specified in</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				<p>paragraphs (c)(5)(i) and (ii) of this section need not be met by counterweights manufactured prior to Dec. 31, 1969, provided that such counterweights were manufactured under a specific license issued by the Atomic Energy Commission and were impressed with the legend required by §40.13(c)(5)(ii) in effect on June 30, 1969.</p>			
§40.22(a)	Small quantities of source material		B	<p>Section 40.22, paragraph (a) is revised to read as follows:</p> <p>(a) A general license is hereby issued authorizing commercial and industrial firms; research, educational, and medical institutions; and Federal, State, and local government agencies to receive, possess, use, and transfer uranium and thorium, in their natural isotopic concentrations and in the form of depleted uranium, for research, development, educational, commercial, or operational purposes in the following forms and quantities:</p>			
§40.22(a)(1) – (4)	Small quantities of source material		B	<p>Section 40.22, paragraph (a)(1) through (a)(4) are added as follows:</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				<p>(1) No more than 1.5 kg (3.3 lb) of uranium and thorium in dispersible forms (e.g., gaseous, liquid, powder, etc.) at any one time. Any material processed by the general licensee that alters the chemical or physical form of the material containing source material must be accounted for as a dispersible form. A person authorized to possess, use, and transfer source material under this paragraph may not receive more than a total of 7 kg (15.4 lb) of uranium and thorium in any one calendar year. Persons possessing source material in excess of these limits as of August 27, 2013, may continue to possess up to 7 kg (15.4 lb) of uranium and thorium at any one time for one year beyond this date, or until the Commission takes final action on a pending application submitted on or August 27, 2014, for a specific license for such material; and receive up to 70 kg (154 lb) of uranium or thorium in any one calendar year until December 31, 2014, or until the Commission takes final action on a pending application submitted on or before August 27,</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				<p>2014, for a specific license for such material; and</p> <p>(2) No more than a total of 7 kg (15.4 lb) of uranium and thorium at any one time. A person authorized to possess, use, and transfer source material under this paragraph may not receive more than a total of 70 kg (154 lb) of uranium and thorium in any one calendar year. A person may not alter the chemical or physical form of the source material possessed under this paragraph unless it is accounted for under the limits of paragraph (a)(1) of this section; or</p> <p>(3) No more than 7 kg (15.4 lb) of uranium, removed during the treatment of drinking water, at any one time. A person may not remove more than 70 kg (154 lb) of uranium from drinking water during a calendar year under this paragraph; or</p> <p>(4) No more than 7 kg (15.4 lb) of uranium and thorium at laboratories for the purpose of determining the concentration of uranium and thorium contained within the material being analyzed at any one time. A person</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				authorized to possess, use, and transfer source material under this paragraph may not receive more than a total of 70 kg (154 lb) of source material in any one calendar year.			
§ 40.22(b)	Small quantities of source material		B	<p>Section 40.22, paragraph (b) is revised to read as follows:</p> <p>(b) Any person who receives, possesses, uses, or transfers source material in accordance with the general license in paragraph (a) of this section:</p>			
§40.22(b)(1) – (3)	Small quantities of source material		B	<p>Section 40.22, paragraph (b)(1) through (b)(3) are added as follows:</p> <p>(1) Is prohibited from administering source material, or the radiation therefrom, either externally or internally, to human beings except as may be authorized by the NRC in a specific license.</p> <p>(2) Shall not abandon such source material. Source material may be disposed of as follows:</p> <p>(i) A cumulative total of 0.5 kg (1.1 lb) of source material in a solid,</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				<p>non-dispersible form may be transferred each calendar year, by a person authorized to receive, possess, use, and transfer source material under this general license to persons receiving the material for permanent disposal. The recipient of source material transferred under the provisions of this paragraph is exempt from the requirements to obtain a license under this part to the extent the source material is permanently disposed. This provision does not apply to any person who is in possession of source material under a specific license issued under this chapter; or</p> <p>(ii) In accordance with § 20.2001 of this chapter.</p> <p>(3) Is subject to the provisions in §§ 40.1 through 40.10, 40.41(a) through (e), 40.46, 40.51, 40.56, 40.60 through 40.63, 40.71, and 40.81.</p>			
§40.22(b)(4)	Small quantities of source material		D	N/A			
§40.22(b)(5)	Small quantities of source		B	Section 40.22, paragraph (b)(5) is added as follows:			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
	material			(5) Shall not export such source material except in accordance with part 110 of this chapter.			
§40.22(c)	Small quantities of source material		C	<p>Section 40.22, paragraph (c) is added as follows:</p> <p>(c) Any person who receives, possesses, uses, or transfers source material in accordance with paragraph (a) of this section shall conduct activities so as to minimize contamination of the facility and the environment. When activities involving such source material are permanently ceased at any site, if evidence of significant contamination is identified, the general licensee shall notify the Director of the Office of Nuclear Material Safety and Safeguards* by an appropriate method listed in § 40.5(a) about such contamination and may consult with the NRC as to the appropriateness of sampling and restoration activities to ensure that any contamination or residual source material remaining at the site where source material was used under this general license is not</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				<p>likely to result in exposures that exceed the limits in § 20.1402 of this chapter.</p> <p>*REVIEWER PLEASE NOTE: 79 FR 75735, 12/19/2014 – Organization change from FSME to NMSS</p>			
§40.22(d)	Small quantities of source material		B	<p>Section 40.22, paragraph (d) is revised to read as follows:</p> <p>(d) Any person who receives, possesses, uses, or transfers source material in accordance with the general license granted in paragraph (a) of this section is exempt from the provisions of parts 19, 20, and 21 of this chapter to the extent that such receipt, possession, use, and transfer are within the terms of this general license, except that such person shall comply with the provisions of §§ 20.1402 and 20.2001 of this chapter to the extent necessary to meet the provisions of paragraphs (b)(2) and (c) of this section. However, this exemption does not apply to any person who also holds a specific license issued under this chapter.</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
§40.22(e)	Small quantities of source material		B	<p>Section 40.22, paragraph (e) is added as follows:</p> <p>(e) No person may initially transfer or distribute source material to persons generally licensed under paragraph (a)(1) or (2) of this section, or equivalent regulations of an Agreement State, unless authorized by a specific license issued in accordance with § 40.54 or equivalent provisions of an Agreement State. This prohibition does not apply to analytical laboratories returning processed samples to the client who initially provided the sample. Initial distribution of source material to persons generally licensed by paragraph (a) of this section before August 27, 2013, without specific authorization may continue for 1 year beyond this date. Distribution may also be continued until the Commission takes final action on a pending application for license or license amendment to specifically authorize distribution submitted on or August 27, 2014.</p>			
§40.32(f)	General requirements for		D	N/A			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
	issuance of a specific license						
§40.52	Certain items containing source material; requirements for license to apply or initially transfer		NRC	<p>Section 40.52 is added as follows:</p> <p>An application for a specific license to apply source material to, incorporate source material into, manufacture, process, or produce the products specified in § 40.13(c) or to initially transfer for sale or distribution any products containing source material for use under § 40.13(c) or equivalent provisions of an Agreement State will be approved if:</p> <p>(a) The applicant satisfies the general requirements specified in § 40.32. However, the requirements of § 40.32(b) and (c) do not apply to an application for a license to transfer products manufactured, processed, or produced in accordance with a license issued by an Agreement State or to the import of finished products or parts.</p> <p>(b) The applicant submits sufficient information regarding the product pertinent to the evaluation of the</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				<p>potential radiation exposures, including:</p> <p>(1) Chemical and physical form and maximum quantity of source material in each product;</p> <p>(2) Details of construction and design of each product, if applicable. For coated lenses, this must include a description of manufacturing methods that will ensure that the coatings are unlikely to be removed under the conditions expected to be encountered during handling and use;</p> <p>(3) For products with applicable quantity or concentration limits, quality control procedures to be followed in the fabrication of production lots of the product and the quality control standards the product will be required to meet;</p> <p>(4) The proposed method of labeling or marking each unit, and/or its container with the identification of the manufacturer or initial transferor of the product and the source material in the product; and</p> <p>(5) The means of providing radiation safety precautions and instructions relating to handling, use, and storage</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				<p>of products to be used under § 40.13(c)(1)(i) and (c)(1)(iii).</p> <p>(c) Each product will contain no more than the quantity or the concentration of source material specified for that product in § 40.13(c).</p>			
§40.53	Conditions for licenses issued for initial transfer of certain items containing source material: Quality control, labeling, and records and reports		NRC	<p>Section 40.53 is added as follows:</p> <p>(a) Each person licensed under § 40.52 shall ensure that the quantities or concentrations of source material do not exceed any applicable limit in § 40.13(c).</p> <p>(b) Each person licensed under § 40.52 shall ensure that each product is labeled as provided in the specific exemption under § 40.13(c) and as required by their license. Those distributing products to be used under §§ 40.13(c)(1)(i) and (iii) or equivalent regulations of an Agreement State shall provide radiation safety precautions and instructions relating to handling, use, and storage of these products as specified in the license.</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				<p>(c)(1) Each person licensed under § 40.52 shall file a report with the Director, Office of Nuclear Material Safety and Safeguards* by an appropriate method listed in § 40.5(a), including in the address: ATTN: Document Control Desk/Exempt Distribution.</p> <p>(2) The report must clearly identify the specific licensee submitting the report and include the license number of the specific licensee and indicate that the products are transferred for use under § 40.13(c), giving the specific paragraph designation, or equivalent regulations of an Agreement State.</p> <p>(3) The report must include the following information on products transferred to other persons for use under § 40.13(c) or equivalent regulations of an Agreement State:</p> <ul style="list-style-type: none"> (i) A description or identification of the type of each product and the model number(s), if applicable; (ii) For each type of source material in each type of product and each model number, if applicable, the total quantity of the source material; and 			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				<p>(iii) The number of units of each type of product transferred during the reporting period by model number, if applicable.</p> <p>(4) The licensee shall file the report, covering the preceding calendar year, on or before January 31 of each year. Licensees who permanently discontinue activities authorized by the license issued under § 40.52 shall file a report for the current calendar year within 30 days after ceasing distribution.</p> <p>(5) If no transfers of source material have been made to persons exempt under § 40.13(c) or the equivalent regulations of an Agreement State, during the reporting period, the report must so indicate.</p> <p>(6) The licensee shall maintain all information concerning transfers that support the reports required by this section for 1 year after each transfer is included in a report to the Commission.</p> <p>*REVIEWER PLEASE NOTE: 79 FR 75735, 12/19/2014 –</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				Organization change from FSME to NMSS			
§40.54	Requirements for license to initially transfer source material for use under the 'small quantities of source material' general license		B	<p>Section 40.54 is added as follows:</p> <p>An application for a specific license to initially transfer source material for use under § 40.22, or equivalent regulations of an Agreement State, will be approved if:</p> <p>(a) The applicant satisfies the general requirements specified in § 40.32; and</p> <p>(b) The applicant submits adequate information on, and the Commission approves the methods to be used for quality control, labeling, and providing safety instructions to recipients.</p>			
§40.55(a)	Conditions of licenses to initially transfer source material for use under the 'small quantities of source material' general license: Quality control, labeling,		B	<p>Section 40.55(a) is added as follows:</p> <p>(a) Each person licensed under § 40.54 shall label the immediate container of each quantity of source material with the type of source material and quantity of material and the words, "radioactive material."</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
	safety instructions, and records and reports						
§40.55(b)	Conditions of licenses to initially transfer source material for use under the 'small quantities of source material' general license: Quality control, labeling, safety instructions, and records and reports		B	<p>Section 40.55(b) is added as follows:</p> <p>(b) Each person licensed under § 40.54 shall ensure that the quantities and concentrations of source material are as labeled and indicated in any transfer records.</p>			
§40.55(c)	Conditions of licenses to initially transfer source material for use under the 'small quantities of source material' general license: Quality control, labeling, safety		B	<p>Section 40.55(c) is added as follows:</p> <p>(c) Each person licensed under § 40.54 shall provide the information specified in this paragraph to each person to whom source material is transferred for use under § 40.22 or equivalent provisions in Agreement State regulations. This information must be transferred before the source</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
	instructions, and records and reports			<p>material is transferred for the first time in each calendar year to the particular recipient. The required information includes:</p> <p>(1) A copy of §§ 40.22 and 40.51, or relevant equivalent regulations of the Agreement State.</p> <p>(2) Appropriate radiation safety precautions and instructions relating to handling, use, storage, and disposal of the material.</p>			
§40.55(d)	Conditions of licenses to initially transfer source material for use under the 'small quantities of source material' general license: Quality control, labeling, safety instructions, and records and reports		B	<p>Section 40.55(d) is added as follows:</p> <p>(d) Each person licensed under § 40.54 shall report transfers as follows:</p> <p>(1) File a report with the Director, Office of Nuclear Material Safety and Safeguards*, U.S. Nuclear Regulatory Commission, Washington, DC 20555. The report shall include the following information:</p> <p>(i) The name, address, and license number of the person who transferred the source material;</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				<p>(ii) For each general licensee under § 40.22 or equivalent Agreement State provisions to whom greater than 50 grams (0.11 lb) of source material has been transferred in a single calendar quarter, the name and address of the general licensee to whom source material is distributed; a responsible agent, by name and/or position and phone number, of the general licensee to whom the material was sent; and the type, physical form, and quantity of source material transferred; and</p> <p>(iii) The total quantity of each type and physical form of source material transferred in the reporting period to all such generally licensed recipients.</p> <p>(2) File a report with each responsible Agreement State agency that identifies all persons, operating under provisions equivalent to § 40.22, to whom greater than 50 grams (0.11 lb) of source material has been transferred within a single calendar quarter. The report shall include the following information specific to those transfers made to the Agreement State being reported to:</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				<p>(i) The name, address, and license number of the person who transferred the source material; and</p> <p>(ii) The name and address of the general licensee to whom source material was distributed; a responsible agent, by name and/or position and phone number, of the general licensee to whom the material was sent; and the type, physical form, and quantity of source material transferred.</p> <p>(iii) The total quantity of each type and physical form of source material transferred in the reporting period to all such generally licensed recipients within the Agreement State.</p> <p>(3) Submit each report by January 31 of each year covering all transfers for the previous calendar year. If no transfers were made to persons generally licensed under § 40.22 or equivalent Agreement State provisions during the current period, a report shall be submitted to the Commission indicating so. If no transfers have been made to general licensees in a particular Agreement State during the reporting period, this information shall be reported to the</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				responsible Agreement State agency upon request of the agency. *REVIEWER PLEASE NOTE: 79 FR 75735, 12/19/2014 – Organization change from FSME to NMSS			
§40.55(e)	Conditions of licenses to initially transfer source material for use under the 'small quantities of source material' general license: Quality control, labeling, safety instructions, and records and reports		C	Section 40.55(e) is added as follows: (e) Each person licensed under § 40.54 shall maintain all information that supports the reports required by this section concerning each transfer to a general licensee for a period of 1 year after the event is included in a report to the Commission or to an Agreement State agency.			
§40.82	Criminal penalties		D	N/A			
§70.5	Communications		D	N/A			

**Revisions to Transportation Safety Requirements and Harmonization with
International Atomic Energy Agency Transportation Requirements; Including Corrections
10 CFR Part 71**
(80 FR 33987, Published June 12, 2015 and 80 FR 48683, Published August 14, 2015)

RATS ID: 2015-3

Effective Date: July 13, 2015

Date Due for State Adoption: July 13, 2018

January 31, 2017 revised to add reviewer notes.

July 31, 2017, revised reviewer notes.

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
§ 71.0(d)(1) Revised	Purpose and Scope		D	In § 71.0, paragraph (d)(1), remove the reference “§§ 71.20 through 71.23” and add, in its place, the reference “§§ 71.21 through 71.23”.			
§ 71.4 New	Definition: Contamination		[B]	In § 71.4, add the definition of “contamination” to read as follows: <i>Contamination</i> means the presence of a radioactive substance on a surface in quantities in excess of 0.4 Bq/cm ² (1x10 ⁻⁵ µCi/cm ²) for beta and gamma emitters and low toxicity alpha emitters, or 0.04 Bq/cm ² (1x10 ⁻⁶ µCi/cm ²) for all other alpha emitters.			

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				<p>(1) <i>Fixed contamination</i> means contamination that cannot be removed from a surface during normal conditions of transport.</p> <p>(2) <i>Non-fixed contamination</i> means contamination that can be removed from a surface during normal conditions of transport.</p>			
§ 71.4 Revised	Definition: Criticality Safety Index (CSI)		[B]	<p>In § 71.4, revise the definition of “Criticality Safety Index (CSI)” to read as follows:</p> <p><i>Criticality Safety Index (CSI)</i> means the dimensionless number (rounded up to the next tenth) assigned to and placed on the label of a fissile material package, to designate the degree of control of accumulation of packages, overpacks or freight containers containing fissile material during transportation. Determination of the criticality safety index is described in §§ 71.22, 71.23, and 71.59. The criticality safety index for an overpack, freight container, consignment or conveyance containing fissile material packages is the</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				arithmetic sum of the criticality safety indices of all the fissile material packages contained within the overpack, freight container, consignment or conveyance.			
§ 71.4 Revised	Definition: Low Specific Activity (LSA) material		[B]	<p>In § 71.4, revise the definition of “Low Specific Activity (LSA) material” to read as follows:</p> <p><i>Low Specific Activity (LSA) material</i> means radioactive material with limited specific activity which is nonfissile or is excepted under § 71.15, and which satisfies the descriptions and limits set forth in the following section. Shielding materials surrounding the LSA material may not be considered in determining the estimated average specific activity of the package contents. The LSA material must be in one of three groups:</p> <p>(1) LSA-I.</p> <p>(i) Uranium and thorium ores, concentrates of uranium and thorium ores, and other ores containing naturally occurring</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				<p>radionuclides that are intended to be processed for the use of these radionuclides;</p> <p>(ii) Natural uranium, depleted uranium, natural thorium or their compounds or mixtures, provided they are unirradiated and in solid or liquid form;</p> <p>(iii) Radioactive material other than fissile material, for which the A_2 value is unlimited; or</p> <p>(iv) Other radioactive material in which the activity is distributed throughout and the estimated average specific activity does not exceed 30 times the value for exempt material activity concentration determined in accordance with appendix A.</p> <p>(2) LSA-II.</p> <p>(i) Water with tritium concentration up to 0.8 TBq/liter (20.0 Ci/liter); or</p> <p>(ii) Other radioactive material in which the activity is distributed throughout and the estimated average specific activity does not exceed $10^{-4} A_2/g$ for solids and gases, and $10^{-5} A_2/g$ for liquids.</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				<p>(3) LSA-III. Solids (e.g., consolidated wastes, activated materials), excluding powders, that satisfy the requirements of § 71.77, in which:</p> <p>(i) The radioactive material is distributed throughout a solid or a collection of solid objects, or is essentially uniformly distributed in a solid compact binding agent (such as concrete, bitumen, ceramic, etc.);</p> <p>(ii) The radioactive material is relatively insoluble, or it is intrinsically contained in a relatively insoluble material, so that even under loss of packaging, the loss of radioactive material per package by leaching when placed in water for 7 days will not exceed $0.1 A_2$; and</p> <p>(iii) The estimated average specific activity of the solid, excluding any shielding material, does not exceed $2 \times 10^{-3} A_2/g$.</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
§ 71.4 Revised	Definition: Special form radioactive material		[B]	<p>In § 71.4, revise the definition of “Special form radioactive material” to read as follows: <i>Special form radioactive material</i> means radioactive material that satisfies the following conditions: (1) It is either a single solid piece or is contained in a sealed capsule that can be opened only by destroying the capsule; (2) The piece or capsule has at least one dimension not less than 5 mm (0.2 in); and (3) It satisfies the requirements of §71.75. A special form encapsulation designed in accordance with the requirements of § 71.4 in effect on June 30, 1983 (see 10 CFR part 71, revised as of January 1, 1983), and constructed before July 1, 1985; a special form encapsulation designed in accordance with the requirements of § 71.4 in effect on March 31, 1996 (see 10 CFR part 71, revised as of January 1, 1996), and constructed before April 1,</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				1998; and special form material that was successfully tested before September 10, 2015 in accordance with the requirements of § 71.75(d) of this section in effect before September 10, 2015 may continue to be used. Any other special form encapsulation must meet the specifications of this definition.			
§ 71.4 Revised	Definition: Uranium – natural, depleted, enriched		[B]	<p>In § 71.4, revise the definition of “Uranium—natural, depleted, enriched” to read as follows:</p> <p><i>Uranium – natural, depleted, enriched.</i></p> <p>(1) Natural uranium means uranium (which may be chemically separated) with the naturally occurring distribution of uranium isotopes (approximately 0.711 weight percent uranium-235 and the remainder by weight essentially uranium-238).</p> <p>(2) Depleted uranium means uranium containing less uranium-235 than the naturally</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				<p>occurring distribution of uranium isotopes. (3) Enriched uranium means uranium containing more uranium-235 than the naturally occurring distribution of uranium isotopes.</p>			
§ 71.6 Revised	Information Collection Requirements: OMB Approval		D	<p>In § 71.6, revise paragraph (b) to read as follows: (b) The approved information collection requirements contained in this part appear in §§ 71.5, 71.7, 71.9, 71.12, 71.17, 71.19, 71.22, 71.23, 71.31, 71.33, 71.35, 71.37, 71.38, 71.39, 71.41, 71.47, 71.85, 71.87, 71.89, 71.91, 71.93, 71.95, 71.97, 71.101, 71.103, 71.105, 71.106, 71.107, 71.109, 71.111, 71.113, 71.115, 71.117, 71.119, 71.121, 71.123, 71.125, 71.127, 71.129, 71.131, 71.133, 71.135, 71.137, and appendix A, paragraph II.</p>			
§ 71.14(a)(1) – (a)(3)	Exemption for low-level materials		[B]	<p>In § 71.14, revise paragraphs (a)(1) and (2), and add paragraph (a)(3) to read as follows:</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
Revised, New				<p>(a) * * *</p> <p>(1) Natural material and ores containing naturally occurring radionuclides that are either in their natural state, or have only been processed for purposes other than for the extraction of the radionuclides, and which are not intended to be processed for the use of these radionuclides, provided the activity concentration of the material does not exceed 10 times the applicable radionuclide activity concentration values specified in appendix A, Table A-2, or Table A-3 of this part.</p> <p>(2) Materials for which the activity concentration is not greater than the activity concentration values specified in appendix A, Table A-2, or Table A-3 of this part, or for which the consignment activity is not greater than the limit for an exempt consignment found in appendix A, Table A-2, or Table A-3 of this part.</p> <p>(3) Non-radioactive solid objects with radioactive</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				substances present on any surfaces in quantities not in excess of the levels cited in the definition of contamination in § 71.4.			
§ 71.15(d) Revised	Exemption from classification as fissile material		[B]	In § 71.15, revise paragraph (d) to read as follows: (d) Uranium enriched in uranium-235 to a maximum of 1 percent by weight, and with total plutonium and uranium-233 content of up to 1 percent of the mass of uranium-235, provided that the mass of any beryllium, graphite, and hydrogenous material enriched in deuterium constitutes less than 5 percent of the uranium mass, and that the fissile material is distributed homogeneously and does not form a lattice arrangement within the package.			
§ 71.17 Revised, Removal of Brackets on	General license: NRC approved package		B Note: The Compatibility Category for §71.17 has changed from [B] to B.	The Compatibility Category for all of § 71.17 has changed from [B] to B signifying that Agreement States should ensure that they have			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
Compatibility Category.			<p>**Reviewer note: Agreement States should replace the noted reference(s) to the NRC/Commission with their corresponding Agency information as it is directed to the State's general licensees.</p>	<p>regulations compatible with this section that are collocated with their transportation regulations. In § 71.17, revise paragraph (c) to read as follows:</p> <p>(a) A general license is issued to any licensee of the Commission** to transport, or to deliver to a carrier for transport, licensed material in a package for which a license, certificate of compliance (CoC), or other approval has been issued by the NRC.</p> <p>(b) This general license applies only to a licensee who has a quality assurance program approved by the Commission** as satisfying the provisions of subpart H of this part.</p> <p>(c) Each licensee issued a general license under paragraph (a) of this section shall—</p> <p>(1) Maintain a copy of the Certificate of Compliance, or other approval of the package, and the drawings and other documents referenced in the</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				<p>approval relating to the use and maintenance of the packaging and to the actions to be taken before shipment;</p> <p>(2) Comply with the terms and conditions of the license, certificate, or other approval, as applicable, and the applicable requirements of subparts A, G, and H of this part; and</p> <p>(3) Submit in writing before the first use of the package to: ATTN: Document Control Desk, Director, Division of Spent Fuel Storage and Transportation, Office of Nuclear Material Safety and Safeguards, using an appropriate method listed in § 71.1(a), the licensee's name and license number and the package identification number specified in the package approval.</p> <p>(d) This general license applies only when the package approval authorizes use of the package under this general license.</p> <p>(e) For a Type B or fissile material package, the design of</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				which was approved by NRC before April 1, 1996, the general license is subject to the additional restrictions of § 71.19.			
§ 71.19 Revised	Previously approved package		NRC	<p>In § 71.19, redesignate paragraphs (b) through (e) as paragraphs (a) through (d), and revise newly redesignated paragraph (b)(2) to read as follows:</p> <p>(b) * * *</p> <p>(2) A package used for a shipment to a location outside the United States is subject to multilateral approval as defined in the DOT's regulations at 49 CFR 173.403.</p>			
§ 71.21 Revised, Removal of Brackets on Compatibility Category	General license: Use of foreign approved package		<p>B</p> <p>Note: The Compatibility Category for §71.21 has changed from [B] to B.</p> <p>**Reviewer note:</p>	<p>The Compatibility Category for all of § 71.21 has changed from [B] to B signifying that Agreement States should ensure that they have regulations compatible with this section that are collocated with their transportation regulations. In</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
			<p>Agreement States should replace the noted reference(s) to the NRC/Commission with their corresponding Agency information.</p>	<p>§ 71.21, revise paragraphs (a) and (d) to read as follows:</p> <p>(a) A general license is issued to any licensee of the Commission** to transport, or to deliver to a carrier for transport, licensed material in a package, the design of which has been approved in a foreign national competent authority certificate, that has been revalidated by the DOT as meeting the applicable requirements of 49 CFR 171.23.</p> <p>(b) Except as otherwise provided in this section, the general license applies only to a licensee who has a quality assurance program approved by the Commission** as satisfying the applicable provisions of subpart H of this part.</p> <p>(c) This general license applies only to shipments made to or from locations outside the United States.</p> <p>(d) Each licensee issued a general license under paragraph (a) of this section</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				<p>shall—</p> <p>(1) Maintain a copy of the applicable certificate, the revalidation, and the drawings and other documents referenced in the certificate, relating to the use and maintenance of the packaging and to the actions to be taken before shipment; and</p> <p>(2) Comply with the terms and conditions of the certificate and revalidation, and with the applicable requirements of subparts A, G, and H of this part.</p>			
§ 71.31(b) Revised	Contents of application		NRC	<p>In § 71.31, paragraph (b), remove the reference “§ 71.13” and add, in its place, the reference “§ 71.19.”</p>			
§ 71.38 Retitled, Revised	Renewal of a certificate of compliance		NRC	<p>Revise § 71.38 to read as follows:</p> <p>§ 71.38 Renewal of a certificate of compliance.</p> <p>(a) Except as provided in paragraph (b) of this section, each Certificate of Compliance expires at the end of the day, in</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				<p>the month and year stated in the approval.</p> <p>(b) In any case in which a person, not less than 30 days before the expiration of an existing Certificate of Compliance issued pursuant to the part, has filed an application in proper form for renewal, the existing Certificate of Compliance for which the renewal application was filed shall not be deemed to have expired until final action on the application for renewal has been taken by the Commission.</p> <p>(c) In applying for renewal of an existing Certificate of Compliance, an applicant may be required to submit a consolidated application that is comprised of as few documents as possible. The consolidated application should incorporate all changes to its certificate, including changes that are incorporated by reference in the existing certificate.</p>			
§ 71.70 New	Incorporations by reference		NRC	Add § 71.70 to subpart F to read as follows:			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				<p>§ 71.70 Incorporations by reference.</p> <p>(a) The materials listed in this section are incorporated by reference in the corresponding sections noted and made a part of the regulations in part 71. These incorporations by reference were approved by the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. These materials are incorporated as they exist on the date of the approval. A notice of any changes made to the material incorporated by reference will be published in the Federal Register, and the material must be available to the public. The materials can be examined, by appointment, at the NRC's Technical Library, which is located at Two White Flint North, 11545 Rockville Pike, Rockville, Maryland 20852; telephone: 301-415-7000; email: Library.Resource@nrc.gov. The materials are also available from the sources listed below. All approved material is</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				<p>available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 1-202-741-6030 or go to http://www.archives.gov/federal-register/cfr/ibr-locations.html.</p> <p>(b) International Organization for Standardization, ISO Central Secretariat, Chemin de Blandonnet 8 CP 401, 1214 Vernier, Geneva, Switzerland; email: central@iso.org; phone: +41 22 749 01 11; Web site: http://www.iso.org.</p> <p>(1) ISO 9978:1992(E), "Radiation protection—Sealed radioactive sources—Leakage test methods," First Edition (February 15, 1992), incorporation by reference approved for § 71.75(a), is available for purchase from the American National Standards Institute, 25 West 43rd Street, 4th Floor, New York, NY 10036, 212-642-4900, http://www.ansi.org, or info@ansi.org.</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				(2) ISO 2919:1999(E), "Radiation protection—Sealed radioactive sources—General requirements and classification," Second Edition (February 15, 1999), incorporation by reference approved for § 71.75(d), is available on http://www.amazon.com .			
§ 71.75 Revised	Qualification of special form radioactive material		NRC	<p>In § 71.75, revise paragraphs (a)(5), (b)(2)(ii), (b)(2)(iii), (d)(1), and (d)(2) to read as follows:</p> <p>(a) * * *</p> <p>(5) A specimen that comprises or simulates radioactive material contained in a sealed capsule need not be subjected to the leaktightness procedure specified in this section, provided it is alternatively subjected to any of the tests prescribed in ISO 9978:1992(E), "Radiation protection—Sealed radioactive sources—Leakage test methods" (incorporated by reference, see § 71.70).</p> <p>(b) * * *</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				<p>(2) * * *</p> <p>(ii) The flat face of the billet must be 25 millimeters (mm) (1 inch) in diameter with the edge rounded off to a radius of 3 mm ± 0.3 mm (0.12 in ± 0.012 in);</p> <p>(iii) The lead must be hardness number 3.5 to 4.5 on the Vickers scale and not more than 25 mm (1 inch) thick, and must cover an area greater than that covered by the specimen;</p> <p>* * * * *</p> <p>(d) * * *</p> <p>(1) The impact test and the percussion test of this section, provided that the specimen is:</p> <p>(i) Less than 200 grams and alternatively subjected to the Class 4 impact test prescribed in ISO 2919:1999(E), "Radiation protection—Sealed radioactive sources—General requirements and classification" (incorporated by reference, see § 71.70); or</p> <p>(ii) Less than 500 grams and alternatively subjected to the Class 5 impact test prescribed in ISO 2919:1999(E), "Radioactive protection—Sealed radioactive sources—</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				General requirements and classification” (incorporated by reference, see § 71.70); and (2) The heat test of this section, provided the specimen is alternatively subjected to the Class 6 temperature test specified in ISO 2919:1999(E), “Radioactive protection— Sealed radioactive sources— General requirements and classification” (incorporated by reference, see § 71.70).			
§71.85(a) – (c) Revised, Compatibility Change	Preliminary determinations		NRC Note: The Compatibility Category for §71.85(a) – (c) has changed from [B] to NRC.	In § 71.85, revise paragraphs (a), (b), and (c) to read as follows: (a) The certificate holder shall ascertain that there are no cracks, pinholes, uncontrolled voids, or other defects that could significantly reduce the effectiveness of the packaging; (b) Where the maximum normal operating pressure will exceed 35 kPa (5 lbf/in ²) gauge, the certificate holder shall test the containment system at an internal pressure at least 50 percent higher than the maximum normal operating			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				<p>pressure, to verify the capability of that system to maintain its structural integrity at that pressure;</p> <p>(c) The certificate holder shall conspicuously and durably mark the packaging with its model number, serial number, gross weight, and a package identification number assigned by the NRC. Before applying the model number, the certificate holder shall determine that the packaging has been fabricated in accordance with the design approved by the Commission; and</p>			
§ 71.85(d) New	Preliminary determinations		<p style="text-align: center;">B</p> <p>**Reviewer note: “paragraphs (a) through (c) of this section” refers to 71.85(a) through (c), which are assigned Compatibility Category NRC and must not be adopted by the Agreement States. Consequently, in</p>	<p>In § 71.85, add paragraph (d) to read as follows:</p> <p>(d) The licensee shall ascertain that the determinations in paragraphs (a) through (c) of this section** have been made.</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
			71.85(d), Agreement States should reference "10 CFR 71.85(a) through (c)" and not their own regulations.				
§ 71.91(a) Revised, Compatibility Change	Records		C Note: The Compatibility Category for § 71.91(a) has changed from D to C.	In § 71.91, in paragraph (a) introductory text, remove the reference "§ 71.10" and add, in its place, the reference "§ 71.14."			
§ 71.91(b) Compatibility Change	Records		NRC Note: The Compatibility Category for § 71.91(b) has changed from D to NRC.	The Compatibility Category has changed. b) Each certificate holder shall maintain, for a period of 3 years after the life of the packaging to which they apply, records identifying the packaging by model number, serial number, and date of manufacture.			
§ 71.91(c) and (d) Compatibility Change	Records		C Note: The Compatibility Category for § 71.91(c) and (d) has changed from D to C.	The Compatibility Category has changed. (c) The licensee, certificate holder, and an applicant for a CoC**, shall make available to the Commission** for			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
			<p>**Reviewer notes:</p> <ol style="list-style-type: none"> 1) the phrase "certificate holder, and applicant for a CoC" should be deleted by the Agreement States, or the State should clearly indicate that these terms apply to the NRC, as the NRC has sole authority for issuing a Certificate of Compliance; 2) Agreement States should replace the noted reference(s) to the NRC/Commission with their corresponding Agency information. 	<p>inspection, upon reasonable notice, all records required by this part. Records are only valid if stamped, initialed, or signed and dated by authorized personnel, or otherwise authenticated.</p> <p>(d) The licensee, certificate holder, and an applicant for a CoC** shall maintain sufficient written records to furnish evidence of the quality of packaging. The records to be maintained include results of the determinations required by § 71.85; design, fabrication, and assembly records; results of reviews, inspections, tests, and audits; results of monitoring work performance and materials analyses; and results of maintenance, modification, and repair activities. Inspection, test, and audit records must identify the inspector or data recorder, the type of observation, the results, the acceptability, and the action taken in connection with any deficiencies noted. These records must be retained for 3</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				years after the life of the packaging to which they apply.			
§ 71.101(a) Revised, Compatibility Change	Quality assurance requirements		<p style="text-align: center;">C**</p> <p>Note: The Compatibility Category for § 71.101(a) has changed from D or C to only C.</p> <p>** See last page for additional note.</p> <p>**Reviewer note: the highlighted section</p>	<p>In § 71.101, revise paragraph (a) to read as follows:</p> <p>(a) <i>Purpose.</i> This subpart describes quality assurance requirements applying to design, purchase, fabrication, handling, shipping, storing, cleaning, assembly, inspection, testing, operation, maintenance, repair, and modification of components of packaging that are important to safety. As used in this subpart, “quality assurance” comprises all those planned and systematic actions necessary to provide adequate confidence that a system or component will perform satisfactorily in service. Quality assurance includes quality control, which comprises those quality assurance actions related to control of the physical characteristics and quality of the material or component to predetermined requirements. Each certificate holder and applicant for a package</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
			should be omitted by the Agreement states as the NRC has sole authority for issuing a CoC.	approval is responsible for satisfying the quality assurance requirements that apply to design, fabrication, testing, and modification of packaging subject to this subpart.** Each licensee is responsible for satisfying the quality assurance requirements that apply to its use of a packaging for the shipment of licensed material subject to this subpart.			
§ 71.101(b) and (c)(1) Compatibility Change	Quality assurance requirements		<p style="text-align: center;">C**</p> <p>Note: The Compatibility Category for § 71.101(b) and (c)(1) has changed from D or C to only C.</p> <p>** See last page for additional note.</p> <p>**Reviewer notes: 1) the phrase “certificate holder, and applicant for a CoC” should be deleted by the</p>	<p>The Compatibility Category has changed.</p> <p>(b) <i>Establishment of program.</i> Each licensee, certificate holder, and applicant for a CoC** shall establish, maintain, and execute a quality assurance program satisfying each of the applicable criteria of §§ 71.101 through 71.137 and satisfying any specific provisions that are applicable to the licensee's activities including procurement of packaging. The licensee, certificate holder, and applicant for a CoC** shall execute the applicable criteria in a graded</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
			<p>Agreement States, or the State should clearly indicate that these terms apply to the NRC as the NRC has sole authority for issuing a Certificate of Compliance;</p> <p>2) in (c) the Agreement States should insert their Agency where noted and provide their Agency information for notification.</p>	<p>approach to an extent that is commensurate with the quality assurance requirement's importance to safety.</p> <p>(c) <i>Approval of program.</i> (1) Before the use of any package for the shipment of licensed material subject to this subpart, each licensee shall obtain Commission** approval of its quality assurance program. Using an appropriate method listed in § 71.1(a), each licensee shall file a description of its quality assurance program, including a discussion of which requirements of this subpart are applicable and how they will be satisfied, by submitting the description to: ATTN: Document Control Desk, Director, Division of Spent Fuel Management, Office of Nuclear Material Safety and Safeguards**.</p>			
§ 71.101(c)(2) Revised	Quality assurance requirements		NRC	<p>In § 71.101, revise paragraphs (c)(2) to read as follows:</p> <p>(c) * * *</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				<p>(2) Before the fabrication, testing, or modification of any package for the shipment of licensed material subject to this subpart, each certificate holder, or applicant for a Certificate of Compliance shall obtain Commission approval of its quality assurance program. Each certificate holder or applicant for a CoC shall, in accordance with § 71.1, file a description of its quality assurance program, including a discussion of which requirements of this subpart are applicable and how they will be satisfied.</p>			
§ 71.101(g) Compatibility Note Revised	Quality assurance requirements		<p>C**</p> <p>** See last page for note.</p>	<p>The Compatibility Category note has been revised.</p> <p>(g) Radiography containers. A program for transport container inspection and maintenance limited to radiographic exposure devices, source changers, or packages transporting these devices and meeting the requirements of § 34.31(b) of this chapter or equivalent Agreement State requirement,</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				is deemed to satisfy the requirements of §§ 71.17(b) and 71.101(b).			
§ 71.103(a) Revised, Compatibility Change	Quality assurance organization		<p style="text-align: center;">C**</p> <p>Note: The Compatibility Category for § 71.103(a) has changed from D or [C] to only C.</p> <p style="text-align: center;">**See last page for additional note.</p> <p>**Reviewer note: the phrase “certificate holder, and applicant for a Certificate of Compliance” should be deleted by the Agreement States, or the State should clearly indicate that these terms apply to the NRC as the NRC has sole authority for issuing a Certificate of Compliance.</p>	<p>In § 71.103, revise paragraph (a) to read as follows:</p> <p>(a) The licensee, certificate holder, and applicant for a Certificate of Compliance** shall be responsible for the establishment and execution of the quality assurance program. The licensee, certificate holder, and applicant for a Certificate of Compliance** may delegate to others, such as contractors, agents, or consultants, the work of establishing and executing the quality assurance program, or any part of the quality assurance program, but shall retain responsibility for the program. These activities include performing the functions associated with attaining quality objectives and the quality assurance functions.</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
§ 71.103(b) Compatibility Note Revised	Quality assurance organization		C** ** See last page for note.	The Compatibility Category note has been revised. (b) The quality assurance functions are-- (1) Assuring that an appropriate quality assurance program is established and effectively executed; and (2) Verifying, by procedures such as checking, auditing, and inspection, that activities affecting the functions that are important to safety have been correctly performed.			
§ 71.106 New	Changes to quality assurance program		C **Reviewer note: the Agreement states should insert their Agency where noted	Add § 71.106 to subpart H to read as follows: § 71.106 Changes to quality assurance program. (a) Each quality assurance program approval holder shall submit, in accordance with § 71.1(a), a description of a proposed change to its NRC**-approved quality assurance program that will reduce commitments in the program description as approved by the NRC**. The quality assurance program approval holder shall not implement the change			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				<p>before receiving NRC** approval.</p> <p>(1) The description of a proposed change to the NRC**-approved quality assurance program must identify the change, the reason for the change, and the basis for concluding that the revised program incorporating the change continues to satisfy the applicable requirements of subpart H of this part.</p> <p>(2) [Reserved]</p> <p>(b) Each quality assurance program approval holder may change a previously approved quality assurance program without prior NRC** approval, if the change does not reduce the commitments in the quality assurance program previously approved by the NRC**.</p> <p>Changes to the quality assurance program that do not reduce the commitments shall be submitted to the NRC** every 24 months, in accordance with § 71.1(a). In addition to quality assurance program changes involving</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				<p>administrative improvements and clarifications, spelling corrections, and non-substantive changes to punctuation or editorial items, the following changes are not considered reductions in commitment:</p> <p>(1) The use of a quality assurance standard approved by the NRC** that is more recent than the quality assurance standard in the certificate holder's or applicant's current quality assurance program at the time of the change;</p> <p>(2) The use of generic organizational position titles that clearly denote the position function, supplemented as necessary by descriptive text, rather than specific titles, provided that there is no substantive change to either the functions of the position or reporting responsibilities;</p> <p>(3) The use of generic organizational charts to indicate functional relationships, authorities, and responsibilities,</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				<p>or alternatively, the use of descriptive text, provided that there is no substantive change to the functional relationships, authorities, or responsibilities;</p> <p>(4) The elimination of quality assurance program information that duplicates language in quality assurance regulatory guides and quality assurance standards to which the quality assurance program approval holder has committed to on record; and</p> <p>(5) Organizational revisions that ensure that persons and organizations performing quality assurance functions continue to have the requisite authority and organizational freedom, including sufficient independence from cost and schedule when opposed to safety considerations.</p> <p>(c) Each quality assurance program approval holder shall maintain records of quality assurance program changes.</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
§ 71.135 Revised, Compatibility Change	Quality assurance records		<p style="text-align: center;">C**</p> <p>Note: The Compatibility Category for § 71.135 has changed from D or C to only C.</p> <p style="text-align: center;">** See last page for additional note.</p> <p>**Reviewer note: the phrase “certificate holder, and applicant for a Certificate of Compliance” should be deleted by the Agreement States, or the State should clearly indicate that these terms apply to the NRC as the NRC has sole authority for issuing a Certificate of Compliance.</p>	<p>Revise § 71.135 to read as follows:</p> <p>The licensee, certificate holder, and applicant for a Certificate of Compliance** shall maintain sufficient written records to describe the activities affecting quality. These records must include changes to the quality assurance program as required by § 71.106, the instructions, procedures, and drawings required by § 71.111 to prescribe quality assurance activities, and closely related specifications such as required qualifications of personnel, procedures, and equipment. The records must include the instructions or procedures that establish a records retention program that is consistent with applicable regulations and designates factors such as duration, location, and assigned responsibility. The licensee, certificate holder, and applicant for a Certificate of Compliance** shall retain these records for 3 years beyond the date when the licensee, certificate holder,</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				and applicant for a Certificate of Compliance** last engage in the activity for which the quality assurance program was developed. If any portion of the quality assurance program, written procedures or instructions is superseded, the licensee, certificate holder, and applicant for a Certificate of Compliance** shall retain the superseded material for 3 years after it is superseded.			
Appendix A Revised	Determination of A1 and A2		[B]	<p>In appendix A to part 71, revise paragraphs IV.a. and IV.b., redesignate paragraphs IV.c. through IV.f. as paragraphs IV.d. through IV.g., add new paragraph IV.c., revise newly redesignated paragraphs IV.d. through IV.g., redesignate paragraph V. as paragraph V.a., and add new paragraph V.b..</p> <p>Revisions detailed below under "Appendix A to Part 71 – Determination of A1 and A2."</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
Appendix A, Table A-1 Revised	A1 and A2 Values for Radionuclides		[B]	<p>In Table A-1 of Appendix A, add an entry for Kr-79 in alphanumeric order; revise the entries for Cf 252, Ir-192, Kr-81, and Mo 99; revise footnotes a and c; remove footnote h; and redesignate footnote i as footnote h.</p> <p>Revisions detailed below under "Table A-1—A1 and A2 VALUES FOR RADIONUCLIDES."</p>			
Appendix A, Table A-2 Revised	Exempt Material Activity Concentrations and Exempt Consignment Activity Limits for Radionuclides.		[B]	<p>In Table A-2 of Appendix A, add the entry for Kr-79 in alphanumeric order, revise the entries for Kr 81 and Te 121m, and revise footnote b.</p> <p>Revisions detailed below under "Table A-2—EXEMPT MATERIAL ACTIVITY CONCENTRATIONS AND EXEMPT CONSIGNMENT ACTIVITY LIMITS FOR RADIONUCLIDES."</p>			
Appendix A, Table A-3 Revised	General Values for A1 and A2		[B]	<p>In Table A-3 of Appendix A, revise the second and third</p>			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				<p>entries and add a new footnote a.</p> <p>Revisions detailed below under "TABLE A-3—GENERAL VALUES FOR A1 and A2."</p>			

**Note: §71.101(g) indicates that QA programs for industrial radiography Type B package users are covered by §34.31(b). It also indicated that this section satisfies §71.17(b) and therefore will satisfy those sections referenced in this provision (§§71.101 through 71.137).

Appendix A to Part 71 – Determination of A₁ and A₂

* * * * *

IV. * * *

a. For special form radioactive material, the maximum quantity transported in a Type A package is as follows:

$$\sum_i \frac{B(i)}{A_1(i)} \leq 1$$

where B(i) is the activity of radionuclide i in special form, and A₁(i) is the A₁ value for radionuclide i.

b. For normal form radioactive material, the maximum quantity transported in a Type A package is as follows:

$$\sum_i \frac{B(i)}{A_2(i)} \leq 1$$

where B(i) is the activity of radionuclide i in normal form, and A₂(i) is the A₂ value for radionuclide i.

c. If the package contains both special and normal form radioactive material, the activity that may be transported in a Type A package is as follows:

$$\sum_i \frac{B(i)}{A_1(i)} + \sum_j \frac{C(j)}{A_2(j)} \leq 1$$

where B(i) is the activity of radionuclide i as special form radioactive material, A₁(i) is the A₁ value for radionuclide i, C(j) is the activity of radionuclide j as normal form radioactive material, and A₂(j) is the A₂ value for radionuclide j.

d. Alternatively, the A₁ value for mixtures of special form material may be determined as follows:

$$A_1 \text{ for mixture} = \frac{1}{\sum_i \frac{f(i)}{A_1(i)}}$$

where f(i) is the fraction of activity for radionuclide i in the mixture and A₁(i) is the appropriate A₁ value for radionuclide i.

e. Alternatively, the A₂ value for mixtures of normal form material may be determined as follows:

$$A_2 \text{ for mixture} = \frac{1}{\sum_i \frac{f(i)}{A_2(i)}}$$

where f(i) is the fraction of activity for radionuclide i in the mixture and A₂(i) is the appropriate A₂ value for radionuclide i.

f. The exempt activity concentration for mixtures of nuclides may be determined as follows:

$$\text{Exempt activity concentration for mixture} = \frac{1}{\sum_i \frac{f(i)}{[A](i)}}$$

where f(i) is the fraction of activity concentration of radionuclide i in the mixture and [A](i) is the activity concentration for exempt material containing radionuclide i.

g. The activity limit for an exempt consignment for mixtures of radionuclides may be determined as follows:

$$\text{Exempt consignment activity limit for mixture} = \frac{1}{\sum_i \frac{f(i)}{A(i)}}$$

where f(i) is the fraction of activity of radionuclide i in the mixture and A(i) is the activity limit for exempt consignments for radionuclide i.

V. * * *

b. When the identity of each radionuclide is known but the individual activities of some of the radionuclides are not known, the radionuclides may be grouped and the lowest [A] (activity concentration for exempt material) or A (activity limit for exempt consignment) value, as appropriate, for the radionuclides in each group may be used in applying the formulas in paragraph IV of this appendix. Groups may be based on the total alpha activity and the total beta/gamma activity when these are known, using the lowest [A] or A values for the alpha emitters and beta/gamma emitters, respectively.

* * * * *

Table A-1—A1 and A2 VALUES FOR RADIONUCLIDES

Symbol of radionuclide	Element and atomic number	A ₁ (TBq)	A ₁ (Ci) ^b	A ₂ (TBq)	A ₂ (Ci) ^b	Specific activity	
						(TBq/g)	(Ci/g)
*	*	*		*	*	*	*
Cf-252		1.0x10 ⁻¹	2.7	3.0x10 ⁻³	8.1x10 ⁻²	2.0x10 ¹	5.4x10 ²
*	*	*		*	*	*	*
Ir-192		^c 1.0	^c 2.7x10 ¹	6.0x10 ⁻¹	1.6x10 ¹	3.4x10 ²	9.2x10 ³
*	*	*		*	*	*	*
Kr-79	Krypton (36)	4.0	1.1x10 ²	2.0	5.4x10 ¹	4.2x10 ⁴	1.1x10 ⁶
Kr-81		4.0x10 ¹	1.1x10 ³	4.0x10 ¹	1.1x10 ³	7.8x10 ⁻⁴	2.1x10 ⁻²
*	*	*		*	*	*	*
Mo-99 ^{a h}		1.0	2.7x10 ¹	6.0x10 ⁻¹	1.6x10 ¹	1.8x10 ⁴	4.8x10 ⁵
*	*	*		*	*	*	*

^a A₁ and/or A₂ values include contributions from daughter nuclides with half-lives less than 10 days, as listed in the following:

- | | |
|---------|---------------|
| Mg-28 | Al-28 |
| Ca-47 | Sc-47 |
| Ti-44 | Sc-44 |
| Fe-52 | Mn-52m |
| Fe-60 | Co-60m |
| Zn-69m | Zn-69 |
| Ge-68 | Ga-68 |
| Rb-83 | Kr-83m |
| Sr-82 | Rb-82 |
| Sr-90 | Y-90 |
| Sr-91 | Y-91m |
| Sr-92 | Y-92 |
| Y-87 | Sr-87m |
| Zr-95 | Nb-95m |
| Zr-97 | Nb-97m, Nb-97 |
| Mo-99 | Tc-99m |
| Tc-95m | Tc-95 |
| Tc-96m | Tc-96 |
| Ru-103 | Rh-103m |
| Ru-106 | Rh-106 |
| Pd-103 | Rh-103m |
| Ag-108m | Ag-108 |
| Ag-110m | Ag-110 |
| Cd-115 | In-115m |
| In-114m | In-114 |
| Sn-113 | In-113m |
| Sn-121m | Sn-121 |
| Sn-126 | Sb-126m |
| Te-127m | Te-127 |
| Te-129m | Te-129 |
| Te-131m | Te-131 |
| Te-132 | I-132 |
| I-135 | Xe-135m |

Xe-122	I-122
Cs-137	Ba-137m
Ba-131	Cs-131
Ba-140	La-140
Ce-144	Pr-144m, Pr-144
Pm-148m	Pm-148
Gd-146	Eu-146
Dy-166	Ho-166
Hf-172	Lu-172
W-178	Ta-178
W-188	Re-188
Re-189	Os-189m
Os-194	Ir-194
Ir-189	Os-189m
Pt-188	Ir-188
Hg-194	Au-194
Hg-195m	Hg-195
Pb-210	Bi-210
Pb-212	Bi-212, Tl-208, Po-212
Bi-210m	Tl-206
Bi-212	Tl-208, Po-212
At-211	Po-211
Rn-222	Po-218, Pb-214, At-218, Bi-214, Po-214
Ra-223	Rn-219, Po-215, Pb-211, Bi-211, Po-211, Tl-207
Ra-224	Rn-220, Po-216, Pb-212, Bi-212, Tl-208, Po-212
Ra-225	Ac-225, Fr-221, At-217, Bi-213, Tl-209, Po-213, Pb-209
Ra-226	Rn-222, Po-218, Pb-214, At-218, Bi-214, Po-214
Ra-228	Ac-228
Ac-225	Fr-221, At-217, Bi-213, Tl-209, Po-213, Pb-209
Ac-227	Fr-223
Th-228	Ra-224, Rn-220, Po-216, Pb-212, Bi-212, Tl-208, Po-212
Th-234	Pa-234m, Pa-234
Pa-230	Ac-226, Th-226, Fr-222, Ra-222, Rn-218, Po-214
U-230	Th-226, Ra-222, Rn-218, Po-214
U-235	Th-231
Pu-241	U-237
Pu-244	U-240, Np-240m
Am-242m	Am-242, Np-238
Am-243	Np-239
Cm-247	Pu-243
Bk-249	Am-245
Cf-253	Cm-249
*	* * * * *

^c The activity of Ir-192 in special form may be determined from a measurement of the rate of decay or a measurement of the radiation level at a prescribed distance from the source.

* * * * *

^h A₂ = 0.74 TBq (20 Ci) for Mo-99 for domestic use.

* * * * *

Table A-2—EXEMPT MATERIAL ACTIVITY CONCENTRATIONS AND EXEMPT CONSIGNMENT ACTIVITY LIMITS FOR RADIONUCLIDES

Symbol of radionuclide	Element and atomic number	Activity concentration for exempt material (Bq/g)	Activity concentration for exempt material (Ci/g)	Activity limit for exempt consignment (Bq)	Activity limit for exempt consignment (Ci)
*	*	*	**	*	*
Kr-79	Krypton (36)	1.0x10 ³	2.7x10 ⁻⁸	1.0x10 ⁵	2.7x10 ⁻⁶
Kr-81		1.0x10 ⁴	2.7x10 ⁻⁷	1.0x10 ⁷	2.7x10 ⁻⁴
*	*	*	**	*	*
Te-121m		1.0x10 ²	2.7x10 ⁻⁹	1.0x10 ⁶	2.7x10 ⁻⁵
*	*	*	**	*	*

* * * * *

^b Parent nuclides and their progeny included in secular equilibrium are listed as follows:

- Sr-90 Y-90
- Zr-93 Nb-93m
- Zr-97 Nb-97
- Ru-106 Rh-106
- Ag-108m Ag-108
- Cs-137 Ba-137m
- Ce-144 Pr-144
- Ba-140 La-140
- Bi-212 Tl-208 (0.36), Po-212 (0.64)
- Pb-210 Bi-210, Po-210
- Pb-212 Bi-212, Tl-208 (0.36), Po-212 (0.64)
- Rn-222 Po-218, Pb-214, Bi-214, Po-214
- Ra-223 Rn-219, Po-215, Pb-211, Bi-211, Tl-207
- Ra-224 Rn-220, Po-216, Pb-212, Bi-212, Tl-208 (0.36), Po-212 (0.64)
- Ra-226 Rn-222, Po-218, Pb-214, Bi-214, Po-214, Pb-210, Bi-210, Po-210
- Ra-228 Ac-228
- Th-228 Ra-224, Rn-220, Po-216, Pb-212, Bi-212, Tl-208 (0.36), Po-212(0.64)
- Th-229 Ra-225, Ac-225, Fr-221, At-217, Bi-213, Po-213, Pb-209
- Th-nat Ra-228, Ac-228, Th-228, Ra-224, Rn-220, Po-216, Pb-212, Bi-212, Tl-208 (0.36), Po-212 (0.64)
- Th-234 Pa-234m
- U-230 Th-226, Ra-222, Rn-218, Po-214
- U-232 Th-228, Ra-224, Rn-220, Po-216, Pb-212, Bi-212, Tl-208 (0.36), Po-212(0.64)
- U-235 Th-231
- U-238 Th-234, Pa-234m
- U-nat Th-234, Pa-234m, U-234, Th-230, Ra-226, Rn-222, Po-218, Pb-214, Bi-214, Po-214, Pb-210, Bi-210, Po-210
- Np-237 Pa-233
- Am-242m Am-242
- Am-243 Np-239

* * * * *

TABLE A-3—GENERAL VALUES FOR A1 and A2

Contents	A ₁		A ₂		Activity concentration for exempt material (Bq/g)	Activity concentration for exempt material (Ci/g)	Activity limits for exempt consignments (Bq)	Activity limits for exempt consignments (Ci)
	(TBq)	(Ci)	(TBq)	(Ci)				
*		*	*	*	*	*		*
Alpha emitting nuclides, but no neutron emitters, are known to be present ^a	2x10 ⁻¹	5.4x10 ⁰	9x10 ⁻⁵	2.4x10 ⁻³	1x10 ⁻¹	2.7x10 ⁻¹²	1x10 ³	2.7x10 ⁻⁸
Neutron emitting nuclides are known to be present or no relevant data are available	1x10 ⁻³	2.7x10 ⁻²	9x10 ⁻⁵	2.4x10 ⁻³	1x10 ⁻¹	2.7x10 ⁻¹²	1x10 ³	2.7x10 ⁻⁸

^a If beta or gamma emitting nuclides are known to be present, the A₁ value of 0.1 TBq (2.7 Ci) should be used.

* * * * *

Miscellaneous Corrections
10 CFR Parts 19, 20, 30, 32, 37, 40, 61, 70, 71, and 150
([80 FR 74974](#), Published December 1, 2015)
RATS ID: 2015-5
Effective Date: December 31, 2015
Date Due for State Adoption: December 31, 2018

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
§ 19.17(a) Amended	Inspections not warranted; informal review		C	In § 19.17(a), remove the phrase "Office of Information Services" and add in its place the phrase "Office of the Chief Information Officer".			
10 CFR Part 20 Amended	Standards for Protection Against Radiation		D: § 20.1007 D: § 20.2203(d) B: Appendix G	In part 20, wherever it may occur, remove the phrase "Office of Information Services" and add in its place the phrase "Office of the Chief Information Officer".			
§ 30.6(a)(3) Amended	Communications		D	In § 30.6(a)(3), remove the phrase "Office of Information Services" and add in its place the phrase "Office of the Chief Information Officer".			
§ 32.1(c)(1) Amended	Purpose and scope		NRC	In § 32.1(c)(1), remove the word "tribe" wherever it may occur, and add in its place the word "Tribe".			
10 CFR Part 37 Amended	Physical Protection of Category 1 and		D: § 37.7(c) B: § 37.27(c)(1)	In part 37, wherever it may occur, remove the phrase "Office of Information Services" and add			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
	Category 2 Quantities of Radioactive Material			in its place the phrase "Office of the Chief Information Officer".			
§ 37.77(a)(1) Amended	Advance notification of shipment of category 1 quantities of radioactive material		B	In § 37.77(a)(1), remove the Web site address "https://nrc.stp.ornl.gov/special/designee.pdf" and add in its place the Web site address "https://scp.nrc.gov/special/designee.pdf".			
10 CFR Part 40 Amended	Domestic Licensing of Source Material		NRC: Appendix A, Criterion 11(F) § 40.27(b)(1)	In part 40, wherever it may occur, remove the word "tribe" and add in its place the word "Tribe".			
§ 40.5(a)(3) Amended	Communications		D	In § 40.5(a)(3), remove the phrase "Office of Information Services" and add in its place the phrase "Office of the Chief Information Officer".			
10 CFR Part 61 Amended	Licensing Requirements for Land Disposal of Radioactive Waste		H&S: § 61.7(c) D: § 61.2 § 61.25 § 61.70 § 61.71 § 61.72 § 61.73	In part 61, wherever they may occur, remove the word "tribe" and add in its place the word "Tribe", remove the word "tribes" and add in its place the word "Tribes", and remove the word "tribal" and add in its place the word "Tribal".			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
§ 61.4	Communications		D	In § 61.4, remove the phrase "Office of Information Services" and add in its place the phrase "Office of the Chief Information Officer".			
§ 70.5(a)(3)	Communications		D	In § 70.5(a)(3), remove the phrase "Office of Information Services" and add in its place the phrase "Office of the Chief Information Officer".			
§ 71.1(a)	Communications and records		D	In § 71.1(a), remove the phrase "Office of Information Services" and add in its place the phrase "Office of the Chief Information Officer".			
§ 71.4, <i>Indian Tribe</i>	Definitions		B	In § 71.4, in the definition of Indian Tribe, remove the word "tribe" wherever it may occur, and add in its place the word "Tribe".			
§ 71.97(c)(3)(ii)	Advance notification of shipment of irradiated reactor fuel and nuclear waste		B	In § 71.97, revise paragraph (c)(3)(ii) to read as follows: * * * * * (c) * * * (3) * * * (ii) Contact information for each State, including telephone and mailing addresses of governors			

Change to NRC Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				and governors' designees, and participating Tribes, including telephone and mailing addresses of Tribal officials and Tribal official's designees, is available on the NRC Web site at: https://scp.nrc.gov/special/designee.pdf . * * * * *			
§ 150.4	Communications		D	In § 150.4, remove the phrase "Office of Information Services" and add in its place the phrase "Office of the Chief Information Officer".			
§ 150.15a(b)(6)	Continued Commission authority pertaining to byproduct material.		NRC	In § 150.15a(b)(6), remove the word "tribe" wherever it may occur, and add in its place the word "Tribe".			



**Office of Federal and State Materials and Environmental
Management Programs (FSME)
Procedure Approval**

***Compatibility Categories and Health and
Safety Identification for NRC Regulations and Other
Program Elements - SA-200***

Issue Date: June 5, 2009

Review Date: June 5, 2012

Robert J. Lewis
Director, DMSSA

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Date: 5/26/2009

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Date: 5/4/2009

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Date: 4/29/2009

ML091190055

NOTE

These Procedures were formerly issued by the Office of State and Tribal Programs (STP). Any changes to the procedure will be the responsibility of the FSME Procedure Contact as of October 1, 2006. Copies of FSME procedures will be available through the NRC website

I. INTRODUCTION

This procedure establishes the compatibility and health and safety components assigned to the U.S. Nuclear Regulatory Commission (NRC) regulations and program elements as determined in accordance with Management Directive (MD) and [Handbook 5.9, Adequacy and Compatibility of Agreement State Programs](#).

II. OBJECTIVE

To provide guidance to the NRC staff, Agreement States, and States pursuing an Agreement State status on the compatibility and health and safety components assigned to NRC regulations and program elements.

III. BACKGROUND

- A. On September 3, 1997, the Commission implemented the Policy Statement on Adequacy and Compatibility of Agreement State Programs (Policy Statement) and this associated implementing procedure, which was developed by the Joint NRC-Agreement State Adequacy and Compatibility Working Group (Working Group). The Policy Statement sets forth the approach that the Commission will use when determining which of its regulations and program elements should be adopted by an Agreement State to maintain a compatible program. The Policy Statement also specifies that an Agreement State should have legally binding requirements to maintain adequate protection of public health and safety.
- B. MD 5.9 describes the criteria and process NRC staff should follow to determine which NRC regulations and program elements should be adopted by an Agreement State for purposes of compatibility as well as purposes of health and safety. In accordance with MD 5.9, each regulation and program element is analyzed and classified in a specific compatibility or health and safety component.
- C. FSME Procedure SA-200 was developed for use by NRC and State staff. It identifies the assigned compatibility or health and safety component for each rule and program element, as determined in accordance with MD 5.9. The component classifications are set out in individual tables as described further below.

IV. ROLES AND RESPONSIBILITIES

- A. The Director, of the Division of Materials Safety and State Agreements (DMSSA), is responsible for carrying out the responsibilities outlined in MD 5.9, Section 5.9-032.
- B. The Deputy Director, National Materials Program Directorate, DMSSA, is responsible for assigning a staff member to serve as the State Regulation Review Coordinator (SRRC), assisting in procedure updates, and assisting in determination of rule and program element designations in accordance with MD 5.9.
- C. The SRRC is responsible for the review, evaluation and resolution of adequacy and compatibility concerns in collaboration and coordination with NRC staff members and Agreement State personnel. The SRRC also is responsible for updating this procedure at a frequency established by DMSSA management.

V. GUIDANCE

NRC staff should follow the guidance presented in MD Handbook 5.9, which describes the criteria and the process that will be used to determine the compatibility and health and safety components of NRC regulations and program elements that an Agreement State should adopt for an adequate and compatible program. In addition, the NRC staff should follow the guidance that a State need not adopt a specific regulation if the State has no licensees that would be subject to that regulation. In such cases, however, the State would need to commit to adopting the regulation, or to impose the regulation through license conditions or other legally binding means, if an application were to be received by the State.

MD 5.9, Section 5.9-03, Organizational Responsibilities and Delegations of Authority, provides that FSME in coordination with other NRC offices will review, evaluate and determine those NRC regulations that an Agreement State should adopt as legally binding requirements for the purpose of compatibility or health and safety. In accordance with this provision, staff in FY 2002 implemented the "Compatibility Resolution (CR)" process.

During FY 2002, Agreement State and NRC staff identified concerns regarding the acceptability of differences in working between Agreement State and NRC regulations under certain compatibility designations. In some cases, staff review indicated that the compatibility comments in the regulation tables needed revision clarifying language on

acceptable differences from NRC wording, or the rules needed clarification. The former Office of State and Tribal Programs (STP) management determined that it would not be efficient and effective to wait until the next revision of this procedure to resolve these compatibility concerns, since no interpretation or implementation issues were involved. Thus staff will use the CR process to clarify or resolve minor concerns regarding the compatibility determinations of State Regulations. Significant compatibility issues will require Commission approval, and will be handled outside of the CR process. (Also see Section D.3)

The CR document will identify the issue, provide a discussion of the issue, and provide observations and/or conclusion of the staff's resolution of the issue. The CR document will be reviewed by the Standing Committee on Compatibility for consistency with MD 5.9 (see charter: ML082610634) and will require concurrence by all relevant offices. The CR will be distributed to the Agreement States and States pursuing Agreement State status, The Organization of Agreement States (OAS), the Conference of Radiation Control Program Directors, Inc. (CRCPD), and all relevant NRC staff, and will be included as Appendix B to this procedure.

A. Title 10 Code of Federal Regulations (CFR) Regulations Addressing Agreement Materials

As noted earlier, on September 3, 1997, the Commission implemented the Policy Statement. The Statement of Consideration for NRC regulations developed prior to September 3, 1997 will not contain the current compatibility designations and associated rationale for compatibility designation under the Policy Statement. For NRC rules developed after September 3, 1997, the Statements of Consideration will contain a section entitled, "Agreement State Compatibility," which will include information on NRC rule compatibility designation and rationale.

A section-by-section summary of the compatibility and health and safety categories of regulations in Title 10 of the CFR can be found on the FSME website at: http://nrc-stp.ornl.gov/regsumsheets_newregs.html. Updates to these sections will not rely on the updating of this procedure and will be done as needed.

Appendix A contains program elements that are applicable to the regulation of agreement materials. The analysis was based on the categorization criteria and processes set out in MD 5.9. Per MD 5.9 Part V program elements should be adopted within 6 months.

The Parts of 10 CFR for which tables are provided have been analyzed section-by-section; those Parts that do not have a corresponding table have been determined to address areas in which Agreement States either do not have regulatory

authority or that are applicable specifically to NRC's regulatory program and need not be addressed by an Agreement State. For the purpose of completeness, those Parts that totally address areas of exclusive NRC authority are listed in Table 1. Those Parts that generally are applicable specifically to NRC's regulatory program, but are not areas of exclusive NRC authority, are listed in Table 2. Any future changes to these determinations will be reflected in revisions to Tables 1 and 2 and to the individual section-by-section analysis tables on the website or in Appendix A, as appropriate.

Table 1
Specific Parts of Title 10 of the Code of Federal Regulations That Address Areas of Exclusive NRC Authority
Parts 10, 11, 25, 26, 50, 51, 52, 53, 54, 55, 60, 62, 72, 73 ¹ , 74, 75 ² , 76, 81, 95, 100, 110, 140, and 160.

¹ Section 73.67 (Physical Protection of Special Nuclear Material of Moderate and Low Strategic Significance) of 10 CFR Part 73 is applicable to certain Agreement State licensees pursuant to 10 CFR 150.14. Agreement States, therefore, may wish to inform their licensees of the provisions of this part through a mechanism that is appropriate under the State's administrative procedure laws, but does not confer regulatory authority on the State in this area of exclusive NRC jurisdiction.

² Part 75 (Safeguards on Nuclear Material - Implementation of US/IAEA Agreement) may be applicable to certain Agreement State licensees as delineated in Section 75.2 - Scope. Agreement States, therefore, may wish to inform their licensees of the provisions of this part through a mechanism that is appropriate under the State's administrative procedure laws, but does not confer regulatory authority on the State in this area of exclusive NRC jurisdiction.

Table 2
Specific Parts of Title 10 of the Code of Federal Regulations That Address Areas That Generally Are Applicable Only to NRC's Regulatory Program
Parts 1, 2, 4, 7, 8, 9, 12, 13, 14, 15, 16, 21, ³ 170, and 171

B. Regulation and Other Program Element Tables

1. The Regulation Review Summary Sheet Table (as described above in section V.A, the second paragraph) is divided into seven columns. These columns are: NRC Regulation Section; Section Title; State Section; Compatibility Category; Difference Yes/No; Significant Yes/No; and If Difference Why or Why Not was a Comment Generated.
 - a. The "NRC Regulation Section" column contains the numbering of the regulation section as it appears in the 10 CFR.
 - b. The "Section Title" column contains the section title as it appears in 10 CFR.
 - c. The "State Section" will be used by NRC staff during a review of Agreement State regulations to list that State's corresponding regulation section.
 - d. The "Compatibility Category" column contains compatibility or health and safety category for the regulation section that has been determined in accordance with the categorization criteria in MD 5.9.

³ The provisions in Part 21 derive from statutory authority in the Energy Reorganization Act, not the Atomic Energy Act, which does not apply to Agreement States. Therefore, this Part cannot be addressed under either compatibility or adequacy. While it may be argued that there are health and safety reasons to require States to adopt the provisions of Part 21, States may not have the statutory authority to do so.

i. Compatibility Categories & Health and Safety Identification

The key to the categories represented by either the symbols "A," "B," "C," "D," "NRC" or "H&S"⁴ are as follows:

- A= Basic radiation protection standard or related definitions, signs, labels or terms necessary for a common understanding of radiation protection principles. The State program element should be essentially identical to that of NRC;
- B = Program element with significant direct transboundary implications. The State program element should be essentially identical to that of NRC;
- C = Program element, the essential objectives of which should be adopted by the State to avoid conflicts, duplications or gaps. The manner in which the essential objectives are addressed need not be the same as NRC, provided the essential objectives are met;
- D= Not required for purposes of compatibility;
- NRC= These are NRC program elements that address areas of regulation that cannot be relinquished to Agreement States pursuant to the Atomic Energy Act or provisions of 10 CFR regulations. The State should not adopt these program elements;

⁴In order to be consistent with the Compatibility Categories and Health and Safety Identification provided in Management Directive 5.9, "Adequacy and Compatibility of Agreement State Programs," the compatibility designation of "D/H&S" has been replaced by the designation "H&S."

H&S⁵ = Program elements identified by H&S in the Comment column are not required for purposes of compatibility; however, they do have particular health and safety significance. The State should adopt the essential objectives of such program elements in order to maintain an adequate program.

[] = A bracket around a category means that the Section may have been adopted elsewhere and it is not necessary to adopt it again.

- e. The “Difference Yes/No” column will be used by NRC staff during a review of Agreement State regulations to state whether the corresponding Agreement State regulation is or is not different from NRC’s regulation.
- f. The “Significant Yes/No” column will be used by NRC staff during a review of Agreement State regulations if the Different Yes/No column contains a Yes. This column will determine whether the difference found in the Agreement regulation is in accordance with the Compatibility Category assigned to the regulation.
- g. The “If Difference Why or Why Not was a Comment Generated” column will state what the difference is and whether or not that difference is in accordance with the regulation’s Compatibility. If the difference makes the regulation non-Compatible, NRC staff will also list what changes are needed to make the Agreement State regulation compatible.

⁵An NRC program element that is not required for compatibility. This element should be adopted by Agreement States because of a particular health and safety role in the regulation of Agreement material. If the essential objectives of the program element were not adopted, it could result directly (i.e., two or fewer failures) in an exposure to an individual in excess of the basic radiation protection standards. The concept embodied by “two or fewer failures” is that if the essential objectives of the program element were not adopted and implemented, then an event could occur that would not have taken place were the essential objectives adopted. This alone or in conjunction with, at most, one other event could result in exposure of an individual in excess of limits set by basic radiation protection standards. (Management Directive 5.9., Handbook, Part II, Section E)

- h. In using the regulation tables, staff should be aware of the following points:
 - i. The following sections are found in multiple Parts of 10 CFR: *Purpose, Scope, Interpretations, Communications, OMB Approval, Violations, Criminal Penalties and Inspections*. They are all essentially identical from Part to Part. These requirements are not required for either compatibility or health and safety reasons. The State may elect to adopt similar sections based on its requirements;
 - ii. Unless otherwise indicated in the tables, the compatibility category or identification of health and safety significance applies to the entire section of the Part. See, for example, the table for 10 CFR Part 20, Section 20.2003, where individual paragraphs are assigned different components.
- 2. The Program Element Table is divided into three columns. These columns are: Program Element; Required For; and Comments. As directed by the Commission in Staff Requirements Memorandum, SECY-93-349-Draft Policy Statement for Agreement State Adequacy and Compatibility, dated April 21, 1994, the program elements identified in the table are consistent with the common and non-common performance indicators identified in Management Directive 5.6, "Integrated Materials Performance Evaluation Program (IMPEP)." Staff should use [Management Directive 5.6](#) along with other IMPEP guidance document in the review of these program elements.
 - a. The Program Element column describes the program element.
 - b. The Required For column provides whether the program element is required for purposes of adequacy or compatibility.
 - c. The Comment column contains the rationale and supporting information as to why a program element was designated as being required for either compatibility or adequacy.

C. Reviews

1. The SRRC will review and revise these procedures, as needed, in accordance with MD 5.9.
2. The SRRC will recommend to the Director of DMSSA the cycle for review and update of this procedure taking into consideration periodic updates to incorporate new final rules or program elements adopted by the Commission. The revision of this procedure will also take into consideration any changes of designation of current NRC regulations and program elements.
3. Significant revisions to this procedure will be distributed for review and comment to FSME staff, NMSS, OGC, the Agreement States, States pursuing Agreement State status, OAS and CRCPD. A review and comment period of at least 30 days will be provided.
4. The SRRC will review and address any comments provided on the revisions. Any significant comments will be coordinated with management and staff as appropriate.

D. Approvals

1. Approvals of designations of final regulations developed after September 3, 1997 will be done in accordance with MD 5.9 and [MD 6.3](#), *The Rulemaking Process*.
2. Approvals of revisions to designations established during the efforts of the Joint NRC/Agreement State Working Group which was implemented on September 3, 1997, will be made by FSME management. As needed, staff will seek input from NMSS, OGC, and Agreement States.
3. Approvals of revisions to designations of rules developed after the implementation of the Policy Statement in September 3, 1997, will be submitted to the Commission for approval. The rules developed after September 1997, were developed in accordance with MD 5.9, and MD 6.3, *The Rulemaking Process*, which included Commission review and approval and public notice in the *Federal Register*; thus, it is essential to obtain Commission approval of these revisions.

VI. APPENDICES

- Appendix A - Program elements
- Appendix B - Compatibility Resolutions

VII. REFERENCES

1. STP Procedure [SA-201](#), *Review of State Regulatory Requirements*
2. Title 10, Code of Federal Regulations
3. Management Directive 5.9, *Adequacy and Compatibility of Agreement State Programs*
4. *Final Policy Statement on Adequacy and Compatibility of Agreement State Programs*, dated September 3, 1997
5. Management Directive 6.3, *Rulemaking Process*
6. Management Directive 5.6, *Integrated Materials Performance Evaluation Program (IMPEP)*

VIII. ADAMS Reference Documents

For knowledge management purposes, listed below are all previous revisions of this procedure, as well as associated correspondence with stakeholders, that have been entered into the NRC's Agencywide Document Access Management System (ADAMS).

No.	Date	Document Title/Description	Accession Number
1	02/06/01	Final STP Procedure SA-200	ML010580517
2	10/25/02	STP-02-075, Opportunity to Comment on Draft Revisions to STP Procedure SA-200	ML022980631
3	10/08/04	Final STP Procedure SA-200	ML042820600
4	10/08/04	Resolution of Comments	ML042820609
5	03/22/05	Final STP Procedure SA-200	ML050770486 (pkg. ML51030417)

PROGRAM ELEMENTS

PROGRAM ELEMENT	REQUIRED FOR	COMMENTS
Legislation and Legal Authority	Adequacy	See discussion in Adequacy Section of Policy Statement
<ul style="list-style-type: none"> • Regulations 	Compatibility or Health and Safety	See Regulation Tables for 10 CFR Parts on the FSME website at: http://nrc-stp.ornl.gov/regsumsheets_newregs.html .
<ul style="list-style-type: none"> • Guidance documents and interpretations 	D	
Licensing	Adequacy	See discussion in Adequacy Section of Policy Statement
<ul style="list-style-type: none"> • Reciprocal recognition of licenses 	C	This program element has significant effects on the regulation of agreement materials on a national basis. However, States should be provided flexibility for the type of license and time period recognized under reciprocity. Although there are transboundary implications, there is not a necessity for all States to be identical, such as would be required by a classification of "B."
<ul style="list-style-type: none"> • Written procedures 	C	
<ul style="list-style-type: none"> • Maintenance of records, especially for decommissioning 	C	
<ul style="list-style-type: none"> • Inspection and licensing files 	C	
Inspection and Enforcement	Adequacy	See discussion in Adequacy Section of Policy Statement
<ul style="list-style-type: none"> • Written procedures 	C	

PROGRAM ELEMENT	REQUIRED FOR	COMMENTS
<ul style="list-style-type: none"> Radiological laboratory support 	D	
<ul style="list-style-type: none"> Instrumentation 	D	
Personnel	Adequacy	See discussion in Adequacy Section of Policy Statement
<ul style="list-style-type: none"> Qualification procedures 	C	There should be minimum education and experience requirements for all technical personnel in RCPs nationwide. Flexibility is provided to allow for different State administrative requirements.
Response to Events and Allegations	Adequacy	See discussion in Adequacy Section of Policy Statement
<ul style="list-style-type: none"> Written procedures 	C	
<ul style="list-style-type: none"> Major incident investigation procedures 	C	Need to prevent gaps in reporting effectiveness of national program
<ul style="list-style-type: none"> Procedures for investigation of “wrongdoing” 	C	
Sealed source and device program	Adequacy	Non-common performance indicator
<ul style="list-style-type: none"> Standard review plan 	C	
<ul style="list-style-type: none"> Format and content of registration certificates 	B	Need to have national consistency so that all RCPs can rely on the specific information included in these documents.
<ul style="list-style-type: none"> Inclusion of Information in the National SS&D registry 	B	Need to have national consistency so that all RCPs can rely on the specific information included in these documents
<ul style="list-style-type: none"> Written procedures 	C	

PROGRAM ELEMENT	REQUIRED FOR	COMMENTS
Low level waste	Adequacy	Non-common performance indicator
<ul style="list-style-type: none"> • Written procedures 	C	
Uranium recovery	Adequacy	Non-common performance indicator
<ul style="list-style-type: none"> • Written procedures 	C	
<ul style="list-style-type: none"> • Exchange of information 	C	Necessary for effective regulation of agreement materials on a national basis; necessary for effective review of NRC and Agreement State programs for agreement material with respect to protection of public health and safety.
<ul style="list-style-type: none"> • Event reporting 	C	See previous comment. In addition, Agreement State event reporting to NRC is mandatory as directed by the Commission in a Staff Requirements Memorandum dated June 30, 1997. Failure to comply with this provision can serve as a basis alone for a finding of "not compatible."
<ul style="list-style-type: none"> • Legal assistance 	D	
<ul style="list-style-type: none"> • Technical advisory committees 	D	
<ul style="list-style-type: none"> • Technical assistance and support 	D	
<ul style="list-style-type: none"> • Program funding, including program support services 	D	
<ul style="list-style-type: none"> • Organization, management & location of radiation control program 	D	

Compatibility Resolution Documents

CR - 02-01

10 CFR 34.20 COMPATIBILITY RESOLUTION REQUIREMENT TO USE COLLIMATORS IN INDUSTRIAL RADIOGRAPHY

ML091180090

CR - 02-02

10 CFR 34.13(h) COMPATIBILITY RESOLUTION QUALIFICATIONS OF INDIVIDUALS PERFORMING LEAK TESTING

ML022380136

CR-05-01

10 CFR 31.6 and 10 CFR 150.20 Compatibility Resolution on Reporting Requirements for Persons who are Generally Licensed to Service and Install GL Devices

ML052030548

CR-06-01

10 CFR 31.6 Compatibility Resolution Clarification of Offshore Waters

ML062330056

CR-08-01

10 CFR 35.491 Compatibility Resolution on Training for Ophthalmic Use of Strontium-90

ML080630478



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

August 9, 2017

Santiago Rodriguez, Chief
Radiation Control Bureau
New Mexico Department of Environment
P.O. Box 5469
Santa Fe, New Mexico 87502-5469

Dear Mr. Rodriguez:

We have reviewed the final revisions to the New Mexico Administrative Code Sections 20.3.1, 20.3.3, 20.3.4, 20.3.5, 20.3.7, 20.3.12; and, 20.3.15, received by our office on June 15, 2017. These regulations were reviewed by comparison to the equivalent U.S. Nuclear Regulatory Commission (NRC) rules and the requirements of Regulation Amendment Tracking System Identification Numbers (RATS IDs) 2011-1, 2011-2, 2012-1, 2012-2, 2012-3, 2012-4, 2013-1, and 2013-2 as identified in the enclosed State Regulation Status (SRS) Data Sheet. We discussed our review of the regulations with Mr. Michael Ortiz on August 4, 2017.

As a result of our review, we have 14 comments that have been identified in the enclosure. Please note that we have limited our review to regulations required for compatibility and/or health and safety. We have determined that if these regulations are revised, incorporating our comments and without other significant change, they would meet the compatibility and health and safety categories established in the Office of Nuclear Material Safety and Safeguards (NMSS) Procedure SA-200, "Compatibility Categories and Health and Safety Identification for NRC Regulations and Other Program Elements."

We request that when you revise your regulations to address our comments, a copy of the "as published" regulations be provided to us for review. As requested in NMSS Procedure SA-201, "Review of State Regulatory Requirements," please highlight the location of any changes made by New Mexico, in response to our comments, and provide a copy to Division of Material Safety, State, Tribal, and Rulemaking Programs, NMSS. The SRS Data Sheet summarizes our knowledge of the status of other New Mexico regulations, as indicated. Please let us know if you note any inaccuracies, or have any comments on the information contained in the SRS Data Sheet. This letter, including the SRS Data Sheet, is posted on the NMSS State Communication Portal: <https://scp.nrc.gov/rulemaking.html>.

SUBJECT: Letter to S. Rodriguez RE: New Mexico Final Regulations to RATS ID's 2011-1, 2011-2, 2012-1, 2012-, 2012-3,2012-4, 2013-1, and 2013-2.
DATE: AUGUST 9, 2017

DISTRIBUTION: SP[08]
DIR RF (17-47)
RErickson, RSAO
NM File

OFFICE	RIV	ASPB	OGC	ASPB:BC	MSTR:DD
NAME	RErickson MB for	MBeardsley	TCampbell	PMichalak	PMichalak for KWilliams
DATE	7/25/17	7/25/17	8/2/17	8/9/17	8/9/17

ML17209A302

OFFICIAL RECORD COPY

Package ML17172A479

COMPATIBILITY COMMENTS ON NEW MEXICO FINAL REGULATIONS

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
1	20.3.3.305.A (1), (2) & (3)	30.15(a)(2)(iii)	2012-4	B	<p>Certain items containing byproduct material</p> <p>New Mexico has omitted the wording “and equivalent regulations of Agreement States” from their equivalent regulation to 10 CFR 30.15(a)(2)(iii).</p> <p>In addition, the last sentence of 20.3.3.305.A(3) should not include the phrase “or an agreement state.” The requirements referenced in that clause apply to the NRC-licensed manufacturer.</p> <p>New Mexico needs to make the changes indicated above in order to meet the Compatibility Category B designation assigned to 10 CFR 30.15(a)(2)(iii).</p>
2	20.3.3.302.C (2)(b)	30.19(b)	2012-4	B	<p>Self-luminous products containing tritium, krypton-85, or promethium-147</p> <p>New Mexico added the wording “which license states that the product may be transferred by the licensee to persons exempt from the regulations pursuant to Subparagraph (a) of this paragraph or equivalent regulations of the NRC or an agreement state” to New Mexico’s equivalent regulations to 10 CFR 30.19(b).</p> <p>New Mexico needs to remove the wording as indicated above in order to meet the Compatibility Category B designation assigned to 10 CFR 30.19(b).</p>

3	20.3.3.302.C (4)(a) & (b)	30.20(a) & (b)	2012-4	B	<p>Gas and aerosol detectors containing byproduct material</p> <p>New Mexico added the wording “from fires or airborne hazards” to New Mexico’s equivalent regulations to 10 CFR 30.20(a).</p> <p>New Mexico added the wording “which license states that the product may be initially transferred by the licensee to persons exempt from the regulations pursuant to Subparagraph (a)” to New Mexico’s equivalent regulations to 10 CFR 30.20(b).</p> <p>New Mexico needs to remove the wording indicated above in order to meet the Compatibility Category B designation assigned to 10 CFR 30.20.</p>
4	20.3.3.305.A	31.3	2012-4	B	<p>Certain devices and equipment</p> <p>10 CFR 31.3 has been removed from NRC regulations. New Mexico has not omitted its equivalent regulation in NMAC 20.3.3.305.A.</p> <p>New Mexico needs to remove their equivalent regulation to 10 CFR 31.3 to meet the Compatibility Category B designation assigned to 10 CFR 31.3.</p>
5	20.3.3.305.C (2)(a)-(c)	32.53(e)	2012-4	B	<p>Luminous safety devices for use in aircraft: Requirements for license to manufacture, assemble, repair or initially transfer</p> <p>New Mexico’s equivalent regulations to 32.53(e) contain additional wording (highlighted), “(e) Each person licensed under 10 CFR 32.53 or equivalent agreement state regulations shall subject at least five prototypes of the device to the</p>

					<p>required tests and satisfactorily pass the required tests as follows.”.</p> <p>New Mexico needs to remove this wording as it is not essentially identical to 32.53(e).</p> <p>New Mexico needs to make the changes indicated above in order to meet the Compatibility Category B designation assigned to 10 CFR 32.53(e).</p>
6	20.3.3.305. C(3)-(6)	32.55	2012-4	B	<p>Same: Quality assurance, prohibition of transfer</p> <p>Throughout New Mexico’s equivalent regulations to 32.55, they add the phrase, “and equivalent Agreement State regulations”. New Mexico needs to omit this phrase and insert their equivalent regulation to 32.53, i.e. 20.3.3.305(C).</p> <p>Also, New Mexico’s regulations contain the following added language (highlighted): “...promethium-147, such as absolute pressure and water immersion [and]. (2) Inspection [inspect the inspection lot] for evidence of physical damage, containment failure, or for loss of tritium or promethium-147 after each stage of testing, [using the following methods of inspection] using methods of inspection adequate for...”. New Mexico needs to delete this additional language as it is not essentially identical to 32.55.</p> <p>New Mexico needs to make the changes indicated above in order to meet the Compatibility Category B designation assigned to 10 CFR 32.55.</p>

7	20.3.3.315.F (3) & (4)	32.56	2012-4	B	<p>Same: Material transfer reports</p> <p>New Mexico needs to update the NRC's contact office name to, "Office of Nuclear Material Safety and Safeguards".</p> <p>Also, in section F.(4), New Mexico omitted the word "State" in the following: "...are equivalent to § 31.7 of this chapter to the responsible Agreement State agency."</p> <p>New Mexico needs to make the changes indicated above in order to meet the Compatibility Category B designation assigned to 10 CFR 32.56.</p>
8	20.3.3.307.E (1)	37.27(c)	2013-1	B	<p>Requirements for criminal history records checks of individuals granted unescorted access to category 1 or category 2 quantities of radioactive material</p> <p>New Mexico adopts Part 37 by reference and states, "any reference made to the commission or NRC shall be deemed a reference to the department". This does not apply to 10 CFR 37.27(c) fingerprint submissions.</p> <p>New Mexico needs to exempt 37.27(c) from 20.3.3.307.E (1) in order to meet the Compatibility Category B designation assigned to 10 CFR 37.27(c).</p>
9	20.3.3.307.E (3)	37.43(d)(9)	2013-1	NRC	<p>General security program requirements</p> <p>10 CFR 37.43(d)(9) is a Compatibility Category NRC and should not be adopted by New Mexico. New</p>

					<p>Mexico needs to add this citation to the list of exempted regulations in 20.3.3.307.E (3).</p> <p>New Mexico needs to make the change indicated above in order to meet the Compatibility Category NRC designation assigned to 10 CFR 37.43(d)(9).</p>
10	20.3.3.301.C and D(1)&(2)	40.13(c)	2013-2	B	<p>Unimportant quantities of source material</p> <p>New Mexico references the “Atomic Energy Act” in its regulations. New Mexico needs to reference their State Radiation Control Act instead.</p> <p>In addition, in 20.3.3.301.D(2), New Mexico replaced “Parts 19 and 20” with their regulations. As this section applies to the NRC-issued distribution license, New Mexico needs to delete their regulations and insert “10 CFR Parts 19 and 20”.</p> <p>New Mexico needs to make the changes indicated above in order to meet the Compatibility Category B designation assigned to 10 CFR 40.13(c).</p>
11	20.3.3.304.B	40.22(a)	2013-2	B	<p>Small quantities of source material</p> <p>New Mexico omits the word “isotopic” from its equivalent regulation as indicated below:</p> <p>“(a) A general license is hereby issued authorizing commercial and industrial firms; research, educational, and medical institutions; and Federal, State, and local government agencies to receive, possess, use, and transfer uranium and thorium, in their natural isotopic concentrations and in the form of depleted uranium...”</p>

					New Mexico needs to add the word “isotopic” where indicated above in order to meet the Compatibility Category B designation assigned to 10 CFR 40.22(a).
12	20.3.3.304.B (1)-(4) and F	40.22(a)(1) – (4) 40.22(e)	2013-2	B	<p>Small quantities of source material</p> <p>New Mexico omits the word “or” between their equivalent regulations to 40.22(a)(2) and (3).</p> <p>New Mexico omits the word “or” and inserts “and” in their equivalent regulations to 40.22(e) as follows: “unless authorized by a specific license issued in accordance with § 40.54 or equivalent provisions of an Agreement State.”</p> <p>New Mexico needs to add the word “or” as indicated above in order to meet the Compatibility Category B designation assigned to 10 CFR 40.22(a).</p>
13	20.3.3.307.L	40.55(a)(b)(c) and (d)	2013-2	B	<p>Conditions of licenses to initially transfer source material for use under the ‘small quantities of source material’ general license: Quality control, labeling, safety instructions, and records and reports</p> <p>Throughout their equivalent regulations to 40.55, New Mexico references 10 CFR “40.54”. As New Mexico has equivalent regulations to 40.54, they should cite their regulations and not “40.54”.</p> <p>New Mexico needs to make the changes indicated above in order to meet the Compatibility Category B designation assigned to 10 CFR 40.55.</p>

14	20.3.3.307.L (5)(a)-(c)	40.55(d)	2013-2	B	<p>Conditions of licenses to initially transfer source material for use under the ‘small quantities of source material’ general license: Quality control, labeling, safety instructions, and records and reports</p> <p>New Mexico omits the word “and” between their equivalent to 40.55(d)(2)(i) and (ii). New Mexico needs to add the word “and” as indicated;</p> <p>New Mexico adds the word “and” between their equivalent to 40.55(d)(2)(ii) and (iii). New Mexico needs to omit the word “and” as indicated.</p> <p>In their equivalent regulations to 40.55(d)(2)(ii), New Mexico omits the word “or” and inserts the word “and” in the sentence, “(ii) For each general licensee under § 40.22 (ii) For each general licensee under § 40.22 or equivalent Agreement State provisions equivalent Agreement State provisions...”. New Mexico needs to replace “and” with “or”.</p> <p>New Mexico needs to make the changes indicated above in order to meet the Compatibility Category B designation assigned to 10 CFR 40.55(d).</p>
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STATE REGULATION STATUS

State: New Mexico

Tracking Ticket Number: 17-47

Date: 8/9/2017

[8 amendment(s) reviewed identified by a *at the beginning of the equivalent NRC requirement.]

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
1991-1	Safety Requirements for Radiographic Equipment Part 34 55 FR 843 (Superceded by 1997-5)	01/10/1994	Final	No Comments 09/15/1997	New Mexico has adopted Final Regulations equivalent to RATS ID: 1997-5.
1991-2	ASNT Certification of Radiographers Part 34 56 FR 11504 (Superceded by 1997-5)	none	Not Required	Not Required	New Mexico has adopted Final Regulations equivalent to RATS ID: 1997-5.
1991-3	Standards for Protection Against Radiation Part 20 56 FR 23360; 56 FR 61352; 57 FR 38588; 57 FR 57877; 58 FR 67657; 59 FR 41641; 60 FR 20183	01/01/1994	Final	No Comments 08/18/1997	
1991-4	Notification of Incidents Parts 20, 30, 31, 34, 39, 40 and 70 56 FR 64980	10/15/1994	Final	No Comments 09/15/1997	
1992-1	Quality Management Program and Misadministrations Part 35 56 FR 34104 (Superceded by 2002-2)	01/27/1995			New Mexico has adopted Final Regulations equivalent to RATS ID: 2002-2.
1992-2	Eliminating the Recordkeeping Requirements for Departures from Manufacturer's Instructions Parts 30 and 35 57 FR 45566	none	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility.

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
1993-1	Decommissioning Recordkeeping and License Termination: Documentation Additions [Restricted areas and spill sites] Parts 30 and 40 58 FR 39628	10/25/1996	Final	No Comments 07/14/2000	
1993-2	Licensing and Radiation Safety Requirements for Irradiators Part 36 58 FR 7715	07/01/1996	Final ML13123A091	Comments 07/29/2013 ML13182A285	
1993-3	Definition of Land Disposal and Waste Site QA Program Part 61 58 FR 33886	07/22/1996	Not Applicable ⁱ	Not Applicable	New Mexico does not have any licensees subject to these regulations. (See SECY-95-112)
1994-1	Self-Guarantee as an Additional Financial Mechanism Parts 30, 40 and 70 58 FR 68726; 59 FR 1618	none	Final	No Comments 07/14/2000	These regulation changes are not required to be adopted for purposes of Compatibility.
1994-2	Uranium Mill Tailings Regulations: Conforming NRC Requirements to EPA Standards Part 40 59 FR 28220	07/01/1997	Not Applicable	Not Applicable	New Mexico does not have authority to regulate this material under its Agreement.
1994-3	Timeliness in Decommissioning Material Facilities Parts 30, 40 and 70 59 FR 36026	08/15/1997	Final	No Comments 07/14/2000	
1995-1	Preparation, Transfer for Commercial Distribution, and Use of Byproduct Material for Medical Use Parts 30, 32 and 35 59 FR 61767; 59 FR 65243; 60 FR 322	01/01/1998	Final	No Comments 07/14/2000	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
1995-2	Frequency of Medical Examinations for Use of Respiratory Protection Equipment Part 20 60 FR 7900	03/13/1998	Final	No Comments 07/14/2000	
1995-3	Low-Level Waste Shipment Manifest Information and Reporting Parts 20 and 61 60 FR 15649; 60 FR 25983	03/01/1998	Final	No Comments 07/14/2000	
1995-4	Performance Requirements for Radiography Equipment Part 34 60 FR 28323 (Superceded by 1997-5)	06/30/1998	Final ML021550112	No Comments 06/12/2002 ML021650055	New Mexico has adopted Final Regulations equivalent to RATS ID: 1997-5.
1995-5	Radiation Protection Requirements: Amended Definitions and Criteria Parts 19 and 20 60 FR 36038	08/14/1998	Final	No Comments 07/14/2000	
1995-6	Clarification of Decommissioning Funding Requirements Parts 30, 40 and 70 60 FR 38235	11/24/1998	Final	No Comments 07/14/2000	
1995-7	Medical Administration of Radiation and Radioactive Materials Parts 20 and 35 60 FR 48623 (Superceded by 2002-2 and 2005-2)	10/20/1998	Final	No Comments 07/14/2000	New Mexico has adopted Final Regulations equivalent to RATS IDs: 2002-2 and 2005-2.

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
1996-1	Compatibility with the International Atomic Energy Agency Part 71 60 FR 50248; 61 FR 28724 (Superceded by 2004-1)	04/01/1999	Final	No Comments 07/14/2000	
1996-2	One Time Extension of Certain Byproduct, Source and Special Nuclear Materials Licenses Parts 30, 40, and 70 61 FR 1109	02/15/1999	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility.
1996-3	Termination or Transfer of Licensed Activities: Recordkeeping Requirements Parts 20, 30, 40, 61 and 70 61 FR 24669	06/17/1999	Final	No Comments 07/14/2000	
1997-1	Resolution of Dual Regulation of Airborne Effluents of Radioactive Materials; Clean Air Act Part 20 61 FR 65120	01/9/2000	Final ML040640597	No Comments 03/11/2004 ML040760219	
1997-2	Recognition of Agreement State Licenses in Areas Under Exclusive Federal Jurisdiction Within an Agreement State Part 150 62 FR 1662	02/27/2000	Final ML052020072	No Comments 08/23/2005 ML052360017	
1997-3	Criteria for the Release of Individuals Administered Radioactive Material Parts 20 and 35 62 FR 4120	05/29/2000	Final	No Comments 07/14/2000	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
1997-4	Fissile Material Shipments and Exemptions Part 71 62 FR 5907 (Superceded by 2004-1)	02/10/2000	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility. (See STP-97-078)
1997-5	Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiography Operations Parts 30, 34, 71 and 150 62 FR 28947	06/27/2000	Final ML021550112	No Comments 06/12/2002 ML021650055	
1997-6	Radiological Criteria for License Termination Parts 20, 30, 40 and 70 62 FR 39057	08/20/2000	Final ML040640597	No Comments 03/11/2004 ML040760219	
1997-7	Exempt Distribution of a Radioactive Drug Containing One Microcurie of Carbon-14 Urea Part 30 62 FR 63634	01/02/2001	Final ML040640597	No Comments 03/11/2004 ML040760219	
1998-1	Deliberate Misconduct by Unlicensed Persons Parts 30, 40, 61, 70, 71 and 150 63 FR 1890; 63 FR 13773	02/12/2001	Final ML040640597	No Comments 03/11/2004 ML040760219	
1998-2	Self-Guarantee of Decommissioning Funding by Nonprofit and Non-Bond-Issuing Licensees Parts 30, 40 and 70 63 FR 29535	07/01/2001	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility.
1998-3	License Term for Medical Use Licenses Part 35 63 FR 31604 (Superceded by 2002-2)	07/10/2001	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility. (See STP-98-074)

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
1998-4	Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations Part 34 63 FR 37059	07/09/2001	Final ML021550112	No Comments 06/12/2002 ML021650055	
1998-5	Minor Corrections, Clarifying Changes, and a Minor Policy Change Parts 20, 32, 35, 36 and 39 63 FR 39477; 63 FR 45393	10/26/2001	Final ML040640597	No Comments 03/11/2004 ML040760219	
1998-6	Transfer for Disposal and Manifests: Minor Technical Conforming Amendment Part 20 63 FR 50127	11/20/2001	Final ML040640597	No Comments 03/11/2004 ML040760219	
1999-1	Radiological Criteria for License Termination of Uranium Recovery Facilities Part 40 64 FR 17506	06/11/2002	Not Applicable	Not Applicable	New Mexico does not have authority to regulate this material under its Agreement.
1999-2	Requirements for Those Who Possess Certain Industrial Devices Containing Byproduct Material to Provide Requested Information Part 31 64 FR 42269	10/04/2002	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility.
1999-3	Respiratory Protection and Controls to Restrict Internal Exposure Part 20 64 FR 54543; 64 FR 55524	02/02/2003	Final ML052020072	No Comments 08/23/2005 ML052360017	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
2000-1	Energy Compensation Sources for Well Logging and Other Regulatory Clarifications Part 39 65 FR 20337	05/17/2003	Final ML052020072	No Comments 08/23/2005 ML052360017	
2000-2	New Dosimetry Technology Parts 34, 36 and 39 65 FR 63750	01/08/2004	Final ML052020072	No Comments 08/23/2005 ML052360017	
2001-1	Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material Parts 30, 31 and 32 65 FR 79162	02/16/2004	Final ML052020072	No Comments 08/23/2005 ML052360017	
2002-1	Revision of the Skin Dose Limit Part 20 67 FR 16298	04/05/2005	Final ML052020072	No Comments 08/23/2005 ML052360017	
2002-2	Medical Use of Byproduct Material Parts 20, 32 and 35 67 FR 20249	10/24/2005	Final ML091280050	No Comments 07/16/2009 ML091680237	
2003-1	Financial Assurance for Materials Licensees Parts 30, 40 and 70 68 FR 57327	12/03/2006	Final ML091280050	No Comments 07/16/2009 ML091680237	Currently in place as a LC see NRC response letter ML072470593 dated 09/05/2007.
2004-1	Compatibility With IAEA Transportation Safety Standards and Other Transportation Safety Amendments Part 71 69 FR 3697	10/01/2007	Final ML12157A103	No Comments 06/29/2012 ML12166A296	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
2005-1	Security Requirements for Portable Gauges Containing Byproduct Material Part 30 70 FR 2001	07/11/2008	Final ML091280050	No Comments 07/16/2009 ML091680237	
2005-2	Medical Use of Byproduct Material - Recognition of Specialty Boards Part 35 70 FR 16336; 71 FR 1926	04/29/2008	Final ML091280050	No Comments 07/16/2009 ML091680237	
2005-3	Increased Controls for Risk-Significant Radioactive Sources (NRC Order EA-05-090) 70 FR 72128	12/01/2005	License Condition ML080650711	No Comments 03/27/2008 ML080870430	New Mexico chose to revise its IC License Condition at the time of the Fingerprinting Order EA-07-305 License Condition Implementation. These were only minor editorial updates. The original license condition can be seen at ML053070159. The response letter sent 11/03/2005 can be seen at ML053080022
2006-1	Minor Amendments Parts 20, 30, 32, 35, 40 and 70 71 FR 15005	03/27/2009	Final ML091280050	No Comments 07/16/2009 ML091680237	
2006-2	National Source Tracking System - Serialization Requirements Part 32 with reference to Part 20 Appendix E 71 FR 65685	02/06/2007	Final ML091280050	No Comments 07/16/2009 ML091680237	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
2006-3	National Source Tracking System Part 20 71 FR 65685, 72 FR 59162	01/31/2009	Final ML091280050 License Condition ML083080004	No Comments 07/16/2009 ML091680237 No Comments 11/18/2008 ML083120010	
2007-1	Medical Use of Byproduct Material - Minor Corrections and Clarifications Parts 32 and 35 72 FR 45147, 54207	10/29/2010	Final ML091280050	No Comments 07/16/2009 ML091680237	
2007-2	Exemptions From Licensing, General Licenses, and Distribution of Byproduct Material: Licensing and Reporting Requirements Parts 30, 31, 32 and 150 72 FR 58473	12/17/2010	Final ML091280050	No Comments 07/16/2009 ML091680237	
2007-3	Requirements for Expanded Definition of Byproduct Material Parts 20, 30, 31, 32, 33, 35, 61 and 150 72 FR 55864	11/30/2010	Final ML12157A103	No Comments 06/29/2012 ML12166A296	
2007-4	Order Imposing Fingerprinting Requirements and Criminal History Records Check Requirements for Unescorted Access to Certain Radioactive Material NRC Order EA-07-305 72 FR 70901	06/05/2008	License Condition ML080650711	No Comments 03/27/2008 ML080870430	
2008-1	Occupational Dose Records, Labeling Containers, and Total Effective Dose Equivalent Parts 19 and 20 72 FR 68043	02/15/2011	Final ML12157A103	No Comments 06/29/2012 ML12166A296	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
2009-1	Medical Use of Byproduct Material – Authorized User Clarification Part 35 74 FR 33901	09/28/2012	Final ML12157A103	No Comments 06/29/2012 ML12166A296	
*2011-1	Decommissioning Planning Parts 20, 30, 40 and 70 76 FR 35512	12/17/2015	License Condition ML16308A249 Final ML17172A480	Comment 11/29/2016 ML16308A243 No Comments 08/09/2017 ML17172A479	
*2011-2	Licenses, Certifications, and Approvals for Materials Licensees Parts 30, 36, 39, 40, 70 and 150 76 FR 56951	11/14/2014	Final ML16308A250 Revised Final ML17172A480	No Comments 11/29/2016 ML16308A243 No Comments 08/09/2017 ML17172A479	The submitted license condition was not compatible. However, the existing final regulations were determined to be compatible.
*2012-1	Change of Compatibility Parts 31.5 and 31.6 (See RATS ID: 2001-1 for Rule text) 77 FR 3640	01/25/2015	Final ML17172A480	No Comments 08/09/2017 ML17172A479	
*2012-2	Advance Notification to Native American Tribes of Transportation of Certain Types of Nuclear Waste Part 71 77 FR 34194	08/10/2015	Final ML17172A480	No Comments 08/09/2017 ML17172A479	
*2012-3	Technical Corrections Parts 30, 34, 40 and 71 77 FR 39899	08/06/2015	Final ML17172A480	No Comments 08/09/2017 ML17172A479	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
*2012-4	Requirements for Distribution of Byproduct Material Parts 30, 31, 32, 40 and 70 77 FR 43666	10/23/2015	Final ML17172A480	Comments 08/09/2017 ML17172A479	
*2013-1	Physical Protection of Byproduct Material Parts 20, 30, 32, 33, 34, 35, 36, 37, 39 and 71 78 FR 16922	03/19/2016	License Condition ML16019A248 Final ML17172A480	No Comments 02/17/2016 ML16019A243 Comments 08/09/2017 ML17172A479	Part 37 only All Parts
*2013-2	Distribution of Source Material to Exempt Persons and to General Licensees and Revision of General License and Exemptions Parts 30, 40 and 70 78 FR 32310	08/27/2016	Final ML17172A480	Comments 08/09/2017 ML17172A479	
2015-1	Domestic Licensing of Special Nuclear Material – Written Reports and Clarifying Amendments Part 70 79 FR 57721, 80 FR 143	01/26/2018			
2015-2	Safeguards Information - Modified Handling Categorization, Change for Materials Facilities Parts 30, 37, 73 and 150 79 FR 58664, 80 FR 3865	01/28/2018			
2015-3	Revisions to Transportation Safety Requirements and Harmonization with International Atomic Energy Agency Transportation Requirements Part 71 80 FR 33987	07/13/2018			

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
2015-4	Miscellaneous Corrections Parts 37 and 40 80 FR 45841	09/02/2018			
2015-5	Miscellaneous Corrections Parts 19, 20, 30, 32, 37, 40, 61, 70, 71 and 150 80 FR 74974	12/31/2018			
N/A	Part 39	N/A	Final ML12157A103	No Comments 06/29/2012 ML12166A296	

ⁱ IMPEP Team: verify that New Mexico does not have any licensees subject to these regulations during each review.



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

January 16, 2018

Mr. Santiago Rodriguez, Bureau Chief
New Mexico Department of Environment
Radiation Control Bureau
1100 St. Francis Drive
P.O. Box 5469
Sante Fe, NM 87502-5469

Dear Mr. Rodriguez:

We have reviewed the final revisions to the New Mexico regulations NMAC Section 20.3.3.306, received by our office on November 22, 2017. These regulations were reviewed by comparison to the equivalent U.S. Nuclear Regulatory Commission (NRC) rules and the requirements of Regulation Amendment Tracking System Identification Number (RATS ID) 2015-3, as identified in the enclosed State Regulation Status (SRS) Data Sheet. We discussed our review of the regulations with Michael Ortiz on December 22, 2017.

As a result of our review, we have seventeen comments that have been identified in the enclosure. Please note that we have limited our review to regulations required for compatibility and/or health and safety. We have determined that if these regulations are revised, incorporating our comments and without other significant change, they would meet the compatibility and health and safety categories established in the Office of Nuclear Material Safety and Safeguards (NMSS) Procedure SA-200, "Compatibility Categories and Health and Safety Identification for NRC Regulations and Other Program Elements."

We request that when you revise your regulations to address our comments, a copy of the "as published" regulations be provided to us for review. As requested in NMSS Procedure SA-201, "Review of State Regulatory Requirements," please highlight the location of any changes made by New Mexico, in response to our comments, and provide a copy to Division of Material Safety, State, Tribal, and Rulemaking Programs, NMSS. The SRS Data Sheet summarizes our knowledge of the status of other New Mexico regulations, as indicated. Please let us know if you note any inaccuracies, or have any comments on the information contained in the SRS Data Sheet. This letter, including the SRS Data Sheet, is posted on the NMSS State Communication Portal: <https://scp.nrc.gov/rulemaking.html>.

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 Michelle Beardsley, State Regulation Review Coordinator, at (267) 884-2305 (Michelle.Beardsley@nrc.gov).

Sincerely,

**/RA/
PMichalak for KWilliams**

Kevin Williams, Deputy Director
Division of Material Safety, State, Tribal
and Rulemaking Programs
Office of Nuclear Material Safety
and Safeguards

Enclosures:

1. Compatibility Comments
2. New Mexico SRS Data Sheet

COMPATIBILITY COMMENTS ON NEW MEXICO FINAL REGULATIONS

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
1	20.3.3.306 C.(1)	Part 71	2015-3	Various	<p>General comments:</p> <p>a) When adopting the CFR by reference, NM needs to ensure that their requirements are written from their jurisdictional perspective. When adopting NRC regulatory provisions, NM should be clear about when NM is referring to the NRC.</p> <p>b) NRC regulations are written so that the term “Commission” applies only to the NRC; and these terms are not always interchangeable (specific sections are pointed out in the comments below). NM states that references to the “Commission” means the “department or NRC.” NM needs to delete this statement and explicitly specify that the term “commission” applies to the NRC.</p> <p>c) NM needs to state that the terms “Certificate of compliance/holder/applicant” apply solely to the NRC (specific sections are pointed out in the comments below).</p> <p>NM needs to make the changes indicated above to meet the various Compatibility Category designations assigned to 10 CFR Part 71.</p>
2	20.3.3.306. D.	71.11 71.70 71.85(a)-(c) 71.91(b)	2015-3 NA 2015-3 NA	NRC	<p>Protection of safeguards information</p> <p>Incorporations by reference</p> <p>Preliminary determinations</p> <p>Records</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					<p>NM needs to except 71.11, 71.70, 71.85(a)-(c), and 71.91(b) from incorporation by reference as they are reserved to the NRC.</p> <p>NM needs to make the change indicated above to meet the Compatibility Category NRC designation assigned to 10 CFR 71.11, 71.70, 71.85(a)-(c), and 71.91(b).</p>
3	20.3.3.306	71.17(a)	2015-3	B	<p>General license: NRC-approved package</p> <p>NM needs to indicate that the references to the “Commission” and “NRC” in this section should be replaced with the NM agency.</p> <p>NM needs to make the change indicated above to meet the Compatibility Category B designation assigned to 10 CFR 71.17(a).</p>
4	20.3.3.306	71.17(b)	2015-3	B	<p>General license: NRC-approved package</p> <p>NM needs to indicate that the references to the “Commission” and “NRC” in this section should be replaced with the NM agency.</p> <p>NM needs to make the changes indicated above to meet the Compatibility Category B designation assigned to 10 CFR 71.17(b).</p>
5	20.3.3.306	71.21	2015-3	B	<p>General license: Use of foreign approved package</p> <p>NM needs to indicate that the references to the “Commission” in this section should be replaced with the NM agency.</p> <p>NM needs to make the change indicated above to meet the Compatibility Category B designation assigned to 10 CFR 71.21.</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
6	20.3.3.306	71.91(b)	2015-3	C	<p>Records</p> <p>NM needs to indicate that the references to the “Commission” in this section should be replaced with the NM agency.</p> <p>NM needs to make the change indicated above to meet the Compatibility Category C designation assigned to 10 CFR 71.91(b).</p>
7	20.3.3.306	71.91(c)	2015-3	C	<p>Records</p> <p>As the NRC has sole authority for issuing a Certificate of Compliance (COC), NM needs to indicate that the terms “certificate holder, and applicant for a COC” in this section apply to the NRC.</p> <p>NM needs to indicate that the references to the “Commission” in this section should be replaced with the NM agency.</p> <p>NM needs to make the changes indicated above to meet the Compatibility Category C designation assigned to 10 CFR 71.91(c).</p>
8	20.3.3.306	71.91(d)	2015-3	C	<p>Records</p> <p>As the NRC has sole authority for issuing a Certificate of Compliance, NM needs to indicate that the terms “certificate holder, and applicant for a COC” in this section apply to the NRC.</p> <p>NM needs to indicate that the references to the “Commission” in this section should be replaced with the NM agency.</p> <p>NM needs to make the changes indicated above to meet the Compatibility Category C designation assigned to 10 CFR 71.91(d).</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
9	20.3.3.306	71.101(a)	2015-3	C	<p>Quality assurance requirements</p> <p>As the NRC has sole authority for issuing a Certificate of Compliance, NM needs to indicate that the terms “certificate holder, and applicant for a COC” in this section apply to the NRC.</p> <p>NM needs to make the change indicated above to meet the Compatibility Category C designation assigned to 10 CFR 71.101(a).</p>
10	20.3.3.306	71.101(b)	2015-3	C	<p>Quality assurance requirements</p> <p>As the NRC has sole authority for issuing a Certificate of Compliance, NM needs to indicate that the terms “certificate holder, and applicant for a COC” in this section apply to the NRC.</p> <p>NM needs to make the change indicated above to meet the Compatibility Category C designation assigned to 10 CFR 71.101(b).</p>
11	20.3.3.306	71.101(c)(1)	2015-3	C	<p>Quality assurance requirements</p> <p>NM needs to indicate that the references to the “Commission” in this section should be replaced with the NM agency.</p> <p>NM needs to indicate that their licensee’s quality assurance programs should be sent to the NM agency and indicate the mailing address for the NM Agency.</p> <p>NM needs to make the changes indicated above to meet the Compatibility Category C designation assigned to 10 CFR 71.101(c)(1).</p>
12	20.3.3.306	71.103(a)	2015-3	C	<p>Quality assurance organization</p> <p>As the NRC has sole authority for issuing a Certificate of Compliance, NM needs to indicate that the terms “certificate holder, and applicant for a</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					<p>COC” in this section apply to the NRC.</p> <p>NM needs to make the change indicated above to meet the Compatibility Category C designation assigned to 10 CFR 71.103(a).</p>
13	20.3.3.306	71.106(a)	2015-3	C	<p>Changes to quality assurance program</p> <p>NM needs to indicate that the references to the “Commission” in this section should be replaced with the NM agency.</p> <p>NM needs to make the change indicated above to meet the Compatibility Category C designation assigned to 10 CFR 71.106(a).</p>
14	20.3.3.306	71.106(a)(1)	2015-3	C	<p>Changes to quality assurance program</p> <p>NM needs to indicate that the references to the “NRC” in this section should be replaced with the NM agency.</p> <p>NM needs to make the change indicated above to meet the Compatibility Category C designation assigned to 10 CFR 71.106(a)(1).</p>
15	20.3.3.306	71.106(b)	2015-3	C	<p>Changes to quality assurance program</p> <p>NM needs to indicate that the references to the “NRC” in this section should be replaced with the NM agency.</p> <p>NM needs to make the change indicated above to meet the Compatibility Category C designation assigned to 10 CFR 71.106(b).</p>
16	20.3.3.306	71.106(b)(1)	2015-3	C	<p>Changes to quality assurance program</p> <p>NM needs to indicate that the references to the “NRC” in this</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					<p>section should be replaced with the NM agency.</p> <p>NM needs to make the change indicated above to meet the Compatibility Category C designation assigned to 10 CFR 71.106(b)(1).</p>
17	20.3.3.306	71.135	2015-3	C	<p>Quality assurance records</p> <p>As the NRC has sole authority for issuing a Certificate of Compliance, NM needs to indicate that the terms “certificate holder, and applicant for a COC” in this section apply to the NRC.</p> <p>NM needs to make the change indicated above to meet the Compatibility Category C designation assigned to 10 CFR 71.135.</p>

STATE REGULATION STATUS

State: New Mexico

Tracking Ticket Number: 18-12
Date: 01/16/2018

[2 amendment(s) reviewed identified by a *at the beginning of the equivalent NRC requirement.]

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
1991-1	Safety Requirements for Radiographic Equipment Part 34 55 FR 843 (Superceded by 1997-5)	01/10/1994	Final	No Comments 09/15/1997	New Mexico has adopted Final Regulations equivalent to RATS ID: 1997-5.
1991-2	ASNT Certification of Radiographers Part 34 56 FR 11504 (Superceded by 1997-5)	none	Not Required	Not Required	New Mexico has adopted Final Regulations equivalent to RATS ID: 1997-5.
1991-3	Standards for Protection Against Radiation Part 20 56 FR 23360; 56 FR 61352; 57 FR 38588; 57 FR 57877; 58 FR 67657; 59 FR 41641; 60 FR 20183	01/01/1994	Final	No Comments 08/18/1997	
1991-4	Notification of Incidents Parts 20, 30, 31, 34, 39, 40, and 70 56 FR 64980	10/15/1994	Final	No Comments 09/15/1997	
1992-1	Quality Management Program and Misadministrations Part 35 56 FR 34104 (Superceded by 2002-2)	01/27/1995			New Mexico has adopted Final Regulations equivalent to RATS ID: 2002-2.

Enclosure 2

NMED Exhibit 9-009

	Eliminating the Recordkeeping Requirements for Departures from Manufacturer's Instructions Parts 30 and 35 57 FR 45566	none	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility.
1993-1	Decommissioning Recordkeeping and License Termination: Documentation Additions [Restricted areas and spill sites] Parts 30 and 40 58 FR 39628	10/25/1996	Final	No Comments 07/14/2000	
1993-2	Licensing and Radiation Safety Requirements for Irradiators Part 36 58 FR 7715	07/01/1996	Final ML13123A091	Comments 07/29/2013 ML13182A285	
1993-3	Definition of Land Disposal and Waste Site QA Program Part 61 58 FR 33886	07/22/1996	Not Applicable ⁱ	Not Applicable	New Mexico does not have any licensees subject to these regulations. (See SECY-95-112)
1994-1	Self-Guarantee as an Additional Financial Mechanism Parts 30, 40, and 70 58 FR 68726; 59 FR 1618	none	Final	No Comments 07/14/2000	These regulation changes are not required to be adopted for purposes of Compatibility.
1994-2	Uranium Mill Tailings Regulations: Conforming NRC Requirements to EPA Standards Part 40 59 FR 28220	07/01/1997	Not Applicable	Not Applicable	New Mexico does not have authority to regulate this material under its Agreement.
1994-3	Timeliness in Decommissioning Material Facilities Parts 30, 40, and 70 59 FR 36026	08/15/1997	Final	No Comments 07/14/2000	
1995-1	Preparation, Transfer for Commercial Distribution, and Use of Byproduct Material for Medical Use Parts 30, 32, and 35 59 FR 61767; 59 FR 65243; 60 FR 322	01/01/1998	Final	No Comments 07/14/2000	

1995-2	Frequency of Medical Examinations for Use of Respiratory Protection Equipment Part 20 60 FR 7900	03/13/1998	Final	No Comments 07/14/2000	
1995-3	Low-Level Waste Shipment Manifest Information and Reporting Parts 20 and 61 60 FR 15649; 60 FR 25983	03/01/1998	Final	No Comments 07/14/2000	
1995-4	Performance Requirements for Radiography Equipment Part 34 60 FR 28323 (Superceded by 1997-5)	06/30/1998	Final ML021550112	No Comments 06/12/2002 ML021650055	New Mexico has adopted Final Regulations equivalent to RATS ID: 1997-5.
1995-5	Radiation Protection Requirements: Amended Definitions and Criteria Parts 19 and 20 60 FR 36038	08/14/1998	Final	No Comments 07/14/2000	
1995-6	Clarification of Decommissioning Funding Requirements Parts 30, 40, and 70 60 FR 38235	11/24/1998	Final	No Comments 07/14/2000	
1995-7	Medical Administration of Radiation and Radioactive Materials Parts 20 and 35 60 FR 48623 (Superceded by 2002-2 and 2005-2)	10/20/1998	Final	No Comments 07/14/2000	New Mexico has adopted Final Regulations equivalent to RATS IDs: 2002-2 and 2005-2.
1996-1	Compatibility with the International Atomic Energy Agency Part 71 60 FR 50248; 61 FR 28724 (Superceded by 2004-1)	04/01/1999	Final	No Comments 07/14/2000	

1996-2	One Time Extension of Certain Byproduct, Source and Special Nuclear Materials Licenses Parts 30, 40, and 70 61 FR 1109	02/15/1999	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility.
1996-3	Termination or Transfer of Licensed Activities: Recordkeeping Requirements Parts 20, 30, 40, 61, and 70 61 FR 24669	06/17/1999	Final	No Comments 07/14/2000	
1997-1	Resolution of Dual Regulation of Airborne Effluents of Radioactive Materials; Clean Air Act Part 20 61 FR 65120	01/9/2000	Final ML040640597	No Comments 03/11/2004 ML040760219	
1997-2	Recognition of Agreement State Licenses in Areas Under Exclusive Federal Jurisdiction Within an Agreement State Part 150 62 FR 1662	02/27/2000	Final ML052020072	No Comments 08/23/2005 ML052360017	
1997-3	Criteria for the Release of Individuals Administered Radioactive Material Parts 20 and 35 62 FR 4120	05/29/2000	Final	No Comments 07/14/2000	
1997-4	Fissile Material Shipments and Exemptions Part 71 62 FR 5907 (Superceded by 2004-1)	02/10/2000	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility. (See STP-97-078)
1997-5	Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiography Operations Parts 30, 34, 71, and 150 62 FR 28947	06/27/2000	Final ML021550112	No Comments 06/12/2002 ML021650055	

1997-6	Radiological Criteria for License Termination Parts 20, 30, 40, and 70 62 FR 39057	08/20/2000	Final ML040640597	No Comments 03/11/2004 ML040760219	
1997-7	Exempt Distribution of a Radioactive Drug Containing One Microcurie of Carbon-14 Urea Part 30 62 FR 63634	01/02/2001	Final ML040640597	No Comments 03/11/2004 ML040760219	
1998-1	Deliberate Misconduct by Unlicensed Persons Parts 30, 40, 61, 70, 71, and 150 63 FR 1890; 63 FR 13773	02/12/2001	Final ML040640597	No Comments 03/11/2004 ML040760219	
1998-2	Self-Guarantee of Decommissioning Funding by Nonprofit and Non-Bond-Issuing Licensees Parts 30, 40, and 70 63 FR 29535	07/01/2001	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility.
1998-3	License Term for Medical Use Licenses Part 35 63 FR 31604 (Superceded by 2002-2)	07/10/2001	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility. (See STP-98-074)
1998-4	Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations Part 34 63 FR 37059	07/09/2001	Final ML021550112	No Comments 06/12/2002 ML021650055	
1998-5	Minor Corrections, Clarifying Changes, and a Minor Policy Change Parts 20, 32, 35, 36, and 39 63 FR 39477; 63 FR 45393	10/26/2001	Final ML040640597	No Comments 03/11/2004 ML040760219	
1998-6	Transfer for Disposal and Manifests: Minor Technical Conforming Amendment Part 20 63 FR 50127	11/20/2001	Final ML040640597	No Comments 03/11/2004 ML040760219	

1999-1	Radiological Criteria for License Termination of Uranium Recovery Facilities Part 40 64 FR 17506	06/11/2002	Not Applicable	Not Applicable	New Mexico does not have authority to regulate this material under its Agreement.
1999-2	Requirements for Those Who Possess Certain Industrial Devices Containing Byproduct Material to Provide Requested Information Part 31 64 FR 42269	10/04/2002	Not Required	Not Required	These regulation changes are not required to be adopted for purposes of Compatibility.
1999-3	Respiratory Protection and Controls to Restrict Internal Exposure Part 20 64 FR 54543; 64 FR 55524	02/02/2003	Final ML052020072	No Comments 08/23/2005 ML052360017	
2000-1	Energy Compensation Sources for Well Logging and Other Regulatory Clarifications Part 39 65 FR 20337	05/17/2003	Final ML052020072	No Comments 08/23/2005 ML052360017	
2000-2	New Dosimetry Technology Parts 34, 36, and 39 65 FR 63750	01/08/2004	Final ML052020072	No Comments 08/23/2005 ML052360017	
2001-1	Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material Parts 30, 31, and 32 65 FR 79162	02/16/2004	Final ML052020072	No Comments 08/23/2005 ML052360017	
2002-1	Revision of the Skin Dose Limit Part 20 67 FR 16298	04/05/2005	Final ML052020072	No Comments 08/23/2005 ML052360017	
2002-2	Medical Use of Byproduct Material Parts 20, 32, and 35 67 FR 20249	10/24/2005	Final ML091280050	No Comments 07/16/2009 ML091680237	

2003-1	Financial Assurance for Materials Licensees Parts 30, 40, and 70 68 FR 57327	12/03/2006	Final ML091280050	No Comments 07/16/2009 ML091680237	Currently in place as a LC see NRC response letter ML072470593 dated 09/05/2007.
2004-1	Compatibility With IAEA Transportation Safety Standards and Other Transportation Safety Amendments Part 71 69 FR 3697	10/01/2007	Final ML12157A103	No Comments 06/29/2012 ML12166A296	
2005-1	Security Requirements for Portable Gauges Containing Byproduct Material Part 30 70 FR 2001	07/11/2008	Final ML091280050	No Comments 07/16/2009 ML091680237	
2005-2	Medical Use of Byproduct Material - Recognition of Specialty Boards Part 35 70 FR 16336; 71 FR 1926	04/29/2008	Final ML091280050	No Comments 07/16/2009 ML091680237	
2005-3	Increased Controls for Risk-Significant Radioactive Sources (NRC Order EA-05-090) 70 FR 72128	12/01/2005	License Condition ML080650711	No Comments 03/27/2008 ML080870430	New Mexico chose to revise its IC License Condition at the time of the Fingerprinting Order EA-07-305 License Condition Implementation. These were only minor editorial updates. The original license condition can be seen at ML053070159. The response letter sent 11/03/2005 can be seen at ML053080022
2006-1	Minor Amendments Parts 20, 30, 32, 35, 40, and 70 71 FR 15005	03/27/2009	Final ML091280050	No Comments 07/16/2009 ML091680237	
2006-2	National Source Tracking System - Serialization Requirements Part 32 with reference to Part 20 Appendix E 71 FR 65685	02/06/2007	Final ML091280050	No Comments 07/16/2009 ML091680237	

2006-3	National Source Tracking System Part 20 71 FR 65685, 72 FR 59162	01/31/2009	Final ML091280050 License Condition ML083080004	No Comments 07/16/2009 ML091680237 No Comments 11/18/2008 ML083120010	
2007-1	Medical Use of Byproduct Material - Minor Corrections and Clarifications Parts 32 and 35 72 FR 45147, 54207	10/29/2010	Final ML091280050	No Comments 07/16/2009 ML091680237	
2007-2	Exemptions From Licensing, General Licenses, and Distribution of Byproduct Material: Licensing and Reporting Requirements Parts 30, 31, 32, and 150 72 FR 58473	12/17/2010	Final ML091280050	No Comments 07/16/2009 ML091680237	
2007-3	Requirements for Expanded Definition of Byproduct Material Parts 20, 30, 31, 32, 33, 35, 61, and 150 72 FR 55864	11/30/2010	Final ML12157A103	No Comments 06/29/2012 ML12166A296	
2007-4	Order Imposing Fingerprinting Requirements and Criminal History Records Check Requirements for Unescorted Access to Certain Radioactive Material NRC Order EA-07-305 72 FR 70901	06/05/2008	License Condition ML080650711	No Comments 03/27/2008 ML080870430	
2008-1	Occupational Dose Records, Labeling Containers, and Total Effective Dose Equivalent Parts 19 and 20 72 FR 68043	02/15/2011	Final ML12157A103	No Comments 06/29/2012 ML12166A296	
2009-1	Medical Use of Byproduct Material – Authorized User Clarification Part 35 74 FR 33901	09/28/2012	Final ML12157A103	No Comments 06/29/2012 ML12166A296	

2011-1	Decommissioning Planning Parts 20, 30, 40, and 70 76 FR 35512	12/17/2015	License Condition ML16308A249 Final ML17172A480	Comment 11/29/2016 ML16308A243 No Comments 08/09/2017 ML17172A479	
2011-2	Licenses, Certifications, and Approvals for Materials Licensees Parts 30, 36, 39, 40, 70, and 150 76 FR 56951	11/14/2014	Final ML16308A250 Revised Final ML17172A480	No Comments 11/29/2016 ML16308A243 No Comments 08/09/2017 ML17172A479	The submitted license condition was not compatible. However, the existing final regulations were determined to be compatible.
2012-1	Change of Compatibility Parts 31.5 and 31.6 (See RATS ID: 2001-1 for Rule text) 77 FR 3640	01/25/2015	Final ML17172A480	No Comments 08/09/2017 ML17172A479	
2012-2	Advance Notification to Native American Tribes of Transportation of Certain Types of Nuclear Waste Part 71 77 FR 34194	08/10/2015	Final ML17172A480	No Comments 08/09/2017 ML17172A479	
2012-3	Technical Corrections Parts 30, 34, 40, and 71 77 FR 39899	08/06/2015	Final ML17172A480	No Comments 08/09/2017 ML17172A479	
2012-4	Requirements for Distribution of Byproduct Material Parts 30, 31, 32, 40, and 70 77 FR 43666	10/23/2015	Final ML17172A480	No Comments 08/09/2017 ML17172A479	

2013-1	Physical Protection of Byproduct Material Parts 20, 30, 32, 33, 34, 35, 36, 37, 39, and 71 78 FR 16922	03/19/2016	License Condition ML16019A248 Final ML17172A480	No Comments 02/17/2016 ML16019A243 Comments 08/09/2017 ML17172A479	Part 37 only
2013-2	Distribution of Source Material to Exempt Persons and to General Licensees and Revision of General License and Exemptions Parts 30, 40, and 70 78 FR 32310	08/27/2016	Final ML17172A480	Comments 08/09/2017 ML17172A479	
2015-1	Domestic Licensing of Special Nuclear Material – Written Reports and Clarifying Amendments Part 70 79 FR 57721, 80 FR 143	01/26/2018	Final ML17269A126	No Comments 10/03/2017 ML17269A122	
*2015-2	Safeguards Information - Modified Handling Categorization, Change for Materials Facilities Parts 30, 37, 73, and 150 79 FR 58664, 80 FR 3865	01/28/2018	License Condition ML17286B082 Revised License Condition ML17325B666	Comments 11/13/2017 ML17286B081 No Comments 12/20/2017 ML17325B645	
*2015-3	Revisions to Transportation Safety Requirements and Harmonization with International Atomic Energy Agency Transportation Requirements Part 71 80 FR 33987	07/13/2018 *extended to 08/15/2020 See STC 17-060	Final ML17332A427	Comments 01/16/2018 ML17332391	
2015-4	Miscellaneous Corrections Parts 37 and 40 80 FR 45841	09/02/2018			

2015-5	Miscellaneous Corrections Parts 19, 20, 30, 32, 37, 40, 61, 70, 71, and 150 80 FR 74974	12/31/2018			
N/A	Part 39	N/A	Final ML12157A103	No Comments 06/29/2012 ML12166A296	

ⁱ IMPEP Team: verify that New Mexico does not have any licensees subject to these regulations during each review.

**NEW MEXICO ENVIRONMENT IMPROVEMENT BOARD NOTICE
OF SCHEDULED PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO 20.3.1 NMAC,
20.3.3 NMAC, 20.3.4 NMAC, 20.3.5 NMAC, 20.3.7 NMAC, 20.3.12 NMAC, AND 20.3.15 NMAC OF THE
RADIATION PROTECTION REGULATIONS
EIB 21-09**

The Environmental Improvement Board (“EIB”) will hold a public hearing June 25, 2021 beginning at 1:00 p.m. MDT via internet (Zoom) and via telephone.

If you would like to join the video conference online, go to:
<https://zoom.us/j/99160428877?pwd=SjEyUjdiVkEzaGJ5L2dJMGRON2VSOT09>

When prompted, the meeting ID number is: 991 6042 8877

The password is: 968835

If you would like to join the meeting thru a telephone, please call:

+16699006833, 99160428877#, *968835# US (San Jose)

+12532158782, 99160428877#, *968835# US (Tacoma)

Dial by your location

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 929 436 2866 US (New York)

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

Meeting ID: 991 6042 8877

Passcode: 968835

Find your local number: <https://zoom.us/u/a8MLJTgPY>

Comments will be received via electronic mail through the conclusion of the hearing. To comment via electronic mail, send correspondence to: Pamela.Jones@state.nm.us.

The hearing is being held via internet, email and telephonic means due to the concerns surrounding the Novel Coronavirus (“COVID-19”) and in accord with Governor Michelle Lujan Grisham's Declaration of a Public Health Emergency in [Executive Order 2020-004](#), and subsequent executive orders; various Public Health Emergency Orders limiting mass gatherings due to COVID-19; and the Office of the Attorney General’s Open Government Division’s [Guidance to Public Entities Regarding the Open Meetings Act and Inspection of Public Records Act Compliance During COVID-19 State of Emergency](#).

At the public hearing the EIB will consider proposed amendments to the following regulations: 20.3.1 NMAC “General Provisions”; 20.3.3 NMAC “Licensing of Radioactive Materials”; 20.3.4 NMAC “Standards for Protection Against Radiation”; 20.3.5 NMAC “Radiation Safety Requirements for Industrial Radiographic Operations”; 20.3.7 NMAC “Medical Use of Radionuclides”; 20.3.12 NMAC “Licenses and Radiation Safety Requirements for Well Logging”; 20.3.15 NMAC “Licenses and Radiation Safety Requirements for Irradiators”, as proposed in the [Petition](#)

to Amend 20.3.1 NMAC, 20.3.3 NMAC, 20.3.4 NMAC, 20.3.5 NMAC, 20.3.7 NMAC, 20.3.12 NMAC, and 20.3.15 NMAC of the Radiation Protection Regulations and Request for Hearing (“Petition”), docket number EIB 21-09. The Petition has been filed by the Radiation Control Bureau (“Bureau”) of the New Mexico Environment Department (“NMED”). The proposed amendments are to align certain provisions within the state regulations with mandatory federal requirements.

New Mexico is an agreement state under 42 U.S.C. § 2021 and NMSA 1978, Section 74-3-15 (1977). As an agreement state, New Mexico’s state regulations must be compatible to the United States Nuclear Regulatory Commission’s (“NRC”) regulations. 42 U.S.C. § 2021(d)(2). The compatibility requirement is met through the promulgation of state regulations when necessary. The majority of the amendments currently being proposed are to align certain provisions within the state regulations with the federal NRC regulations. Pursuant to NMSA 1978, Section 74-3-5(A) (2000), the proposed amendments were provided to the Radiation Technology Advisory Council (“RTAC”) at its March 3, 2021 meeting. The RTAC consented to the amendments as proposed. Finally, the EIB has the authority to amend the Radiation Protection Regulations under NMSA 1978, Section 74-1-8(A)(5) (2020), NMSA 1978, Section 74-1-9 (1985), and Section 74-3-5(A).

In addition, the proposed amendments include several other minor changes and clarifications to current definitions, regulations, and procedures. Please note that formatting and minor technical changes in the regulations other than those proposed by NMED may be proposed at the hearing. In addition, the EIB may make other changes as necessary to accomplish the purpose of providing public health and safety in response to public comments and evidence presented at the hearing.

A copy of the proposed amendments is posted on the Bureau website at <https://www.env.nm.gov/rcb/open-meeting-notification-for-radioactive-material-rule-revision/>. In addition, copies of the proposed amendments are posted on the EIB website as attachments to the Petition under docket number EIB 21-09. <https://www.env.nm.gov/environmental-improvement/main-2/>.

To obtain a physical or electronic copy of the proposed amendments contact: Pamela Jones, Board Administrator, P.O. Box 5469, 1190 St. Francis Drive, Suite S-2103, Santa Fe, New Mexico, 87502; Pamela.Jones@state.nm.us; (505) 660-4305. In your correspondence reference docket number EIB 21-09.

The hearing will be conducted in accordance with the EIB’s Rulemaking Procedures found at 20.1.1.1 – 501 NMAC, the Environmental Improvement Act under Section 74-1-9, and other applicable procedures and procedural orders. Written comments regarding the proposed revisions may be obtained from Pamela Jones, EIB Administrator, at the contact information listed above.

All interested persons will be given reasonable opportunity at the hearing to submit relevant evidence, data, views and arguments, orally or in writing, to introduce exhibits, and to examine witnesses. Any person who wishes to submit a non-technical written statement for the record in lieu of oral testimony must file such statement prior to the close of the hearing via electronic mail to: Pamela.Jones@state.nm.us.

Persons wishing to present technical testimony must file with the EIB a written notice of intent to do so. Notices of intent for the hearing must be received by the EIB by 5:00 p.m. MDT on June 4, 2021, and should reference the name of the regulations, the date of the hearing (June 25, 2021), and docket number EIB 21-09.

The requirements for a notice of intent can be found in 20.1.1.302 NMAC.

The notice of intent shall:

- identify the person or entity for whom the witness(es) will testify;
- identify each technical witness that the person intends to present and state the qualifications of the witness, including a description of his or her education and work background;

- include a copy of the direct testimony of each technical witness in narrative form;
- include the text of any recommended modifications to the proposed regulatory change; and
- list and attach all exhibits anticipated to be offered by that person at the hearing, including any proposed statement of reasons for adoption of the rule language being proposed.

If you are an individual with a disability and you require assistance or an auxiliary aid, e.g., sign language interpreter, to participate in any aspect of this process, please contact Pamela Jones, Board Administrator, at least 14 days prior to the hearing date at P.O. Box 5469, 1190 St. Francis Drive, Suite S-2103, Santa Fe, New Mexico, 87502, telephone (505) 660-4305 or email Pamela.Jones@state.nm.us. (TDD or TTY) users please access the number via the New Mexico Relay Network, 1-800-659-1779 (voice); TTY users: 1-800-659-8331).

The EIB may make a decision on the proposed regulatory changes at the conclusion of the hearing or may convene a meeting after the hearing to consider action on the proposal.

STATEMENT OF NON-DISCRIMINATION

NMED does not discriminate on the basis of race, color, national origin, disability, age or sex in the administration of its programs or activities, as required by applicable laws and regulations.

NMED is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by 40 C.F.R. Parts 5 and 7, including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972. If you have any questions about this notice or any of NMED's non-discrimination programs, policies or procedures, you may contact:

Kathryn Becker, Non-Discrimination Coordinator, New Mexico Environment Department, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855, nd.coordinator@state.nm.us.

If you believe that you have been discriminated against with respect to a NMED program or activity, you may contact the Non-Discrimination Coordinator identified above or visit our website at <https://www.env.nm.gov/non-employee-discrimination-complaint-page/> to learn how and where to file a complaint of discrimination.

**AVISO DE LA JUNTA DE MEJORA DEL MEDIO AMBIENTE DE NUEVO MÉXICO
DE AUDIENCIA PÚBLICA PROGRAMADA PARA CONSIDERAR LAS ENMIENDAS
PROPUESTAS A 20.3.1 NMAC, 20.3.3 NMAC, 20.3.4 NMAC, 20.3.5 NMAC,
20.3.7 NMAC, 20.3.12 NMAC Y 20.3.15 NMAC DEL REGLAMENTO
DE PROTECCIÓN RADIOLÓGICA EIB 21-09**

La Junta de Mejora Ambiental ("EIB" por sus siglas en inglés) celebrará una audiencia pública el 25 de junio de 2021 a partir de la 1:00 p.m., MDT (horario de verano de la montaña), a través de Internet (Zoom) y por teléfono.

Si desea unirse a la videoconferencia en línea, vaya a:

<https://zoom.us/j/99160428877?pwd=SjEyUjdiVkEzaGJ5L2dJMGRON2VSOT09>

Cuando se le solicite, el número de identificación de la reunión es: 991 6042 8877

La contraseña es: 968835

Si desea unirse a la reunión a través de un teléfono, llame al

+16699006833, 99160428877#, *968835 núm. de EE. UU. (San José)

+12532158782, 99160428877#, *968835 núm. de EE. UU. (Tacoma)

Marque por su ubicación

+1 669 900 6833 US (San José)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 929 436 2866 US (Nueva York)

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

Identificación de la reunión: 991 6042 8877

Código de acceso: 968835

Encuentre su número local: <https://zoom.us/u/a8MLJTgPY>

Los comentarios se recibirán por correo electrónico hasta el término de la audiencia. Para hacer comentarios por correo electrónico, envíe la correspondencia a Pamela.Jones@state.nm.us.

La audiencia se celebra a través de Internet, correo electrónico y medios telefónicos debido a las preocupaciones que rodean al Nuevo Coronavirus ("COVID-19") y de acuerdo con la Declaración de Emergencia de Salud Pública de la gobernadora Michelle Lujan Grisham en la [Orden Ejecutiva 2020-004](#), y las órdenes ejecutivas posteriores; varias órdenes de emergencia de salud pública que limitan las reuniones masivas debido al COVID-19; y [la Guía de la División de Gobierno Abierto de la Oficina del Procurador General para Entidades Públicas con respecto a la Ley de Reuniones Abiertas y el Cumplimiento de la Ley de Inspección de Registros Públicos durante el Estado de Emergencia del COVID-19](#).

En la audiencia pública, la EIB examinará las propuestas de modificación de las siguientes regulaciones: 20.3.1 NMAC "Disposiciones Generales"; 20.3.3 NMAC "Licencias de Materiales Radiactivos"; 20.3.4 NMAC "Estándares de Protección Contra las Radiaciones"; 20.3.5 NMAC "Requisitos de Seguridad Contra las Radiaciones para Operaciones Radiográficas Industriales"; 20.3.7 NMAC "Uso Médico de Radionucleidos"; 20.3.12 NMAC "Licencias y Requisitos de Seguridad Contra las Radiaciones para Well Logging"; 20.3.15 NMAC "Licencias y Requisitos de Seguridad Radiológica para Irradiadores", tal y como se propone en la [Petición para Enmendar 20.3.1 NMAC, 20.3.3 NMAC, 20.3.4 NMAC, 20.3.5 NMAC, 20.3.7 NMAC, 20.3.12 NMAC y 20.3.15 NMAC del Reglamento de Protección Radiológica y Solicitud de Audiencia](#) ("Petición"), número de expediente EIB 21-09. La Petición ha sido presentada por la Oficina de Control de Radiación ("Oficina") del Departamento de Medio

Ambiente de Nuevo México ("NMED" por sus siglas en inglés). Las enmiendas propuestas son para alinear ciertas disposiciones dentro de los reglamentos estatales con los requisitos federales obligatorios. Nuevo México es un estado de acuerdo en virtud de 42 U.S.C. § 2021 y NMSA 1978, Sección 74-3-15 (1977). Como estado de acuerdo, los reglamentos estatales de Nuevo México deben ser compatibles con los reglamentos de la Comisión Reguladora Nuclear de los Estados Unidos ("NRC" por sus siglas en inglés). 42 U.S.C. § 2021(d)(2). El requisito de compatibilidad se cumple mediante la promulgación de reglamentos estatales cuando es necesario. La mayor parte de las modificaciones que se proponen actualmente tienen por objeto alinear determinadas disposiciones de los reglamentos estatales con los reglamentos federales de la NRC. De conformidad con NMSA 1978, Sección 74-3-5(A) (2000), las enmiendas propuestas se presentaron al Consejo Asesor de Tecnología de la Radiación ("RTAC" por sus siglas en inglés) en su reunión del 3 de marzo de 2021. El RTAC dio su consentimiento a las modificaciones propuestas. Por último, la EIB está facultada para enmendar el Reglamento de Protección Contra las Radiaciones en virtud de NMSA 1978, Sección 74-1-8(A)(5) (2020), NMSA 1978, Sección 74-1-9 (1985), y Sección 74-3-5(A).

Además, las enmiendas propuestas incluyen otros cambios menores y aclaraciones a las definiciones, reglamentos y procedimientos actuales. Tenga en cuenta que en la audiencia pueden proponerse cambios de formato y técnicos menores en los reglamentos distintos de los propuestos por el NMED. Además, la EIB puede hacer otros cambios según sea necesario para cumplir con el propósito de proporcionar salud pública y seguridad en respuesta a los comentarios públicos y las pruebas presentadas en la audiencia.

Una copia de las propuestas de modificación está publicada en el sitio web de la Oficina en: <https://www.env.nm.gov/rcb/open-meeting-notification-for-radioactive-material-rule-revision/>. Además, copias de las enmiendas propuestas están publicadas en el sitio web de la EIB como anexos a la Petición bajo el número de expediente EIB 21-09. <https://www.env.nm.gov/environmental-improvement/main-2/>.

Para obtener una copia impresa o una copia electrónica de las enmiendas propuestas, comuníquese con Pamela Jones, administradora de la Junta, P.O. Box 5469, 1190 St. Francis Drive, Suite S-2103, Santa Fe, NM, 87502; Pamela.Jones@state.nm.us; (505) 660-4305. En su correspondencia haga referencia al número de expediente EIB 21-09.

La audiencia se llevará a cabo de acuerdo con los Procedimientos de Reglamentación de la EIB que se encuentran en 20.1.1.1 - 501 NMAC, la Ley de Mejora Ambiental bajo la Sección 74-1-9, y otros procedimientos y órdenes de procesales aplicables. Los comentarios por escrito sobre las revisiones propuestas pueden obtenerse comunicándose con Pamela Jones, administradora de la EIB, en la información de contacto indicada anteriormente.

Todas las personas interesadas tendrán una oportunidad razonable en la audiencia para presentar evidencias, datos, opiniones y argumentos pertinentes, de forma oral o por escrito, presentar pruebas instrumentales e interrogar a los testigos. Toda persona que desee presentar una declaración no técnica por escrito para que conste en el registro en lugar de un testimonio oral deberá presentar dicha declaración antes del término de la audiencia por correo electrónico a: Pamela.Jones@state.nm.us.

Las personas que deseen presentar un testimonio técnico deben presentar a la EIB un Aviso de Intención por escrito de su intención de hacerlo. Los Avisos de Intención para audiencia deben ser recibidos por la EIB a más tardar hasta las 5:00 p.m., MDT (horario de verano de la montaña), del 4 de junio de 2021, y deben hacer referencia al nombre del reglamento, la fecha de la audiencia (25 de junio de 2021), y el número de expediente EIB 21-09.

Los requisitos de los Avisos de Intención se encuentran en 20.1.1.302 NMAC.

El Aviso de Intención deberá:

- identificar a la persona o entidad para la cual el testigo o los testigos testificarán;
- identificar cada uno de los testigos técnicos que la persona tiene intención de presentar e indicar las cualificaciones del testigo, incluida una descripción de su historia académica y laboral;
- incluir una copia del testimonio directo de cada testigo técnico en forma narrativa;
- incluir el texto de cualquier modificación recomendada para el cambio normativo propuesto; y

- enumerar y adjuntar todas las pruebas instrumentales que se prevé que ofrezca esa persona en la audiencia, incluida cualquier declaración de motivos para la adopción del lenguaje de la norma que se propone.

Si usted es una persona con discapacidad y necesita un dispositivo auxiliar o asistencia, por ejemplo, un intérprete de lenguaje de signos, para participar en cualquier aspecto de este proceso, comuníquese con Pamela Jones, administradora de la Junta, al menos 14 días antes de la fecha de la audiencia en P.O. Box 5469, 1190 St. Francis Drive, Suite S-2103, Santa Fe, NM, 87502, teléfono (505) 660-4305 o correo electrónico Pamela.Jones@state.nm.us. (TDD o TTY) los usuarios pueden acceder al número a través de la Red de Retransmisión de Nuevo México, 1-800-659-1779 (voz); usuarios de TTY: 1-800-659-8331).

La EIB puede tomar una decisión sobre los cambios reglamentarios propuestos al término de la audiencia o puede convocar una reunión después de la audiencia para considerar la acción sobre la propuesta.

DECLARACIÓN DE NO DISCRIMINACIÓN

El NMED no discrimina por motivos de raza, color, origen nacional, discapacidad, edad o sexo en la administración de sus programas o actividades, tal y como exigen las leyes y reglamentos aplicables.

El NMED es responsable de la coordinación de los esfuerzos de cumplimiento y de la recepción de las consultas relativas a los requisitos de no discriminación implementados por el 40 C.F.R. Partes 5 y 7, incluido el Título VI de la Ley de Derechos Civiles de 1964, según enmendada; la Sección 504 de la Ley de Rehabilitación de 1973; la Ley de Discriminación por Edad de 1975, el Título IX de las Enmiendas de Educación de 1972, y la Sección 13 de las Enmiendas de la Ley Federal de Control de la Contaminación del Agua de 1972. Si tiene alguna pregunta sobre este aviso o sobre cualquiera de los programas, políticas o procedimientos de no discriminación de NMED, puede comunicarse con:

Kathryn Becker, coordinadora de no discriminación | NMED | 1190 St. Francis Dr., Suite N4050 | P.O. Box 5469 | Santa Fe, NM 87502 | (505) 827-2855 o nd.coordinator@state.nm.us

Si cree que ha sido discriminado con respecto a un programa o actividad de NMED, puede comunicarse con la coordinadora de no discriminación identificada más arriba o visitar nuestro sitio web en <https://www.env.nm.gov/non-employee-discrimination-complaint-page/> para aprender cómo y dónde presentar una queja de discriminación.

Public Notice



Published in Santa Fe New Mexican on April 14, 2021

Location

Santa Fe, New Mexico

Notice Text

LEGAL # 88235 NEW MEXICO ENVIRONMENT IMPROVEMENT BOARD NOTICE OF SCHEDULED PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO 20.3.1 NMAC, 20.3.3 NMAC, 20.3.4 NMAC, 20.3.5 NMAC, 20.3.7 NMAC, 20.3.12 NMAC, AND 20.3.15 NMAC OF THE RADIATION PROTECTION REGULATIONS EIB 21-09 The Environmental Improvement Board ("EIB") will hold a public hearing June 25, 2021 beginning at 1:00 p.m. MDT via internet (Zoom) and via telephone. If you would like to join the video conference online, go to: zoom.us/j/99160428877?pwd=SjEyUjd iVkJEzaGJ5L2dJM GRON2VSQT09 When prompted, the meeting ID number is: 991 6042 8877 The password is: 968835 If you would like to join the meeting thru a telephone, please call: +16699006833, 99160428877#, *968835# US (San Jose) +12532158782, 99160428877#, *968835# US (Tacoma) Dial by your location +1 669 900 6833 US (San Jose) +1 253 215 8782 US (Tacoma) +1 346 248 7799 US (Houston) +1 929 436 2866 US (New York) +1 301 715 8592 US (Washington DC) +1 312 626 6799 US (Chicago) Meeting ID: 991 6042 8877 Passcode: 968835 Find your local number: zoom.us/u/a8MLJTgPY Comments will be received via electronic mail through the conclusion of the hearing. To comment via electronic mail, send correspondence to: Pamela.Jones@state.nm.us. The hearing is being held via internet, email and telephonic means due to the concerns surrounding the Novel Coronavirus ("COVID-19") and in accord with Governor Michelle Lujan Grisham's Declaration of a Public Health Emergency in Executive Order 2020-004, and subsequent executive orders; various Public Health Emergency Orders limiting mass gatherings due to COVID-19; and the Office of the Attorney General's Open Government Division's Guidance to Public Entities Regarding the Open Meetings Act and Inspection of Public Records Act Compliance During COVID-19 State of Emergency. At the public hearing the EIB will consider proposed amendments to the following regulations: 20.3.1 NMAC "General Provisions"; 20.3.3 NMAC Licensing of Radioactive Materials; 20.3.4 NMAC "Standards for Protection Against Radiation"; 20.3.5 NMAC "Radiation Safety Requirements for Industrial Radiographic Operations"; 20.3.7 NMAC "Medical Use of Radionuclides"; 20.3.12 NMAC Licenses and Radiation Safety Requirements for Well Logging"; 20.3.15 NMAC Licenses and Radiation Safety Requirements for Irradiators', as proposed in the Petition to Amend 20.3.1 NMAC, 20.3.3 NMAC, 20.3.4 NMAC, 20.3.5 NMAC, 20.3.7 NMAC, 20.3.12 NMAC, and 20.3.15 NMAC of the Radiation Protection Regulations and Request for Hearing ("Petition"), docket number EIB 21-09. The Petition has been filed by the Radiation Control Bureau ("Bureau") of the New Mexico Environment Department (NMED"). The proposed amendments are to align certain provisions within the state regulations with mandatory federal requirements. New Mexico is an agreement state under 42 U.S.C. 2021 and NMSA 1978, Section 74-3-15 (1977). As an agreement state, New Mexico's state regulations must be compatible to the United States Nuclear Regulatory Commission's ("NRC") regulations. 42 U.S.C. 2021(d)(2). The compatibility requirement is met through the promulgation of state regulations when necessary. The majority of the amendments currently being proposed are to align certain provisions within the state regulations with the federal NRC regulations. Pursuant to NMSA 1978, Section 74-3-5(A) (2000), the proposed amendments were provided to the Radiation Technology Advisory Council ("RTAC") at its March 3, 2021 meeting. The RTAC consented to the amendments as proposed. Finally, the EIB has the authority to amend the Radiation Protection Regulations under NMSA 1978, Section 74-1-8(A)(5) (2020), NMSA 1978, Section 74-1-9 (1985), and Section 74-3-5(A). In addition, the proposed amendments include several other minor changes and clarifications to current definitions, regulations, and procedures. Please note that formatting and minor technical changes in the regulations other than those proposed by NMED may be proposed at the hearing. In addition, the EIB may make other changes as necessary to accomplish the purpose of providing public health and safety in response to public comments and evidence presented at the hearing. A copy of the proposed amendments is posted on the Bureau website at: env.nm.gov/rcb/open-meeting-notification-for-radioactive-material-rule-revision/. In addition, copies of the proposed amendments are posted on the EIB website as attachments to the Petition under docket number EIB 21-09. env.nm.gov/environmental-improvement/main-2/. To obtain a physical or electronic copy of the proposed amendments contact: Pamela Jones, Board Administrator, P.O. Box 5469, 1190 St. Francis Drive, Suite S-2103, Santa Fe, New Mexico, 87502; Pamela.Jones@state.nm.us; (505) 660-4305. In your correspondence reference docket number EIB 21-09. The

hearing will be conducted in accordance with the EIB's Rulemaking Procedures found at 20.1.1.1 501 NMAC, the Environmental Improvement Act under Section 74-1-9, and other applicable procedures and procedural orders. Written comments regarding the proposed revisions may be obtained from Pamela Jones, EIB Administrator, at the contact information listed above. All interested persons will be given reasonable opportunity at the hearing to submit relevant evidence, data, views and arguments, orally or in writing, to introduce exhibits, and to examine witnesses. Any person who wishes to submit a non-technical written statement for the record in lieu of oral testimony must file such statement prior to the close of the hearing via electronic mail to: Pamela.Jones@state .nm.us. Persons wishing to present technical testimony must file with the EIB a written notice of intent to do so. Notices of intent for the hearing must be received by the EIB by 5:00 p.m. MDT on June 4, 2021, and should reference the name of the regulations, the date of the hearing (June 25, 2021), and docket number EIB 21-09. The requirements for a notice of intent can be found in 20.1.1.302 NMAC. The notice of intent shall: - identify the person or entity for whom the witness(es) will testify; - identify each technical witness that the person intends to present and state the qualifications of the witness, including a description of his or her education and work background; - include a copy of the direct testimony of each technical witness in narrative form; - include the text of any recommended modifications to the proposed regulatory change; and - list and attach all exhibits anticipated to be offered by that person at the hearing, including any proposed statement of reasons for adoption of the rule language being proposed. If you are an individual with a disability and you require assistance or an auxiliary aid, e.g., sign language interpreter, to participate in any aspect of this process, please contact Pamela Jones, Board Administrator, at least 14 days prior to the hearing date at P.O. Box 5469, 1190 St. Francis Drive, Suite S-2103, Santa Fe, New Mexico, 87502, telephone (505) 660-4305 or email Pamela.Jones @state.nm.us. (TDD or TTY) users please access the number via the New Mexico Relay Network, 1-800-659-1779 (voice); TTY users: 1-800-659-8331). The EIB may make a decision on the proposed regulatory changes at the conclusion of the hearing or may convene a meeting after the hearing to consider action on the proposal.

STATEMENT OF NON-DISCRIMINATION NMED does not discriminate on the basis of race, color, national origin, disability, age or sex in the administration of its programs or activities, as required by applicable laws and regulations. NMED is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by 40 C.F.R. Parts 5 and 7, including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972. If you have any questions about this notice or any of NMED's non-discrimination programs, policies or procedures, you may contact: Kathryn Becker, Non-Discrimination Coordinator, New Mexico Environment Department, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855, nd.coordinator@state .nm.us. If you believe that you have been discriminated against with respect to a NMED program or activity, you may contact the Non-Discrimination Coordinator identified above or visit our website at: env.nm.gov/non-employee-discrimination-complaint-page/ to learn how and where to file a complaint of discrimination.

AVISO DE LA JUNTA DE MEJORA DEL MEDIO AMBIENTE DE NUEVO MEXICO DE AUDIENCIA PUBLICA PROGRAMADA PARA CONSIDERAR LAS ENMIENDAS PROPUESTAS A 20.3.1 NMAC, 20.3.3 NMAC, 20.3.4 NMAC, 20.3.5 NMAC, 20.3.7 NMAC, 20.3.12 NMAC Y 20.3.15 NMAC DEL REGLAMENTO DE PROTECCION RADIOLOGICA EIB 21-09 La Junta de Mejora Ambiental ("EIB" por sus siglas en ingls) celebrar una audiencia pblica el 25 de junio de 2021 a partir de la 1:00 p.m., MDT (horario de verano de la montaa), a travs de Internet (Zoom) y por telefono. Si desea unirse a la videoconferencia en lnea, vaya a: zoom.us/j/99160428877?pwd=SjEyUjd iVkeZaGJ5L2dJM GRON2VSQT09 Cuando se le solicite, el nmero de identificacin de la reunin es: 991 6042 8877 La contrasea es: 968835 Si desea unirse a la reunin a travs de un telefono, llame al +16699006833, 99160428877#, *968835 nm. de EE. UU. (San Jos) +12532158782, 99160428877#, *968835 nm. de EE. UU. (Tacoma) Marque por su ubicacin +1 669 900 6833 US (San Jos) +1 253 215 8782 US (Tacoma) +1 346 248 7799 US (Houston) +1 929 436 2866 US (Nueva York) +1 301 715 8592 US (Washington DC) +1 312 626 6799 US (Chicago) Identificacin de la reunin: 991 6042 8877 Cdigo de acceso: 968835 Encuentre su nmero local: zoom.us/j/99160428877?pwd=SjEyUjd iVkeZaGJ5L2dJM GRON2VSQT09 Los comentarios se recibirn por correo electrnico hasta el trmino de la audiencia. Para hacer comentarios por correo electrnico, enva la correspondencia a Pamela.Jones@state .nm.us. La audiencia se celebra a travs de Internet, correo electrnico y medios telefnicos debido a las preocupaciones que rodean al Nuevo Coronavirus ("COVID-19") y de acuerdo con la Declaracin de Emergencia de Salud Pblica de la gobernadora Michelle Lujan Grisham en la Orden Ejecutiva 2020-004, y las rdenes ejecutivas posteriores; varias rdenes de emergencia de salud pblica que limitan las reuniones masivas debido al COVID-19; y la Gua de la Divisin de Gobierno Abierto de la Oficina del Procurador General para Entidades Pblicas con respecto a la Ley de Reuniones Abiertas y el Cumplimiento de la Ley de Inspeccin de Registros Pblicos durante el Estado de Emergencia del COVID-19. En la audiencia pblica, la EIB examinar las propuestas de modificacin de las siguientes regulaciones: 20.3.1 NMAC "Disposiciones Generales"; 20.3.3 NMAC "Licencias de Materiales Radiactivos"; 20.3.4 NMAC "Estndares de Proteccion Contra las Radiaciones"; 20.3.5

NMAC "Requisitos de Seguridad Contra las Radiaciones para Operaciones Radiográficas Industriales"; 20.3.7 NMAC "Uso Médico de Radionucleidos"; 20.3.12 NMAC "Licencias y Requisitos de Seguridad Contra las Radiaciones para Well Logging "; 20.3.15 NMAC "Licencias y Requisitos de Seguridad Radiológica para Irradiadores", tal y como se propone en la Petición para Enmendar 20.3.1 NMAC, 20.3.3 NMAC, 20.3.4 NMAC, 20.3.5 NMAC, 20.3.7 NMAC, 20.3.12 NMAC y 20.3.15 NMAC del Reglamento de Protección Radiológica y Solicitud de Audiencia ("Petición"), número de expediente EIB 21-09. La Petición ha sido presentada por la Oficina de Control de Radiación ("Oficina") del Departamento de Medio Ambiente de Nuevo México ("NMED" por sus siglas en inglés). Las enmiendas propuestas son para alinear ciertas disposiciones dentro de los reglamentos estatales con los requisitos federales obligatorios. Nuevo México es un estado de acuerdo en virtud de 42 U.S.C. 2021 y NMSA 1978, Sección 74-3-15 (1977). Como estado de acuerdo, los reglamentos estatales de Nuevo México deben ser compatibles con los reglamentos de la Comisión Reguladora Nuclear de los Estados Unidos ("NRC" por sus siglas en inglés). 42 U.S.C. 2021(d)(2). El requisito de compatibilidad se cumple mediante la promulgación de reglamentos estatales cuando es necesario. La mayor parte de las modificaciones que se proponen actualmente tienen por objeto alinear determinadas disposiciones de los reglamentos estatales con los reglamentos federales de la NRC. De conformidad con NMSA 1978, Sección 74-3-5(A) (2000), las enmiendas propuestas se presentaron al Consejo Asesor de Tecnología de la Radiación ("RTAC" por sus siglas en inglés) en su reunión del 3 de marzo de 2021. El RTAC dio su consentimiento a las modificaciones propuestas. Por último, la EIB está facultada para enmendar el Reglamento de Protección Contra las Radiaciones en virtud de NMSA 1978, Sección 74-1-8(A)(5) (2020), NMSA 1978, Sección 74-1-9 (1985), y Sección 74-3-5(A). Además, las enmiendas propuestas incluyen otros cambios menores y aclaraciones a las definiciones, reglamentos y procedimientos actuales. Tenga en cuenta que en la audiencia pueden proponerse cambios de formato y técnicos menores en los reglamentos distintos de los propuestos por el NMED. Además, la EIB puede hacer otros cambios según sea necesario para cumplir con el propósito de proporcionar salud pública y seguridad en respuesta a los comentarios públicos y las pruebas presentadas en la audiencia. Una copia de las propuestas de modificación está publicada en el sitio web de la Oficina en: env.nm.gov/rcb/open-meeting-notification-for-radioactive-material-rule-revision/. Además, copias de las enmiendas propuestas están publicadas en el sitio web de la EIB como anexos a la Petición bajo el número de expediente EIB 21-09. env.nm.gov/environmental-improvement/main-2/. Para obtener una copia impresa o una copia electrónica de las enmiendas propuestas, comuníquese con Pamela Jones, administradora de la Junta, P.O. Box 5469, 1190 St. Francis Drive, Suite S-2103, Santa Fe, NM, 87502; Pamela.Jones@state.nm.us; (505) 660-4305. En su correspondencia haga referencia al número de expediente EIB 21-09. La audiencia se llevará a cabo de acuerdo con los Procedimientos de Regulación de la EIB que se encuentran en 20.1.1.1 - 501 NMAC, la Ley de Mejora Ambiental bajo la Sección 74-1-9, y otros procedimientos y órdenes de procesales aplicables. Los comentarios por escrito sobre las revisiones propuestas pueden obtenerse comunicándose con Pamela Jones, administradora de la EIB, en la información de contacto indicada anteriormente. Todas las personas interesadas tendrán una oportunidad razonable en la audiencia para presentar evidencias, datos, opiniones y argumentos pertinentes, de forma oral o por escrito, presentar pruebas instrumentales e interrogar a los testigos. Toda persona que desee presentar una declaración no técnica por escrito para que conste en el registro en lugar de un testimonio oral deberá presentar dicha declaración antes del término de la audiencia por correo electrónico a: Pamela.Jones@state.nm.us. Las personas que deseen presentar un testimonio técnico deben presentar a la EIB un Aviso de Intención por escrito de su intención de hacerlo. Los Avisos de Intención para audiencia deben ser recibidos por la EIB a más tardar hasta las 5:00 p.m., MDT (horario de verano de la montaña), del 4 de junio de 2021, y deben hacer referencia al nombre del reglamento, la fecha de la audiencia (25 de junio de 2021), y el número de expediente EIB 21-09. Los requisitos de los Avisos de Intención se encuentran en 20.1.1.302 NMAC. El Aviso de Intención deberá: - identificar a la persona o entidad para la cual el testigo o los testigos testificarán; - identificar cada uno de los testigos técnicos que la persona tiene intención de presentar e indicar las cualificaciones del testigo, incluida una descripción de su historial académico y laboral - incluir una copia del testimonio directo de cada testigo técnico en forma narrativa - incluir el texto de cualquier modificación recomendada para el cambio normativo propuesto; y - enumerar y adjuntar todas las pruebas instrumentales que se prevé que ofrezca esa persona en la audiencia, incluida cualquier declaración de motivos para la adopción del lenguaje de la norma que se propone. Si usted es una persona con discapacidad y necesita un dispositivo auxiliar o asistencia, por ejemplo, un intérprete de lenguaje de signos, para participar en cualquier aspecto de este proceso, comuníquese con Pamela Jones, administradora de la Junta, al menos 14 días antes de la fecha de la audiencia en P.O. Box 5469, 1190 St. Francis Drive, Suite S-2103, Santa Fe, NM, 87502, teléfono (505) 660-4305 o correo electrónico Pamela.Jones@state.nm.us. (TDD o TTY) los usuarios pueden acceder al número a través de la Red de Retransmisión de Nuevo México, 1-800-659-1779 (voz); usuarios de TTY: 1-800-659-8331). La EIB puede tomar una decisión sobre los cambios reglamentarios propuestos al término de la audiencia o puede convocar una reunión después de la audiencia para considerar la acción sobre la propuesta. DECLARACIÓN DE NO DISCRIMINACIÓN El NMED no discrimina por motivos de raza, color, origen nacional,

discapacidad, edad o sexo en la administracin de sus programas o actividades, tal y como exigen las leyes y reglamentos aplicables. El NMED es responsable de la coordinacin de los esfuerzos de cumplimiento y de la recepcin de las consultas relativas a los requisitos de no discriminacin implementados por el 40 C.F.R. Partes 5 y 7, incluido el Ttulo VI de la Ley de Derechos Civiles de 1964, segn enmendada; la Seccin 504 de la Ley de Rehabilitacin de 1973; la Ley de Discriminacin por Edad de 1975, el Ttulo IX de las Enmiendas de Educacin de 1972, y la Seccin 13 de las Enmiendas de la Ley Federal de Control de la Contaminacin del Agua de 1972. Si tiene alguna pregunta sobre este aviso o sobre cualquiera de los programas, polticas o procedimientos de no discriminacin de NMED, puede comunicarse con: Kathryn Becker, coordinadora de no discriminacin | NMED | 1190 St. Francis Dr., Suite N4050 | P.O. Box 5469 | Santa Fe, NM 87502 | (505) 827-2855 o nd.coordinator@state.nm.us Si cree que ha sido discriminado con respecto a un programa o actividad de NMED, puede comunicarse con la coordinadora de no discriminacin identificada ms arriba o visitar nuestro sitio web en env.nm.gov/non-emp-loyee-discrimination-complaint-page/ para aprender cmo y dnde presentar una queja de discriminacin. Pub.: Apr. 12, 2021

SANTA FE NEW MEXICAN

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NMED RADIATION CONTROL
BUREAU
1190 S Saint Francis Dr Ste 4050
Santa Fe, NM 875054173

ACCOUNT:	STNRCB
AD NUMBER:	11707
LEGAL NO	88235
1 TIME(S)	1001.64
AFFIDAVIT	10.00
TAX	85.36
TOTAL	1097.00

P.O.#:66700-0000036789

AFFIDAVIT OF PUBLICATION

STATE OF NEW MEXICO
COUNTY OF SANTA FE

I, Shaundel Moya, being first duly sworn declare and say that I am Legal Advertising Representative of THE SANTA FE NEW MEXICAN, a daily newspaper published in the English language, and having a general circulation in the Counties of Santa Fe, Rio Arriba, San Miguel, and Los Alamos, State of New Mexico and being a newspaper duly qualified to publish legal notices and advertisements under the provisions of Chapter 167 on Session Laws of 1937; that the Legal No 88235 a copy of which is hereto attached was published in said newspaper 1 day(s) between 04/14/2021 and 04/14/2021 and that the notice was published in the newspaper proper and not in any supplement; the first date of publication being on the 14th day of April, 2021 and that the undersigned has personal knowledge of the matter and thngs set forth in this affidavit.

ISI



LEGAL ADVERTISEMENT RESPRESENTATIVE

Subscribed and sworn to before me on this 19th day of April, 2021

Notary



Commission Expires:

11/20/2024



OFFICIAL SEAL
Susan Larine Cahoon
NOTARY PUBLIC-STATE OF NEW MEXICO

My commission expires

11/20/2024

 **Albuquerque Journal**

Published in the Albuquerque Journal on Friday April 09, 2021

NEW MEXICO ENVIRONMENT IMPROVEMENT BOARD NOTICE OF SCHEDULED PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO 20.3.1 NMAC, 20.3.3 NMAC, 20.3.4 NMAC, 20.3.5 NMAC, 20.3.7 NMAC, 20.3.12 NMAC, AND 20.3.15 NMAC OF THE RADIATION PROTECTION REGULATIONS EIB 21-09 The Environmental Improvement Board ("EIB") will hold a public hearing June 25, 2021 beginning at 1:00 p.m. MDT via internet (Zoom) and via telephone. If you would like to join the video conference online, go to: [https://zoom.us/j/99160428877?](https://zoom.us/j/99160428877?pwd=SjEyUjdiVkEzaGJ5L2dJMGRON2VSQT09)

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Albuquerque Journal

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AVISO DE LA JUNTA DE MEJORA DEL MEDIO AMBIENTE DE NUEVO MEXICO DE AUDIENCIA PUBLICA PROGRAMADA PARA CONSIDERAR LAS ENMIENDAS PROPUESTAS A 20.3.1 NMAC, 20.3.3 NMAC, 20.3.4 NMAC, 20.3.5 NMAC, 20.3.7 NMAC, 20.3.12 NMAC Y 20.3.15 NMAC DEL REGLAMENTO DE PROTECCIN RADIOLGICA EIB 21-09 La Junta de Mejora Ambiental ("EIB" por sus siglas en ingls) celebrar una audiencia pblica el 25 de junio de 2021 a partir de la 1:00 p.m., MDT (horario de verano de la montaa), a travs de Internet (Zoom) y por telefono. Si desea unirse a la videoconferencia en lnea, vaya a: <https://zoom.us/j/99160428877?pwd=SjEyUjdiVkEzaGJ5L2dJMGRON2VSQT09> Cuando se le solicite, el nmero de identificacin de la reunin es: 991 6042 8877 La contrasea es: 968835 Si desea unirse a la reunin a travs de un telefono, llame al +16699006833, 99160428877#, *968835 nm. de EE. UU. (San Jos) +12532158782, 99160428877#, *968835 nm. de EE. UU. (Tacoma) Marque por su ubicacin +1 669 900 6833 US (San Jos) +1 253 215 8782 US (Tacoma) +1 346 248 7799 US (Houston) +1 929 436 2866 US (Nueva York) +1 301 715 8592 US (Washington DC) +1 312 626 6799 US (Chicago) Identificacin de la reunin: 991 6042 8877 Cdigo de acceso: 968835 Encuentre su nmero local: <https://zoom.us/j/99160428877?pwd=SjEyUjdiVkEzaGJ5L2dJMGRON2VSQT09> Los comentarios se recibirn por correo electrnico hasta el trmino de la audiencia. Para hacer comentarios por correo electrnico, enve la correspondencia a Pamela.Jones@state.nm.us. La audiencia se celebra a travs de Internet, correo electrnico y medios telefnicos debido a las preocupaciones que rodean al Nuevo Coronavirus ("COVID-19") y de acuerdo con la Declaracin de Emergencia de Salud Pblica de la gobernadora Michelle Lujan Grisham en la Orden Ejecutiva 2020-004, y las rdenes ejecutivas posteriores; varias rdenes de emergencia de salud pblica que limitan las reuniones masivas debido al COVID-19; y la Gua de la Divisin de Gobierno Abierto de la Oficina del Procurador General para Entidades Pblicas con respecto a la Ley de Reuniones Abiertas y el Cumplimiento de la Ley de Inspeccin de Registros Pblicos durante el Estado de Emergencia del COVID-19. En la audiencia pblica, la EIB examinar las propuestas de modificacin de las siguientes regulaciones: 20.3.1 NMAC "Disposiciones Generales"; 20.3.3 NMAC "Licencias de Materiales Radiactivos"; 20.3.4 NMAC "Estndares de Proteccin Contra las Radiaciones"; 20.3.5 NMAC "Requisitos de Seguridad Contra las Radiaciones para Operaciones Radiogrficas Industriales"; 20.3.7 NMAC "Uso Mdico de Radionucleidos"; 20.3.12 NMAC "Licencias y Requisitos de Seguridad Contra las Radiaciones para Well Logging "; 20.3.15 NMAC "Licencias y Requisitos de Seguridad Radiolgica para Irradiadores", tal y como se propone en la Peticin para Enmendar 20.3.1 NMAC, 20.3.3 NMAC, 20.3.4 NMAC, 20.3.5 NMAC, 20.3.7 NMAC, 20.3.12 NMAC y 20.3.15 NMAC del Reglamento de Proteccin Radiolgica y Solicitud de Audiencia ("Peticin"), nmero de expediente EIB 21-09. La Peticin ha sido presentada por la Oficina de Control de Radiacin ("Oficina") del Departamento de Medio Ambiente de Nuevo Mxico ("NMED" por sus siglas en ingls). Las enmiendas propuestas son para alinear ciertas disposiciones dentro de los reglamentos estatales con los requisitos federales obligatorios. Nuevo Mxico es un estado de acuerdo en virtud de 42 U.S.C. 2021 y NMSA 1978, Seccin 74-3-15 (1977). Como estado de acuerdo, los reglamentos estatales de Nuevo Mxico deben ser compatibles con los reglamentos de la Comisin Reguladora Nuclear de los Estados Unidos ("NRC" por sus siglas en ingls). 42 U.S.C. 2021(d)(2). El requisito de compatibilidad se cumple mediante la promulgacin de reglamentos estatales cuando es necesario. La mayor parte de las modificaciones que se proponen actualmente tienen por objeto alinear determinadas disposiciones de los reglamentos estatales con los reglamentos federales de la NRC. De conformidad con NMSA 1978, Seccin 74-3-5(A) (2000), las enmiendas propuestas se presentaron al Consejo Asesor de Tecnologia de la Radiacin ("RTAC" por sus siglas en ingls) en su reunin del 3 de marzo de 2021. El RTAC dio su consentimiento a las modificaciones propuestas. Por ltimo, la EIB est facultada para enmendar el Reglamento de Proteccin Contra las Radiaciones en virtud de NMSA 1978, Seccin 74-1-8(A)(5) (2020), NMSA 1978, Seccin 74-1-9 (1985), y Seccin 74-3-5(A). Adems, las enmiendas propuestas incluyen otros cambios menores y aclaraciones a las definiciones, reglamentos y procedimientos actuales. Tenga en cuenta que en la audiencia pueden proponerse cambios de

formato y tcnicos menores en los reglamentos distintos de los propuestos por el NMED. Adems, la EIB puede hacer otros cambios segn sea necesario para cumplir con el propsito de proporcionar salud pblica y seguridad en respuesta a los comentarios pblicos y las pruebas presentadas en la audiencia. Una copia de las propuestas de modificacin est publicada en el sitio web de la Oficina en: <https://www.env.nm.gov/rcb/open-meeting-notification-for-radioactive-material-rule-revision/>. Adems, copias de las enmiendas propuestas estn publicadas en el sitio web de la EIB como anexos a la Peticin bajo el nmero de expediente EIB 21-09. <https://www.env.nm.gov/environmental-improvement/main-2/>. Para obtener una copia impresa o una copia electrnica de las enmiendas propuestas, comunquese con Pamela Jones, administradora de la Junta, P.O. Box 5469, 1190 St. Francis Drive, Suite S-2103, Santa Fe, NM, 87502; Pamela.Jones@state.nm.us; (505) 660-4305. En su correspondencia haga referencia al nmero de expediente EIB 21-09. La audiencia se llevar a cabo de acuerdo con los Procedimientos de Reglamentacin de la EIB que se encuentran en 20.1.1.1 - 501 NMAC, la Ley de Mejora Ambiental bajo la Seccin 74-1-9, y otros procedimientos y rdenes de procesales aplicables. Los comentarios por escrito sobre las revisiones propuestas pueden obtenerse comunicndose con Pamela Jones, administradora de la EIB, en la informacin de contacto indicada anteriormente. Todas las personas interesadas tendrn una oportunidad razonable en la audiencia para presentar evidencias, datos, opiniones y argumentos pertinentes, de forma oral o por escrito, presentar pruebas instrumentales e interrogar a los testigos. Toda persona que desee presentar una declaracin no tcnica por escrito para que conste en el registro en lugar de un testimonio oral deber presentar dicha declaracin antes del trmino de la audiencia por correo electrnico a: Pamela.Jones@state.nm.us. Las personas que deseen presentar un testimonio tcnico deben presentar a la EIB un Aviso de Intencin por escrito de su intencin de hacerlo. Los Avisos de Intencin para audiencia deben ser recibidos por la EIB a ms tardar hasta las 5:00 p.m., MDT (horario de verano de la montaa), del 4 de junio de 2021, y deben hacer referencia al nombre del reglamento, la fecha de la audiencia (25 de junio de 2021), y el nmero de expediente EIB 21-09. Los requisitos de los Avisos de Intencin se encuentran en 20.1.1.302 NMAC. El Aviso de Intencin deber: - identificar a la persona o entidad para la cual el testigo o los testigos testificar; - identificar cada uno de los testigos tcnicos que la persona tiene intencin de presentar e indicar las cualificaciones del testigo, incluida una descripcin de su historial acadmico y laboral - incluir una copia del testimonio directo de cada testigo tcnico en forma narrativa - incluir el texto de cualquier modificacin recomendada para el cambio normativo propuesto; y - enumerar y adjuntar todas las pruebas instrumentales que se prev que ofrezca esa persona en la audiencia, incluida cualquier declaracin de motivos para la adopcin del lenguaje de la norma que se propone. Si usted es una persona con discapacidad y necesita un dispositivo auxiliar o asistencia, por ejemplo, un intrprete de lenguaje de signos, para participar en cualquier aspecto de este proceso, comunquese con Pamela Jones, administradora de la Junta, al menos 14 das antes de la fecha de la audiencia en P.O. Box 5469, 1190 St. Francis Drive, Suite S-2103, Santa Fe, NM, 87502, telefono (505) 660-4305 o correo electrnico Pamela.Jones@state.nm.us. (TDD o TTY) los usuarios pueden acceder al nmero a travs de la Red de Retransmisin de Nuevo Mxico, 1-800-659-1779 (voz); usuarios de TTY: 1-800-659-8331). La EIB puede tomar una decisin sobre los cambios reglamentarios propuestos al trmino de la audiencia o puede convocar una reunin despues de la audiencia para considerar la accin sobre la propuesta. **DECLARACIN DE NO DISCRIMINACIN** El NMED no discrimina por motivos de raza, color, origen nacional, discapacidad, edad o sexo en la administracin de sus programas o actividades, tal y como exigen las leyes y reglamentos aplicables. El NMED es responsable de la coordinacin de los esfuerzos de cumplimiento y de la recepcin de las consultas relativas a los requisitos de no discriminacin implementados por el 40 C.F.R. Partes 5 y 7, incluido el Ttulo VI de la Ley de Derechos Civiles de 1964, segn enmendada; la Seccin 504 de la Ley de Rehabilitacin de 1973; la Ley de Discriminacin por Edad de 1975, el Ttulo IX de las Enmiendas de Educacin de 1972, y la Seccin 13 de las Enmiendas de la Ley Federal de Control de la Contaminacin del Agua de 1972. Si tiene alguna pregunta sobre este aviso o sobre cualquiera de los programas, polticas o procedimientos de no discriminacin de NMED, puede comunicarse con: Kathryn Becker, coordinadora de no discriminacin

AFFIDAVIT OF PUBLICATION

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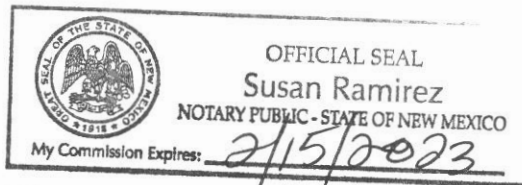
County of Bernalillo SS

AVISOPUBLICOELDEP
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Elise Rodriguez, the undersigned, on oath states that she is an authorized Representative of The Albuquerque Journal, and that this newspaper is duly qualified to publish legal notices or advertisements within the meaning of Section 3, Chapter 167, Session Laws of 1937, and that payment therefore has been made of assessed as court cost; that the notice, copy of which hereto attached, was published in said paper in the regular daily edition, for 1 time(s) on the following date(s):

04/29/2021





Sworn and subscribed before me, a Notary Public, in and for the County of Bernalillo and State of New Mexico this 29 day of April of 2021



PRICE \$237.93

Statement to come at the end of month.

ACCOUNT NUMBER 1032480

**NEW MEXICO ENVIRONMENT IMPROVEMENT BOARD NOTICE
OF SCHEDULED PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO 20.3.1 NMAC,
20.3.3 NMAC, 20.3.4 NMAC, 20.3.5 NMAC, 20.3.7 NMAC, 20.3.12 NMAC, AND 20.3.15 NMAC OF THE
RADIATION PROTECTION REGULATIONS
EIB 21-09**

The Environmental Improvement Board (“EIB”) will hold a public hearing June 25, 2021 beginning at 1:00 p.m. MDT via internet (Zoom) and via telephone.

If you would like to join the video conference online, go to:
<https://zoom.us/j/99160428877?pwd=SjEyUjdiVkEzaGJ5L2dJMGRON2VSQT09>

When prompted, the meeting ID number is: 991 6042 8877

The password is: 968835

If you would like to join the meeting thru a telephone, please call:

+16699006833, 99160428877#, *968835# US (San Jose)

+12532158782, 99160428877#, *968835# US (Tacoma)

Dial by your location

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 929 436 2866 US (New York)

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

Meeting ID: 991 6042 8877

Passcode: 968835

Find your local number: <https://zoom.us/u/a8MLJTgPY>

Comments will be received via electronic mail through the conclusion of the hearing. To comment via electronic mail, send correspondence to: Pamela.Jones@state.nm.us.

The hearing is being held via internet, email and telephonic means due to the concerns surrounding the Novel Coronavirus (“COVID-19”) and in accord with Governor Michelle Lujan Grisham's Declaration of a Public Health Emergency in [Executive Order 2020-004](#), and subsequent executive orders; various Public Health Emergency Orders limiting mass gatherings due to COVID-19; and the Office of the Attorney General’s Open Government Division’s [Guidance to Public Entities Regarding the Open Meetings Act and Inspection of Public Records Act Compliance During COVID-19 State of Emergency](#).

At the public hearing the EIB will consider proposed amendments to the following regulations: 20.3.1 NMAC “General Provisions”; 20.3.3 NMAC “Licensing of Radioactive Materials”; 20.3.4 NMAC “Standards for Protection Against Radiation”; 20.3.5 NMAC “Radiation Safety Requirements for Industrial Radiographic Operations”; 20.3.7 NMAC “Medical Use of Radionuclides”; 20.3.12 NMAC “Licenses and Radiation Safety Requirements for Well Logging”; 20.3.15 NMAC “Licenses and Radiation Safety Requirements for Irradiators”, as proposed in the [Petition to Amend 20.3.1 NMAC, 20.3.3 NMAC, 20.3.4 NMAC, 20.3.5 NMAC, 20.3.7 NMAC, 20.3.12 NMAC, and 20.3.15 NMAC of the Radiation Protection Regulations and Request for Hearing](#) (“Petition”), docket number EIB 21-09. The Petition has been filed by the Radiation Control Bureau (“Bureau”) of the New Mexico Environment Department (“NMED”). The proposed amendments are to align certain provisions within the state regulations with mandatory federal requirements.

New Mexico is an agreement state under 42 U.S.C. § 2021 and NMSA 1978, Section 74-3-15 (1977). As an agreement state, New Mexico’s state regulations must be compatible to the United States Nuclear Regulatory

Commission's ("NRC") regulations. 42 U.S.C. § 2021(d)(2). The compatibility requirement is met through the promulgation of state regulations when necessary. The majority of the amendments currently being proposed are to align certain provisions within the state regulations with the federal NRC regulations. Pursuant to NMSA 1978, Section 74-3-5(A) (2000), the proposed amendments were provided to the Radiation Technology Advisory Council ("RTAC") at its March 3, 2021 meeting. The RTAC consented to the amendments as proposed. Finally, the EIB has the authority to amend the Radiation Protection Regulations under NMSA 1978, Section 74-1-8(A)(5) (2020), NMSA 1978, Section 74-1-9 (1985), and Section 74-3-5(A).

In addition, the proposed amendments include several other minor changes and clarifications to current definitions, regulations, and procedures. Please note that formatting and minor technical changes in the regulations other than those proposed by NMED may be proposed at the hearing. In addition, the EIB may make other changes as necessary to accomplish the purpose of providing public health and safety in response to public comments and evidence presented at the hearing.

A copy of the proposed amendments is posted on the Bureau website at <https://www.env.nm.gov/rcb/open-meeting-notification-for-radioactive-material-rule-revision/>. In addition, copies of the proposed amendments are posted on the EIB website as attachments to the Petition under docket number EIB 21-09. <https://www.env.nm.gov/environmental-improvement/main-2/>.

To obtain a physical or electronic copy of the proposed amendments contact: Pamela Jones, Board Administrator, P.O. Box 5469, 1190 St. Francis Drive, Suite S-2103, Santa Fe, New Mexico, 87502; Pamela.Jones@state.nm.us; (505) 660-4305. In your correspondence reference docket number EIB 21-09.

The hearing will be conducted in accordance with the EIB's Rulemaking Procedures found at 20.1.1.1 – 501 NMAC, the Environmental Improvement Act under Section 74-1-9, and other applicable procedures and procedural orders. Written comments regarding the proposed revisions may be obtained from Pamela Jones, EIB Administrator, at the contact information listed above.

All interested persons will be given reasonable opportunity at the hearing to submit relevant evidence, data, views and arguments, orally or in writing, to introduce exhibits, and to examine witnesses. Any person who wishes to submit a non-technical written statement for the record in lieu of oral testimony must file such statement prior to the close of the hearing via electronic mail to: Pamela.Jones@state.nm.us.

Persons wishing to present technical testimony must file with the EIB a written notice of intent to do so. Notices of intent for the hearing must be received by the EIB by 5:00 p.m. MDT on June 4, 2021, and should reference the name of the regulations, the date of the hearing (June 25, 2021), and docket number EIB 21-09.

The requirements for a notice of intent can be found in 20.1.1.302 NMAC.

The notice of intent shall:

- identify the person or entity for whom the witness(es) will testify;
- identify each technical witness that the person intends to present and state the qualifications of the witness, including a description of his or her education and work background;
- include a copy of the direct testimony of each technical witness in narrative form;
- include the text of any recommended modifications to the proposed regulatory change; and
- list and attach all exhibits anticipated to be offered by that person at the hearing, including any proposed statement of reasons for adoption of the rule language being proposed.

If you are an individual with a disability and you require assistance or an auxiliary aid, e.g., sign language interpreter, to participate in any aspect of this process, please contact Pamela Jones, Board Administrator, at least 14 days prior to the hearing date at P.O. Box 5469, 1190 St. Francis Drive, Suite S-2103, Santa Fe, New Mexico, 87502, telephone (505) 660-4305 or email Pamela.Jones@state.nm.us. (TDD or TTY) users please access the number via the New Mexico Relay Network, 1-800-659-1779 (voice); TTY users: 1-800-659-8331).

The EIB may make a decision on the proposed regulatory changes at the conclusion of the hearing or may convene a meeting after the hearing to consider action on the proposal.

STATEMENT OF NON-DISCRIMINATION

NMED does not discriminate on the basis of race, color, national origin, disability, age or sex in the administration of its programs or activities, as required by applicable laws and regulations.

NMED is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by 40 C.F.R. Parts 5 and 7, including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972. If you have any questions about this notice or any of NMED's non-discrimination programs, policies or procedures, you may contact:

Kathryn Becker, Non-Discrimination Coordinator, New Mexico Environment Department, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855, nd.coordinator@state.nm.us.

If you believe that you have been discriminated against with respect to a NMED program or activity, you may contact the Non-Discrimination Coordinator identified above or visit our website at <https://www.env.nm.gov/non-employee-discrimination-complaint-page/> to learn how and where to file a complaint of discrimination.

AVISO DE LA JUNTA DE MEJORA DEL MEDIO AMBIENTE DE NUEVO MÉXICO DE AUDIENCIA PÚBLICA PROGRAMADA PARA CONSIDERAR LAS ENMIENDAS PROPUESTAS A 20.3.1 NMAC, 20.3.3 NMAC, 20.3.4 NMAC, 20.3.5 NMAC, 20.3.7 NMAC, 20.3.12 NMAC Y 20.3.15 NMAC DEL REGLAMENTO DE PROTECCIÓN RADIOLÓGICA EIB 21-09

La Junta de Mejora Ambiental ("EIB" por sus siglas en inglés) celebrará una audiencia pública el 25 de junio de 2021 a partir de la 1:00 p.m., MDT (horario de verano de la montaña), a través de Internet (Zoom) y por teléfono.

Si desea unirse a la videoconferencia en línea, vaya a:

<https://zoom.us/j/99160428877?pwd=SjEyUjdiVkEzaGJ5L2dJMGRON2VSQT09>

Cuando se le solicite, el número de identificación de la reunión es: 991 6042 8877

La contraseña es: 968835

Si desea unirse a la reunión a través de un teléfono, llame al

+16699006833, 99160428877#, *968835 núm. de EE. UU. (San José)

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Marque por su ubicación

+1 669 900 6833 US (San José)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 929 436 2866 US (Nueva York)

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

Identificación de la reunión: 991 6042 8877

Código de acceso: 968835

Encuentre su número local: <https://zoom.us/u/a8MLJTgPY>

Los comentarios se recibirán por correo electrónico hasta el término de la audiencia. Para hacer comentarios por correo electrónico, envíe la correspondencia a Pamela.Jones@state.nm.us.

La audiencia se celebra a través de Internet, correo electrónico y medios telefónicos debido a las preocupaciones que rodean al Nuevo Coronavirus ("COVID-19") y de acuerdo con la Declaración de Emergencia de Salud Pública de la gobernadora Michelle Lujan Grisham en la Orden Ejecutiva 2020-004, y las órdenes ejecutivas posteriores; varias órdenes de emergencia de salud pública que limitan las reuniones masivas debido al COVID-19; y la Guía de la División de Gobierno Abierto de la Oficina del Procurador General para Entidades Públicas con respecto a la Ley de Reuniones Abiertas y el Cumplimiento de la Ley de Inspección de Registros Públicos durante el Estado de Emergencia del COVID-19.

En la audiencia pública, la EIB examinará las propuestas de modificación de las siguientes regulaciones: 20.3.1 NMAC "Disposiciones Generales"; 20.3.3 NMAC "Licencias de Materiales Radiactivos"; 20.3.4 NMAC "Estándares de Protección Contra las Radiaciones"; 20.3.5 NMAC "Requisitos de Seguridad Contra las Radiaciones para Operaciones Radiográficas Industriales"; 20.3.7 NMAC "Uso Médico de Radionucleidos"; 20.3.12 NMAC "Licencias y Requisitos de Seguridad Contra las Radiaciones para Well Logging "; 20. 3.15 NMAC "Licencias y Requisitos de Seguridad Radiológica para Irradiadores", tal y como se propone en la Petición para Enmendar 20.3.1 NMAC, 20.3.3 NMAC, 20.3.4 NMAC, 20.3.5 NMAC, 20.3.7 NMAC, 20.3.12 NMAC y 20.3.15 NMAC del Reglamento de Protección Radiológica y Solicitud de Audiencia ("Petición"), número de expediente EIB 21-09. La Petición ha sido presentada por la Oficina de Control de Radiación ("Oficina") del Departamento de Medio Ambiente de Nuevo México ("NMED" por sus siglas en inglés). Las enmiendas propuestas son para alinear ciertas disposiciones dentro de los reglamentos estatales con los requisitos federales obligatorios.

Nuevo México es un estado de acuerdo en virtud de 42 U.S.C. § 2021 y NMSA 1978, Sección 74-3-15 (1977). Como estado de acuerdo, los reglamentos estatales de Nuevo México deben ser compatibles con los reglamentos de la Comisión Reguladora Nuclear de los Estados Unidos ("NRC" por sus siglas en inglés). 42 U.S.C. § 2021(d)(2). El requisito de compatibilidad se cumple mediante la promulgación de reglamentos estatales cuando es necesario. La mayor parte de las modificaciones que se proponen actualmente tienen por objeto alinear determinadas disposiciones de los reglamentos estatales con los reglamentos federales de la NRC. De conformidad con NMSA 1978, Sección 74-3-5(A) (2000), las enmiendas propuestas se presentaron al Consejo Asesor de Tecnología de la Radiación ("RTAC" por sus siglas en inglés) en su reunión del 3 de marzo de 2021. El RTAC dio su consentimiento a las modificaciones propuestas. Por último, la EIB está facultada para enmendar el Reglamento de Protección Contra las Radiaciones en virtud de NMSA 1978, Sección 74-1-8(A)(5) (2020), NMSA 1978, Sección 74-1-9 (1985), y Sección 74-3-5(A).

Además, las enmiendas propuestas incluyen otros cambios menores y aclaraciones a las definiciones, reglamentos y procedimientos actuales. Tenga en cuenta que en la audiencia pueden proponerse cambios de formato y técnicos menores en los reglamentos distintos de los propuestos por el NMED. Además, la EIB puede hacer otros cambios según sea necesario para cumplir con el propósito de proporcionar salud pública y seguridad en respuesta a los comentarios públicos y las pruebas presentadas en la audiencia.

Una copia de las propuestas de modificación está publicada en el sitio web de la Oficina en: <https://www.env.nm.gov/rcb/open-meeting-notification-for-radioactive-material-rule-revision/>. Además, copias de las enmiendas propuestas están publicadas en el sitio web de la EIB como anexos a la Petición bajo el número de expediente EIB 21-09. <https://www.env.nm.gov/environmental-improvement/main-2/>.

Para obtener una copia impresa o una copia electrónica de las enmiendas propuestas, comuníquese con Pamela Jones, administradora de la Junta, P.O. Box 5469, 1190 St. Francis Drive, Suite S-2103, Santa Fe, NM, 87502; Pamela.Jones@state.nm.us; (505) 660-4305. En su correspondencia haga referencia al número de expediente EIB 21-09.

La audiencia se llevará a cabo de acuerdo con los Procedimientos de Reglamentación de la EIB que se encuentran en 20.1.1.1 - 501 NMAC, la Ley de Mejora Ambiental bajo la Sección 74-1-9, y otros procedimientos y órdenes de procesales aplicables. Los comentarios por escrito sobre las revisiones propuestas pueden obtenerse comunicándose con Pamela Jones, administradora de la EIB, en la información de contacto indicada anteriormente.

Todas las personas interesadas tendrán una oportunidad razonable en la audiencia para presentar evidencias, datos, opiniones y argumentos pertinentes, de forma oral o por escrito, presentar pruebas instrumentales e interrogar a los testigos. Toda persona que desee presentar una declaración no técnica por escrito para que conste en el registro en lugar de un testimonio oral deberá presentar dicha declaración antes del término de la audiencia por correo electrónico a: Pamela.Jones@state.nm.us.

Las personas que deseen presentar un testimonio técnico deben presentar a la EIB un Aviso de Intención por escrito de su intención de hacerlo. Los Avisos de Intención para audiencia deben ser recibidos por la EIB a más tardar hasta las 5:00 p.m., MDT (horario de verano de la montaña), del 4 de junio de 2021, y deben hacer referencia al nombre del reglamento, la fecha de la audiencia (25 de junio de 2021), y el número de expediente EIB 21-09.

Los requisitos de los Avisos de Intención se encuentran en 20.1.1.302 NMAC.

El Aviso de Intención deberá:

- identificar a la persona o entidad para la cual el testigo o los testigos testificarán;
- identificar cada uno de los testigos técnicos que la persona tiene intención de presentar e indicar las cualificaciones del testigo, incluida una descripción de su historial académico y laboral
- incluir una copia del testimonio directo de cada testigo técnico en forma narrativa
- incluir el texto de cualquier modificación recomendada para el cambio normativo propuesto; y
- enumerar y adjuntar todas las pruebas instrumentales que se prevé que ofrezca esa persona en la audiencia, incluida cualquier declaración de motivos para la adopción del lenguaje de la norma que se propone.

Si usted es una persona con discapacidad y necesita un dispositivo auxiliar o asistencia, por ejemplo, un intérprete de lenguaje de signos, para participar en cualquier aspecto de este proceso, comuníquese con Pamela Jones, administradora de la Junta, al menos 14 días antes de la fecha de la audiencia en P.O. Box 5469, 1190 St. Francis Drive, Suite S-2103, Santa Fe, NM, 87502, teléfono (505) 660-4305 o correo electrónico Pamela.Jones@state.nm.us. (TDD o TTY) los usuarios pueden acceder al número a través de la Red de Retransmisión de Nuevo México, 1-800-659-1779 (voz); usuarios de TTY: 1-800-659-8331).

La EIB puede tomar una decisión sobre los cambios reglamentarios propuestos al término de la audiencia o puede convocar una reunión después de la audiencia para considerar la acción sobre la propuesta.

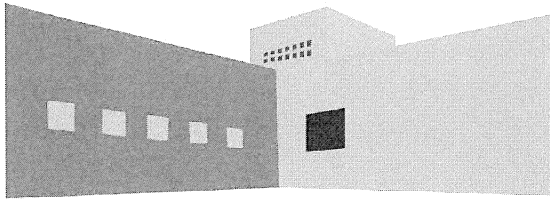
DECLARACIÓN DE NO DISCRIMINACIÓN

El NMED no discrimina por motivos de raza, color, origen nacional, discapacidad, edad o sexo en la administración de sus programas o actividades, tal y como exigen las leyes y reglamentos aplicables.

El NMED es responsable de la coordinación de los esfuerzos de cumplimiento y de la recepción de las consultas relativas a los requisitos de no discriminación implementados por el 40 C.F.R. Partes 5 y 7, incluido el Título VI de la Ley de Derechos Civiles de 1964, según enmendada; la Sección 504 de la Ley de Rehabilitación de 1973; la Ley de Discriminación por Edad de 1975, el Título IX de las Enmiendas de Educación de 1972, y la Sección 13 de las Enmiendas de la Ley Federal de Control de la Contaminación del Agua de 1972. Si tiene alguna pregunta sobre este aviso o sobre cualquiera de los programas, políticas o procedimientos de no discriminación de NMED, puede comunicarse con:

Kathryn Becker, coordinadora de no discriminación NMED 1190 St. Francis Dr., Suite N4050 P.O. Box 5469 Santa Fe, NM 87502 | (505) 827-2855 o nd.coordinator@state.nm.us

Si cree que ha sido discriminado con respecto a un programa o actividad de NMED, puede comunicarse con la coordinadora de no discriminación identificada más arriba o visitar nuestro sitio web en <https://www.env.nm.gov/non-employee-discrimination-complaint-page/> para aprender cómo y dónde presentar una queja de discriminación.



NM Commission of Public Records

1205 Camino Carlos Rey
 Santa Fe, NM 87507
 +505 4767912

Invoice

BILL TO

Environment Department
 1190 St Francis Dr
 Santa Fe, NM 87505

INVOICE #	DATE	TOTAL DUE	DUE DATE		ENCLOSED
5448	04/20/2021	\$318.00	04/20/2021		

VOLUME

XXXII

ISSUE

8

P.O. NUMBER

66700-0000036655

DATE	DESCRIPTION	QTY	RATE	AMOUNT
04/20/2021	NM Register - 431902 New Mexico Environment Improvement Board Notice of Scheduled Public Hearing to Consider Proposed Amendments to 20.3.1 NMAC, 20.3.3 NMAC, 20.3.4 NMAC, 20.3.5 NMAC, 20.3.7 NMAC, 20.3.12 NMAC, and 20.3.15 NMAC of The Radiation Protection Regulations EIB 21-09, hearing date: 6/25/2021	106	3.00	318.00

Thank you for your business!

BALANCE DUE


\$318.00

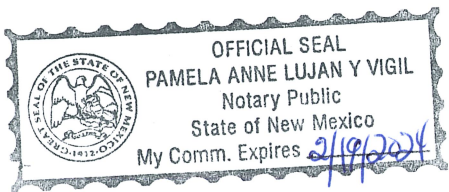
Affidavit of Publication in New Mexico Register

I, Matthew Ortiz, certify that the agency noted on Invoice # 5448 has published legal notice of rulemaking or rules in the NEW MEXICO REGISTER, VOLUME XXXI, that payment has been assessed for said legal notice of rulemaking or rules, which appears on the publication date and in the issue number noted on Invoice # 5448, and that Invoice # 5448 has been sent electronically to the person(s) listed on the *Billing Information Sheet* provided by the agency.

Affiant: 
Matthew Ortiz

Subscribed, sworn and acknowledged before me this 27th day of April, 2021.

Notary Public: 
My Commission Expires: 2/19/2024





Environmental Improvement

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21-09 Petition to Amend Radiation Protection

PLEADINGS LOG

- | | | |
|----|--|------------|
| 1. | Petition to Amend Radiation Protection Regulations and Request for Hearing | 03/04/2021 |
| 2. | Public Notice for Rulemaking – English | 04/05/2021 |
| 3. | Public Notice for Rulemaking – Spanish | 04/05/2021 |

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CONTACT

1190 Saint Francis Drive
Suite # South 2102
Santa Fe, New Mexico 87505

Phone: (505) 827-2428

Fax: (505) 827-1628





Radiation Control Bureau

Radiation Control Bureau

About Us



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Licensing Actions

Programs/Services



Regulations

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Forms



OPEN MEETING NOTIFICATION FOR RADIOACTIVE MATERIAL RULE REVISION

Environmental Improvement Board (EIB) Open

Meeting notification for June 25, 2021 – 1:00 PM

hearing

(Posted 4/5/2021)

[EIB Intergated Rule Revision- 20.3.1 to 20.3.15](#)

[Public Notice for EIB Rulemaking-Spanish \(FINAL\)](#)

[Public Notice for EIB Rulemaking-English \(FINAL\)](#)

Rule Hearing Search

Hearing Date: Comments: Agency:

All Deadline: Environment Department

Date:

All

Search

[Return to Search Results](#)

Proposed Rule Name:

PROPOSED AMENDMENTS TO 20.3.1, 3-5, 7, 12, 15 NMAC Radiation Protect. EIB21-09

Agency:

Environment Department

Purpose:

The purpose of the hearing is to consider proposed amendments to 20.3.1 NMAC "General Provisions"; 20.3.3 NMAC "Licensing of Radioactive Materials"; 20.3.4 NMAC "Standards for Protection Against Radiation"; 20.3.5 NMAC "Radiation Safety Requirements for Industrial Radiographic Operations"; 20.3.7 NMAC "Medical Use of Radionuclides"; 20.3.12 NMAC "Licenses and Radiation Safety Requirements for Well Logging"; 20.3.15 NMAC "Licenses and Radiation Safety Requirements for Irradiators". These amendments have been proposed to align certain provisions within the state regulations with mandatory federal requirements.

Summary:

AMENDMENTS TO 20.3.1 NMAC, 20.3.3 NMAC, 20.3.4 NMAC, 20.3.5 NMAC, 20.3.7 NMAC, 20.3.12 NMAC, AND 20.3.15 NMAC OF THE RADIATION PROTECTION REGULATIONS

Administrative Codes:

20.3.1 NMAC, 20.3.3 NMAC, 20.3.4 NMAC, 20.3.5 NMAC, 20.3.7 NMAC, 20.3.12 NMAC, AND 20.3.15 NMAC

Rule Complete Copy :

The petition and proposed amendments are available on the Environment Improvement Board's website, at <https://www.env.nm.gov/ environmental-improvement/main-2>. The petition may also be obtained electronically by contacting Pamela Jones, Board Administrator, 1190 S. St. Francis Drive, Santa Fe, New Mexico 87502, (505) 660-4305 or Pamela.Jones@state.nm.us

Corrections:

[Click Here to access Rule Corrections](#)

Rule Explanatory Statement:

[Click Here to access the Rule Explanatory Statement](#)

Related New Mexico Register Publications:

Not available

For any additional information or questions concerning this rule making or posting please contact:

Pamela Jones, EIB Administrator
pamela.jones@state.nm.us
(505) 660-4305

Last Updated Date

4/5/2021 6:41 PM

How to submit Comments:

Those wishing to do so may offer non-technical public comment at the hearing or submit a non-technical written statement in lieu of oral testimony at or before the hearing. Written comments regarding the proposed amendment may be addressed to Pamela Jones, EIB Administrator, at the above address, and should reference docket number EIB 21-09

When are comments due:

6/25/2021 12:00 PM

Hearing Date:

6/25/2021 1:00 PM

Public Hearing Location:

The Zoom video conferencing platform.

https://zoom.us/j/99160428877?pwd=SlE_yUjdVKEzaGJlZkdJMGZlR0ZlV09

When prompted, the meeting ID number is: 991 6042 8877

The password is: 968835

- To join the meeting thru a telephone, please call:

+16699006833, 99160428877#; *968835# US (San Jose)

+12532158782, 99160428877#; *968835# US (Tacoma)

Dial by your location

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 929 436 2866 US (New York)

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

Meeting ID: 991 6042 8877

Passcode: 968835 6/25/2021 (1:00 PM -)

How to participate:

a.) All interested persons will be given reasonable opportunity at the hearing to submit relevant evidence, data, views and arguments, orally or in writing, to introduce exhibits, and to examine witnesses. Any person who wishes to submit a non-technical written statement for the record in lieu of oral testimony must file such statement prior to the close of the hearing via electronic mail to: Pamela.Jones@state.nm.us. b.) Persons wishing to present technical testimony must file with the EIB a written notice of intent to do so. Notices of intent for the hearing must be received by the EIB by 5:00 pm on June 4, 2021 and should reference the name of the regulations, the date of the hearing (June 25, 2021), and docket number EIB 21-09

ⓘ If the document is not visible on the previewer, please download the file.

File	File Name	File Type	Description
------	-----------	-----------	-------------

From: [Romero, Ray, NMENV](#)
To: Joanne.vandestreek@nmlegis.gov
Cc: ics@nmlegis.gov; [Napolitano, Mia, NMENV](#)
Subject: EIB 21-09 Public Notice
Date: Thursday, April 1, 2021 4:36:41 PM
Attachments: [Public Notice for EIB 21-09 Rulemaking-English \(FINAL\) .pdf](#)
[Public Notice for EIB 21-09 Rulemaking-Spanish \(FINAL\) .pdf](#)
[image003.jpg](#)

Good afternoon Ms. Vandestreek,

I have be tasked with forwarding information to the New Mexico Legislative Council for an upcoming public hearing before the Environmental Improvement Board to consider proposed amendments to 20.3.1 NMAC, 20.3.3 NMAC, 20.3.4 NMAC, 20.3.5 NMAC, 20.3.7 NMAC, 20.3.12 NMAC, AND 20.3.15 NMAC of the Radiation Protection Regulations. I have attached the public notice, in English and Spanish. The petition and proposed amendments are available on the Environment Improvement Board's website, at <https://www.env.nm.gov/environmental-improvement/main-2/>.

If further information is needed please contact me. Thank you for your assistance.

Raymond R. Romero, Paralegal
New Mexico Environment Department
Office of General Counsel
1190 S. Saint Francis Drive
Suite North 4050
Santa Fe, NM 87505
(505) 827-2952
Ray.Romero@state.nm.us
www.env.nm.gov
Twitter: @NMEnvDep | #IamNMED



“Innovation, Science, Collaboration, Compliance”

From: [Hesch, James, NMENV](#)
To: [Hesch, James, NMENV](#)
Subject: EIB RCB Rulemaking -- PN Requirement
Date: Tuesday, April 6, 2021 1:49:42 PM
Attachments: [Public Notice for EIB Rulemaking-English \(FINAL\) .pdf](#)
[Public Notice for EIB Rulemaking-Spanish \(FINAL\) .pdf](#)

Good Morning,

Please find the attached Public Notice of Hearing (in English and Spanish) for EIB 21-09, to consider the proposed amendments to 20.3.1 NMAC, 20.3.3 NMAC, 20.3.4 NMAC, 20.3.5 NMAC, 20.3.7 NMAC, 20.3.12 NMAC, and 20.3.15 NMAC of the Radiation Protection Regulations. As you will see in the notice, the hearing will take place on June 25, 2021 at 1:00 p.m. MDT and continue as necessary. The hearing will be held via an internet video conferencing platform (Zoom).

Public comment will be allowed at various points throughout the hearing. Relevant information on how to participate in this process can be found in the attached notices.

<https://www.env.nm.gov/rcb/open-meeting-notification-for-radioactive-material-rule-revision>

Thank you,

New Mexico Environment Department (NMED)

Buenos días,

Encuentre el Aviso de Audiencia Pública adjunto (en inglés y español) para la EIB 21-09, para considerar las enmiendas propuestas a 20.3.1 NMAC, 20.3.3 NMAC, 20.3.4 NMAC, 20.3.5 NMAC, 20.3.7 NMAC, 20.3.12 NMAC y 20.3.15 NMAC del Reglamento de Protección Radiológica. Como se puede ver en el aviso, la audiencia tendrá lugar el 25 de junio de 2021 a la 1:00 p.m. MDT (horario de verano de la montaña) y continuará según sea necesario. La audiencia se celebrará a través de una plataforma de videoconferencia por Internet (Zoom).

Se permitirán comentarios del público en varios momentos de la audiencia. La información pertinente sobre cómo participar en este proceso se puede encontrar en los avisos adjuntos.

Gracias,

Ambiente de Nuevo México ("NMED" por sus siglas en inglés).

From: [Hesch, James, NMENV](#)
To: [Hesch, James, NMENV](#)
Subject: EIB RCB Rulemaking -- PN Requirements
Date: Tuesday, April 6, 2021 1:57:11 PM
Attachments: [Public Notice for EIB Rulemaking-English \(FINAL\) .pdf](#)
[Public Notice for EIB Rulemaking-Spanish \(FINAL\) .pdf](#)

Good Morning,

Please find the attached Public Notice of Hearing (in English and Spanish) for EIB 21-09, to consider the proposed amendments to 20.3.1 NMAC, 20.3.3 NMAC, 20.3.4 NMAC, 20.3.5 NMAC, 20.3.7 NMAC, 20.3.12 NMAC, and 20.3.15 NMAC of the Radiation Protection Regulations. As you will see in the notice, the hearing will take place on June 25, 2021 at 1:00 p.m. MDT and continue as necessary. The hearing will be held via an internet video conferencing platform (Zoom).

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<https://www.env.nm.gov/rcb/open-meeting-notification-for-radioactive-material-rule-revision>

Thank you,

New Mexico Environment Department (NMED)

Buenos días,

Encuentre el Aviso de Audiencia Pública adjunto (en inglés y español) para la EIB 21-09, para considerar las enmiendas propuestas a 20.3.1 NMAC, 20.3.3 NMAC, 20.3.4 NMAC, 20.3.5 NMAC, 20.3.7 NMAC, 20.3.12 NMAC y 20.3.15 NMAC del Reglamento de Protección Radiológica. Como se puede ver en el aviso, la audiencia tendrá lugar el 25 de junio de 2021 a la 1:00 p.m. MDT (horario de verano de la montaña) y continuará según sea necesario. La audiencia se celebrará a través de una plataforma de videoconferencia por Internet (Zoom).

Se permitirán comentarios del público en varios momentos de la audiencia. La información pertinente sobre cómo participar en este proceso se puede encontrar en los avisos adjuntos.

Gracias,

Ambiente de Nuevo México ("NMED" por sus siglas en inglés).

From: [Hesch, James, NMENV](#)
To: [Hesch, James, NMENV](#)
Subject: EIB RCB Rulemaking -- PN Requirement
Date: Tuesday, April 6, 2021 2:03:22 PM
Attachments: [Public Notice for EIB Rulemaking-English \(FINAL\) .pdf](#)
[Public Notice for EIB Rulemaking-Spanish \(FINAL\) .pdf](#)

Good Morning,

Please find the attached Public Notice of Hearing (in English and Spanish) for EIB 21-09, to consider the proposed amendments to 20.3.1 NMAC, 20.3.3 NMAC, 20.3.4 NMAC, 20.3.5 NMAC, 20.3.7 NMAC, 20.3.12 NMAC, and 20.3.15 NMAC of the Radiation Protection Regulations. As you will see in the notice, the hearing will take place on June 25, 2021 at 1:00 p.m. MDT and continue as necessary. The hearing will be held via an internet video conferencing platform (Zoom).

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<https://www.env.nm.gov/rcb/open-meeting-notification-for-radioactive-material-rule-revision>

Thank you,

New Mexico Environment Department (NMED)

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Se permitirán comentarios del público en varios momentos de la audiencia. La información pertinente sobre cómo participar en este proceso se puede encontrar en los avisos adjuntos.

Gracias,

Ambiente de Nuevo México ("NMED" por sus siglas en inglés).



MICHELLE LUJAN GRISHAM
Governor

HOWIE C. MORALES
Lt. Governor

NEW MEXICO ENVIRONMENT DEPARTMENT

Harold Runnels Building
1190 Saint Francis Drive, PO Box 5469
Santa Fe, NM 87502-5469
Telephone (505) 827-2855

www.env.nm.gov



JAMES C. KENNEY
Cabinet Secretary

JENNIFER J. PRUETT
Deputy Secretary

April 5, 2021

Susan Cazaux, Director
Los Alamos Medical Center
3917 West Road
Los Alamos, NM 87544

Good Morning,

Please find the attached Public Notice of Hearing (in English and Spanish) for EIB 21-09, to consider the proposed amendments to 20.3.1 NMAC, 20.3.3 NMAC, 20.3.4 NMAC, 20.3.5 NMAC, 20.3.7 NMAC, 20.3.12 NMAC, and 20.3.15 NMAC of the Radiation Protection Regulations. As you will see in the notice, the hearing will take place on June 25, 2021 at 1:00 p.m. MDT and continue as necessary. The hearing will be held via an internet video conferencing platform (Zoom).

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<https://www.env.nm.gov/rcb/open-meeting-notification-for-radioactive-material-rule-revision>

Thank you,

New Mexico Environment Department (NMED)

Buenos días,

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Gracias,

Ambiente de Nuevo México ("NMED" por sus siglas en inglés).



MICHELLE LUJAN GRISHAM
Governor

HOWIE C. MORALES
Lt. Governor

NEW MEXICO ENVIRONMENT DEPARTMENT

Harold Runnels Building
1190 Saint Francis Drive, PO Box 5469
Santa Fe, NM 87502-5469
Telephone (505) 827-2855
www.env.nm.gov



JAMES C. KENNEY
Cabinet Secretary

JENNIFER J. PRUETT
Deputy Secretary

April 5, 2021

Joleen Hines, Lab. Manager
Daniel B. Stephens & Associates Inc.
6020 Academy NE, Suite 100
Albuquerque, NM 87109

Good Morning,

Please find the attached Public Notice of Hearing (in English and Spanish) for EIB 21-09, to consider the proposed amendments to 20.3.1 NMAC, 20.3.3 NMAC, 20.3.4 NMAC, 20.3.5 NMAC, 20.3.7 NMAC, 20.3.12 NMAC, and 20.3.15 NMAC of the Radiation Protection Regulations. As you will see in the notice, the hearing will take place on June 25, 2021 at 1:00 p.m. MDT and continue as necessary. The hearing will be held via an internet video conferencing platform (Zoom).

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New Mexico Environment Department (NMED)

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Gracias,

Ambiente de Nuevo México ("NMED" por sus siglas en inglés).



MICHELLE LUJAN GRISHAM
Governor

HOWIE C. MORALES
Lt. Governor

NEW MEXICO ENVIRONMENT DEPARTMENT

Harold Runnels Building
1190 Saint Francis Drive, PO Box 5469
Santa Fe, NM 87502-5469
Telephone (505) 827-2855

www.env.nm.gov



JAMES C. KENNEY
Cabinet Secretary

JENNIFER J. PRUETT
Deputy Secretary

April 5, 2021

Fabian Trujillo
E & F Soils Testing Company
P.O. Box 34
El Prado, NM 87529

Good Morning,

Please find the attached Public Notice of Hearing (in English and Spanish) for EIB 21-09, to consider the proposed amendments to 20.3.1 NMAC, 20.3.3 NMAC, 20.3.4 NMAC, 20.3.5 NMAC, 20.3.7 NMAC, 20.3.12 NMAC, and 20.3.15 NMAC of the Radiation Protection Regulations. As you will see in the notice, the hearing will take place on June 25, 2021 at 1:00 p.m. MDT and continue as necessary. The hearing will be held via an internet video conferencing platform (Zoom).

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Thank you,

New Mexico Environment Department (NMED)

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Gracias,

Ambiente de Nuevo México ("NMED" por sus siglas en inglés).



MICHELLE LUJAN GRISHAM
Governor

HOWIE C. MORALES
Lt. Governor

NEW MEXICO ENVIRONMENT DEPARTMENT

Harold Runnels Building
1190 Saint Francis Drive, PO Box 5469
Santa Fe, NM 87502-5469
Telephone (505) 827-2855
www.env.nm.gov



JAMES C. KENNEY
Cabinet Secretary

JENNIFER J. PRUETT
Deputy Secretary

April 5, 2021

Robert E. Grandin
Grandin Testing Lab, Inc.
11 Roberts Circle
Los Lunas, NM 87031

Good Morning,

Please find the attached Public Notice of Hearing (in English and Spanish) for EIB 21-09, to consider the proposed amendments to 20.3.1 NMAC, 20.3.3 NMAC, 20.3.4 NMAC, 20.3.5 NMAC, 20.3.7 NMAC, 20.3.12 NMAC, and 20.3.15 NMAC of the Radiation Protection Regulations. As you will see in the notice, the hearing will take place on June 25, 2021 at 1:00 p.m. MDT and continue as necessary. The hearing will be held via an internet video conferencing platform (Zoom).

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New Mexico Environment Department (NMED)

Buenos días,

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Gracias,

Ambiente de Nuevo México ("NMED" por sus siglas en inglés).



MICHELLE LUJAN GRISHAM
Governor

HOWIE C. MORALES
Lt. Governor

NEW MEXICO ENVIRONMENT DEPARTMENT

Harold Runnels Building
1190 Saint Francis Drive, PO Box 5469
Santa Fe, NM 87502-5469
Telephone (505) 827-2855
www.env.nm.gov



JAMES C. KENNEY
Cabinet Secretary

JENNIFER J. PRUETT
Deputy Secretary

April 5, 2021

Issac Martinez, Dir.of Radiology
Alta Vista Regional Hospital
104 Legion Drive
Las Vegas, NM 87701

Good Morning,

Please find the attached Public Notice of Hearing (in English and Spanish) for EIB 21-09, to consider the proposed amendments to 20.3.1 NMAC, 20.3.3 NMAC, 20.3.4 NMAC, 20.3.5 NMAC, 20.3.7 NMAC, 20.3.12 NMAC, and 20.3.15 NMAC of the Radiation Protection Regulations. As you will see in the notice, the hearing will take place on June 25, 2021 at 1:00 p.m. MDT and continue as necessary. The hearing will be held via an internet video conferencing platform (Zoom).

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<https://www.env.nm.gov/rcb/open-meeting-notification-for-radioactive-material-rule-revision>

Thank you,

New Mexico Environment Department (NMED)

Buenos días,

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Se permitirán comentarios del público en varios momentos de la audiencia. La información pertinente sobre cómo participar en este proceso se puede encontrar en los avisos adjuntos.

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JAMES C. KENNEY
Cabinet Secretary

JENNIFER J. PRUETT
Deputy Secretary

April 5, 2021

Francisco Espinoza, Town Mgr.
Town of Taos
400 Camino de la Placita
Taos, NM 87571

Good Morning,

Please find the attached Public Notice of Hearing (in English and Spanish) for EIB 21-09, to consider the proposed amendments to 20.3.1 NMAC, 20.3.3 NMAC, 20.3.4 NMAC, 20.3.5 NMAC, 20.3.7 NMAC, 20.3.12 NMAC, and 20.3.15 NMAC of the Radiation Protection Regulations. As you will see in the notice, the hearing will take place on June 25, 2021 at 1:00 p.m. MDT and continue as necessary. The hearing will be held via an internet video conferencing platform (Zoom).

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JAMES C. KENNEY
Cabinet Secretary

JENNIFER J. PRUETT
Deputy Secretary

April 5, 2021

Leslie Small, COO
Bohannon Huston, Inc.
7500 Jefferson Street NE
Albuquerque, NM 87109

Good Morning,

Please find the attached Public Notice of Hearing (in English and Spanish) for EIB 21-09, to consider the proposed amendments to 20.3.1 NMAC, 20.3.3 NMAC, 20.3.4 NMAC, 20.3.5 NMAC, 20.3.7 NMAC, 20.3.12 NMAC, and 20.3.15 NMAC of the Radiation Protection Regulations. As you will see in the notice, the hearing will take place on June 25, 2021 at 1:00 p.m. MDT and continue as necessary. The hearing will be held via an internet video conferencing platform (Zoom).

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JAMES C. KENNEY
Cabinet Secretary

JENNIFER J. PRUETT
Deputy Secretary

April 5, 2021

Elizabeth Gillenwallters, CHP
PETNET Solutions, Inc.
810 Innovation Drive
Knoxville, TN 37932

Good Morning,

Please find the attached Public Notice of Hearing (in English and Spanish) for EIB 21-09, to consider the proposed amendments to 20.3.1 NMAC, 20.3.3 NMAC, 20.3.4 NMAC, 20.3.5 NMAC, 20.3.7 NMAC, 20.3.12 NMAC, and 20.3.15 NMAC of the Radiation Protection Regulations. As you will see in the notice, the hearing will take place on June 25, 2021 at 1:00 p.m. MDT and continue as necessary. The hearing will be held via an internet video conferencing platform (Zoom).

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JAMES C. KENNEY
Cabinet Secretary

JENNIFER J. PRUETT
Deputy Secretary

April 5, 2021

Dave Pennington V.P.
WSP USA, Inc.
2440 Louisiana Blvd, NE, Suite 400
Albuquerque, NM 87110

Good Morning,

Please find the attached Public Notice of Hearing (in English and Spanish) for EIB 21-09, to consider the proposed amendments to 20.3.1 NMAC, 20.3.3 NMAC, 20.3.4 NMAC, 20.3.5 NMAC, 20.3.7 NMAC, 20.3.12 NMAC, and 20.3.15 NMAC of the Radiation Protection Regulations. As you will see in the notice, the hearing will take place on June 25, 2021 at 1:00 p.m. MDT and continue as necessary. The hearing will be held via an internet video conferencing platform (Zoom).

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JAMES C. KENNEY
Cabinet Secretary

JENNIFER J. PRUETT
Deputy Secretary

April 5, 2021

David L. Heath, CEO
Pajarito Scientific Corporation
2976 Rodeo Park Dr. East
Santa Fe, NM 87505

Good Morning,

Please find the attached Public Notice of Hearing (in English and Spanish) for EIB 21-09, to consider the proposed amendments to 20.3.1 NMAC, 20.3.3 NMAC, 20.3.4 NMAC, 20.3.5 NMAC, 20.3.7 NMAC, 20.3.12 NMAC, and 20.3.15 NMAC of the Radiation Protection Regulations. As you will see in the notice, the hearing will take place on June 25, 2021 at 1:00 p.m. MDT and continue as necessary. The hearing will be held via an internet video conferencing platform (Zoom).

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JAMES C. KENNEY
Cabinet Secretary

JENNIFER J. PRUETT
Deputy Secretary

April 5, 2021

Robert Payne, Manager
Elite Wells Services, LLC
2702 N Freeman Ave.
Artesia, NM 88210

Good Morning,

Please find the attached Public Notice of Hearing (in English and Spanish) for EIB 21-09, to consider the proposed amendments to 20.3.1 NMAC, 20.3.3 NMAC, 20.3.4 NMAC, 20.3.5 NMAC, 20.3.7 NMAC, 20.3.12 NMAC, and 20.3.15 NMAC of the Radiation Protection Regulations. As you will see in the notice, the hearing will take place on June 25, 2021 at 1:00 p.m. MDT and continue as necessary. The hearing will be held via an internet video conferencing platform (Zoom).

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JAMES C. KENNEY
Cabinet Secretary

JENNIFER J. PRUETT
Deputy Secretary

April 5, 2021

Dr. Barbara McAneny, CEO
New Mexico Oncology Hematology Consultants, LTD.
4901 Lang Blvd. NE
Albuquerque, NM 87109

Good Morning,

Please find the attached Public Notice of Hearing (in English and Spanish) for EIB 21-09, to consider the proposed amendments to 20.3.1 NMAC, 20.3.3 NMAC, 20.3.4 NMAC, 20.3.5 NMAC, 20.3.7 NMAC, 20.3.12 NMAC, and 20.3.15 NMAC of the Radiation Protection Regulations. As you will see in the notice, the hearing will take place on June 25, 2021 at 1:00 p.m. MDT and continue as necessary. The hearing will be held via an internet video conferencing platform (Zoom).

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JAMES C. KENNEY
Cabinet Secretary

JENNIFER J. PRUETT
Deputy Secretary

April 5, 2021

Joe Vlahovich, Dir. of Radiology
Mimbres Memorial Hospital
900 West Ash
Deming, NM 88031

Good Morning,

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JAMES C. KENNEY
Cabinet Secretary

JENNIFER J. PRUETT
Deputy Secretary

April 5, 2021

Aaron Peinado, Risk Management
New Mexico Department of Transportation
P. O. Box 1149 (Safety Office)
Santa Fe, NM 87504

Good Morning,

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JAMES C. KENNEY
Cabinet Secretary

JENNIFER J. PRUETT
Deputy Secretary

April 5, 2021

Ashley Burkos, Director
Gila Regional Medical Center
1313 E. 32nd St.
Silver City, NM 88061

Good Morning,

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JAMES C. KENNEY
Cabinet Secretary

JENNIFER J. PRUETT
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April 5, 2021

Roy Thomas, Director
Artesia General Hospital
702 N. 13th Street
Artesia, NM 88210

Good Morning,

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HOWIE C. MORALES
Lt. Governor

NEW MEXICO ENVIRONMENT DEPARTMENT

Harold Runnels Building
1190 Saint Francis Drive, PO Box 5469
Santa Fe, NM 87502-5469
Telephone (505) 827-2855

www.env.nm.gov



JAMES C. KENNEY
Cabinet Secretary

JENNIFER J. PRUETT
Deputy Secretary

April 5, 2021

Richard Larson, MD, Ph.D., VC
UNM Health Sciences Center Office of
Reginald Heber Fitz Hall, MSC08-4560, 1 UNM
Albuquerque, NM 87131

Good Morning,

Please find the attached Public Notice of Hearing (in English and Spanish) for EIB 21-09, to consider the proposed amendments to 20.3.1 NMAC, 20.3.3 NMAC, 20.3.4 NMAC, 20.3.5 NMAC, 20.3.7 NMAC, 20.3.12 NMAC, and 20.3.15 NMAC of the Radiation Protection Regulations. As you will see in the notice, the hearing will take place on June 25, 2021 at 1:00 p.m. MDT and continue as necessary. The hearing will be held via an internet video conferencing platform (Zoom).

Public comment will be allowed at various points throughout the hearing. Relevant information on how to participate in this process can be found in the attached notices.

<https://www.env.nm.gov/rcb/open-meeting-notification-for-radioactive-material-rule-revision>

Thank you,

New Mexico Environment Department (NMED)

Buenos días,

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Se permitirán comentarios del público en varios momentos de la audiencia. La información pertinente sobre cómo participar en este proceso se puede encontrar en los avisos adjuntos.

Gracias,

Ambiente de Nuevo México ("NMED" por sus siglas en inglés).



MICHELLE LUJAN GRISHAM
Governor

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JAMES C. KENNEY
Cabinet Secretary

JENNIFER J. PRUETT
Deputy Secretary

April 5, 2021

David Trinker
Protechnics, Division of Core Labs, LP
6510 W. Sam Houston PKWY North
Houston, TX 77041

Good Morning,

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MICHELLE LUJAN GRISHAM
Governor

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JAMES C. KENNEY
Cabinet Secretary

JENNIFER J. PRUETT
Deputy Secretary

April 5, 2021

Shannon Gamboa
Sierra Vista Hospital
800 E. 9th Avenue
T or C, NM 87901

Good Morning,

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MICHELLE LUJAN GRISHAM
Governor

HOWIE C. MORALES
Lt. Governor

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JAMES C. KENNEY
Cabinet Secretary

JENNIFER J. PRUETT
Deputy Secretary

April 5, 2021

Charles Deible
Schlumberger Technology Corporation-Carlsbad
300 Schlumberger Dr. MD-121
Sugar Land, TX 77478

Good Morning,

Please find the attached Public Notice of Hearing (in English and Spanish) for EIB 21-09, to consider the proposed amendments to 20.3.1 NMAC, 20.3.3 NMAC, 20.3.4 NMAC, 20.3.5 NMAC, 20.3.7 NMAC, 20.3.12 NMAC, and 20.3.15 NMAC of the Radiation Protection Regulations. As you will see in the notice, the hearing will take place on June 25, 2021 at 1:00 p.m. MDT and continue as necessary. The hearing will be held via an internet video conferencing platform (Zoom).

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JAMES C. KENNEY
Cabinet Secretary

JENNIFER J. PRUETT
Deputy Secretary

April 5, 2021

Michael Lewis, VP Operations
SQS NDT, LP
P.O. Box 13977
Odessa, TX 79768

Good Morning,

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JAMES C. KENNEY
Cabinet Secretary

JENNIFER J. PRUETT
Deputy Secretary

April 5, 2021

Jim Heckert, CEO
Gerald Champion Regional Medical Center
2669 N. Scenic Drive
Alamogordo, NM 88310

Good Morning,

Please find the attached Public Notice of Hearing (in English and Spanish) for EIB 21-09, to consider the proposed amendments to 20.3.1 NMAC, 20.3.3 NMAC, 20.3.4 NMAC, 20.3.5 NMAC, 20.3.7 NMAC, 20.3.12 NMAC, and 20.3.15 NMAC of the Radiation Protection Regulations. As you will see in the notice, the hearing will take place on June 25, 2021 at 1:00 p.m. MDT and continue as necessary. The hearing will be held via an internet video conferencing platform (Zoom).

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MICHELLE LUJAN GRISHAM
Governor

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Lt. Governor

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JAMES C. KENNEY
Cabinet Secretary

JENNIFER J. PRUETT
Deputy Secretary

April 5, 2021

C. Wayne Frasier
Taos Gravel Products
P.O. Box 1620
El Prado, NM 87529

Good Morning,

Please find the attached Public Notice of Hearing (in English and Spanish) for EIB 21-09, to consider the proposed amendments to 20.3.1 NMAC, 20.3.3 NMAC, 20.3.4 NMAC, 20.3.5 NMAC, 20.3.7 NMAC, 20.3.12 NMAC, and 20.3.15 NMAC of the Radiation Protection Regulations. As you will see in the notice, the hearing will take place on June 25, 2021 at 1:00 p.m. MDT and continue as necessary. The hearing will be held via an internet video conferencing platform (Zoom).

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MICHELLE LUJAN GRISHAM
Governor

HOWIE C. MORALES
Lt. Governor

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JAMES C. KENNEY
Cabinet Secretary

JENNIFER J. PRUETT
Deputy Secretary

April 5, 2021

David A. Vigil
BSN Santa Fe, Inc.
28 Bisbee Court, Suite B-10
Santa Fe, NM 87508

Good Morning,

Please find the attached Public Notice of Hearing (in English and Spanish) for EIB 21-09, to consider the proposed amendments to 20.3.1 NMAC, 20.3.3 NMAC, 20.3.4 NMAC, 20.3.5 NMAC, 20.3.7 NMAC, 20.3.12 NMAC, and 20.3.15 NMAC of the Radiation Protection Regulations. As you will see in the notice, the hearing will take place on June 25, 2021 at 1:00 p.m. MDT and continue as necessary. The hearing will be held via an internet video conferencing platform (Zoom).

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MICHELLE LUJAN GRISHAM
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HOWIE C. MORALES
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JAMES C. KENNEY
Cabinet Secretary

JENNIFER J. PRUETT
Deputy Secretary

April 5, 2021

William King Kelley
HollyFrontier Navajo Refining LLC
P.O. Box 159
Artesia, NM 88210

Good Morning,

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MICHELLE LUJAN GRISHAM
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JAMES C. KENNEY
Cabinet Secretary

JENNIFER J. PRUETT
Deputy Secretary

April 5, 2021

Gary Downing, VP Operations
Integra Technologies Albuquerque LLC
10401 Research Rd SE
Albuquerque, NM 87123

Good Morning,

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MICHELLE LUJAN GRISHAM
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JAMES C. KENNEY
Cabinet Secretary

JENNIFER J. PRUETT
Deputy Secretary

April 5, 2021

Robert Santillanes
Bernalillo County Public Works- XRF
2400 Broadway SE - Building B
Albuquerque, NM 87102

Good Morning,

Please find the attached Public Notice of Hearing (in English and Spanish) for EIB 21-09, to consider the proposed amendments to 20.3.1 NMAC, 20.3.3 NMAC, 20.3.4 NMAC, 20.3.5 NMAC, 20.3.7 NMAC, 20.3.12 NMAC, and 20.3.15 NMAC of the Radiation Protection Regulations. As you will see in the notice, the hearing will take place on June 25, 2021 at 1:00 p.m. MDT and continue as necessary. The hearing will be held via an internet video conferencing platform (Zoom).

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MICHELLE LUJAN GRISHAM
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HOWIE C. MORALES
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JAMES C. KENNEY
Cabinet Secretary

JENNIFER J. PRUETT
Deputy Secretary

April 5, 2021

John Wagner
Bernalillo County Public Works Department
2400 Broadway SE - Building L
Albuquerque, NM 87102

Good Morning,

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Harold Runnels Building
1190 Saint Francis Drive, PO Box 5469
Santa Fe, NM 87502-5469
Telephone (505) 827-2855
www.env.nm.gov



JAMES C. KENNEY
Cabinet Secretary

JENNIFER J. PRUETT
Deputy Secretary

April 5, 2021

Richard Larson, M.D., Ph.D
UNM Translational Radiopharmacy
MSC08 - 4560, 1 UNM
Albuquerque, NM 87131

Good Morning,

Please find the attached Public Notice of Hearing (in English and Spanish) for EIB 21-09, to consider the proposed amendments to 20.3.1 NMAC, 20.3.3 NMAC, 20.3.4 NMAC, 20.3.5 NMAC, 20.3.7 NMAC, 20.3.12 NMAC, and 20.3.15 NMAC of the Radiation Protection Regulations. As you will see in the notice, the hearing will take place on June 25, 2021 at 1:00 p.m. MDT and continue as necessary. The hearing will be held via an internet video conferencing platform (Zoom).

Public comment will be allowed at various points throughout the hearing. Relevant information on how to participate in this process can be found in the attached notices.
<https://www.env.nm.gov/rcb/open-meeting-notification-for-radioactive-material-rule-revision>

Thank you,

New Mexico Environment Department (NMED)

Buenos días,

Encuentre el Aviso de Audiencia Pública adjunto (en inglés y español) para la EIB 21-09, para considerar las enmiendas propuestas a 20.3.1 NMAC, 20.3.3 NMAC, 20.3.4 NMAC, 20.3.5 NMAC, 20.3.7 NMAC, 20.3.12 NMAC y 20.3.15 NMAC del Reglamento de Protección Radiológica. Como se puede ver en el aviso, la audiencia tendrá lugar el 25 de junio de 2021 a la 1:00 p.m. MDT (horario de verano de la montaña) y continuará según sea necesario. La audiencia se celebrará a través de una plataforma de videoconferencia por Internet (Zoom).

Se permitirán comentarios del público en varios momentos de la audiencia. La información pertinente sobre cómo participar en este proceso se puede encontrar en los avisos adjuntos.

Gracias,

Ambiente de Nuevo México ("NMED" por sus siglas en inglés).



MICHELLE LUJAN GRISHAM
Governor

HOWIE C. MORALES
Lt. Governor

NEW MEXICO ENVIRONMENT DEPARTMENT

Harold Runnels Building
1190 Saint Francis Drive, PO Box 5469
Santa Fe, NM 87502-5469
Telephone (505) 827-2855

www.env.nm.gov



JAMES C. KENNEY
Cabinet Secretary

JENNIFER J. PRUETT
Deputy Secretary

April 5, 2021

Charles Deible
Schlumberger Technology Corporation
300 Schlumberger Drive Mail Drop 23
Sugar Land, TX 77478

Good Morning,

Please find the attached Public Notice of Hearing (in English and Spanish) for EIB 21-09, to consider the proposed amendments to 20.3.1 NMAC, 20.3.3 NMAC, 20.3.4 NMAC, 20.3.5 NMAC, 20.3.7 NMAC, 20.3.12 NMAC, and 20.3.15 NMAC of the Radiation Protection Regulations. As you will see in the notice, the hearing will take place on June 25, 2021 at 1:00 p.m. MDT and continue as necessary. The hearing will be held via an internet video conferencing platform (Zoom).

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New Mexico Environment Department (NMED)

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Gracias,

Ambiente de Nuevo México ("NMED" por sus siglas en inglés).



MICHELLE LUJAN GRISHAM
Governor

HOWIE C. MORALES
Lt. Governor

NEW MEXICO ENVIRONMENT DEPARTMENT

Harold Runnels Building
1190 Saint Francis Drive, PO Box 5469
Santa Fe, NM 87502-5469
Telephone (505) 827-2855

www.env.nm.gov



JAMES C. KENNEY
Cabinet Secretary

JENNIFER J. PRUETT
Deputy Secretary

April 5, 2021

Joseph Wiseman, General Manager
Southwest Concrete & Paving, Inc.
P.O. Box 2278
Silver City, NM 88062

Good Morning,

Please find the attached Public Notice of Hearing (in English and Spanish) for EIB 21-09, to consider the proposed amendments to 20.3.1 NMAC, 20.3.3 NMAC, 20.3.4 NMAC, 20.3.5 NMAC, 20.3.7 NMAC, 20.3.12 NMAC, and 20.3.15 NMAC of the Radiation Protection Regulations. As you will see in the notice, the hearing will take place on June 25, 2021 at 1:00 p.m. MDT and continue as necessary. The hearing will be held via an internet video conferencing platform (Zoom).

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<https://www.env.nm.gov/rcb/open-meeting-notification-for-radioactive-material-rule-revision>

Thank you,

New Mexico Environment Department (NMED)

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Se permitirán comentarios del público en varios momentos de la audiencia. La información pertinente sobre cómo participar en este proceso se puede encontrar en los avisos adjuntos.

Gracias,

Ambiente de Nuevo México ("NMED" por sus siglas en inglés).



MICHELLE LUJAN GRISHAM
Governor

HOWIE C. MORALES
Lt. Governor

NEW MEXICO ENVIRONMENT DEPARTMENT

Harold Runnels Building
1190 Saint Francis Drive, PO Box 5469
Santa Fe, NM 87502-5469
Telephone (505) 827-2855
www.env.nm.gov



JAMES C. KENNEY
Cabinet Secretary

JENNIFER J. PRUETT
Deputy Secretary

April 5, 2021

Manuel Hernandez, Plant Manager
Mizkan Americas, Inc.
4065 J St. SE
Deming, NM 88030

Good Morning,

Please find the attached Public Notice of Hearing (in English and Spanish) for EIB 21-09, to consider the proposed amendments to 20.3.1 NMAC, 20.3.3 NMAC, 20.3.4 NMAC, 20.3.5 NMAC, 20.3.7 NMAC, 20.3.12 NMAC, and 20.3.15 NMAC of the Radiation Protection Regulations. As you will see in the notice, the hearing will take place on June 25, 2021 at 1:00 p.m. MDT and continue as necessary. The hearing will be held via an internet video conferencing platform (Zoom).

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New Mexico Environment Department (NMED)

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Gracias,

Ambiente de Nuevo México ("NMED" por sus siglas en inglés).



MICHELLE LUJAN GRISHAM
Governor

HOWIE C. MORALES
Lt. Governor

NEW MEXICO ENVIRONMENT DEPARTMENT

Harold Runnels Building
1190 Saint Francis Drive, PO Box 5469
Santa Fe, NM 87502-5469
Telephone (505) 827-2855

www.env.nm.gov



JAMES C. KENNEY
Cabinet Secretary

JENNIFER J. PRUETT
Deputy Secretary

April 5, 2021

John Cody, Imaging Serv. Manager
Covenant Healthcare Center
402 W. Country Club Road
Roswell, NM 88201

Good Morning,

Please find the attached Public Notice of Hearing (in English and Spanish) for EIB 21-09, to consider the proposed amendments to 20.3.1 NMAC, 20.3.3 NMAC, 20.3.4 NMAC, 20.3.5 NMAC, 20.3.7 NMAC, 20.3.12 NMAC, and 20.3.15 NMAC of the Radiation Protection Regulations. As you will see in the notice, the hearing will take place on June 25, 2021 at 1:00 p.m. MDT and continue as necessary. The hearing will be held via an internet video conferencing platform (Zoom).

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Thank you,

New Mexico Environment Department (NMED)

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Gracias,

Ambiente de Nuevo México ("NMED" por sus siglas en inglés).

PROOF OF ACCEPTANCE (ELECTRONIC)

PRODUCED DATE: 04/22/2021

DEPARTMENT OF ENVIRONMENT NEW MEXICO:

The following is information for Certified Mail™/RRE item number:

9214 8901 9403 8337 4100 48

Our records indicate that this item was accepted by the USPS at:

ORIGIN ACCEPTANCE SANTA FE, NM 87502 04/21/2021

ORIGINAL INTENDED RECIPIENT:

ELIZABETH GILLENWALLTERS, CHP

PETNET SOLUTIONS, INC.

810 INNOVATION DRIVE

KNOXVILLE , TN 37932

PROOF OF ACCEPTANCE
(ELECTRONIC)

PRODUCED DATE: 04/22/2021

DEPARTMENT OF ENVIRONMENT NEW MEXICO:

The following is information for Certified Mail™/RRE item number:

9214 8901 9403 8337 4113 28

Our records indicate that this item was accepted by the USPS at:

ORIGIN ACCEPTANCE SANTA FE, NM 87502 04/21/2021

ORIGINAL INTENDED RECIPIENT:

RICHARD LARSON MD PH D VC

UNM HEALTH SCIENCES CENTER OFFICE OF

REGINALD HEBER FITZ HALL MSC08-4560 1 UNM

ALBUQUERQUE NM 87131-0001

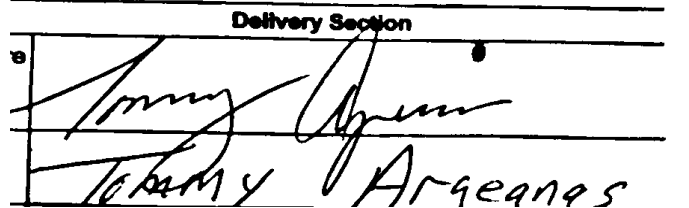
Mailer: Department of Environment New Mexico

Date Produced: 05/03/2021

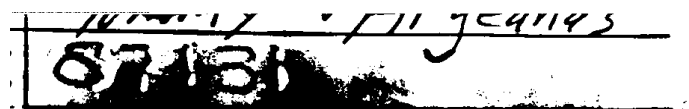
ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8337 4113 28. Our records indicate that this item was delivered on 04/26/2021 at 07:55 a.m. in ALBUQUERQUE, NM 87101. The scanned image of the recipient information is provided below.

Signature of Recipient :



Address of Recipient :



Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

This USPS proof of delivery is linked to the customers mail piece information on file as shown below:

RICHARD LARSON MD PH D VC
UNM HEALTH SCIENCES CENTER OFFICE OF
REGINALD HEBER FITZ HALL MSC08-4560 1 UNM
ALBUQUERQUE NM 87131-0001

Customer Reference Number: C2641203.15224526

USPS MAIL PIECE TRACKING NUMBER: 420871319214890194038337411328

MAILING DATE: 04/16/2021

DELIVERED DATE: 04/26/2021

CUSTOM1:

MAIL PIECE DELIVERY INFORMATION:

RICHARD LARSON MD PH D VC
UNM HEALTH SCIENCES CENTER OFFICE OF
REGINALD HEBER FITZ HALL MSC08-4560 1 UNM
ALBUQUERQUE NM 87131-0001

MAIL PIECE TRACKING EVENTS:

04/16/2021 10:46	PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	SANTA FE,NM 87502
04/21/2021 20:52	ORIGIN ACCEPTANCE	SANTA FE,NM 87502
04/21/2021 22:07	PROCESSED THROUGH USPS FACILITY	ALBUQUERQUE,NM 87101
04/21/2021 22:32	DEPART USPS FACILITY	ALBUQUERQUE,NM 87101
04/24/2021 09:04	ARRIVAL AT UNIT	ALBUQUERQUE,NM 87101
04/26/2021 07:55	DELIVERED	ALBUQUERQUE,NM 87101

PROOF OF ACCEPTANCE (ELECTRONIC)

PRODUCED DATE: 04/22/2021

DEPARTMENT OF ENVIRONMENT NEW MEXICO:

The following is information for Certified Mail™/RRE item number:

9214 8901 9403 8337 4101 47

Our records indicate that this item was accepted by the USPS at:

ORIGIN ACCEPTANCE SANTA FE, NM 87502 04/21/2021

ORIGINAL INTENDED RECIPIENT:

DAVID L HEATH CEO

PAJARITO SCIENTIFIC CORPORATION

2976 RODEO PARK DR E

SANTA FE NM 87505-6302

PROOF OF ACCEPTANCE (ELECTRONIC)

PRODUCED DATE: 04/22/2021

DEPARTMENT OF ENVIRONMENT NEW MEXICO:

The following is information for Certified Mail™/RRE item number:

9214 8901 9403 8337 4124 93

Our records indicate that this item was accepted by the USPS at:

ORIGIN ACCEPTANCE SANTA FE, NM 87502 04/21/2021

ORIGINAL INTENDED RECIPIENT:

JOHN WAGNER BERNALILLO
COUNTY PUBLIC WORKS DEPARTMENT
BLDG L
2400 BROADWAY BLVD SE
ALBUQUERQUE NM 87102-5010

PROOF OF ACCEPTANCE (ELECTRONIC)

PRODUCED DATE: 04/22/2021

DEPARTMENT OF ENVIRONMENT NEW MEXICO:

The following is information for Certified Mail™/RRE item number:

9214 8901 9403 8337 4121 65

Our records indicate that this item was accepted by the USPS at:

ORIGIN ACCEPTANCE SANTA FE, NM 87502 04/21/2021

ORIGINAL INTENDED RECIPIENT:

DAVID A VIGIL BSN

SANTA FE INC RENEWAL

STE B10

28 BISBEE CT

SANTA FE NM 87508-1410

PROOF OF ACCEPTANCE (ELECTRONIC)

PRODUCED DATE: 04/23/2021

DEPARTMENT OF ENVIRONMENT NEW MEXICO:

The following is information for Certified Mail™/RRE item number:

9214 8901 9403 8337 4126 60

Our records indicate that this item was accepted by the USPS at:

ARRIVAL AT UNIT SILVER CITY, NM 88061 04/23/2021

ORIGINAL INTENDED RECIPIENT:

JOSEPH WISEMAN, GENERAL MANAGER

SOUTHWEST CONCRETE & PAVING, INC.

P.O. BOX 2278

SILVER CITY, NM 88062

Mailer: Department of Environment New Mexico

Date Produced: 05/03/2021

ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8337 4129 29. Our records indicate that this item was delivered on 04/26/2021 at 11:12 a.m. in SILVER CITY, NM 88061. The scanned image of the recipient information is provided below.

Signature of Recipient :

Nicole Chase
Nicole Chase

Address of Recipient :

2278

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

This USPS proof of delivery is linked to the customers mail piece information on file as shown below:

JOSEPH WISEMAN, GENERAL MANAGER
SOUTHWEST CONCRETE & PAVING, INC.
P.O. BOX 2278
SILVER CITY, NM 88062

Customer Reference Number: C2641203.15224544

USPS MAIL PIECE TRACKING NUMBER: 420880629214890194038337412929

MAILING DATE: 04/16/2021

DELIVERED DATE: 04/26/2021

CUSTOM1:

MAIL PIECE DELIVERY INFORMATION:

JOSEPH WISEMAN, GENERAL MANAGER
SOUTHWEST CONCRETE & PAVING, INC.
P.O. BOX 2278
SILVER CITY, NM 88062

MAIL PIECE TRACKING EVENTS:

04/16/2021 10:46	PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	SANTA FE,NM 87502
04/21/2021 20:52	ORIGIN ACCEPTANCE	SANTA FE,NM 87502
04/21/2021 22:07	PROCESSED THROUGH USPS FACILITY	ALBUQUERQUE,NM 87101
04/21/2021 22:32	DEPART USPS FACILITY	ALBUQUERQUE,NM 87101
04/22/2021 11:38	PROCESSED THROUGH USPS FACILITY	EL PASO,TX 79910
04/22/2021 21:57	DEPART USPS FACILITY	EL PASO,TX 79910
04/24/2021 11:37	ARRIVAL AT UNIT	SILVER CITY,NM 88061
04/24/2021 11:39	AVAILABLE FOR PICKUP	SILVER CITY,NM 88062
04/26/2021 11:12	DELIVERED	SILVER CITY,NM 88061

PROOF OF ACCEPTANCE (ELECTRONIC)

PRODUCED DATE: 04/22/2021

DEPARTMENT OF ENVIRONMENT NEW MEXICO:

The following is information for Certified Mail™/RRE item number:

9214 8901 9403 8337 4129 29

Our records indicate that this item was accepted by the USPS at:

ORIGIN ACCEPTANCE SANTA FE, NM 87502 04/21/2021

ORIGINAL INTENDED RECIPIENT:

JOSEPH WISEMAN, GENERAL MANAGER

SOUTHWEST CONCRETE & PAVING, INC.

P.O. BOX 2278

SILVER CITY, NM 88062

PROOF OF ACCEPTANCE (ELECTRONIC)

PRODUCED DATE: 04/22/2021

DEPARTMENT OF ENVIRONMENT NEW MEXICO:

The following is information for Certified Mail™/RRE item number:

9214 8901 9403 8337 4094 79

Our records indicate that this item was accepted by the USPS at:

ORIGIN ACCEPTANCE SANTA FE, NM 87502 04/21/2021

ORIGINAL INTENDED RECIPIENT:

JOLEEN HINES LAB MANAGER

DANIEL B STEPHENS & ASSOCIATES INC

STE 100

6020 ACADEMY RD NE

ALBUQUERQUE NM 87109-3315

PROOF OF ACCEPTANCE (ELECTRONIC)

PRODUCED DATE: 04/22/2021

DEPARTMENT OF ENVIRONMENT NEW MEXICO:

The following is information for Certified Mail™/RRE item number:

9214 8901 9403 8337 4095 92

Our records indicate that this item was accepted by the USPS at:

ORIGIN ACCEPTANCE SANTA FE, NM 87502 04/21/2021

ORIGINAL INTENDED RECIPIENT:

ROBERT E GRANDIN

GRANDIN TESTING LAB INC

11 ROBERTS CIR

LOS LUNAS NM 87031-6306



Mailer: Department of Environment New Mexico

Date Produced: 05/03/2021

ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8337 4120 80. Our records indicate that this item was delivered on 04/28/2021 at 11:33 a.m. in EL PRADO, NM 87529. The scanned image of the recipient information is provided below.

Signature of Recipient :

Address of Recipient :

PO BOX 1620

EL PRADO, NM 87529-1620

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

This USPS proof of delivery is linked to the customers mail piece information on file as shown below:

C WAYNE FRASIER
TAOS GRAVEL PRODUCTS
PO BOX 1620
EL PRADO NM 87529-1620

Customer Reference Number: C2641203.15224532

NMED Exhibit 19-047

USPS MAIL PIECE TRACKING NUMBER: 420875299214890194038337412080

MAILING DATE: 04/16/2021

DELIVERED DATE: 04/28/2021

CUSTOM1:

MAIL PIECE DELIVERY INFORMATION:

C WAYNE FRASIER
TAOS GRAVEL PRODUCTS
PO BOX 1620
EL PRADO NM 87529-1620

MAIL PIECE TRACKING EVENTS:

04/16/2021 10:46	PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	SANTA FE,NM 87502
04/21/2021 20:52	ORIGIN ACCEPTANCE	SANTA FE,NM 87502
04/21/2021 22:07	PROCESSED THROUGH USPS FACILITY	ALBUQUERQUE,NM 87101
04/21/2021 22:32	DEPART USPS FACILITY	ALBUQUERQUE,NM 87101
04/22/2021 12:29	PROCESSED THROUGH USPS FACILITY	ALBUQUERQUE,NM 87101
04/23/2021 12:42	ARRIVAL AT UNIT	EL PRADO,NM 87529
04/23/2021 12:43	AVAILABLE FOR PICKUP	EL PRADO,NM 87529
04/28/2021 03:21	REMINDER TO SCHEDULE REDELIVERY	EL PRADO,NM 87529
04/28/2021 11:33	DELIVERED	EL PRADO,NM 87529

PROOF OF ACCEPTANCE (ELECTRONIC)

PRODUCED DATE: 04/22/2021

DEPARTMENT OF ENVIRONMENT NEW MEXICO:

The following is information for Certified Mail™/RRE item number:

9214 8901 9403 8337 4120 80

Our records indicate that this item was accepted by the USPS at:

ORIGIN ACCEPTANCE SANTA FE, NM 87502 04/21/2021

ORIGINAL INTENDED RECIPIENT:

C WAYNE FRASIER

TAOS GRAVEL PRODUCTS

PO BOX 1620

EL PRADO NM 87529-1620

PROOF OF ACCEPTANCE (ELECTRONIC)

PRODUCED DATE: 04/22/2021

DEPARTMENT OF ENVIRONMENT NEW MEXICO:

The following is information for Certified Mail™/RRE item number:

9214 8901 9403 8337 4100 62

Our records indicate that this item was accepted by the USPS at:

ORIGIN ACCEPTANCE SANTA FE, NM 87502 04/21/2021

ORIGINAL INTENDED RECIPIENT:

DAVE PENNINGTON V P

WSP USA INC

STE 400

2440 LOUISIANA BLVD NE

ALBUQUERQUE NM 87110-4385

**PROOF OF ACCEPTANCE
(ELECTRONIC)**

PRODUCED DATE: 04/22/2021

DEPARTMENT OF ENVIRONMENT NEW MEXICO:

The following is information for Certified Mail™/RRE item number:

9214 8901 9403 8337 4098 44

Our records indicate that this item was accepted by the USPS at:

ORIGIN ACCEPTANCE SANTA FE, NM 87502 04/21/2021

ORIGINAL INTENDED RECIPIENT:

LESLIE SMALL COO

BOHANNAN HUSTON INC

7500 JEFFERSON ST NE

ALBUQUERQUE NM 87109-4338

PROOF OF ACCEPTANCE (ELECTRONIC)

PRODUCED DATE: 04/22/2021

DEPARTMENT OF ENVIRONMENT NEW MEXICO:

The following is information for Certified Mail™/RRE item number:

9214 8901 9403 8337 4122 19

Our records indicate that this item was accepted by the USPS at:

ORIGIN ACCEPTANCE SANTA FE, NM 87502 04/21/2021

ORIGINAL INTENDED RECIPIENT:

WILLIAM KING KELLEY

HOLLYFRONTIER NAVAJO REFINING LLC

P.O. BOX 159

ARTESIA, NM 88210

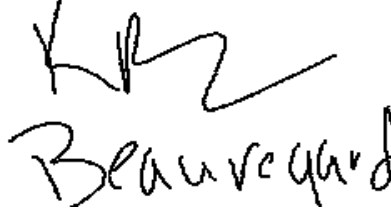
Mailer: Department of Environment New Mexico

Date Produced: 05/03/2021

ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8337 4102 15. Our records indicate that this item was delivered on 04/26/2021 at 11:32 a.m. in ARTESIA, NM 88210. The scanned image of the recipient information is provided below.

Signature of Recipient :


Beauvegard

Address of Recipient :

1767

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

This USPS proof of delivery is linked to the customers mail piece information on file as shown below:

ROBERT PAYNE MANAGER
ELITE WELLS SERVICES LLC
2702 N FREEMAN AVE
ARTESIA NM 88210-9628

Customer Reference Number: C2641203.15224520

USPS MAIL PIECE TRACKING NUMBER: 420882109214890194038337410215

MAILING DATE: 04/16/2021

DELIVERED DATE: 04/26/2021

CUSTOM1:

MAIL PIECE DELIVERY INFORMATION:

ROBERT PAYNE MANAGER
ELITE WELLS SERVICES LLC
2702 N FREEMAN AVE
ARTESIA NM 88210-9628

MAIL PIECE TRACKING EVENTS:

04/16/2021 10:46	PRE-SHIPMENT INFO SENT	USPS AWAITS ITEM	SANTA FE,NM 87502
04/21/2021 20:52	ORIGIN ACCEPTANCE		SANTA FE,NM 87502
04/21/2021 22:07	PROCESSED THROUGH USPS FACILITY		ALBUQUERQUE,NM 87101
04/21/2021 22:32	DEPART USPS FACILITY		ALBUQUERQUE,NM 87101
04/22/2021 12:36	PROCESSED THROUGH USPS FACILITY		ALBUQUERQUE,NM 87101
04/24/2021 10:55	PROCESSED THROUGH USPS FACILITY		LUBBOCK,TX 79402
04/24/2021 23:07	DEPART USPS FACILITY		LUBBOCK,TX 79402
04/26/2021 08:06	ARRIVAL AT UNIT		ARTESIA,NM 88211
04/26/2021 08:08	AVAILABLE FOR PICKUP		ARTESIA,NM 88210
04/26/2021 11:32	DELIVERED		ARTESIA,NM 88210

PROOF OF ACCEPTANCE (ELECTRONIC)

PRODUCED DATE: 04/22/2021

DEPARTMENT OF ENVIRONMENT NEW MEXICO:

The following is information for Certified Mail™/RRE item number:

9214 8901 9403 8337 4102 15

Our records indicate that this item was accepted by the USPS at:

ORIGIN ACCEPTANCE SANTA FE, NM 87502 04/21/2021

ORIGINAL INTENDED RECIPIENT:

ROBERT PAYNE MANAGER
ELITE WELLS SERVICES LLC
2702 N FREEMAN AVE
ARTESIA NM 88210-9628

PROOF OF ACCEPTANCE
(ELECTRONIC)

PRODUCED DATE: 04/22/2021

DEPARTMENT OF ENVIRONMENT NEW MEXICO:

The following is information for Certified Mail™/RRE item number:

9214 8901 9403 8337 4126 15

Our records indicate that this item was accepted by the USPS at:

ORIGIN ACCEPTANCE SANTA FE, NM 87502 04/21/2021

ORIGINAL INTENDED RECIPIENT:

CHARLES DEIBLE

SCHLUMBERGER TECHNOLOGY CORPORATION

300 SCHLUMBERGER DRIVE MAIL DROP 23

SUGAR LAND, TX 77478


Mailer: Department of Environment New Mexico

Date Produced: 05/03/2021

ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8337 4126 15. Our records indicate that this item was delivered on 04/28/2021 at 08:05 a.m. in SUGAR LAND, TX 77478. The scanned image of the recipient information is provided below.

Signature of Recipient :

Signature	
Printed Name	Vereynice Saavedra

Address of Recipient :

Delivery Address	Schlumberger
------------------	--------------

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

This USPS proof of delivery is linked to the customers mail piece information on file as shown below:

CHARLES DEIBLE
SCHLUMBERGER TECHNOLOGY CORPORATION
300 SCHLUMBERGER DRIVE MAIL DROP 23
SUGAR LAND, TX 77478

Customer Reference Number: C2641203.15224539

USPS MAIL PIECE TRACKING NUMBER: 420774789214890194038337412615

MAILING DATE: 04/16/2021

DELIVERED DATE: 04/28/2021

CUSTOM1:

MAIL PIECE DELIVERY INFORMATION:

CHARLES DEIBLE
SCHLUMBERGER TECHNOLOGY CORPORATION
300 SCHLUMBERGER DRIVE MAIL DROP 23
SUGAR LAND, TX 77478

MAIL PIECE TRACKING EVENTS:

04/16/2021 10:46	PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	SANTA FE,NM 87502
04/21/2021 20:52	ORIGIN ACCEPTANCE	SANTA FE,NM 87502
04/21/2021 22:07	PROCESSED THROUGH USPS FACILITY	ALBUQUERQUE,NM 87101
04/21/2021 22:32	DEPART USPS FACILITY	ALBUQUERQUE,NM 87101
04/23/2021 16:48	PROCESSED THROUGH USPS FACILITY	NORTH HOUSTON,TX 77315
04/25/2021 00:56	PROCESSED THROUGH USPS FACILITY	NORTH HOUSTON,TX 77315
04/28/2021 08:05	DELIVERED INDIVIDUAL PICKED UP AT USPS	SUGAR LAND,TX 77478

PROOF OF ACCEPTANCE (ELECTRONIC)

PRODUCED DATE: 04/22/2021

DEPARTMENT OF ENVIRONMENT NEW MEXICO:

The following is information for Certified Mail™/RRE item number:

9214 8901 9403 8337 4128 37

Our records indicate that this item was accepted by the USPS at:

ORIGIN ACCEPTANCE SANTA FE, NM 87502 04/21/2021

ORIGINAL INTENDED RECIPIENT:

MANUEL HERMANDEZ, PLANT MANAGER

MIZKAN AMERICAS, INC.

4065 J ST. SE

DEMING, NM 88030

PROOF OF ACCEPTANCE (ELECTRONIC)

PRODUCED DATE: 04/22/2021

DEPARTMENT OF ENVIRONMENT NEW MEXICO:

The following is information for Certified Mail™/RRE item number:

9214 8901 9403 8337 4119 46

Our records indicate that this item was accepted by the USPS at:

ORIGIN ACCEPTANCE SANTA FE, NM 87502 04/21/2021

ORIGINAL INTENDED RECIPIENT:

MICHAEL LEWIS VP OPERATIONS

SQS NDT LP NEW

PO BOX 13977

ODESSA TX 79768-3977



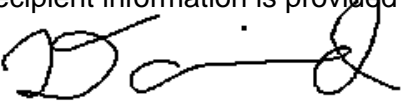
Mailer: Department of Environment New Mexico

Date Produced: 05/03/2021

ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8337 4119 46. Our records indicate that this item was delivered on 04/27/2021 at 11:40 a.m. in ODESSA, TX 79762. The scanned image of the recipient information is provided below.

Signature of Recipient :



DAVID FRENNIER

Address of Recipient :

PO BOX 13977
ODESSA, TX 79768-3977

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

This USPS proof of delivery is linked to the customers mail piece information on file as shown below:

MICHAEL LEWIS VP OPERATIONS
SQS NDT LP NEW
PO BOX 13977
ODESSA TX 79768-3977

Customer Reference Number: C2641203.15224530

NMED Exhibit 19-061

USPS MAIL PIECE TRACKING NUMBER: 420797689214890194038337411946

MAILING DATE: 04/16/2021

DELIVERED DATE: 04/27/2021

CUSTOM1:

MAIL PIECE DELIVERY INFORMATION:

MICHAEL LEWIS VP OPERATIONS
SQS NDT LP NEW
PO BOX 13977
ODESSA TX 79768-3977

MAIL PIECE TRACKING EVENTS:

04/16/2021 10:46	PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	SANTA FE,NM 87502
04/21/2021 20:52	ORIGIN ACCEPTANCE	SANTA FE,NM 87502
04/21/2021 22:07	PROCESSED THROUGH USPS FACILITY	ALBUQUERQUE,NM 87101
04/21/2021 22:32	DEPART USPS FACILITY	ALBUQUERQUE,NM 87101
04/23/2021 17:31	PROCESSED THROUGH USPS FACILITY	MIDLAND,TX 79711
04/24/2021 00:19	DEPART USPS FACILITY	MIDLAND,TX 79711
04/24/2021 10:35	AVAILABLE FOR PICKUP	ODESSA,TX 79768
04/27/2021 11:40	DELIVERED	ODESSA,TX 79762

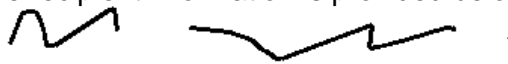


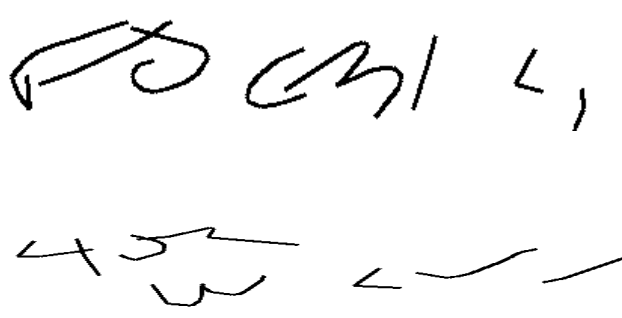
Mailer: Department of Environment New Mexico

Date Produced: 05/03/2021

ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8337 4127 69. Our records indicate that this item was delivered on 04/26/2021 at 10:49 a.m. in ROSWELL, NM 88201. The scanned image of the recipient information is provided below.

Signature of Recipient : 

Address of Recipient : 

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

This USPS proof of delivery is linked to the customers mail piece information on file as shown below:

JOHN CODY IMAGING SERV MANAGER
COVENANT HEALTHCARE CENTER
402 W COUNTRY CLUB RD
ROSWELL NM 88201-5247

Customer Reference Number: C2641203.15224542

USPS MAIL PIECE TRACKING NUMBER: 420882019214890194038337412769

MAILING DATE: 04/16/2021

DELIVERED DATE: 04/26/2021

CUSTOM1:

MAIL PIECE DELIVERY INFORMATION:

JOHN CODY IMAGING SERV MANAGER
COVENANT HEALTHCARE CENTER
402 W COUNTRY CLUB RD
ROSWELL NM 88201-5247

MAIL PIECE TRACKING EVENTS:

04/16/2021 10:46	PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	SANTA FE,NM 87502
04/21/2021 20:52	ORIGIN ACCEPTANCE	SANTA FE,NM 87502
04/21/2021 22:07	PROCESSED THROUGH USPS FACILITY	ALBUQUERQUE,NM 87101
04/21/2021 22:32	DEPART USPS FACILITY	ALBUQUERQUE,NM 87101
04/23/2021 07:47	PROCESSED THROUGH USPS FACILITY	LUBBOCK,TX 79402
04/23/2021 23:00	DEPART USPS FACILITY	LUBBOCK,TX 79402
04/26/2021 10:49	DELIVERED LEFT WITH INDIVIDUAL	ROSWELL,NM 88201

**PROOF OF ACCEPTANCE
(ELECTRONIC)**

PRODUCED DATE: 04/22/2021

DEPARTMENT OF ENVIRONMENT NEW MEXICO:

The following is information for Certified Mail™/RRE item number:

9214 8901 9403 8337 4127 69

Our records indicate that this item was accepted by the USPS at:

ORIGIN ACCEPTANCE SANTA FE, NM 87502 04/21/2021

ORIGINAL INTENDED RECIPIENT:

JOHN CODY IMAGING SERV MANAGER

COVENANT HEALTHCARE CENTER

402 W COUNTRY CLUB RD

ROSWELL NM 88201-5247

PROOF OF ACCEPTANCE (ELECTRONIC)

PRODUCED DATE: 04/22/2021

DEPARTMENT OF ENVIRONMENT NEW MEXICO:

The following is information for Certified Mail™/RRE item number:

9214 8901 9403 8337 4109 56

Our records indicate that this item was accepted by the USPS at:

ORIGIN ACCEPTANCE SANTA FE, NM 87502 04/21/2021

ORIGINAL INTENDED RECIPIENT:

ASHLEY BURKOS, DIRECTOR
GILA REGIONAL MEDICAL CENTER
1313 E. 32ND ST.
SILVER CITY, NM 88061

PROOF OF ACCEPTANCE (ELECTRONIC)

PRODUCED DATE: 04/22/2021

DEPARTMENT OF ENVIRONMENT NEW MEXICO:

The following is information for Certified Mail™/RRE item number:

9214 8901 9403 8337 4119 91

Our records indicate that this item was accepted by the USPS at:

ORIGIN ACCEPTANCE SANTA FE, NM 87502 04/21/2021

ORIGINAL INTENDED RECIPIENT:

JIM HECKERT CEO

GERALD CHAMPION REGIONAL MEDICAL CENTER

2669 SCENIC DR

ALAMOGORDO NM 88310-8700

PROOF OF ACCEPTANCE (ELECTRONIC)

PRODUCED DATE: 04/22/2021

DEPARTMENT OF ENVIRONMENT NEW MEXICO:

The following is information for Certified Mail™/RRE item number:

9214 8901 9403 8337 4094 00

Our records indicate that this item was accepted by the USPS at:

ORIGIN ACCEPTANCE SANTA FE, NM 87502 04/21/2021

ORIGINAL INTENDED RECIPIENT:

SUSAN CAZAUX DIRECTOR
LOS ALAMOS MEDICAL CENTER
3917 WEST RD
LOS ALAMOS NM 87544-2275

PROOF OF ACCEPTANCE (ELECTRONIC)

PRODUCED DATE: 04/22/2021

DEPARTMENT OF ENVIRONMENT NEW MEXICO:

The following is information for Certified Mail™/RRE item number:

9214 8901 9403 8337 4102 60

Our records indicate that this item was accepted by the USPS at:

ORIGIN ACCEPTANCE SANTA FE, NM 87502 04/21/2021

ORIGINAL INTENDED RECIPIENT:

DR BARBARA MCANENY CEO

NEW MEXICO ONCOLOGY HEMATOLOGY CONSULTANTS LTD

4901 LANG AVE NE

ALBUQUERQUE NM 87109-4397

PROOF OF ACCEPTANCE (ELECTRONIC)

PRODUCED DATE: 04/22/2021

DEPARTMENT OF ENVIRONMENT NEW MEXICO:

The following is information for Certified Mail™/RRE item number:

9214 8901 9403 8337 4104 68

Our records indicate that this item was accepted by the USPS at:

ORIGIN ACCEPTANCE SANTA FE, NM 87502 04/21/2021

ORIGINAL INTENDED RECIPIENT:

JOE VLAHOVICH, DIR. OF RADIOLOGY

MIMBRES MEMORIAL HOSPITAL

900 WEST ASH

DEMING, NM 88031

**PROOF OF ACCEPTANCE
(ELECTRONIC)**

PRODUCED DATE: 04/22/2021

DEPARTMENT OF ENVIRONMENT NEW MEXICO:

The following is information for Certified Mail™/RRE item number:

9214 8901 9403 8337 4096 91

Our records indicate that this item was accepted by the USPS at:

ORIGIN ACCEPTANCE SANTA FE, NM 87502 04/21/2021

ORIGINAL INTENDED RECIPIENT:

ISSAC MARTINEZ DIR OF RADIOLOGY

ALTA VISTA REGIONAL HOSPITAL

104 LEGION DR

LAS VEGAS NM 87701-4804


Mailer: Department of Environment New Mexico

Date Produced: 05/03/2021

ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8337 4112 12. Our records indicate that this item was delivered on 04/30/2021 at 08:48 a.m. in ARTESIA, NM 88210. The scanned image of the recipient information is provided below.

Signature of Recipient :


Nick Aragi

Address of Recipient :

702 N 13TH ST
ARTESIA, NM 88210-1199

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

This USPS proof of delivery is linked to the customers mail piece information on file as shown below:

ROY THOMAS, DIRECTOR
ARTESIA GENERAL HOSPITAL
702 N. 13TH STREET
ARTESIA, NM 88210

Customer Reference Number: C2641203.15224525

USPS MAIL PIECE TRACKING NUMBER: 420882109214890194038337411212

MAILING DATE: 04/16/2021

DELIVERED DATE: 04/30/2021

CUSTOM1:

MAIL PIECE DELIVERY INFORMATION:

ROY THOMAS, DIRECTOR
ARTESIA GENERAL HOSPITAL
702 N. 13TH STREET
ARTESIA, NM 88210

MAIL PIECE TRACKING EVENTS:

04/16/2021 10:46	PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	SANTA FE,NM 87502
04/21/2021 20:52	ORIGIN ACCEPTANCE	SANTA FE,NM 87502
04/21/2021 22:07	PROCESSED THROUGH USPS FACILITY	ALBUQUERQUE,NM 87101
04/21/2021 22:32	DEPART USPS FACILITY	ALBUQUERQUE,NM 87101
04/23/2021 07:47	PROCESSED THROUGH USPS FACILITY	LUBBOCK,TX 79402
04/23/2021 23:00	DEPART USPS FACILITY	LUBBOCK,TX 79402
04/24/2021 08:14	ARRIVAL AT UNIT	ARTESIA,NM 88211
04/24/2021 08:15	AVAILABLE FOR PICKUP	ARTESIA,NM 88211
04/29/2021 03:27	REMINDER TO SCHEDULE REDELIVERY	ARTESIA,NM 88210
04/30/2021 08:48	DELIVERED	ARTESIA,NM 88210

PROOF OF ACCEPTANCE (ELECTRONIC)

PRODUCED DATE: 04/22/2021

DEPARTMENT OF ENVIRONMENT NEW MEXICO:

The following is information for Certified Mail™/RRE item number:

9214 8901 9403 8337 4112 12

Our records indicate that this item was accepted by the USPS at:

ORIGIN ACCEPTANCE SANTA FE, NM 87502 04/21/2021

ORIGINAL INTENDED RECIPIENT:

ROY THOMAS, DIRECTOR
ARTESIA GENERAL HOSPITAL
702 N. 13TH STREET
ARTESIA, NM 88210

PROOF OF ACCEPTANCE (ELECTRONIC)

PRODUCED DATE: 04/22/2021

DEPARTMENT OF ENVIRONMENT NEW MEXICO:

The following is information for Certified Mail™/RRE item number:

9214 8901 9403 8337 4117 55

Our records indicate that this item was accepted by the USPS at:

ORIGIN ACCEPTANCE SANTA FE, NM 87502 04/21/2021

ORIGINAL INTENDED RECIPIENT:

SHANNON GAMBOA
SIERRA VISTA HOSPITAL
800 E 9TH AVE
T OR C NM 87901-1954

PROOF OF ACCEPTANCE (ELECTRONIC)

PRODUCED DATE: 04/22/2021

DEPARTMENT OF ENVIRONMENT NEW MEXICO:

The following is information for Certified Mail™/RRE item number:

9214 8901 9403 8337 4123 70

Our records indicate that this item was accepted by the USPS at:

ORIGIN ACCEPTANCE SANTA FE, NM 87502 04/21/2021

ORIGINAL INTENDED RECIPIENT:

ROBERT SANTILLANES
BERNALILLO COUNTY PUBLIC WORKS- XRF
BLDG B
2400 BROADWAY BLVD SE
ALBUQUERQUE NM 87102-5010

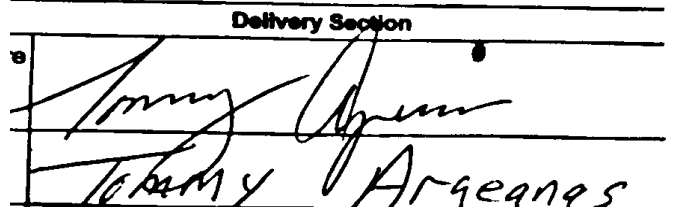
Mailer: Department of Environment New Mexico

Date Produced: 05/03/2021

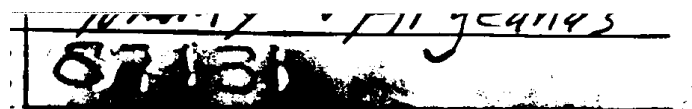
ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8337 4125 30. Our records indicate that this item was delivered on 04/26/2021 at 07:55 a.m. in ALBUQUERQUE, NM 87101. The scanned image of the recipient information is provided below.

Signature of Recipient :



Address of Recipient :



Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

This USPS proof of delivery is linked to the customers mail piece information on file as shown below:

RICHARD LARSON, M.D., PH.D
UNM TRANSLATIONAL RADIOPHARMACY
MSC08 - 4560, 1 UNM
ALBUQUERQUE, NM 87131

Customer Reference Number: C2641203.15224538

USPS MAIL PIECE TRACKING NUMBER: 420871319214890194038337412530

MAILING DATE: 04/16/2021

DELIVERED DATE: 04/26/2021

CUSTOM1:

MAIL PIECE DELIVERY INFORMATION:

RICHARD LARSON, M.D., PH.D
UNM TRANSLATIONAL RADIOPHARMACY
MSC08 - 4560, 1 UNM
ALBUQUERQUE, NM 87131

MAIL PIECE TRACKING EVENTS:

04/16/2021 10:46	PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	SANTA FE,NM 87502
04/21/2021 20:53	ORIGIN ACCEPTANCE	SANTA FE,NM 87502
04/21/2021 22:08	PROCESSED THROUGH USPS FACILITY	ALBUQUERQUE,NM 87101
04/21/2021 22:32	DEPART USPS FACILITY	ALBUQUERQUE,NM 87101
04/24/2021 09:04	ARRIVAL AT UNIT	ALBUQUERQUE,NM 87101
04/26/2021 07:55	DELIVERED	ALBUQUERQUE,NM 87101

PROOF OF ACCEPTANCE (ELECTRONIC)

PRODUCED DATE: 04/22/2021

DEPARTMENT OF ENVIRONMENT NEW MEXICO:

The following is information for Certified Mail™/RRE item number:

9214 8901 9403 8337 4125 30

Our records indicate that this item was accepted by the USPS at:

ORIGIN ACCEPTANCE SANTA FE, NM 87502 04/21/2021

ORIGINAL INTENDED RECIPIENT:

RICHARD LARSON, M.D., PH.D

UNM TRANSLATIONAL RADIOPHARMACY

MSC08 - 4560, 1 UNM

ALBUQUERQUE, NM 87131

PROOF OF ACCEPTANCE (ELECTRONIC)

PRODUCED DATE: 04/22/2021

DEPARTMENT OF ENVIRONMENT NEW MEXICO:

The following is information for Certified Mail™/RRE item number:

9214 8901 9403 8337 4122 64

Our records indicate that this item was accepted by the USPS at:

ORIGIN ACCEPTANCE SANTA FE, NM 87502 04/21/2021

ORIGINAL INTENDED RECIPIENT:

GARY DOWNING, VP OPERATIONS

INTEGRA TECHNOLOGIES ALBUQUERQUE LLC

10401 RESEARCH RD SE

ALBUQUERQUE, NM 87123

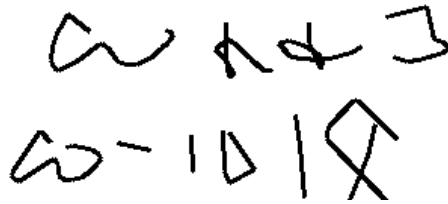
Mailer: Department of Environment New Mexico

Date Produced: 05/03/2021

ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8337 4097 83. Our records indicate that this item was delivered on 04/26/2021 at 11:45 a.m. in TAOS, NM 87571. The scanned image of the recipient information is provided below.

Signature of Recipient :
(Authorized Agent)



Handwritten signature and address: "W. D. J." and "W-101A"

Address of Recipient :

**400 CAMINO DE LA PLACITA
TAOS, NM 87571**

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

This USPS proof of delivery is linked to the customers mail piece information on file as shown below:

FRANCISCO ESPINOZA TOWN MGR
TOWN OF TAOS
400 CAMINO DE LA PLACITA
TAOS NM 87571-6071

Customer Reference Number: C2641203.15224515

USPS MAIL PIECE TRACKING NUMBER: 420875719214890194038337409783

MAILING DATE: 04/16/2021

DELIVERED DATE: 05/03/2021

CUSTOM1:

MAIL PIECE DELIVERY INFORMATION:

FRANCISCO ESPINOZA TOWN MGR
TOWN OF TAOS
400 CAMINO DE LA PLACITA
TAOS NM 87571-6071

MAIL PIECE TRACKING EVENTS:

04/16/2021 10:46	PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	SANTA FE,NM 87502
04/21/2021 20:52	ORIGIN ACCEPTANCE	SANTA FE,NM 87502
04/21/2021 22:07	PROCESSED THROUGH USPS FACILITY	ALBUQUERQUE,NM 87101
04/21/2021 22:32	DEPART USPS FACILITY	ALBUQUERQUE,NM 87101
04/22/2021 12:29	PROCESSED THROUGH USPS FACILITY	ALBUQUERQUE,NM 87101
04/24/2021 08:21	ARRIVAL AT UNIT	TAOS,NM 87571
04/24/2021 08:37	OUT FOR DELIVERY	TAOS,NM 87571
04/24/2021 11:53	NO ACCESS	TAOS,NM 87571
04/26/2021 08:41	ARRIVAL AT UNIT	TAOS,NM 87571
04/26/2021 11:45	DELIVERED TO AGENT FOR FINAL DELIVERY	TAOS,NM 87571
05/03/2021 09:52	Delivered (system added)	

**PROOF OF ACCEPTANCE
(ELECTRONIC)**

PRODUCED DATE: 04/22/2021

DEPARTMENT OF ENVIRONMENT NEW MEXICO:

The following is information for Certified Mail™/RRE item number:

9214 8901 9403 8337 4097 83

Our records indicate that this item was accepted by the USPS at:

ORIGIN ACCEPTANCE SANTA FE, NM 87502 04/21/2021

ORIGINAL INTENDED RECIPIENT:

FRANCISCO ESPINOZA TOWN MGR

TOWN OF TAOS

400 CAMINO DE LA PLACITA

TAOS NM 87571-6071

PROOF OF ACCEPTANCE (ELECTRONIC)

PRODUCED DATE: 04/22/2021

DEPARTMENT OF ENVIRONMENT NEW MEXICO:

The following is information for Certified Mail™/RRE item number:

9214 8901 9403 8337 4095 54

Our records indicate that this item was accepted by the USPS at:

ORIGIN ACCEPTANCE SANTA FE, NM 87502 04/21/2021

ORIGINAL INTENDED RECIPIENT:

FABIAN TRUJILLO

E & F SOILS TESTING COMPANY

PO BOX 34

EL PRADO NM 87529-0034


Mailer: Department of Environment New Mexico

Date Produced: 05/03/2021

ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8337 4130 18. Our records indicate that this item was delivered on 04/28/2021 at 08:05 a.m. in SUGAR LAND, TX 77478. The scanned image of the recipient information is provided below.

Signature of Recipient :

Signature	
Printed Name	Vereynice Saavedra

Address of Recipient :

Delivery Address	Schlumberger
------------------	--------------

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

This USPS proof of delivery is linked to the customers mail piece information on file as shown below:

CHARLES DEIBLE
SCHLUMBERGER TECHNOLOGY CORPORATION
300 SCHLUMBERGER DR
SUGAR LAND TX 77478-3155

Customer Reference Number: C2641203.15224545

USPS MAIL PIECE TRACKING NUMBER: 420774789214890194038337413018

MAILING DATE: 04/16/2021

DELIVERED DATE: 04/28/2021

CUSTOM1:

MAIL PIECE DELIVERY INFORMATION:

CHARLES DEIBLE
SCHLUMBERGER TECHNOLOGY CORPORATION
300 SCHLUMBERGER DR
SUGAR LAND TX 77478-3155

MAIL PIECE TRACKING EVENTS:

04/16/2021 10:46	PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	SANTA FE,NM 87502
04/21/2021 20:53	ORIGIN ACCEPTANCE	SANTA FE,NM 87502
04/21/2021 22:08	PROCESSED THROUGH USPS FACILITY	ALBUQUERQUE,NM 87101
04/21/2021 22:32	DEPART USPS FACILITY	ALBUQUERQUE,NM 87101
04/23/2021 16:48	PROCESSED THROUGH USPS FACILITY	NORTH HOUSTON,TX 77315
04/25/2021 00:56	PROCESSED THROUGH USPS FACILITY	NORTH HOUSTON,TX 77315
04/26/2021 05:23	ARRIVAL AT UNIT	SUGAR LAND,TX 77478
04/26/2021 06:10	OUT FOR DELIVERY	SUGAR LAND,TX 77478
04/27/2021 00:10	AWAITING DELIVERY SCAN	SUGAR LAND,TX 77478
04/28/2021 08:05	DELIVERED INDIVIDUAL PICKED UP AT USPS	SUGAR LAND,TX 77478

**PROOF OF ACCEPTANCE
(ELECTRONIC)**

PRODUCED DATE: 04/22/2021

DEPARTMENT OF ENVIRONMENT NEW MEXICO:

The following is information for Certified Mail™/RRE item number:

9214 8901 9403 8337 4130 18

Our records indicate that this item was accepted by the USPS at:

ORIGIN ACCEPTANCE SANTA FE, NM 87502 04/21/2021

ORIGINAL INTENDED RECIPIENT:

CHARLES DEIBLE

SCHLUMBERGER TECHNOLOGY CORPORATION

300 SCHLUMBERGER DR

SUGAR LAND TX 77478-3155


Mailer: Department of Environment New Mexico

Date Produced: 05/03/2021

ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8337 4126 60. Our records indicate that this item was delivered on 04/26/2021 at 11:12 a.m. in SILVER CITY, NM 88061. The scanned image of the recipient information is provided below.

Signature of Recipient :


Nicole Chase

Address of Recipient :

2278

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

This USPS proof of delivery is linked to the customers mail piece information on file as shown below:

JOSEPH WISEMAN, GENERAL MANAGER
SOUTHWEST CONCRETE & PAVING, INC.
P.O. BOX 2278
SILVER CITY, NM 88062

Customer Reference Number: C2641203.15224540

NMED Exhibit 19-088

USPS MAIL PIECE TRACKING NUMBER: 420880629214890194038337412660

MAILING DATE: 04/16/2021

DELIVERED DATE: 04/26/2021

CUSTOM1:

MAIL PIECE DELIVERY INFORMATION:

JOSEPH WISEMAN, GENERAL MANAGER
SOUTHWEST CONCRETE & PAVING, INC.
P.O. BOX 2278
SILVER CITY, NM 88062

MAIL PIECE TRACKING EVENTS:

04/16/2021 10:46	PRE-SHIPMENT INFO SENT USPS AWAITS ITEM
04/23/2021 06:36	ARRIVAL AT UNIT
04/23/2021 08:33	AVAILABLE FOR PICKUP
04/26/2021 11:12	DELIVERED

SANTA FE, NM 87502
SILVER CITY, NM 88061
SILVER CITY, NM 88062
SILVER CITY, NM 88061



Mailer: Department of Environment New Mexico

Date Produced: 05/03/2021

ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8337 4116 94. Our records indicate that this item was delivered on 04/26/2021 at 01:01 p.m. in HOUSTON, TX 77041. The scanned image of the recipient information is provided below.

Signature of Recipient :

A handwritten signature in black ink that reads "DVI 9 Trinker". The "DVI 9" is written above the name "Trinker".

Address of Recipient :

A handwritten address number "6510" in black ink.

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

This USPS proof of delivery is linked to the customers mail piece information on file as shown below:

DAVID TRINKER
PROTECHNICS DIVISION OF CORE LABS LP
6510 W SAM HOUSTON PKWY N
HOUSTON TX 77041-5105

Customer Reference Number: C2641203.15224527

NMED Exhibit 19-090

USPS MAIL PIECE TRACKING NUMBER: 420770419214890194038337411694

MAILING DATE: 04/16/2021

DELIVERED DATE: 04/26/2021

CUSTOM1:

MAIL PIECE DELIVERY INFORMATION:

DAVID TRINKER
PROTECHNICS DIVISION OF CORE LABS LP
6510 W SAM HOUSTON PKWY N
HOUSTON TX 77041-5105

MAIL PIECE TRACKING EVENTS:

04/16/2021 10:46	PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	SANTA FE,NM 87502
04/21/2021 20:52	ORIGIN ACCEPTANCE	SANTA FE,NM 87502
04/21/2021 22:07	PROCESSED THROUGH USPS FACILITY	ALBUQUERQUE,NM 87101
04/21/2021 22:32	DEPART USPS FACILITY	ALBUQUERQUE,NM 87101
04/23/2021 16:48	PROCESSED THROUGH USPS FACILITY	NORTH HOUSTON,TX 77315
04/24/2021 18:54	PROCESSED THROUGH USPS FACILITY	NORTH HOUSTON,TX 77315
04/25/2021 15:41	PROCESSED THROUGH USPS FACILITY	NORTH HOUSTON,TX 77315
04/26/2021 13:01	DELIVERED LEFT WITH INDIVIDUAL	HOUSTON,TX 77041

PROOF OF ACCEPTANCE (ELECTRONIC)

PRODUCED DATE: 04/22/2021

DEPARTMENT OF ENVIRONMENT NEW MEXICO:

The following is information for Certified Mail™/RRE item number:

9214 8901 9403 8337 4116 94

Our records indicate that this item was accepted by the USPS at:

ORIGIN ACCEPTANCE SANTA FE, NM 87502 04/21/2021

ORIGINAL INTENDED RECIPIENT:

DAVID TRINKER

PROTECHNICS DIVISION OF CORE LABS LP

6510 W SAM HOUSTON PKWY N

HOUSTON TX 77041-5105

License Number	License Type	Management Contact	LicenseName	LicenseStatus	MailingAddress	City	State	Zip Code	Certified Mail Number	Date Received
246	MI	Susan Cazaux, Director	Los Alamos Medical Center	Amended	3917 West Road	Los Alamos	NM	87544	9214 8901 9403 8337 4094 00	4/23/2021
216	DM	Joleen Hines, Lab. Manager	Daniel B. Stephens & Associates Inc.	Amended	6020 Academy NE, Suite 100	Albuquerque	NM	87109	9214 8901 9403 8337 4094 79	4/22/2021
290	SO	Fabian Trujillo	E & F Soils Testing Company	Renewal	P.O. Box 34	El Prado	NM	87529	9214 8901 9403 8337 4095 54	
257	DM	Robert E. Grandin	Grandin Testing Lab, Inc.	Renewal	11 Roberts Circle	Los Lunas	NM	87031	9214 8901 9403 8337 4095 92	4/23/2021
415	MI	Issac Martinez, Dir.of Radiology	Alta Vista Regional Hospital	Renewal	104 Legion Drive	Las Vegas	NM	87701	9214 8901 9403 8337 4096 91	4/23/2021
219	SO	Francisco Espinoza, Town Mgr.	Town of Taos	Storage Only	400 Camino de la Placita	Taos	NM	87571	9214 8901 9403 8337 4097 83	4/26/2021
456	DM	Leslie Small, COO	Bohannon Huston, Inc.	Amended	7500 Jefferson Street NE	Albuquerque	NM	87109	9214 8901 9403 8337 4098 44	4/22/2021
463	AP	Elizabeth Gillenwallters, CHP	PETNET Solutions, Inc.	Amended	810 Innovation Drive	Knoxville	TN	37932	9214 8901 9403 8337 4100 48	
335	DM	Dave Pennington V.P.	WSP USA, Inc.	Amended	2440 Louisiana Blvd, NE, Suite 400	Albuquerque	NM	87110	9214 8901 9403 8337 4100 62	4/23/2021
161	CS	David L. Heath, CEO	Pajarito Scientific Corporation	Amended	2976 Rodeo Park Dr. East	Santa Fe	NM	87505	9214 8901 9403 8337 4101 47	4/23/2021
477	GA	Robert Payne, Manager	Elite Wells Services, LLC	Amended	2702 N Freeman Ave.	Artesia	NM	88210	9214 8901 9403 8337 4102 15	
383	MI	Dr. Barbara McAneny, CEO	New Mexico Oncology Hematology Consultants, LTD.	Amended	4901 Lang Blvd. NE	Albuquerque	NM	87109	9214 8901 9403 8337 4102 60	4/22/2021

License Number	License Type	Management Contact	LicenseName	LicenseStatus	MailingAddress	City	State	Zip Code	Certified Mail Number	Date Received
384	MI	Joe Vlahovich, Dir. of Radiology	Mimbres Memorial Hospital	Amended	900 West Ash	Deming	NM	88031	9214 8901 9403 8337 4104 68	
150	DM	Aaron Peinado, Risk Management	New Mexico Department of Transportation	Amended	P. O. Box 1149 (Safety Office)	Santa Fe	NM	87504	9214 8901 9403 8337 4108 64	4/23/2021
080	MI	Ashley Burkos, Director	Gila Regional Medical Center	Amended	1313 E. 32nd St.	Silver City	NM	88061	9214 8901 9403 8337 4109 56	4/23/2021
425	MI	Roy Thomas, Director	Artesia General Hospital	Amended	702 N. 13th Street	Artesia	NM	88210	9214 8901 9403 8337 4112 12	
233	BM	Richard Larson,MD, Ph.D., VC	UNM Health Sciences Center Office of	Amended	Reginald Heber Fitz Hall, MSC08-4560, 1 UNM	Albuquerque	NM	87131	9214 8901 9403 8337 4113 28	4/26/2021
264	WL	David Trinker	Protechnics, Division of Core Labs, LP	Amended	6510 W. Sam Houston PKWY North	Houston	TX	77041	9214 8901 9403 8337 4116 94	4/26/2021
527	MI	Shannon Gamboa	Sierra Vista Hospital	Amended	800 E. 9th Avenue	T or C	NM	87901	9214 8901 9403 8337 4117 55	4/23/2021
553	IR	Michael Lewis, VP Operations	SQS NDT, LP	New	P.O. Box 13977	Odessa	TX	79768	9214 8901 9403 8337 4119 46	4/27/2021
178	MI	Jim Heckert, CEO	Gerald Champion Regional Medical Center	Renewal	2669 N. Scenic Drive	Alamogordo	NM	88310	9214 8901 9403 8337 4119 91	4/23/2021
289	DM	C. Wayne Frasier	Taos Gravel Products	Renewal	P.O. Box 1620	El Prado	NM	87529	9214 8901 9403 8337 4120 80	4/28/2021
130	DM	David A. Vigil	BSN Santa Fe, Inc.	Renewal	28 Bisbee Court, Suite B-10	Santa Fe	NM	87508	9214 8901 9403 8337 4121 65	4/23/2021
471	GA	William King Kelley	HollyFrontier Navajo Refining LLC	Renewal	P.O. Box 159	Artesia	NM	88210	9214 8901 9403 8337 4122 19	

License Number	License Type	Management Contact	LicenseName	LicenseStatus	MailingAddress	City	State	Zip Code	Certified Mail Number	Date Received
521	RS	Gary Downing, VP Operations	Integra Technologies Albuquerque LLC	Renewal	10401 Research Rd SE	Albuquerque	NM	87123	9214 8901 9403 8337 4122 64	4/22/2021
537	PA	Robert Santillanes	Bernalillo County Public Works- XRF	New	2400 Broadway SE - Building B	Albuquerque	NM	87102	9214 8901 9403 8337 4123 70	4/22/2021
029	DM	John Wagner	Bernalillo County Public Works Department	Renewal	2400 Broadway SE - Building L	Albuquerque	NM	87102	9214 8901 9403 8337 4124 93	4/22/2021
479	RP	Richard Larson, M.D., Ph.D	UNM Translational Radiopharmacy	Amended	MSC08 - 4560, 1 UNM	Albuquerque	NM	87131	9214 8901 9403 8337 4125 30	4/26/2021
542	GA	Charles Deible	Schlumberger Technology Corporation-Carlsbad	Amended	300 Schlumberger Dr. MD-121	Sugar Land	TX	77478	9214 8901 9403 8337 4126 15	4/28/2021
430	MD	John Cody, Imaging Serv. Manager	Covenant Healthcare Center	Renewal	402 W. Country Club Road	Roswell	NM	88201	9214 8901 9403 8337 4127 69	4/26/2021
562	GA	Manuel Hernandez, Plant	Mizkan Americas, Inc.	New	4065 J St. SE	Deming	NM	88030	9214 8901 9403 8337 4128 37	4/23/2021
209	DM	Joseph Wiseman, General Manager	Southwest Concrete &	Renewal	P.O. Box 2278	Silver City	NM	88062	9214 8901 9403 8337 4129 29	4/26/2021
197	WL	Charles Deible	Schlumberger Technology Corporation	Amended	300 Schlumberger Drive Mail Drop 23	Sugar Land	TX	77478	9214 8901 9403 8337 4130 18	4/28/2021
209	DM	Joseph Wiseman, General Manager	Southwest Concrete &	Renewal	P.O. Box 2278	Silver City	NM	88062	9214 8901 9403 8337 4126 60	4/26/2021

License	Type	Contact	Company	Status	Street Address	City	State	Zip code	e-mail Address	Read Date
526	PA	Brett Engel, President/CEO	Acme Environmental, Inc.	Amended	3816 Carlisle NE	Albuquerque	NM	87107	acmebrettengel@gmail.com	
045	GA	Chad Fretz, General Manager	Chino Mines Company, Freeport- McMoRan Copper & Gold	Amended	P.O. Box 10	Bayard	NM	88023	acortado@fmi.com	
346	DM	Mike O'Grady, Executive VP	Terracon Consultants, Inc.	Amended	10841 S. Ridgeview Road	Olathe	KS	66061	adam.maier@terracon.com	
486	MD	Axel Zagler- Luna, M.D.	Las Cruces Cardiology, LLC	Amended	3825 Foothills Rd., Suite A	Las Cruces	NM	88011	admin@lascrucescardiology.com	
503	IR	Russell Alan Phillips	Intertek Asset Integrity Management, Inc.	Renewal	P.O. Box 12568	Longview	TX	75607	alan.a.phillips@intertek.com	4/6/2021
143	MD	Dr. Bujoi, M.D.	Lovelace Cardiovascular Imaging a department of	Amended	502 Elm Street, NE	Albuquerque	NM	87102	albertb@nmhi.com	
535	DM	Ken Sapien, Principal	Beyond Engineering and Testing, LLC	Amended	706 N. Main St.	Carlsbad	NM	88220	amconsol@yahoo.com	
262	GC	Andy Freeman, Project Manager	Hall Environmental Analysis Laboratory, Inc.	Renewal	4901 Hawkins NE	Albuquerque	NM	87109	andy@hallenvironmental.com	4/6/2021
212	MI	Terry Anderson Director Img. Srv	Lovelace Westside Hospital	Amended	10501 Golf Course Rd, NW	Albuquerque	NM	87114	angela.carlisle@lovelace.com	

License	Type	Contact	Company	Status	Street Address	City	State	Zip code	e-mail Address	Read Date
450	MD	Eric Coffman, M.D., President	OptumCare New Mexico, LLC	Amended	2901 Transport Street SE.	Albuquerque	NM	87106	anna.brieden@optum.com	
464	MD	Anthony Sandoval, M.D, President	Anthony Sandoval, M.D.	Renewal	3917 West Road, Suite 100	Los Alamos	NM	87544	anthony.b.sandoval@gmail.com	
556	GA	Mark Mitchell, Director, HSE	Pro Petro Services, Inc.	Amended	2518 FM 307	Midland	TX	79706	armando.cordova@propetroservices.com	4/6/2021
371	DM	Joe Rapier, P.E. President	Parkhill, Smith & Cooper, Inc. dba Gordon Environmental	Amended	333 Rio Rancho Blvd., NE Suite 400	Rio Rancho	NM	87124	ayuh@team-psc.com	
333	NO	Bob Allen, President	Safety & Environmental Solutions, Inc.	Renewal	P.O. Box 1613	Hobbs	NM	88241	ballen@sesi-nm.com	
417	GA	Barbara L. Bechstein, SSE	Intrepid Potash, Inc.	Renewal	P.O. Box 101	Carlsbad	NM	88220	barbara.bechstein@intrepidpotash.com	
558	PA	Bill Hobert, President	Tellico Inc., DBA GlassRite	New	808 Gibson Blvd S.E.	Albuquerque	NM	87102	billh@glassrite.com	
448	IR	Richard W. 'Trey' Spencer III	Acuren Inspection, Inc.	Amended	4566 Abrahamson Rd	Duluth	MN	55811	bkarie@acuren.com	
541	IR	Trent P. Loney, President of Ops	Buckhorn Specialty Services LLC	Amended	509 S. Hollywood Road	Houma	LA	70360	bleonard@barracuda-ss.com	4/6/2021
475	MD	Robert A. Graor, M.D.	Robert A. Graor, M.D. P.A.	Amended	3865 East Lohman - Suite 4	Las Cruces	NM	88011	bob8184@msn.com	
069	CS	Robert (Bobby) Lopez	Radiation Control Bureau	Amended	1100 St. Francis Dr. / POB 5469	Santa Fe	NM	87502	bobby.lopez@state.nm.us	

License	Type	Contact	Company	Status	Street Address	City	State	Zip code	e-mail Address	Read Date
043	SO	Bruce Norquist, Mine Manager	Rio Grande Resources Corporation	Amended	P.O. Box 1150	Grants	NM	87020	bruce.norquist@ga.com	
122	MI	Christina Rubalcaba, Director	Covenant Hospital Hobbs	Amended	5419 Lovington Hwy.	Hobbs	NM	88240	christina.rubalcaba@providence.org	
386	MI	Brittney Bucksath, Interim Dir.	Mountain View Regional Medical Center	Amended	4311 E. Lohman Ave.	Las Cruces	NM	88011	christine.grahma@mountainviewregional.com	
247	DM	Daniel S. Aguirre, Owner	Wilson & Company, Engineers & Architects	Amended	P.O. Box 94000	Albuquerque	NM	87199	Christopher.Perea@wilsonco.com	
372	DM	Peter Brakenhoff, Manager	HDR Construction Control Corporation	Renewal	2155 Louisiana Blvd, NE Suite 9500	Albuquerque	NM	87110	christopher.sanchez@hdrinc.com	
377	MD	Gerald Perez, Manager	Las Cruces Physician Practices, LLC	Amended	1160 Mall Drive	Las Cruces	NM	88011	craing.cannon@lpnt.com	
399	IR	Nate Nygren, President	Premier NDT Services, Inc.	Amended	P.O. Box 480, 2198 Bloomfield Hwy.	Farmington	NM	87401	cvanbelle@premierndt.com	
530	IR	Orville McBride, President/Owner	American Piping Inspection, Inc.	Amended	17110 East Pine St.	Tulsa	OK	74116	dalcorn@apiofok.com	4/6/2021
472	MI	Paula Lenane, Director	Presbyterian Rust Medical Center	Amended	2400 Unser Blvd., SE	Rio Rancho	NM	87124	dallison@phs.org	4/7/2021

License	Type	Contact	Company	Status	Street Address	City	State	Zip code	e-mail Address	Read Date
564	MI	Paula Lenane, Dir. of Radiology	Presbyterian Healthcare Services	Amended	211 Sudderth Dr.	Ruidoso	NM	88345	dallison@phs.org	
338	NO	Scott Curtis, General Manager	Rice Operating Company	Renewal	122 W. Taylor Street	Hobbs	NM	88240	danderson@riceswd.com	
539	IR	Tyler Wittman	Precision NDT, LLC	Amended	1808 Coyote Court	Carlsbad	NM	88220	dane.mcinturff@pndtllc.com	4/6/2021
316	GI	Sergio Nanez, Plant Manager	Nypro Healthcare Baja, Inc.	Amended	3801 University SE	Albuquerque	NM	87106	DANIEL_GONZALES@jabil.com	
549	PA	Duane Aspass, President	iina ba, Inc.	New	1812 Schofield Lane	Farmington	NM	87401	daspaas@iinaba.com	
507	GA	Robert Drummond, CEO	NexTier Completion Solutions, Inc. (NexTier)	Amended	3990 Rogerdale	Houston	TX	77042	david.grubbs@nextierofs.com	4/6/2021
469	MI	Donald Weidemann	Union County General Hospital	New	P.O. Box 489	Clayton	NM	88415	david.moates@numedinc.com	4/6/2021
492	IR	David P. Tebo	Team Industrial Services, Inc.	Amended	578 North Indiana Ave	Crown Point	IN	46307	david.tebo@teaminc.com	
363	MI	Rita Matteucci, Director	Lovelace Health System, Inc., dba: Heart Hospital of New Mexico at LMC	Amended	601 Martin Luther King, Jr. Avenue	Albuquerque	NM	87102	david@riophysics.com	
433	RS	David Hunter	Rio Grande Radiological Physics Group, LLC	Amended	12017 Carl Court, NE	Albuquerque	NM	87012	david@riophysics.com	

License	Type	Contact	Company	Status	Street Address	City	State	Zip code	e-mail Address	Read Date
545	MI	Cathy Hands, Clinic Manager	Presbyterian Heart Group Santa Fe	New	454 St. Michael's Dr.	Santa Fe	NM	87505	david@riophysics.com	
567	MI	Sam Maese, Technical Director	Presbyterian Santa Fe Medical Center	New	4801 Beckner Rd.	Santa Fe	NM	87507	david@riophysics.com	
460	VT	Dr. Dawn Nolan	VCA Veterinary Care Animal Hospital	Renewal	9901 Montgomery Blvd. NE	Albuquerque	NM	87111	dawn.nolan@vca.com	
347	DM	Ryan C. Ward,ROUS Director	Santa Fe County Public Works Department	Renewal	424 NM 599	Santa Fe	NM	87507	dgvigil@co.santa-fe.nm.us	
197	WL	Charles Deible	Schlumberger Technology Corporation	Amended	300 Schlumberger Drive Mail Drop 23	Sugar Land	TX	77478	dickes@sugar-land.oilfield.slb.com	
534	WL	Matt Gray, President	RWLS LLC dba RENEGADE SERVICES	Amended	1235 SE 1000 Rd	Andrews	TX	79714	dion1134@yahoo.com	
283	WL	Dana A. McGarrh, President	Basin Well Logging Wireline Services, Inc.	Renewal	P.O. Box 1156	Farmington	NM	87401	dmcgarrh@basinwell.com	
547	IR	Michael Bigne, President	Pro Inspection Inc.	Amended	P.O. Box 1224	Jal	NM	88252	Dnance@ndepro.com	
447	DM	David Otoski, General Mgr.	Mountain States Constructors, Inc.	Renewal	3601 Pan American Freeway NE, Suite 111	Albuquerque	NM	87107	dotoski@msconstructors.com	

License	Type	Contact	Company	Status	Street Address	City	State	Zip code	e-mail Address	Read Date
317	AN	David A. Schoep, MS	Carlsbad Environmental Monitoring & Research Center	Renewal	P.O. Box 30001 / MSC3578	Las Cruces	NM	88003	dschoep@nmsu.edu	
151	AB	Environmental Health & Safety	New Mexico State University	Renewal	P.O. Box 30001, MSC 3578	Las Cruces	NM	88003	dschoep@nmsu.edu	
229	GI	Douglas Schutt	Vitalant	Amended	1515 University Blvd, NE	Albuquerque	NM	87102	dschutt@vitalant.org	
034	WL	James P. Kleinegger, President	Blue Jet, Inc.	Renewal	P.O. Box 898	Farmington	NM	87499	dseip@bluejetinc.com	
531	DM	Dennis Ray Parrack, Owner	D-Tech (Design Technologies)	Amended	P.O. Box 531	Fairacres	NM	88033	dtech.dennis@yahoo.com	
432	RD	Robin Cantor	STAR Cryoelectronics	Amended	25 A Bisbee Court	Santa Fe	NM	87508	ebencomo@starcryo.com	
364	DM	Randel L. Rabon, President	Mesa Verde Enterprises, Inc.	Renewal	P.O. Box 907	Alamogordo	NM	88311	eddavidson@mesaverdeinc.com	4/8/2021
211	MI	Sherry Aragon, Dir. Radiology	Women's Hospital	Amended	4701 Montgomery NE	Albuquerque	NM	87109	Elysa.wright@lovelace.com	4/8/2021
504	GA	Peter Jenson, Director of EVHS	Kinder Morgan Energy Partners, L.P. dba Santa Fe Pacific Pipeline, L.P.	Renewal	1000 Windward Concourse, STE 450	Alpharetta	GA	30005	frank.trevino@kindermorgan.com	
510	IR	Neil Marks	National Inspection Services, LLC	Renewal	110 Harold Gauthe Road	Scott	LA	70583	ghollier@nisndt.com	4/6/2021

License	Type	Contact	Company	Status	Street Address	City	State	Zip code	e-mail Address	Read Date
451	IR	Stephen Norton, President	Integrity Testing and Inspection	Amended	3861 Vincent Station Drive	Owensboro	KY	42303	ghoward@itilabs.com	
403	AP	Glenn Sullivan, Manager	Cardinal Health 414, LLC - 5878	Amended	7000 Cardinal Place, Nuclear Pharmacy Services	Dublin	OH	43017	glenn.sullivan@cardinalhealth.com	4/6/2021
396	RP	Glenn Sullivan, Manager	Cardinal Health 414, LLC - 1191	Renewal	7000 Cardinal Place	Dublin	OH	43017	glenn.sullivan@cardinalhealth.com	
110	LA	Glen Roberts, Health Physicist	UniTech Services Group, Inc.	Renewal	138 Longmeadow Street, Suite 202	Longmeadow	MA	01106	GRoberts@UniTechus.com	4/6/2021
515	GA	Hans D. Umhoefer, CRSO	Universal Pressure Pumping, Inc.	Renewal	777 NW 63rd	Oklahoma	OK	73116	hans.umhoefer@patenergy.com	5/12/2021
099	GA	Paul Gil, General Manager	Mosaic Potash Carlsbad, Inc.	Renewal	P.O. Box 71	Carlsbad	NM	88221	haskins.hobson@mosaicco.com	4/6/2021
557	DM	Habib Abi-Khalil, Manager	Horrocks Engineers, Inc	Amended	6100 Uptown Blvd. NE #105	Albuquerque	NM	87110	Heather Abi-Khalil <heathera@horrocks.>	4/12/2021
562	GA	Manuel Hernandez, Plant Manager	Mizkan Americas, Inc.	New	4065 J St. SE	Deming	NM	88030	hector.espinoza@mixkan.com	
560	IR	Jeremy Guretzki, President	STANLEY Inspection, LLC	New	8119 West 81st Street South	Tulsa	OK	74131	homar.flores@sbdinc.com	4/6/2021
430	MD	John Cody, Imaging Serv. Manager	Covenant Healthcare Center	Renewal	402 W. Country Club Road	Roswell	NM	88201	hreroze@yajoo.com	4/7/2021

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496	BB	Robert Rubin, President & CEO	Lovelace Biomedical Research Institute	Amended	2425 Ridgecrest Dr. SE	Albuquerque	NM	87108	imack@lrri.org	4/6/2021
295	RD	Robert Rubin, President and CEO	Lovelace Respiratory Research Institute	Amended	2425 Ridgecrest Drive, SE	Albuquerque	NM	87108	imack@lrri.org	
551	DM	Jesse Reinikainen, Owner, PMM	YeDoma Consultants, LLC	New	523 Louisiana Boulevard SE	Albuquerque	NM	87108	info@akurta.com	
112	DM	Issac Daniels, Lab Manager	Smith Engineering Company	Renewal	P.O. Box 2565	Roswell	NM	88202	issacd@smithengineering.pro	
207	DM	Paul Pompeo III, President	Southwest Engineering, Inc.	Renewal	475 Archuleta Road	Las Cruces	NM	88005	issacd@smithengineering.pro	
512	CS	Robert "Buck" Halloran	National Calibration, Inc.	Renewal	3737 E. Broadway	Phoenix	AZ	85040	j.lyons@wt-us.com	
186	DM	Louis Najar, P.E.	Roswell, City of	Amended	P.O. Box 1838	Roswell	NM	88201	j.sexe@roswell-nm.gov	
441	MD	John Cody, Radiology Manager	Covenant Medical Group	Renewal	2000 W. 21st Street, W-7	Clovis	NM	88101	Jcody@covhs.org	
025	DM	Kerry O'hare, Controller	K. Barnett & Sons, Inc.	Amended	P.O. Box 960	Clovis	NM	88102	jdeen@kbarnett.com	
508	GA	David Charlesworth	DC Environmental	Renewal	P.O. Box 9315	Albuquerque	NM	87119	jeffersbear@comcast.net	
511	GA	William King Kelley	HollyFrontier Navajo Refining Company LLC	Renewal	P.O. Box 159	Artesia	NM	88210	jeffrey youtsey@Hollyfrontier.com	4/6/2021

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418	PC	Chuck Wiltshire	Las Cruces PET/CT Imaging LLC	Renewal	1121 Mall Drive, Suite D	Las Cruces	NM	88011	jmayer@lascrucespetct.com	
394	DM	Jasper Maynes, Jr.	City of Deming	Amended	P.O. Box 706	Deming	NM	88031	jmaynes@cityofdeming.org	
498	GA	Curtis Tolle, Owner	Par Five Energy Services LLC	Amended	11279 Lovington HWY	Artesia	NM	88210	joejurado@par-five.com	4/6/2021
439	DM	John T. Thornton, CRSO	Professional Services Industries, Inc.	Amended	545 East Algonquin Road	Arlington Heights	IL	60005	john.thornton@psiusa.com	
083	MI	Janet Carbary, CEO	Carlsbad Medical Center, LLC	Amended	2430 W. Pierce St.	Carlsbad	NM	88220	John_Uhrig@carlsbadmedicalcenter.com	
483	VT	John E. Heidrich, PhD, DVM	Ventana Animal Clinic, LLC.	Amended	5747 Calle Perro NW	Albuquerque	NM	87114	johnheidrich@comcast.net	
520	IR	Jon Mark Cloud	IIA Field Services, LLC	Renewal	P.O. Box 5088	Abilene	TX	79608	jonmark.cloud@iiafieldservices.com	
381	DM	Delbert Rapier, Owner	Summit Technical, Inc.	Amended	P.O. Box 475	Bayard	NM	88023	josh@summit-technical.org	
376	MI	Peter Hofstetter, CEO	Holy Cross Hospital	Amended	1397 Weimer Road	Taos	NM	87571	jschenck@taoshospital.org	
552	DM	Jason Wheeler, Branch Manager	D&S Engineering Labs, LLC	New	1101 Shady Oaks Drive	Denton	TX	76205	jsherman@dsenglabs.com	
478	IR	Vincent Summa, President/Owner	TechCorr USA, LLC	Amended	1485 E. Sam Houston Pkwy, Suite 160	Pasadena	TX	77503	jspearman@techcorr.com	

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436	SM	Scott E. Heffner, President & CEO	Water Remediation Technology, LLC (WRT)	Renewal	901 West 116th Avenue	Westminster	CO	80234	JVOORHIES@WRTNET.COM	
405	WL	Michael J. Peterson	Jet West Geophysical Services, LLC	Renewal	P.O. Box 3522	Farmington	NM	87499	mwgs@live.com	
209	DM	Joseph Wiseman, General Manager	Southwest Concrete & Paving, Inc.	Renewal	P.O. Box 2278	Silver City	NM	88062	jwiseman@swcpaving.com	
466	MI	David Shaw, CEO/Administrator	Nor-Lea Hospital District	Renewal	1600 N. Main Ave.	Lovington	NM	88260	kathryn.nickelson@nlgh.org	4/6/2021
227	DM	Michael Nevarez	Kiewit New Mexico Co.	Renewal	5130 Masthead Street N.E.	Albuquerque	NM	87109	kevin.swaving@kiewit.com	
226	GA	Art Lowry, President	Varco L.P. (FKA) Tuboscope Vetco International, Inc.	Amended	P.O. Box 808	Houston	TX	77001	keyton.payne@nov.com	
566	IR	Joshua Luft, Admin. Officer	NVI, LLC	New	2449 West Park Ave	Gray	LA	70359	kgriffin@nvindt.com	4/6/2021
169	SO	William H. Kingsley	Precision Engineering, Inc.	Renewal	4645 Dona Ana Road	Las Cruces	NM	88007	kingsleywh@aol.com	
413	MP	Kay Kassel, RSO	Alliance HealthCare Services, Inc.	Amended	P.O. Box 19532	Irvine	CA	92623	kkassel@alliancehealthcareservices-us.com	
022	IR	Klay L. Roberts	Atomic Inspection Labs, Inc.	Renewal	5620 Modesto NE Suite A	Albuquerque	NM	87113	KLAYROB@AOL.COM	

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131	DM	Robert C. Lydick, P.E. & L.S.	Lydick Engineers & Surveyors	Renewal	205 E. Second Street	Clovis	NM	88101	lancel@lydickengineers.com	
522	DS	Landen Collins	New Order Environmental Services, LLC	Amended	8429 Washington Place, Suite C	Albuquerque	NM	87113	landen@neworderenvironmental.com	
362	IR	Larry Ames, CEO	Desert NDT, LLC d/b/a ShawCor	Amended	4851 Blue Mound Road	Fort Worth	TX	76106	lane.watts@shawcor.com	
188	MI	Ruth Brooks, VP Professional Ser	San Juan Regional Medical Center	Amended	801 W. Maple St. & 731 W. Animas St.	Farmington	NM	87401	lcustard@sjrhc.net	
031	DM	Lea Ann Marquez, President	Concrete, Aggregate and Asphalt Testing, LLC	Amended	P.O. Box 636	Bernalillo	NM	87004	leaann@ca2testing.com	4/8/2021
087	WL	Melissa Bergman, Director H&S	Halliburton Energy Services, Inc.	Amended	3000 N. Sam Houston Parkway, East, Bldg. M, Rm M1F21	Houston	TX	77032	lee.heft@halliburton.com	
509	GA	Will Hendricks, HSE Manager	Halliburton Energy Services, Inc.	Renewal	3000 N. Sam Houston Pkwy E	Houston	TX	77032	lee.heft@halliburton.com	
474	DM	Rod Billingsley, President	Billingsley Engineering, PC	Amended	P.O. Box 1120	Las Vegas	NM	87701	leroy@billingsleyengineering.com	
251	MD	Guido Leon, M.D., President	Southwest Cardiovascular Center	Amended	1255 S. Telshor Blvd.	Las Cruces	NM	88011	luckynorman@comcast.net	

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443	MD	Mahamadu Alhassan Fuseini, M.D.	Clovis Cardiology Associates	Renewal	2000 West 21st Street, Suite E-1	Clovis	NM	88101	mahamadufuseini@hotmail.com	
470	IR	G. Marcina Wilkinson, Pres.	Wilco NDT, LLC	Amended	P.O. Box 1203	Hillsboro	TX	76645	marcinawilkinson@wilcondt.com	
559	DM	Matthew Cramer, President	Geomat, Inc.	New	4529 Arrowhead Ridge Dr. SE Suite 102	Rio Rancho	NM	87124	matt.cramer@geomatengineering.com	4/26/2021
497	CS	Matthew Daut	Siemens Medical Solutions USA, Inc.	Renewal	221 Gregson Drive	Cary	NC	27511	matthew.daut@siemens.com	4/6/2021
412	MD	Anandan Swaminathan, M.D.	Gallup Cardiology, PC	Renewal	2028 East Aztec Ave.	Gallup	NM	87301	meenand@yahoo.com	
536	GA	Mark R. Gadway	Westmoreland San Juan Mining LLC	Amended	P.O. Box 561	Waterflow	NM	87421	mgadway@westmoreland.com	
525	MI	Cynthia Trujillo, Ops Manager	MD Anderson Radiation Treatment Facility at Rust Medical Center	Amended	2400 Unser Blvd., S.E.	Rio Rancho	NM	87124	mgarcia@mdanderson.org	
544	IR	Michael Anderson, Manager	Pan-Op NDT, LLC	Amended	11900 N. MacArthur Blvd Suite C2	Oklahoma City	OK	73162	michael@panopservices.com	
489	DM	Mike Jackson	Deming Lab and Engineering, LLC	Amended	3645 Columbus Rd. S.E.	Deming	NM	88030	mike@demingexcavatinginc.com	

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516	DM	Darrin Howells, President	AUI Inc.	Renewal	P.O. Box 9825	Albuquerque	NM	87119	mikep@auiinc.net	4/6/2021
268	IR	Dennis Bertolotti, President	MISTRAS Group, Inc.	Amended	4000 Underwood Road	La Porte	TX	77571	MISTRAS@INVOICES.CORCENTRIC.COM	
114	MI	Paula Lenane, Radiology Director	Kaseman Presbyterian Hospital	Amended	8300 Constitution Ave. NE	Albuquerque	NM	87110	mromero2@phs.org	
199	AN	Phillip Adams, Ph.D	N.M. DOH- Scientific Laboratory Division (SLD)	Amended	1101 Camino De Salud NE	Albuquerque	NM	87102	nidal.jadalla@state.nm.us	
458	DM	Paul Appel, QC Manager	Oldcastle SW Group, Inc. dba Four Corners Materials	Amended	P.O. Box 16	Farmington	NM	87401	paul.appel@fourcornersmaterials.com	
170	MI	Paula Lenane, Enterprise Dir.	Presbyterian Hospital Center	Amended	1100 Central Avenue SE	Albuquerque	NM	87106	plenane@phs.org	
244	DM	John Lyon, CRSO	Western Technologies, Inc.	Renewal	3737 East Broadway Road	Phoenix	AZ	85040	r.nelson@wt-us.com	4/6/2021
359	AN	Danny Coleman, President	ARS International, LLC	Renewal	2609 North River Road	Port Allen	LA	70767	radcorder@gmail.com	
538	IR	David Walker, CEO	Code Compliance Inspection, LLC	Amended	6873 Johnston Street	Lafayette	LA	70503	randy.pledger@ccindt.com	
172	TA	David Trinker, Dir. of Health	SpectraTek Unit of ProTechnics, Division of Core Lab, LP	Renewal	2801 Princeton N.E.	Albuquerque	NM	87107	Raymond.Leyba@corelab.com	

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073	MI	Roger Baldwin, Director	Española Hospital	Amended	1010 Spruce Street	Española	NM	87532	rbaldwin@phs.org	
554	IR	Stephen Callaway, President	Legacy Safety & Consulting, LLC	New	400 S. Turner	Hobbs	NM	88240	rcook@legacy-Safety.com	4/7/2021
563	MI	David Hunter, MSc, DABR	Three Crosses Regional Hospital	Amended	2560 Samaritan Drive	Las Cruces	NM	88001	rhunt@3crossesrh.com	
519	GA	Richard Elfrez	FTS International Services, LLC	Renewal	777 Main Street, Suite 2900	Fort Worth	TX	76102	richard.elfrez@ftsi.com	
088	DM	Charles Hamilton, owner	James Hamilton Construction Company	Renewal	P. O. Box 1287	Silver City	NM	88062	rnewman@dignpave.com	4/6/2021
		x	X-Ray Associates of New Mexico	x	x	x	x	x	rob.monntag@tetrattech.com	4/6/2021
318	DM	Paul Fensterer, COO	NV5, Inc.	Renewal	4374 Alexander Blvd NE Suite K	Albuquerque	NM	87107	robert.abeyta@nv5.com	4/6/2021
067	CS	Michael Shafer, President	Thermo Eberline LLC	Amended	P.O. Box 1446	Manchester	MA	01944	ron.cardarelli@cncnassociates.net	
561	RS	Ron Cardarelli, President	C.N. Associates, Inc.	New	P.O. Box 1446	Manchester	MA	01944	ron.cardarelli@cncnassociates.net	
079	DM	Patrick Byres, President	Geo-Test, Inc.	Renewal	3204 Richards Ave.	Santa Fe	NM	87507	santafegeo@aol.com	
416	MI	Janet Butler, Director	Rehoboth McKinley Christian Health Services	Renewal	1901 Red Rock Drive	Gallup	NM	87301	sboros@rmchcs.org	

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500	RS	J. Scott Logan, owner	Curie Environmental Services	Amended	4020 Vassar Drive NE, Suite D	Albuquerque	NM	87107	scott.logan@curieservices.com	4/6/2021
555	IR	Derek Quebedeaux, VP	Olivier International, LLC	New	227 Clendenning RD	Houma	LA	70363	sethlicalzi@oi.expert	
481	MD	Sagit Frasier, COO and VP	X-Ray Associates of New Mexico	Amended	8020 Constitution Place, NE, Suite 100	Albuquerque	NM	87110	sfrasier@xraynm.com	
400	MD	Sagit Frasier, COO and VP	X-Ray Associates of New Mexico , P.A.	Amended	8020 Constitution Place, NE	Albuquerque	NM	87110	sfrasier@xraynm.com	
252	MD	Sagit Frasier, COO and VP	X-Ray Associates of New Mexico	Renewal	8020 Constitution Place, NE	Albuquerque	NM	87110	sfrasier@xraynm.com	
484	GA	Paul Navarrete, Distric Manager	CUDD Energy Services	Amended	2828 Technology Forest Blvd	The Woodland	TX	77381	shaddock@cudd.com	
402	DM	Michael Moehn, Vice President	Fisher Sand & Gravel-NM, Inc.	Amended	P.O. Box 2340	Placitas	NM	87043	shammer@fisherind.com	
485	MI	Genevieve Tarnas, Exec. Dir.	Christus St. Vincent Regional Medical Center	Amended	455 St. Michael's Drive	Santa Fe	NM	87505	shana.cuff@westphysics.com	
213	MI	Mary Jo Metzger, Dir. Of Imaging	Christus St. Vincent Regional Medical Center	Amended	455 St. Michaels Drive	Santa Fe	NM	87505	shana.cuff@westphysics.com	

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410	MI	Julio Tapia, Director	PHC-Las Cruces, Inc.	Amended	2450 S. Telshor Blvd.	Las Cruces	NM	88011	Shannon.Gamboa@LPNT.net	
442	DM	Jorge Velarde	Golder Associates, Inc.	Amended	7458 N. La Cholla Blvd.	Tucson	AZ	85741	skeller@golder.com	
423	MI	Debra Moore, Director	M.D. Anderson Cancer Center	Amended	8300 Constitution Ave. NE	Albuquerque	NM	87110	skirsner@mdanderson.org	
360	MD	Vanessa Marin, Director	Presbyterian Heart Group	Amended	201 Cedar St. SE, Suite 7600	Albuquerque	NM	87106	smaese@phs.org	
420	MI	Vanessa Marin, Director	Presbyterian High Resort	Renewal	2400 Unser Blvd., SE, Suite 18300	Rio Rancho	NM	87124	smaese@phs.org	
543	GA	Fred Toney, President	Calfrac Well Services, Corp.	Amended	2401 Sivley Avenue	Artesia	NM	88210	sporter@calfrac.com	
163	DM	Debra P. Hicks	Pettigrew & Associates, P.A.	Amended	100 E. Navajo Drive, Suite 100	Hobbs	NM	88240	srodriguez@pettigrew.us	
427	MD	Terry A. Boulware, M.D., CEO	Southwest Heart, P.C.	Renewal	2525 S. Telshor Blvd, Bldg. 14, Ste. 102	Las Cruces	NM	88011	stacey.padilla@southwestheartpc.com	4/6/2021
532	MD	Stacy H. Askham, Manager	Kymera Independent Physicians Masound Khorsand- Sahbaie M.D., P.A.	Amended	400 Military Heights Place	Roswell	NM	88201	stacy.askham@kymeramedical.com	
391	DM	Terrence L. Steigely	Advanced Testing and Materials, Inc.	Amended	106 Carver Road	Las Cruces	NM	88005	Steigely@zianet.com	

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528	IR	Steve M. Steen, President	Statewide Maintenance Company dba Diamond G Inspection, Inc.	Amended	1118 East Blanco Blvd	Bloomfield	NM	87413	stevesteen@dgindt.com	4/6/2021
297	DM	David Shoup, President	Constructors, Inc.	Amended	812 George Shoup Relief Route	Carlsbad	NM	88220	TCampbell@ciconstructors.com	4/6/2021
565	DM	L. Clint Brown, Vice President	Engineering Analytics, Inc.	New	219 S 2nd Street	Raton	NM	87740	tdavis@enganalytics.com	4/6/2021
518	MI	Warren Yeho CEO	Eastern New Mexico Medical Center (Cardiac Clinic)	Renewal	405 W. Country Club Road	Roswell	NM	88201	teresa_bersane@chs.net	
065	MI	Teresa Bersane, RSO	Eastern New Mexico Medical Center	Amended	405 W. Country Club Rd.	Roswell	NM	88201	Terry_Anderson@chs.net	
378	DM	Dave Liebelt, P.E.	Earthwork Engineering Group, LLC	Renewal	7901 Lorraine Ct. NE	Albuquerque	NM	87113	thermal@spinn.net	
201	DM	Vladimir Ivensky, VP	Wood Environment & Infrastructure Solutions, Inc.	Amended	8519 Jefferson N.E.	Albuquerque	NM	87113	thomas.bemrich@woodplc.com	
210	MI	Troy Greer, CEO	Lovelace Medical Center- Downtown	Amended	601 Dr. Martin Luther King, Jr. NE	Albuquerque	NM	87102	thomas.kirby@lovelace.com	
406	DM	Matthew Cramer, President	Geomat, Inc.	Amended	915 Malta Avenue	Farmington	NM	87401	thomas.madrid@geomatengineering.com	

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311	DM	Todd Kessler	Associated Technologies, Inc.	Renewal	P.O. Box 12905	Albuquerque	NM	87195	tkesslerati@gmail.com	
435	MD	Ronda Mayorga, COO	High Resolution	Amended	4411 The 25 Way NE, Suite 150	Albuquerque	NM	87109	tlenhart@raaonline.com	
046	MI	Mike Luscombe, Manager	Plains Regional Medical Center	Amended	2100 North Martin Luther King Jr., Blvd	Clovis	NM	88101	tmcsperi@phs.org	
550	GA	David Crombie, COO	Crest Pumping Technologies, LLC	Amended	6500 West Freeway, Suite 601	Fort Worth	TX	76116	trey.reynolds@nineenergyservice.com	
373	AA	Van Romero, Ph.D.	New Mexico Institute of Mining &Technology (NMIMT)	Amended	801 Leroy Place	Socorro	NM	87801	van.romero@nmt.edu	
103	DU	Van Romero, COO	NMIMT- Energetic Materials Research and Testing Center	Amended	801 Leroy Place	Socorro	NM	87801	van.romero@nmt.edu	
385	DM	F.J. Smith, Jr., Owner	Versatile Construction Co./Versa-Tech Industries, Inc.	Renewal	P.O. Box 686	Tucumcari	NM	88401	versatile05@hotmail.com	
495	WL	William W. Moore Jr.	Reliance Oilfield Services, LLC	Renewal	2155 H Road	Grand Junctio	CO	81505	william.moore@relianceofs.com	4/6/2021
002	SO	William Turner	AGW Consultants	Storage Only	610 Gold Ave., S.W., Suite 111	Albuquerque	NM	87102	wturner@waterbank.com	

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206	RD	John Byrd, owner	Southwest Bio- Labs	Renewal	401 N. 17th St. #11	Las Cruces	NM	88005	yvonne@swbiolabs.com	

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From: [Romero, Ray, NMENV](#)
To: [aaaalliedseptic@msn.com](#); [abqcrs@gmail.com](#); [Bahar, Dana, NMENV](#); [bassettec@aol.com](#); [bravos@amigosbravos.org](#); [bu@gknet.com](#); [ccns@nuclearactive.org](#); [cdesaillan@nmelc.org](#); [Claudette.Horn@pnmresources.com](#); [david@nmrealtor.com](#); [dean.metcalf@xcelenergy.com](#); [dgratson@envstd.com](#); [DrAnnMcC@aol.com](#); [DrJ@NMPM.com](#); [ecole@lata.com](#); [ejantz@nmelc.org](#); [ekendrick@montand.com](#); [Ely, Sandra, NMENV](#); [Ernest.Sanchez@pnmresources.com](#); [etaylor@taylormccaleb.com](#); [Farida Udaipurwala](#); [ggerholt@concho.com](#); [Engel, Gretchen](#); [irwinct@cdm.com](#); [Jacqueline Mejia](#); [jamesr.crawford61@gmail.com](#); [jarends@nuclearactive.org](#); [Jeffrey.L.West@xcelenergy.com](#); [Winchester, Jim](#); [jmccaleb@taylormccaleb.com](#); [jmlarch@nmhba.org](#); [jrbartlit@aol.com](#); [jrosenblatt@las-cruces.org](#); [karlenes@modrall.com](#); [lcb@keleher-law.com](#); [lee.killinger@mosaicco.com](#); [lrose@montand.com](#); [luciana@lanl.gov](#); [Macias, Theresa, NMENV](#); [marieg@nmoga.org](#); [mark.williams@pnmresources.com](#); [melanie@nmhba.org](#); [Mike.Holder@hollyfrontier.com](#); [Moore, Audrey J., NMDOT](#); [mpf@stateside.com](#); [nmelc@nmelc.org](#); [NMENV-oogc](#); [nmpetrol@comcast.net](#); [paul.romero@wilsonco.com](#); [McGinnis, Paul](#); [Fant, Peter](#); [Pruett, Jennifer, NMENV](#); [randy@nmlobbyist.com](#); [rvirtue@virtuelaw.com](#); [serit@cybermesa.com](#); [snixon@rodev.com](#); [sricdon@earthlink.net](#); [stephanie@3bearllc.com](#); [story@lanl.gov](#); [Faith, Stuart](#); [tholcomb@velaw.com](#); [timothy.j.davis@nasa.gov](#); [Mullins, Thomas](#); [tuh@stateside.com](#); [turnboughmark@sbcglobal.net](#); [western@modrall.com](#)
Cc: [Napolitano, Mia, NMENV](#)
Subject: Public Notice of Hearing
Date: Monday, April 5, 2021 10:29:53 AM
Attachments: [Public Notice for EIB 21-09 Rulemaking-English \(FINAL\) .pdf](#)
[Public Notice for EIB 21-09 Rulemaking-Spanish \(FINAL\) .pdf](#)
[image001.jpg](#)

Good Morning,

Please find the attached Public Notice of Hearing (in English and Spanish) for EIB 21-09, to consider the proposed amendments to 20.3.1 NMAC, 20.3.3 NMAC, 20.3.4 NMAC, 20.3.5 NMAC, 20.3.7 NMAC, 20.3.12 NMAC, and 20.3.15 NMAC of the Radiation Protection Regulations. As you will see in the notice, the hearing will take place on June 25, 2021 at 1:00 p.m. MDT and continue as necessary. The hearing will be held via an internet video conferencing platform (Zoom).

Public comment will be allowed at various points throughout the hearing. Relevant information on how to participate in this process can be found in the attached notices.

Thank you,

Buenos días,

Encuentre el Aviso de Audiencia Pública adjunto (en inglés y español) para la EIB 21-09, para considerar las enmiendas propuestas a 20.3.1 NMAC, 20.3.3 NMAC, 20.3.4 NMAC, 20.3.5 NMAC, 20.3.7 NMAC, 20.3.12 NMAC y 20.3.15 NMAC del Reglamento de Protección Radiológica. Como se puede ver en el aviso, la audiencia tendrá lugar el 25 de junio de 2021 a la 1:00 p.m. MDT (horario de verano de la montaña) y continuará según sea necesario. La audiencia se celebrará a través de una plataforma de videoconferencia por Internet (Zoom).

Se permitirán comentarios del público en varios momentos de la audiencia. La información pertinente sobre cómo participar en este proceso se puede encontrar en los avisos adjuntos.

Gracias,

Raymond R. Romero, Paralegal
New Mexico Environment Department
Office of General Counsel
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(505) 827-2952
Ray.Romero@state.nm.us
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“Innovation, Science, Collaboration, Compliance”

From: [Romero, Ray, NMENV](#)
To: [Nelson, Johanna, EDD](#)
Cc: [Rodriguez, Santiago, NMENV](#); [Ortiz, Michael, NMENV](#); [Ely, Sandra, NMENV](#); [Napolitano, Mia, NMENV](#)
Subject: NM Small Business Regulatory Advisory Commission - Notice of Proposed Amendments
Date: Tuesday, April 6, 2021 11:04:04 AM
Attachments: [2021_04_05_Small_Business_Letter_for_EIB_Rulemaking_NRC_regulation_amendments.pdf](#)
[Integrated Rule Revisions- 20.3.1 to 20.3.15.pdf](#)
[image003.jpg](#)

Ms. Nelson,

Attached, please find a letter along with the proposed amendments which I ask to be distributed to the New Mexico Small Business Regulatory Advisory Commission. Please contact me should you have any questions.

Raymond R. Romero, Paralegal
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“Innovation, Science, Collaboration, Compliance”



Michelle Lujan Grisham
Governor

Howie C. Morales
Lt. Governor

NEW MEXICO ENVIRONMENT DEPARTMENT

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James C. Kenney
Cabinet Secretary

Jennifer J. Pruett
Deputy Secretary

SENT VIA EMAIL

April 6, 2021

Small Business Regulatory Advisory Commission
c/o Johanna Nelson, Administrator
New Mexico Economic Development Department
1100 S. St. Francis Drive
Santa Fe, NM 87505-4147
Johanna.Nelson@state.nm.us

RE: Proposed Amendments of the Radiation Protection Regulations-20.3.1 NMAC, 20.3.3-20.3.5 NMAC, 20.3.7 NMAC, 20.3.12 NMAC, and 20.3.15 NMAC

Dear Chair and Commission Members,

The New Mexico Environment Department ("Department") hereby provides notice to the Small Business Regulatory Advisory Commission pursuant to NMSA 1978, Section 14-4A-4(A) (2005), that the Department's Environmental Protection Division, Radiation Control Bureau has petitioned the Environmental Improvement Board ("EIB") to amend the following Radiation Protection Regulations: 20.3.1 NMAC, 20.3.3 NMAC, 20.3.4 NMAC, 20.3.5 NMAC, 20.3.7 NMAC, 20.3.12 NMAC, 20.3.15 NMAC.

The regulatory changes are to align certain provisions within the state regulations with the federal requirements. New Mexico's state regulations must be compatible to the federal Nuclear Regulatory Commission's regulations because New Mexico is an agreement state under 42 U.S.C. §2021. The compatibility requirement is met through the promulgation of state regulations when necessary. The amendments were provided to the Radiation Technology Advisory Council ("RTAC") at its March 3, 2021 meeting. The RTAC consented to the amendments as proposed.

The EIB will hold a public hearing on the proposed amendments beginning at 1:00 p.m. MDT on June 25, 2021 and continuing thereafter as necessary. The hearing will be held via an internet video conferencing platform (Zoom). For additional information on the upcoming hearing, please review the public notice here: <https://www.env.nm.gov/rcb/open-meeting-notification-for-radioactive-material-rule-revision/>

If you have further questions, comments, or would like to have responsible staff meet and discuss the proposed amendments, please feel free to contact me directly at (505) 827-2885 or via email at mia.napolitano@state.nm.us. A copy of the proposed amendments is enclosed.

The Department requests that the Commission provide any written comments regarding possible adverse effects of the proposed amendments on small businesses no later than May 7, 2021.

Sincerely,

Mia

Napolitano

Mia Napolitano

Assistant General Counsel

Digitally signed by Mia
Napolitano
Date: 2021.04.06 10:37:40
-06'00'

cc: Santiago Rodriguez, NMED/RCB Bureau Chief, santiago.rodriguez1@state.nm.us
Michael Ortiz, NMED/RCB Program Manager, michael.ortiz1@state.nm.us
Sandra Ely, NMED/EPD Director, Sandra.Ely@state.nm.us

From: [Nelson, Johanna, EDD](#)
To: [Romero, Ray, NMENV](#)
Cc: [Rodriguez, Santiago, NMENV](#); [Ortiz, Michael, NMENV](#); [Ely, Sandra, NMENV](#); [Napolitano, Mia, NMENV](#); [Clark, Jon, EDD](#); [Ulibarri, Jesika, EDD](#)
Subject: RE: NM Small Business Regulatory Advisory Commission - Notice of Proposed Amendments
Date: Monday, May 3, 2021 4:05:31 AM

Hello, the SBRAC did not report any negative feedback on these proposed amendments.

Thank you!
Johanna Nelson

From: Romero, Ray, NMENV <Ray.Romero@state.nm.us>
Sent: Tuesday, April 6, 2021 11:04 AM
To: Nelson, Johanna, EDD <Johanna.Nelson@state.nm.us>
Cc: Rodriguez, Santiago, NMENV <Santiago.Rodriguez1@state.nm.us>; Ortiz, Michael, NMENV <michael.ortiz1@state.nm.us>; Ely, Sandra, NMENV <Sandra.Ely@state.nm.us>; Napolitano, Mia, NMENV <Mia.Napolitano@state.nm.us>
Subject: NM Small Business Regulatory Advisory Commission - Notice of Proposed Amendments

Ms. Nelson,

Attached, please find a letter along with the proposed amendments which I ask to be distributed to the New Mexico Small Business Regulatory Advisory Commission. Please contact me should you have any questions.

Raymond R. Romero, Paralegal
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"Innovation, Science, Collaboration, Compliance"



New Mexico Environment Department

PETITION FOR REVISION OF RADIATION PROTECTION RULES

Thomas Collins, Radiation Specialist

03/03/21



NMED Exhibit 25-001



Introduction

- **Radiation Protection Programs regulate three sources of radiation:**
 1. **Radioactive Material includes any materials or sources, regardless of chemical or physical state, that emit radiation;**
 2. **Radiation Equipment means any device that is capable of producing radiation;**
 3. **Mammography Quality Standard Act Inspections contract with the U.S. F.D.A.**



Authority and Obligations

□ Authority:

Statutory 74-3 NMSA 1978 “Radiation Protection Act”.

The State of New Mexico administers the Radiation Protection Program through an Agreement between Nuclear Regulatory Commission (NRC) and State of New Mexico

NEW MEXICO is an AGREEMENT STATE

□ NRC Requirements:

New Mexico must maintain Compatibility and Adequate staff for its Radiation Protection Program

✓ Regulations Compatibility

✓ Deadline for Adoption of Required Regulations



Basis for Proposed Revisions

1. To Align with Required Federal Revisions
⇒Affects all revised parts
2. To Amend Outdated/Irrelevant Rules, to Correct Typographical Errors, to Implement New Formatting, to Reorganize Rules
⇒Affects all revised parts
3. Amendments to 20.3.3 NMAC are a result of comments received from the U.S. Nuclear Regulatory Commission after the effective date indicated in the next slide.



RATS (Regulation Assessment Tracking System) Required to be Adopted by Agreement States

RATS ID	NRC Identification 10CFR	Due Dates for State Adoption
2012-4	Requirements for Distribution of Byproduct Material, Parts 30, 31, 32, 40, and 70	10/23/15
2013-1	Physical Protection of Byproduct Material, 10 CFR Parts 20, 30, 32, 33, 34, 35, 36, 37, 39, 51, 71, and 73	03/19/16
2013-2	Distribution of Source Material to Exempt Persons and to General Licensees and Revision of General License and Exemptions, Parts 30, 40, 170, and 171	08/27/16
2015-3	Revisions to Transportation Safety Requirements and Harmonization with International Atomic Energy Agency Transportation Requirements, 10 CFR Part 71	07/13/18
2015-5	Miscellaneous Corrections, 10 CFR Parts 19, 20, 30, 32, 37, 40, 61, 70, 71, and 150	12/31/18



Nuclear Regulatory Commission Compatibility Categories

NRC Regulations contain Compatibility Categories associated with Agreement States Adoption of NRC Regulations

Compatibility:

A, B, & C - Categories Required for Compatibility

D - Category Not Required for Compatibility

Adequacy:

H & S - Indicator Required for Adequate Program

NRC – The state should not adopt these elements

[] – Statement may have been adopted elsewhere and it is not necessary to adopt again.



NRC Approval of Proposed 20.3 NMAC Revisions

NRC approval will be sought for the proposed revisions which we are here to present.



Revisions

State Section Revised Regulation	Federal Regulation 10 CFR	Difference	If Different, Why
<p>20.3.1.7 DEFINITIONS:</p> <p>P. "Department" means the environment department, its successors, or its predecessors, the environmental improvement agency, or the environmental <u>protection</u> improvement division of the health and environment environment department.</p>		yes	RCB Correction To align with current department structure



Revisions

State Section Revised Regulation	Federal Regulation 10 CFR	Difference	If Different, Why
<p>20.3.3.7 DEFINITIONS:</p> <p>D. TIndian I[t]ribe” means an Indian or Alaska native T[t]ribe, band, nation, pueblo, village, or community that the secretary of the interior acknowledges to exist as an Indian T[t]ribe pursuant to the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. 479a.</p> <p>E. TTribal official” means the highest ranking individual that represents I[t]ribal leadership, such as the chief, president, or I[t]ribal council leadership.</p>	<p>RATS 2015-5 category - B</p> <p>§ 71.4 Definitions</p> <p>Indian Tribe means an Indian or Alaska Native Tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian Tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. 5130.</p>	<p>no</p>	<p>10 CFR 71.4- wherever they may occur, remove the word “tribe” and add in its place the word “Tribe”, remove the word “tribes” and add in its place the word “Tribes”, and remove the word “tribal” and add in its place the word “Tribal”.</p> <p>Base on RATS 2015-5 letter dated 12/31/15</p>



Revisions

State Section Revised Regulation	Federal Regulation 10 CFR	Difference	If Different, Why
<p>20.3.3.301</p> <p>EXEMPTIONS - UNIMPORTANT QUANTITIES OF SOURCE MATERIAL:</p> <p>C. Any person is exempt from the requirements for a license set forth in the Radiation Protection Act, NMSA 1978, Sections 74-3-1 through 16 [section 62 of the Atomic Energy] and from the regulations in this part and in 10 CFR Parts 19, 20, and 21 to the extent that such person receives, possesses, uses or transfers:</p>	<p><i>RATS 2013-2 Category - B</i></p> <p>§ 40.13 Unimportant quantities of source material.</p> <p>(c) Any person is exempt from the requirements for a license set forth in section 62 of the Act and from the regulations in this part and parts 19, 20, and 21 of this chapter to the extent that such person receives, possesses, uses, or transfers:</p>	<p>No</p>	<p>New Mexico references the "Atomic Energy Act" in its regulations. New Mexico needs to reference their State Radiation Control Act instead.</p> <p>New Mexico needs to make the changes indicated above in order to meet the Compatibility Category B designation assigned to 10 CFR 40.13(c).</p> <p>NRC Review Comments letter dated 8/9/17</p>



Revisions

State Section Revised Regulation	Federal Regulation 10 CFR	Difference	If Different, Why
<p>20.3.3.301</p> <p>EXEMPTIONS - UNIMPORTANT QUANTITIES OF SOURCE MATERIAL:</p> <p>D(2) Persons authorized to manufacture, process, or produce these materials or products containing source material by an agreement state, and persons who import finished products of parts, for sale or distribution must be authorized by a license issued pursuant to 10 CFR 40.52 for distribution only and are exempt from the requirements of <u>10 CFR 19 and 10 CFR 20</u> [20.3.3 NMAC and 20.3.4 NMAC], and 10 CFR 40.32(b) and (c).</p>	<p><i>RATS 2013-2 Category - B</i></p> <p>§ 40.13 Unimportant quantities of source material.</p> <p>(c)10(ii) Persons authorized to manufacture, process, or produce these materials or products containing source material by an Agreement State, and persons who import finished products or parts, for sale or distribution must be authorized by a license issued under § 40.52 for distribution only and are exempt from the requirements of parts 19 and 20 of this chapter, and § 40.32(b) and (c).</p>	<p>no</p>	<p>in 20.3.3.301.D(2), New Mexico replaced “Parts 19 and 20” with their regulations. As this section applies to the NRC-issued distribution license, New Mexico needs to delete their regulations and insert “10 CFR Parts 19 and 20”.</p> <p>New Mexico needs to make the changes indicated above in order to meet the Compatibility Category B designation assigned to 10 CFR 40.13(c).</p> <p>NRC Review Comments letter dated 8/9/17</p>



Revisions

State Section Revised Regulation	Federal Regulation 10 CFR	Difference	If Different, Why
<p>20.3.3.302 EXEMPTIONS - RADIOACTIVE MATERIAL OTHER THAN SOURCE MATERIAL:</p> <p>C. Exempt items.</p> <p><u>1(b) Static elimination device. Devices designed for use as static eliminators which contain, as a sealed source or sources, byproduct material consisting of a total of not more than 500 microcuries (18.5 megabecquerels) of polonium-210 per device.</u></p> <p><u>(c) Ion generating tube. Devices designed for ionization of air which contain, as a sealed source or sources, byproduct material consisting of a total of not more than 500 microcuries (18.5 megabecquerels) of polonium-210 per device or a total of not more than 50 millicuries (1.85 gigabecquerels) of hydrogen-3 (tritium) per device.</u></p>	<p><i>None</i></p> <p>§30.15 Certain items containing byproduct material.</p> <p>(2)(i) Static elimination devices which contain, as a sealed source or sources, byproduct material consisting of a total of not more than 18.5 MBq (500 µCi) of polonium-210 per device.</p> <p>(ii) Ion generating tubes designed for ionization of air that contain, as a sealed source or sources, byproduct material consisting of a total of not more than 18.5 MBq (500 µCi) of polonium-210 per device or of a total of not more than 1.85 GBq (50 mCi) of hydrogen-3 (tritium) per device.</p>	<p>yes</p>	<p>RCB correction: General licenses are no longer issued for static eliminators or ion generating tubes. Static eliminators and ion generating tubes are listed in exemptions in 10 CFR 30.15.</p>



Revisions

State Section Revised Regulation	Federal Regulation 10 CFR	Difference	If Different, Why
<p>20.3.3.302 EXEMPTIONS - RADIOACTIVE MATERIAL OTHER THAN SOURCE MATERIAL:</p> <p>C. Exempt items.</p> <p>2(b) Any person who desires to manufacture, process or produce, or initially transfer for sale or distribution self-luminous products containing tritium, krypton-85 or promethium-147 for use pursuant to Subparagraph (a) of this paragraph, shall apply to NRC for a license pursuant to 10 CFR 32.22, and for a certificate of registration in accordance with 10 CFR 32.210, [which license states that the product may be transferred by the licensee to persons exempt from the regulations pursuant to Subparagraph (a) of this paragraph or equivalent regulations of the NRC or an agreement state].</p>	<p><i>RATS 2012-4 Category - B</i></p> <p>§ 30.19 Self-luminous products containing tritium, krypton-85, or promethium-147</p> <p>(b) Any person who desires to manufacture, process, or produce, or initially transfer for sale or distribution self-luminous products containing tritium, krypton-85, or promethium-147 for use under paragraph (a) of this section, should apply for a license under § 32.22 of this chapter and for a certificate of registration in accordance with § 32.210 of this chapter.</p>	<p>Yes</p>	<p>New Mexico added the wording “which license states that the product may be transferred by the licensee to persons exempt from the regulations pursuant to Subparagraph (a) of this paragraph or equivalent regulations of the NRC or an agreement state” to New Mexico’s equivalent regulations to 10 CFR 30.19(b). New Mexico needs to remove the wording indicated above in order to meet the Compatibility Category B designation assigned to 10 CFR 30.20.</p> <p>NRC Review Comments letter dated 8/9/17</p>



Revisions

State Section Revised Regulation	Federal Regulation 10 CFR	Difference	If Different, Why
<p>20.3.3.302 EXEMPTIONS - RADIOACTIVE MATERIAL OTHER THAN SOURCE MATERIAL:</p> <p>C. Exempt items.</p> <p>(4)(a) Except for persons who manufacture, process, produce or initially transfer for sale or distribution gas and aerosol detectors containing byproduct material, any person is exempt from the licensing requirements in this part to the extent that such person receives, possesses, uses, transfers, owns or acquires byproduct material, in gas and aerosol detectors designed to protect health, safety [life] or property [from fires and airborne hazards], and manufactured, processed, produced or initially transferred in accordance with a specific license issued by the NRC, pursuant to 10 CFR 32.26, which license authorizes the initial transfer of the product for use under this paragraph. This exemption also covers gas and aerosol detectors manufactured or distributed before November 30, 2007 in accordance with a specific license issued by the department, agreement state or non-agreement state under comparable provisions to 10 CFR 32.26 authorizing distribution to persons exempt from regulatory requirements.</p>	<p><i>RATS 2012-4 Category - B</i></p> <p>§ 30.20 Gas and aerosol detectors containing byproduct material</p> <p>(a) Except for persons who manufacture, process, produce, or initially transfer for sale or distribution gas and aerosol detectors containing byproduct material, any person is exempt from the requirements for a license set forth in section 81 of the Act and from the regulations in parts 19, 20, 21, and 30 through 36 and 39 of this chapter to the extent that such person receives, possesses, uses, transfers, owns, or acquires byproduct material in gas and aerosol detectors designed to protect health, safety, or property, and manufactured, processed, produced, or initially transferred in accordance with a specific license issued under § 32.26 of this chapter, which license authorizes the initial transfer of the product for use under this section. This exemption also covers gas and aerosol detectors manufactured or distributed before November 30, 2007, in accordance with a specific license issued by a State under comparable provisions to § 32.26 of this chapter authorizing distribution to persons exempt from regulatory requirements.</p>	<p>Yes</p>	<p>New Mexico added the wording “from fires or airborne hazards” to New Mexico’s equivalent regulations to 10 CFR 30.20(a). New Mexico needs to remove the wording indicated above in order to meet the Compatibility Category B designation assigned to 10 CFR 30.20. New Mexico needs to remove the wording indicated above in order to meet the Compatibility Category B designation assigned to 10 CFR 30.20. NRC Review Comments letter dated 8/9/17 and Based on RATS 2012-4 letter dated 10/23/15</p>



Revisions

State Section Revised Regulation	Federal Regulation 10 CFR	Difference	If Different, Why
<p>20.3.3.302 EXEMPTIONS - RADIOACTIVE MATERIAL OTHER THAN SOURCE MATERIAL:</p> <p>C. Exempt items.</p> <p>(4)(b) Any person who desires to manufacture, process or produce gas and aerosol detectors containing byproduct material, or to initially transfer such products for use pursuant to Subparagraph (a) of this paragraph, shall apply for a license to the NRC pursuant to 10 CFR 32.26, [which license states that the product may be initially transferred by the licensee to persons exempt from the regulations pursuant to Subparagraph (a) or equivalent regulations of the NRC or an agreement state of this paragraph] and for a certificate of registration in accordance with 10 CFR 32.210.</p>	<p><i>RATS 2012-4 Category - B</i></p> <p>§ 30.20 Gas and aerosol detectors containing byproduct material</p> <p>(b) Any person who desires to manufacture, process, or produce gas and aerosol detectors containing byproduct material, or to initially transfer such products for use under paragraph (a) of this section, should apply for a license under § 32.26 of this chapter and for a certificate of registration in accordance with § 32.210 of this chapter.</p>	<p>Yes</p>	<p>New Mexico added the wording “which license states that the product may be transferred by the licensee to persons exempt from the regulations pursuant to Subparagraph (a) of this paragraph or equivalent regulations of the NRC or an agreement state” to New Mexico’s equivalent regulations to 10 CFR 30.19(b). New Mexico needs to remove the wording indicated above in order to meet the Compatibility Category B designation assigned to 10 CFR 30.20. NRC Review Comments letter dated 8/9/17</p>



Revisions

State Section Revised Regulation	Federal Regulation 10 CFR	Difference	If Different, Why
<p>20.3.3.304</p> <p>GENERAL LICENSES - SOURCE MATERIAL:</p> <p>B. Small quantities of source material.</p> <p>A general license is hereby issued authorizing commercial and industrial firms; research, educational, and medical institutions; and federal, state, and local government agencies to receive, possess, use, and transfer uranium and thorium, in their natural isotopic concentrations and in the form of depleted uranium, for research, development, educational, commercial, or operational purposes in the following forms and quantities:</p>	<p><i>RATS 2013-2 Category - B</i></p> <p>§ 40.22 Small quantities of source material</p> <p>(a) A general license is hereby issued authorizing commercial and industrial firms; research, educational, and medical institutions; and Federal, State, and local government agencies to receive, possess, use, and transfer uranium and thorium, in their natural isotopic concentrations and in the form of depleted uranium, for research, development, educational, commercial, or operational purposes in the following forms and quantities:</p>	<p>No</p>	<p>New Mexico omits the word "isotopic" from its equivalent regulation.</p> <p>New Mexico needs to add the word "isotopic" where indicated above in order to meet the Compatibility Category B designation assigned to 10 CFR 40.22(a).</p> <p>NRC Review Comments letter dated 8/9/17</p>



Revisions

State Section Revised Regulation	Federal Regulation 10 CFR	Difference	If Different, Why
<p>20.3.3.304</p> <p>GENERAL LICENSES - SOURCE MATERIAL:</p> <p>B. Small quantities of source material.</p> <p>(1) No more than 1.5 kg (3.3 lb) of uranium and thorium in dispersible forms (e.g., gaseous, liquid, powder, etc.) at any one time. Any material processed by the general licensee that alters the chemical or physical form of the material containing source material must be accounted for as a dispersible form. A person authorized to possess, use, and transfer source material under Subsection B of this section may not receive more than a total of 7 kg (15.4 lb) of uranium and thorium in any one calendar year. Persons possessing source material in excess of these limits as of August 27, 2013, may continue to possess up to 7 kg (15.4 lb) of uranium and thorium at any one time for one year beyond this date, or until the department takes final action on a pending application submitted on or before August 27, 2014, for a specific license for such material; <u>and</u></p>	<p>§ 40.22 Small quantities of source material.</p> <p>(1) No more than 1.5 kg (3.3 lb) of uranium and thorium in dispersible forms (e.g., gaseous, liquid, powder, etc.) at any one time. Any material processed by the general licensee that alters the chemical or physical form of the material containing source material must be accounted for as a dispersible form. A person authorized to possess, use, and transfer source material under this paragraph may not receive more than a total of 7 kg (15.4 lb) of uranium and thorium in any one calendar year. Persons possessing source material in excess of these limits as of August 27, 2013, may continue to possess up to 7 kg (15.4 lb) of uranium and thorium at any one time for one year beyond this date, or until the Commission takes final action on a pending application submitted on or before August 27, 2014, for a specific license for such material; and</p>	no	RCB correction to align with Federal regulations



Revisions

State Section Revised Regulation	Federal Regulation 10 CFR	Difference	If Different, Why
<p>20.3.3.304</p> <p>GENERAL LICENSES - SOURCE MATERIAL:</p> <p>B. Small quantities of source material.</p> <p>(2) No more than a total of 7 kg (15.4 lb) of uranium and thorium at any one time. A person authorized to possess, use, and transfer source material under Subsection B of this section may not receive more than a total of 70 kg (154 lb) of uranium and thorium in any one calendar year. A person may not alter the chemical or physical form of the source material possessed under this paragraph unless it is accounted for under the limits of Subsection B(1) of this section; <u>or</u></p>	<p><i>RATS 2013-2 Category - B</i></p> <p>§ 40.22 Small quantities of source material.</p> <p>(2) No more than a total of 7 kg (15.4 lb) of uranium and thorium at any one time. A person authorized to possess, use, and transfer source material under this paragraph may not receive more than a total of 70 kg (154 lb) of uranium and thorium in any one calendar year. A person may not alter the chemical or physical form of the source material possessed under this paragraph unless it is accounted for under the limits of paragraph (a)(1) of this section; or</p>	<p>Yes</p>	<p>New Mexico omits the word “or” between their equivalent regulations to 40.22(a)(2) and (3). New Mexico needs to add the word “or” as indicated above in order to meet the Compatibility Category B designation assigned to 10 CFR 40.22(a). NRC Review Comments letter dated 8/9/17</p>



Revisions

State Section Revised Regulation	Federal Regulation 10 CFR	Difference	If Different, Why
<p>20.3.3.304</p> <p>GENERAL LICENSES - SOURCE MATERIAL:</p> <p>F. No person may initially transfer or distribute source material to persons generally licensed under Subsection B(1) and (2) of this section, <u>or equivalent regulations of an agreement state</u>, unless authorized by a specific license in accordance with 10 CFR 40.54 <u>or [and]</u> equivalent <u>provisions of an agreement state [regulations under 20.3.3.307 NMAC]</u>. This prohibition does not apply to analytical laboratories returning processed samples to the client who initially provided the sample. Initial distribution of source material to persons generally licensed by Subsection A of this section before August 27, 2013, without specific authorization may continue for 1 year beyond this date. Distribution may also be continued until the NRC takes final action on a pending application for a license or license amendment to specifically authorize distribution submitted on or before August 27, 2014.</p>	<p><i>RATS 2013-2 Category - B</i></p> <p>§ 40.22 Small quantities of source material.</p> <p>(e) No person may initially transfer or distribute source material to persons generally licensed under paragraph (a)(1) or (2) of this section, or equivalent regulations of an Agreement State, unless authorized by a specific license issued in accordance with § 40.54 or equivalent provisions of an Agreement State. This prohibition does not apply to analytical laboratories returning processed samples to the client who initially provided the sample. Initial distribution of source material to persons generally licensed by paragraph (a) of this section before August 27, 2013, without specific authorization may continue for 1 year beyond this date. Distribution may also be continued until the Commission takes final action on a pending application for license or license amendment to specifically authorize distribution submitted on or before August 27, 2014.</p>	<p>Yes</p>	<p>New Mexico omits the word “or” between their equivalent regulations to 40.22(a)(2) and (3). New Mexico omits the word “or” and inserts “and” in their equivalent regulations to 40.22(e) as follows: “unless authorized by a specific license issued in accordance with §40.54 or equivalent provisions of an Agreement State.”</p> <p>New Mexico needs to add the word “or” as indicated above in order to meet the Compatibility Category B designation assigned to 10 CFR40.22(a).</p> <p>NRC Review Comments letter dated 8/9/17</p>



Revisions

State Section Revised Regulation	Federal Regulation 10 CFR	Difference	If Different, Why
<p>20.3.3.305 GENERAL LICENSES - RADIOACTIVE MATERIAL OTHER THAN SOURCE MATERIAL:</p> <p>1. Certify devices and equipment. Reserved</p> <p>[A general license is hereby issued to transfer, receive, acquire, own, possess and use radioactive material incorporated in the following devices or equipment which have been manufactured, tested and labeled by the manufacturer in accordance with the specifications in a specific license issued to the manufacturer by the NRC.]</p>	<p><i>None</i></p>	<p>Yes</p>	<p>Removed as requested by NRC Michelle Beardsley. General licenses are no longer issued for static eliminators or Ion generating tubes. Static eliminators and Ion generating tubes are listed in exemptions in 10 CFR 30.15.</p>



Revisions

State Section Revised Regulation	Federal Regulation 10 CFR	Difference	If Different, Why
<p>20.3.3.305 GENERAL LICENSES - RADIOACTIVE MATERIAL OTHER THAN SOURCE MATERIAL: A. Certain devices and equipment. [(3) Devices authorized before October 23, 2012 for use under the general license provided in 10 CFR 31.3 and in this section and manufactured, tested, and labeled by the manufacturer in accordance with the specifications contained in a specific license issued by the NRC or an agreement state.]</p>	<p><i>RATS 2012-4 Category - B</i> 10 CFR 31.3 has been removed from NRC regulations</p>	<p>Yes</p>	<p>10 CFR 31.3 has been removed from NRC regulations. New Mexico has not omitted its equivalent regulation in NMAC 20.3.3.305.A. New Mexico needs to remove their equivalent regulation to 10 CFR 31.3 to meet the Compatibility Category B designation assigned to 10 CFR 31.3. NRC Review Comments letter dated 8/9/17</p>



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State Section Revised Regulation	Federal Regulation 10 CFR	Difference	If Different, Why
<p>20.3.3.305</p> <p>GENERAL LICENSES - RADIOACTIVE MATERIAL OTHER THAN SOURCE MATERIAL:</p> <p>B. Certain detecting, measuring, gauging or controlling devices and certain devices for producing light or an ionized atmosphere.</p> <p>(1) A general license is hereby issued as required by 20.3.3.305B(3)(m) of this section to commercial and industrial firms and research, educational and medical institutions, individuals in the conduct of their business, and federal, state or local government agencies to receive, acquire, possess, use or transfer, in accordance with the provisions of Paragraphs (2), (3), and (4) of this subsection, byproduct [radioactive] material contained in devices designed and manufactured for the purpose of detecting, measuring, gauging or controlling thickness, density, level, interface location, radiation, leakage, or qualitative or quantitative chemical composition, or for producing light or an ionized atmosphere, and the device has been registered in the sealed source and device registry.</p>	<p>§ 31.5 Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere</p> <p>(a) A general license is hereby issued to commercial and industrial firms and research, educational and medical institutions, individuals in the conduct of their business, and Federal, State or local government agencies to acquire, receive, possess, use or transfer, in accordance with the provisions of paragraphs (b), (c) and (d) of this section, byproduct material contained in devices designed and manufactured for the purpose of detecting, measuring, gauging or controlling thickness, density, level, interface location, radiation, leakage, or qualitative or quantitative chemical composition, or for producing light or an ionized atmosphere.</p>	<p>No</p>	<p>RCB correction to align with Federal regulations</p>



Revisions

State Section Revised Regulation	Federal Regulation 10 CFR	Difference	If Different, Why
<p>20.3.3.305</p> <p>GENERAL LICENSES - RADIOACTIVE MATERIAL OTHER THAN SOURCE MATERIAL:</p> <p>B. Certain detecting, measuring, gauging or controlling devices and certain devices for producing light or an ionized atmosphere.</p> <p>(2) The general license in Paragraph (1) of this subsection applies only to byproduct [radioactive] material contained in devices which have been manufactured or initially transferred and labeled in accordance with the specifications contained in:</p>	<p>§ 31.5 Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere</p> <p>(b)(1) The general license in paragraph (a) of this section applies only to byproduct material contained in devices which have been manufactured or initially transferred and labeled in accordance with the specifications contained in—</p>	<p>Yes</p>	<p>RCB correction to align with Federal regulations</p>



Revisions

State Section Revised Regulation	Federal Regulation 10 CFR	Difference	If Different, Why
<p>20.3.3.305</p> <p>GENERAL LICENSES - RADIOACTIVE MATERIAL OTHER THAN SOURCE MATERIAL:</p> <p>B. Certain detecting, measuring, gauging or controlling devices and certain devices for producing light or an ionized atmosphere.</p> <p>(3) Any person who receives, acquires, possesses, uses or transfers radioactive <u>byproduct</u> material in a device pursuant to the general license in Paragraph (1) of this subsection shall comply with the following.</p>	<p>§ 31.5 Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere</p> <p>(c) Any person who acquires, receives, possesses, uses or transfers byproduct material in a device pursuant to the general license in paragraph (a) of this section:</p>	<p>Yes</p>	<p>RCB correction to align with Federal regulations</p>



Revisions

State Section Revised Regulation	Federal Regulation 10 CFR	Difference	If Different, Why
<p>20.3.3.305 GENERAL LICENSES - RADIOACTIVE MATERIAL OTHER THAN SOURCE MATERIAL: C. Luminous safety devices for use in aircraft. (1)(b) each device has been manufactured, assembled or initially transferred in accordance with a license issued under the provisions of 10 CFR 32.53 [Subsection F of 20.3.3.315 NMAC], or manufactured or assembled in accordance with a specific license issued by the NRC [or an agreement state which authorizes manufacture or assembly of the device for distribution to persons generally licensed by the NRC or an agreement state, and the device has been registered in the sealed source and device registry];</p>	<p>§ 31.7 Luminous safety devices for use in aircraft. (a) A general license is hereby issued to own, receive, acquire, possess, and use tritium or promethium-147 contained in luminous safety devices for use in aircraft, provided each device contains not more than 10 curies of tritium or 300 millicuries of promethium-147 and that each device has been manufactured, assembled or initially transferred in accordance with a license issued under the provisions of § 32.53 of this chapter or manufactured or assembled in accordance with a specific license issued by an Agreement State which authorizes manufacture or assembly of the device for distribution to persons generally licensed by the Agreement State.</p>	<p>Yes</p>	<p>RCB Correction: New Mexico does not have licensees subject to this regulation</p>



Revisions

State Section Revised Regulation	Federal Regulation 10 CFR	Difference	If Different, Why
<p>20.3.3.305 GENERAL LICENSES - RADIOACTIVE MATERIAL OTHER THAN SOURCE MATERIAL: C. Luminous safety devices for use in aircraft. (2) The applicant [Each person licensed under 10 CFR 32.53 or equivalent agreement state regulations] shall subject at least five prototypes of the device to <u>tests</u> [the required tests and satisfactorily pass the required tests] as follows:</p>	<p><i>RATS 2012-4 Category - B</i> § 32.53 Luminous safety devices for use in aircraft: Requirements for license to manufacture, assemble, repair or initially transfer. (e) The applicant shall subject at least five prototypes of the device to tests as follows:</p>	<p>Yes</p>	<p>New Mexico's equivalent regulations to 32.53(e) contain additional wording (highlighted), "(e) Each person licensed under 10 CFR 32.53 or equivalent agreement state regulations shall subject at least five prototypes of the device to the required tests and satisfactorily pass the required tests as follows:". New Mexico needs to remove this wording as it is not essentially identical. New Mexico needs to make the changes indicated above in order to meet the Compatibility Category B designation assigned to 10 CFR 32.53(e). NRC Review Comments letter dated 8/9/17</p>



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State Section Revised Regulation	Federal Regulation 10 CFR	Difference	If Different, Why
<p>20.3.3.305 GENERAL LICENSES - RADIOACTIVE MATERIAL OTHER THAN SOURCE MATERIAL: C. Luminous safety devices for use in aircraft. (3) Each person licensed under 10 CFR 32.55 or 20.3.3.305(C) NMAC [equivalent agreement state regulations] shall visually inspect each device and shall reject any that has an observable physical defect that could adversely affect containment of the tritium or promethium-147.</p>	<p><i>RATS 2012-4 Category - B</i> § 32.55 Same: Quality assurance; prohibition of transfer. (a) Each person licensed under § 32.53 shall visually inspect each device and shall reject any that has an observable physical defect that could adversely affect containment of the tritium or promethium-147.</p>	<p>Yes</p>	<p>Throughout New Mexico's equivalent regulations to 32.55, they add the phrase, "and equivalent Agreement State regulations". New Mexico needs to omit this phrase and insert their equivalent regulation to 32.53, i.e. 20.3.3.305(C). New Mexico needs to make the changes indicated above in order to meet the Compatibility Category B designation assigned to 10 CFR 32.55. NRC Review Comments letter dated 8/9/17</p>



Revisions

State Section Revised Regulation	Federal Regulation 10 CFR	Difference	If Different, Why
<p>20.3.3.305 GENERAL LICENSES - RADIOACTIVE MATERIAL OTHER THAN SOURCE MATERIAL: C. Luminous safety devices for use in aircraft. (4) Each person licensed under 10 CFR 32.53 or 20.3.3.305(C) NMAC [equivalent agreement state regulations] shall: (a) Maintain quality assurance systems in the manufacture of the luminous safety device in a manner sufficient to provide reasonable assurance that the safety-related components of the distributed devices are capable of performing their intended functions; and (b) Subject inspection lots to acceptance sampling procedures, by procedures specified in Subparagraph C(2) of this section and in the license issued under 10 CFR 32.53 or 20.3.3.305(C) NMAC [equivalent agreement state regulations] to provide at least ninety-five percent confidence that the lot tolerance percent defective of five percent will not be exceeded.</p>	<p><i>RATS 2012-4 Category - B</i> § 32.55 Same: Quality assurance; prohibition of transfer. (b) Each person licensed under § 32.53 shall: (1) Maintain quality assurance systems in the manufacture of the luminous safety device in a manner sufficient to provide reasonable assurance that the safety-related components of the distributed devices are capable of performing their intended functions; and (2) Subject inspection lots to acceptance sampling procedures, by procedures specified in paragraph (c) of this section and in the license issued under § 32.53, to provide at least 95 percent confidence that the Lot Tolerance Percent Defective of 5.0 percent will not be exceeded.</p>	<p>Yes</p>	<p>Throughout New Mexico’s equivalent regulations to 32.55, they add the phrase, “and equivalent Agreement State regulations”. New Mexico needs to omit this phrase and insert their equivalent regulation to 32.53, i.e. 20.3.3.305(C). New Mexico needs to make the changes indicated above in order to meet the Compatibility Category B designation assigned to 10 CFR 32.55. NRC Review Comments letter dated 8/9/17</p>



Revisions

State Section Revised Regulation	Federal Regulation 10 CFR	Difference	If Different, Why
<p>20.3.3.305 GENERAL LICENSES - RADIOACTIVE MATERIAL OTHER THAN SOURCE MATERIAL: C. Luminous safety devices for use in aircraft. (5)(b) inspection [inspect the inspection lot] for evidence of physical damage, containment failure, or loss of tritium or promethium-147 after each stage of testing, <u>using methods of inspection adequate for applying the following criteria for defective:</u> [using the following methods of inspection]:</p>	<p><i>RATS 2012-4 Category - B</i> § 32.55 Same: Quality assurance; prohibition of transfer. C(2) Inspection for evidence of physical damage, containment failure, or for loss of tritium or promethium-147 after each stage of testing, using methods of inspection adequate for applying the following criteria for defective:</p>	<p>Yes</p>	<p>Also, New Mexico's regulations contain the following added language: (2) Inspection [inspect the inspection lot] for evidence of physical damage, containment failure, or for loss of tritium or promethium-147 after each stage of testing, [using the following methods of inspection] using methods of inspection adequate for...". New Mexico needs to delete this additional language as it is not essentially identical to 32.55. New Mexico needs to make the changes indicated above in order to meet the Compatibility Category B designation assigned to 10 CFR 32.55. NRC Review Comments letter dated 8/9/17</p>



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State Section Revised Regulation	Federal Regulation 10 CFR	Difference	If Different, Why
<p>20.3.3.305 GENERAL LICENSES - RADIOACTIVE MATERIAL OTHER THAN SOURCE MATERIAL: C. Luminous safety devices for use in aircraft. (5)(b)(iii) Any other criteria specified in the license issued under 10 CFR 32.53 or 20.3.3.305(C) NMAC [equivalent agreement state regulations]</p>	<p><i>RATS 2012-4 Category - B</i> § 32.55 Same: Quality assurance; prohibition of transfer. (c) The licensee shall subject each inspection lot to: (iii) Any other criteria specified in the license issued under § 32.53.</p>	<p>Yes</p>	<p>Throughout New Mexico's equivalent regulations to 32.55, they add the phrase, "and equivalent Agreement State regulations". New Mexico needs to omit this phrase and insert their equivalent regulation to 32.53, i.e. 20.3.3.305(C). New Mexico needs to make the changes indicated above in order to meet the Compatibility Category B designation assigned to 10 CFR 32.55. NRC Review Comments letter dated 8/9/17</p>



Revisions

State Section Revised Regulation	Federal Regulation 10 CFR	Difference	If Different, Why
<p>20.3.3.305 GENERAL LICENSES - RADIOACTIVE MATERIAL OTHER THAN SOURCE MATERIAL: C. Luminous safety devices for use in aircraft. (6) No person licensed under 10 CFR 32.53 or <u>20.3.3.305(C) NMAC</u> [equivalent agreement state regulations] shall transfer [the following luminous safety devices] to persons generally licensed pursuant to 10 CFR 31.7 or under an equivalent general license of an agreement state:</p>	<p><i>RATS 2012-4 Category - B</i> § 32.55 Same: Quality assurance; prohibition of transfer. (d) No person licensed under § 32.53 shall transfer to persons generally licensed under § 31.7 of this chapter, or under an equivalent general license of an Agreement State: (1) Any luminous safety device tested and found defective under any condition of a license issued under § 32.53, or paragraph (b) of this section, unless the defective luminous safety device has been repaired or reworked, retested, and determined by an independent inspector to meet the applicable acceptance criteria; or</p>	<p>Yes</p>	<p>Throughout New Mexico's equivalent regulations to 32.55, they add the phrase, "and equivalent Agreement State regulations". New Mexico needs to omit this phrase and insert their equivalent regulation to 32.53, i.e. 20.3.3.305(C). NRC Review Comments letter dated 8/9/17</p>



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State Section Revised Regulation	Federal Regulation 10 CFR	Difference	If Different, Why
<p>20.3.3.305 GENERAL LICENSES - RADIOACTIVE MATERIAL OTHER THAN SOURCE MATERIAL: C. Luminous safety devices for use in aircraft. (6)(b) any luminous safety device contained within any lot that has been sampled and rejected as a result of the procedures in Subsection C(4)(b) of this section, unless a procedure for defining sub-lot size, independence, and additional testing procedures is contained in the license issued under 10 CFR 32.53 or 20.3.3.305(C) NMAC [equivalent agreement state regulations] and each individual sub-lot is sampled, tested, and accepted in accordance with Subsection C(2) of this section and any other criteria that may be required as a condition of the license issued under 10 CFR 32.53 or 20.3.3.305(C) NMAC [equivalent agreement state regulations].</p>	<p><i>RATS 2012-4 Category - B</i> § 32.55 Same: Quality assurance; prohibition of transfer. (d) (2) Any luminous safety device contained within any lot that has been sampled and rejected as a result of the procedures in paragraph (b)(2) of this section, unless: (i) A procedure for defining sub-lot size, independence, and additional testing procedures is contained in the license issued under § 32.53; and (ii) Each individual sub-lot is sampled, tested, and accepted in accordance with paragraphs (b)(2) and (d)(2)(i) of this section and any other criteria that may be required as a condition of the license issued under § 32.53.</p>	<p>Yes</p>	<p>Throughout New Mexico’s equivalent regulations to 32.55, they add the phrase, “and equivalent Agreement State regulations”. New Mexico needs to omit this phrase and insert their equivalent regulation to 32.53, i.e. 20.3.3.305(C). New Mexico needs to make the changes indicated above in order to meet the Compatibility Category B designation assigned to 10 CFR 32.55. NRC Review Comments letter dated 8/9/17</p>



Revisions

State Section Revised Regulation	Federal Regulation 10 CFR	Difference	If Different, Why
<p>20.3.3.306</p> <p>TRANSPORTATION OF RADIOACTIVE MATERIAL:</p> <p>C. The following modifications are made to the incorporated federal regulations in this section:</p> <p>(1) "commission" means the department or NRC <u>except as specified in subsection (4) below;</u></p>	<p><i>RATS 2015-3 category - B</i></p> <p>10 CFR 71 PACKAGING AND TRANSPORTATION OF RADIOACTIVE MATERIAL- See attachment 10 CFR 71_20.3.3.306 Amendments Highlighted</p>	<p>Yes</p>	<p>NM states that references to the "Commission" means the "department or NRC." NM needs to delete this statement and explicitly specify that the term "commission" applies to the NRC. NM needs to make the changes indicated above to meet the various Compatibility Category designations assigned to 10 CFR Part 71.</p> <p>NRC Review Comments letter dated 1/16/18</p>



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State Section Revised Regulation	Federal Regulation 10 CFR	Difference	If Different, Why
<p>20.3.3.306</p> <p>TRANSPORTATION OF RADIOACTIVE MATERIAL:</p> <p>C. The following modifications are made to the incorporated federal regulations in this section:</p> <p><u>(4) All reference in 10 CFR to “commission” and “NRC” are changed to Department as follows: 71.17(a), 71.17(b), 71.21, 71.91(c), 71.91(d), 71.101(c)(1), 71.106(a), 71.106(a)(1), 71.106(b) and 71.106(b)(1).</u></p>	<p><i>RATS 2015-3 category - B</i></p> <p>§ 71.17 General license: NRC-approved package.</p> <p>(a) A general license is issued to any licensee of the Commission to transport, or to deliver to a carrier for transport, licensed material in a package for which a license, certificate of compliance (CoC), or other approval has been issued by the NRC.</p> <p>(b) This general license applies only to a licensee who has a quality assurance program approved by the Commission as satisfying the provisions of subpart H of this part.</p>	<p>Yes</p>	<p>NM needs to indicate that the references to the "Commission" and "NRC" in this section should be replaced with the NM agency. NM needs to make the change indicated above to meet the Compatibility Category B designation assigned to 10 CFR 71.17 a.</p> <p>NM needs to make the changes indicated above to meet the Compatibility Category B designation assigned to 10 CFR 71.17 b .</p> <p>NRC Review Comments letter dated 1/16/18</p>



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State Section Revised Regulation	Federal Regulation 10 CFR	Difference	If Different, Why
<p>20.3.3.306</p> <p>TRANSPORTATION OF RADIOACTIVE MATERIAL:</p> <p>C. The following modifications are made to the incorporated federal regulations in this section:</p> <p>(4) All reference in 10 CFR to “commission” and “NRC” are changed to Department as follows:</p> <p><u>71.17(a), 71.17(b), 71.21, 71.91(c), 71.91(d), 71.101(c)(1), 71.106(a), 71.106(a)(1), 71.106(b) and 71.106(b)(1).</u></p>	<p><i>RATS 2015-3 category - B</i></p> <p>§ 71.21 General license: Use of foreign approved package.</p> <p>(a) A general license is issued to any licensee of the Commission to transport, or to deliver to a carrier for transport, licensed material in a package, the design of which has been approved in a foreign national competent authority certificate, that has been revalidated by the DOT as meeting the applicable requirements of 49 CFR 171.23.</p> <p>(b) Except as otherwise provided in this section, the general license applies only to a licensee who has a quality assurance program approved by the Commission as satisfying the applicable provisions of subpart H of this part.</p> <p>(c) This general license applies only to shipments made to or from locations outside the United States.</p> <p>(d) Each licensee issued a general license under paragraph (a) of this section shall—</p> <p>(1) Maintain a copy of the applicable certificate, the revalidation, and the drawings and other documents referenced in the certificate, relating to the use and maintenance of the packaging and to the actions to be taken before shipment; and</p> <p>(2) Comply with the terms and conditions of the certificate and revalidation, and with the applicable requirements of subparts A, G, and H of this part.</p>	<p>Yes</p>	<p>NM needs to indicate that the references to the "Commission" in this section should be replaced with the NM agency.</p> <p>NM needs to make the change indicated above to meet the Compatibility Category B designation assigned to 10 CFR 71.21.</p> <p>NRC Review Comments letter dated 1/16/18</p>



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State Section Revised Regulation	Federal Regulation 10 CFR	Difference	If Different, Why
<p>20.3.3.306</p> <p>TRANSPORTATION OF RADIOACTIVE MATERIAL:</p> <p>C. The following modifications are made to the incorporated federal regulations in this section:</p> <p>(4) <u>All reference in 10 CFR to “commission” and “NRC” are changed to Department as follows: 71.17(a), 71.17(b), 71.21, 71.91(c), 71.91(d), 71.101(c)(1), 71.106(a), 71.106(a)(1), 71.106(b) and 71.106(b)(1).</u></p>	<p><i>RATS 2015-3 category - C</i></p> <p>§ 71.91 Records.</p> <p>(c) The licensee, certificate holder, and an applicant for a CoC, shall make available to the Commission for inspection, upon reasonable notice, all records required by this part. Records are only valid if stamped, initialed, or signed and dated by authorized personnel, or otherwise authenticated.</p>	<p>Yes</p>	<p>As the NRC has sole authority for issuing a Certificate of Compliance (COC), NM needs to indicate that the terms "certificate holder, and applicant for a COC" in this section apply to the NRC.</p> <p>NM needs to indicate that the references to the "Commission" in this section should be replaced with the NM agency.</p> <p>NM needs to make the changes indicated above to meet the Compatibility Category C designation assigned to 10 CFR 71.91 c.</p> <p>NRC Review Comments letter dated 1/16/18</p>



Revisions

State Section Revised Regulation	Federal Regulation 10 CFR	Difference	If Different, Why
<p>20.3.3.306</p> <p>TRANSPORTATION OF RADIOACTIVE MATERIAL:</p> <p>C. The following modifications are made to the incorporated federal regulations in this section:</p> <p>(4) <u>All reference in 10 CFR to “commission” and “NRC” are changed to Department as follows: 71.17(a), 71.17(b), 71.21, 71.91(c), 71.91(d), 71.101(c)(1), 71.106(a), 71.106(a)(1), 71.106(b) and 71.106(b)(1).</u></p>	<p><i>RATS 2015-3 category - C</i></p> <p>§ 71.91 Records.</p> <p>(d) The licensee, certificate holder, and an applicant for a CoC shall maintain sufficient written records to furnish evidence of the quality of packaging. The records to be maintained include results of the determinations required by § 71.85; design, fabrication, and assembly records; results of reviews, inspections, tests, and audits; results of monitoring work performance and materials analyses; and results of maintenance, modification, and repair activities. Inspection, test, and audit records must identify the inspector or data recorder, the type of observation, the results, the acceptability, and the action taken in connection with any deficiencies noted. These records must be retained for 3 years after the life of the packaging to which they apply.</p>	<p>Yes</p>	<p>As the NRC has sole authority for issuing a Certificate of Compliance, NM needs to indicate that the terms "certificate holder, and applicant for a COC" in this section apply to the NRC.</p> <p>NM needs to indicate that the references to the "Commission" in this section should be replaced with the NM agency.</p> <p>NM needs to make the changes indicated above to meet the Compatibility Category C designation assigned to 10 CFR 71.91 d .</p> <p>NRC Review Comments letter dated 1/16/18</p>



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State Section Revised Regulation	Federal Regulation 10 CFR	Difference	If Different, Why
<p>20.3.3.306</p> <p>TRANSPORTATION OF RADIOACTIVE MATERIAL:</p> <p>C. The following modifications are made to the incorporated federal regulations in this section:</p> <p>(4) All reference in 10 CFR to “commission” and “NRC” are changed to Department as follows: 71.17(a), 71.17(b), 71.21, 71.91(c), 71.91(d), 71.101(c)(1), 71.106(a), 71.106(a)(1), 71.106(b) and 71.106(b)(1).</p>	<p><i>RATS 2015-3 category - C</i></p> <p>§ 71.101 Quality assurance requirements.</p> <p>(c) Approval of program.</p> <p>(1) Before the use of any package for the shipment of licensed material subject to this subpart, each licensee shall obtain Commission approval of its quality assurance program. Using an appropriate method listed in § 71.1(a), each licensee shall file a description of its quality assurance program, including a discussion of which requirements of this subpart are applicable and how they will be satisfied, by submitting the description to: ATTN: Document Control Desk, Director, Division of Spent Fuel Management, Office of Nuclear Material Safety and Safeguards.</p>	<p>Yes</p>	<p>NM needs to indicate that the references to the "Commission" in this section should be replaced with the NM agency.</p> <p>NM needs to indicate that their licensee's quality assurance programs should be sent to the NM agency and indicate the mailing address for the NM Agency.</p> <p>NM needs to make the changes indicated above to meet the Compatibility Category C designation</p> <p>assisted to 10 CFR 71.101 c 1 .</p> <p>NRC Review Comments letter dated 1/16/18</p>



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State Section Revised Regulation	Federal Regulation 10 CFR	Difference	If Different, Why
<p>20.3.3.306</p> <p>TRANSPORTATION OF RADIOACTIVE MATERIAL:</p> <p>C. The following modifications are made to the incorporated federal regulations in this section:</p> <p><u>(4) All reference in 10 CFR to “commission” and “NRC” are changed to Department as follows: 71.17(a), 71.17(b), 71.21, 71.91(c), 71.91(d), 71.101(c)(1), 71.106(a), 71.106(a)(1), 71.106(b) and 71.106(b)(1).</u></p>	<p><i>RATS 2015-3 category -C</i></p> <p>§ 71.106 Changes to quality assurance program.</p> <p>(a) Each quality assurance program approval holder shall submit, in accordance with § 71.1(a), a description of a proposed change to its NRC-approved quality assurance program that will reduce commitments in the program description as approved by the NRC. The quality assurance program approval holder shall not implement the change before receiving NRC approval.</p>	<p>Yes</p>	<p>NM needs to indicate that the references to the "Commission" in this section should be replaced with the NM agency.</p> <p>NM needs to make the change indicated above to meet the Compatibility Category C designation assigned to 10 CFR 71.106 a.</p> <p>NRC Review Comments letter dated 1/16/18</p>



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State Section Revised Regulation	Federal Regulation 10 CFR	Difference	If Different, Why
<p>20.3.3.306</p> <p>TRANSPORTATION OF RADIOACTIVE MATERIAL:</p> <p>C. The following modifications are made to the incorporated federal regulations in this section:</p> <p><u>(4) All reference in 10 CFR to "commission" and "NRC" are changed to Department as follows: 71.17(a), 71.17(b), 71.21, 71.91(c), 71.91(d), 71.101(c)(1), 71.106(a), 71.106(a)(1), 71.106(b) and 71.106(b)(1).</u></p>	<p><i>RATS 2015-3 category - C</i></p> <p>§ 71.106 Changes to quality assurance program.</p> <p>(a)</p> <p>(1) The description of a proposed change to the NRC-approved quality assurance program must identify the change, the reason for the change, and the basis for concluding that the revised program incorporating the change continues to satisfy the applicable requirements of subpart H of this part.</p>	<p>Yes</p>	<p>NM needs to indicate that the references to the "NRC" in this section should be replaced with the NM agency.</p> <p>NM needs to make the change indicated above to meet the Compatibility Category C designation assigned to 10 CFR 71.106 a 1 .</p> <p>NRC Review Comments letter dated 1/16/18</p>



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State Section Revised Regulation	Federal Regulation 10 CFR	Difference	If Different, Why
<p>20.3.3.306</p> <p>TRANSPORTATION OF RADIOACTIVE MATERIAL:</p> <p>C. The following modifications are made to the incorporated federal regulations in this section:</p> <p>(4) All reference in 10 CFR to “commission” and “NRC” are changed to Department as follows:</p> <p><u>71.17(a), 71.17(b), 71.21, 71.91(c), 71.91(d), 71.101(c)(1), 71.106(a), 71.106(a)(1), 71.106(b) and 71.106(b)(1).</u></p>	<p><i>RATS 2015-3 category - C</i></p> <p>§ 71.106 Changes to quality assurance program.</p> <p>(b) Each quality assurance program approval holder may change a previously approved quality assurance program without prior NRC approval, if the change does not reduce the commitments in the quality assurance program previously approved by the NRC. Changes to the quality assurance program that do not reduce the commitments shall be submitted to the NRC every 24 months, in accordance with § 71.1(a). In addition to quality assurance program changes involving administrative improvements and clarifications, spelling corrections, and non-substantive changes to punctuation or editorial items, the following changes are not considered reductions in commitment:</p>	<p>Yes</p>	<p>NM needs to indicate that the references to the "NRC" in this section should be replaced with the NM agency.</p> <p>NM needs to make the change indicated above to meet the Compatibility Category C designation assigned to 10 CFR 71.106 b.</p> <p>NRC Review Comments letter dated 1/16/18</p>



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State Section Revised Regulation	Federal Regulation 10 CFR	Difference	If Different, Why
<p>20.3.3.306</p> <p>TRANSPORTATION OF RADIOACTIVE MATERIAL:</p> <p>C. The following modifications are made to the incorporated federal regulations in this section:</p> <p>(4) All reference in 10 CFR to "commission" and "NRC" are changed to Department as follows:</p> <p><u>71.17(a), 71.17(b), 71.21, 71.91(c), 71.91(d), 71.101(c)(1), 71.106(a), 71.106(a)(1), 71.106(b) and 71.106(b)(1).</u></p>	<p><i>RATS 2015-3 category - B</i></p> <p>§ 71.106 Changes to quality assurance program.</p> <p>(b)(1) The use of a quality assurance standard approved by the NRC that is more recent than the quality assurance standard in the certificate holder's or applicant's current quality assurance program at the time of the change;</p>	<p>Yes</p>	<p>NM needs to indicate that the references to the "Commission" and "NRC" in this section should be replaced with the NM agency. NM needs to make the change indicated above to meet the Compatibility Category C designation assigned to 10 CFR 71.106 b 1 .</p> <p>NRC Review Comments letter dated 1/16/18</p>



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State Section Revised Regulation	Federal Regulation 10 CFR	Difference	If Different, Why
<p>20.3.3.306</p> <p>TRANSPORTATION OF RADIOACTIVE MATERIAL:</p> <p>C. The following modifications are made to the incorporated federal regulations in this section: <u>(5) all reference in 10 CFR to “certificate holder”, “applicant” and “applicant for a certificate of compliance (COC)” apply to the NRC as follows</u> <u>71.91(c), 71.91(d), 71.101(a), 71.101(b), 71.103(a) and 71.135.</u></p>	<p><i>RATS 2015-3 category - C</i></p> <p>§ 71.91 Records.</p> <p>(c) The licensee, certificate holder, and an applicant for a CoC, shall make available to the Commission for inspection, upon reasonable notice, all records required by this part. Records are only valid if stamped, initialed, or signed and dated by authorized personnel, or otherwise authenticated.</p>	<p>No</p>	<p>As the NRG has sole authority for issuing a Certificate of Compliance (COC), NM needs to indicate that the terms "certificate holder, and applicant for a COC" in this section apply to the NRG.</p> <p>NM needs to indicate that the references to the "Commission" in this section should be replaced with the NM agency.</p> <p>NM needs to make the changes indicated above to meet the Compatibility Category C designation assigned to 10 CFR 71.91 c .</p> <p>NRC Review Comments letter dated 1/16/18</p>



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State Section Revised Regulation	Federal Regulation 10 CFR	Difference	If Different, Why
<p>20.3.3.306</p> <p>TRANSPORTATION OF RADIOACTIVE MATERIAL:</p> <p>C. The following modifications are made to the incorporated federal regulations in this section: <u>(5) all reference in 10 CFR to “certificate holder”, “applicant” and “applicant for a certificate of compliance (COC)” apply to the NRC as follows 71.91(c), 71.91(d), 71.101(a), 71.101(b), 71.103(a) and 71.135.</u></p>	<p><i>RATS 2015-3 category - C</i></p> <p>§ 71.91 Records</p> <p>(d) The licensee, certificate holder, and an applicant for a CoC shall maintain sufficient written records to furnish evidence of the quality of packaging. The records to be maintained include results of the determinations required by § 71.85; design, fabrication, and assembly records; results of reviews, inspections, tests, and audits; results of monitoring work performance and materials analyses; and results of maintenance, modification, and repair activities. Inspection, test, and audit records must identify the inspector or data recorder, the type of observation, the results, the acceptability, and the action taken in connection with any deficiencies noted. These records must be retained for 3 years after the life of the packaging to which they apply.</p>	<p>No</p>	<p>As the NRG has sole authority for issuing a Certificate of Compliance, NM needs to indicate that the terms "certificate holder, and applicant for a COG" in this section apply to the NRG.</p> <p>NM needs to indicate that the references to the "Commission" in this section should be replaced with the NM agency.</p> <p>NM needs to make the changes indicated above to meet the Compatibility Category C designation assigned to 10 CFR 71.91 d .</p> <p>NRC Review Comments letter dated 1/16/18</p>



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State Section Revised Regulation	Federal Regulation 10 CFR	Difference	If Different, Why
<p>20.3.3.306</p> <p>TRANSPORTATION OF RADIOACTIVE MATERIAL:</p> <p>C. The following modifications are made to the incorporated federal regulations in this section: (5) all reference in 10 CFR to “certificate holder”, “applicant” and “applicant for a certificate of compliance (COC)” apply to the NRC as follows 71.91(c), 71.91(d), 71.101(a), 71.101(b), 71.103(a) and 71.135.</p>	<p><i>RATS 2015-3 category -C</i></p> <p>§ 71.101 Quality assurance requirements</p> <p>(a) Purpose. This subpart describes quality assurance requirements applying to design, purchase, fabrication, handling, shipping, storing, cleaning, assembly, inspection, testing, operation, maintenance, repair, and modification of components of packaging that are important to safety. As used in this subpart, "quality assurance" comprises all those planned and systematic actions necessary to provide adequate confidence that a system or component will perform satisfactorily in service. Quality assurance includes quality control, which comprises those quality assurance actions related to control of the physical characteristics and quality of the material or component to predetermined requirements. Each certificate holder and applicant for a package approval is responsible for satisfying the quality assurance requirements that apply to design, fabrication, testing, and modification of packaging subject to this subpart. Each licensee is responsible for satisfying the quality assurance requirements that apply to its use of a packaging for the shipment of licensed material subject to this subpart.</p>	<p>No</p>	<p>As the NRC has sole authority for issuing a Certificate of Compliance, NM needs to indicate that the terms "certificate holder, and applicant for a COC" in this section apply to the NRC.</p> <p>NM needs to make the change indicated above to meet the Compatibility Category C designation assigned to 10 CFR 71.101 a.</p> <p>NRC Review Comments letter dated 1/16/18</p>



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State Section Revised Regulation	Federal Regulation 10 CFR	Difference	If Different, Why
<p>20.3.3.306</p> <p>TRANSPORTATION OF RADIOACTIVE MATERIAL:</p> <p>C. The following modifications are made to the incorporated federal regulations in this section:</p> <p>(5) all reference in 10 CFR to “certificate holder”, “applicant” and “applicant for a certificate of compliance (COC)” apply to the NRC as follows 71.91(c), 71.91(d), 71.101(a), 71.101(b), 71.103(a) and 71.135.</p>	<p><i>RATS 2015-3 category - C</i></p> <p>§ 71.101 Quality assurance requirements</p> <p>(b) Establishment of program. Each licensee, certificate holder, and applicant for a CoC shall establish, maintain, and execute a quality assurance program satisfying each of the applicable criteria of §§ 71.101 through 71.137 and satisfying any specific provisions that are applicable to the licensee's activities including procurement of packaging. The licensee, certificate holder, and applicant for a CoC shall execute the applicable criteria in a graded approach to an extent that is commensurate with the quality assurance requirement's importance to safety.</p>	<p>no</p>	<p>As the NRC has sole authority for issuing a Certificate of Compliance, NM needs to indicate that the terms "certificate holder, and applicant for a COC" in this section apply to the NRC.</p> <p>NM needs to make the change indicated above to meet the Compatibility Category C designation assigned to 10 CFR 71.101 b.</p> <p>NRC Review Comments letter dated 1/16/18</p>



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State Section Revised Regulation	Federal Regulation 10 CFR	Difference	If Different, Why
<p>20.3.3.306</p> <p>TRANSPORTATION OF RADIOACTIVE MATERIAL:</p> <p>C. The following modifications are made to the incorporated federal regulations in this section: <u>(5) all reference in 10 CFR to “certificate holder”, “applicant” and “applicant for a certificate of compliance (COC)” apply to the NRC as follows 71.91(c), 71.91(d), 71.101(a), 71.101(b), 71.103(a) and 71.135.</u></p>	<p><i>RATS 2015-3 category - C</i></p> <p>§ 71.103 Quality assurance organization.</p> <p>(a) The licensee, certificate holder, and applicant for a Certificate of Compliance shall be responsible for the establishment and execution of the quality assurance program. The licensee, certificate holder, and applicant for a Certificate of Compliance may delegate to others, such as contractors, agents, or consultants, the work of establishing and executing the quality assurance program, or any part of the quality assurance program, but shall retain responsibility for the program. These activities include performing the functions associated with attaining quality objectives and the quality assurance functions.</p>	<p>no</p>	<p>As the NRC has sole authority for issuing a Certificate of Compliance, NM needs to indicate that the terms "certificate holder, and applicant for a COC" in this section apply to the NRC.</p> <p>NM needs to make the change indicated above to meet the Compatibility Category C designation assigned to 10 CFR 71.103 a.</p> <p>NRC Review Comments letter dated 1/16/18</p>



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State Section Revised Regulation	Federal Regulation 10 CFR	Difference	If Different, Why
<p>20.3.3.306</p> <p>TRANSPORTATION OF RADIOACTIVE MATERIAL:</p> <p>C. The following modifications are made to the incorporated federal regulations in this section: <u>(5) all reference in 10 CFR to “certificate holder”, “applicant” and “applicant for a certificate of compliance (COC)” apply to the NRC as follows 71.91(c), 71.91(d), 71.101(a), 71.101(b), 71.103(a) and 71.135.</u></p>	<p><i>RATS 2015-3 category - C</i></p> <p>§ 71.135 Quality assurance records.</p> <p>The licensee, certificate holder, and applicant for a Certificate of Compliance shall maintain sufficient written records to describe the activities affecting quality. These records must include changes to the quality assurance program as required by § 71.106, the instructions, procedures, and drawings required by § 71.111 to prescribe quality assurance activities, and closely related specifications such as required qualifications of personnel, procedures, and equipment. The records must include the instructions or procedures that establish a records retention program that is consistent with applicable regulations and designates factors such as duration, location, and assigned responsibility. The licensee, certificate holder, and applicant for a Certificate of Compliance shall retain these records for 3 years beyond the date when the licensee, certificate holder, and applicant for a Certificate of Compliance last engage in the activity for which the quality assurance program was developed. If any portion of the quality assurance program, written procedures or instructions is superseded, the licensee, certificate holder, and applicant for a Certificate of Compliance shall retain the superseded material for 3 years after it is superseded.</p>	<p>no</p>	<p>As the NRC has sole authority for issuing a Certificate of Compliance, NM needs to indicate that the terms "certificate holder, and applicant for a COC" in this section apply to the NRC.</p> <p>NM needs to make the change indicated above to meet the Compatibility Category C designation assigned to 10 CFR 71.135.</p> <p>NRC Review Comments letter dated 1/16/18</p>



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State Section Revised Regulation	Federal Regulation 10 CFR	Difference	If Different, Why
<p>20.3.3.306</p> <p>TRANSPORTATION OF RADIOACTIVE MATERIAL:</p> <p>D. The following provisions contained in 10 CFR 71 are applicable to the NRC and not incorporated in this section: 71.11, 71.14(b), 71.19, 71.31, 71.33, 71.35, 71.37, 71.38, 71.39, 71.41, 71.43, 71.45, 71.51, 71.55, 71.59, 71.61, 71.63, 71.64, 71.65, 71.70, 71.71, 71.73, 71.74, 71.75, 71.77, 71.85(a)-(c), 71.91(b), 71.101(c)(2), (d), and (e), 71.107, 71.109, 71.111, 71.113, 71.115, 71.117, 71.119, 71.121, 71.123, and 71.125.</p>	<p><i>RATS 2015-3 category - NRC</i></p> <p>§ 71.11 Protection of Safeguards Information</p> <p>Each licensee, certificate holder, or applicant for a Certificate of Compliance for a transportation package for transport of irradiated reactor fuel, strategic special nuclear material, a critical mass of special nuclear material, or byproduct material in quantities determined by the Commission through order or regulation to be significant to the public health and safety or the common defense and security, shall protect Safeguards Information against unauthorized disclosure in accordance with the requirements in § 73.21 and the requirements of § 73.22 or § 73.23 of this chapter, as applicable.</p>	<p>no</p>	<p>NM needs to except 71.11, 71.70, 71.85(a)-(c), and 71.91(b) from incorporation by reference as they are reserved to the NRC. NM needs to make the change indicated above to meet the Compatibility Category NRC designation assigned to 10 CFR 71.11, 71.70, 71.85(a)-(c), and 71.91 b.</p> <p>NRC Review Comments letter dated 1/16/18</p>



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State Section Revised Regulation	Federal Regulation 10 CFR	Difference	If Different, Why
<p>20.3.3.306</p> <p>TRANSPORTATION OF RADIOACTIVE MATERIAL:</p> <p>D. The following provisions contained in 10 CFR 71 are applicable to the NRC and not incorporated in this section: 71.11, 71.14(b), 71.19, 71.31, 71.33, 71.35, 71.37, 71.38, 71.39, 71.41, 71.43, 71.45, 71.51, 71.55, 71.59, 71.61, 71.63, 71.64, 71.65, 71.70, 1.71, 71.73, 71.74, 71.75, 71.77, 71.85(a)-(c), 71.91(b), 71.101(c)(2), (d), and (e), 71.107, 71.109, 71.111, 71.113, 71.115, 71.117, 71.119, 71.121, 71.123, and 71.125.</p>	<p><i>RATS 2015-3 category - NRC</i></p> <p>§ 71.70 Incorporations by reference.</p> <p>(a) The materials listed in this section are incorporated by reference in the corresponding sections noted and made a part of the regulations in part 71. These incorporations by reference were approved by the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. These materials are incorporated as they exist on the date of the approval. A notice of any changes made to the material incorporated by reference will be published in the Federal Register, and the material must be available to the public. The materials can be examined, by appointment, at the NRC's Technical Library, which is located at Two White Flint North, 11545 Rockville Pike, Rockville, Maryland 20852; telephone: 301-415-7000; email: Library.Resource@nrc.gov. The materials are also available from the sources listed below. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 1-202-741-6030 or go to http://www.archives.gov/federal-register/cfr/ibr-locations.html.</p>	<p>no</p>	<p>NM needs to except 71.11, 71.70, 71.85(a)-(c), and 71.91(b) from incorporation by reference as they are reserved to the NRC. NM needs to make the change indicated above to meet the Compatibility Category NRC designation assigned to 10 CFR 71.11, 71.70, 71.85(a)-(c), and 71.91 b.</p> <p>NRC Review Comments letter dated 1/16/18</p>



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State Section Revised Regulation	Federal Regulation 10 CFR	Difference	If Different, Why
	<p>§ 71.70 Incorporations by reference. Continued</p> <p>(b) International Organization for Standardization, ISO Central Secretariat, Chemin de Blandonnet 8 CP 401, 1214 Vernier, Geneva, Switzerland; email: central@iso.org; phone: +41 22 749 01 11; Web site: http://www.iso.org.</p> <p>(1) ISO 9978:1992(E), "Radiation protection—Sealed radioactive sources—Leakage test methods," First Edition (February 15, 1992), incorporation by reference approved for § 71.75(a), is available for purchase from the American National Standards Institute, 25 West 43rd Street, 4th Floor, New York, NY 10036, 212-642-4900, http://www.ansi.org, or info@ansi.org.</p> <p>(2) ISO 2919:1999(E), "Radiation protection—Sealed radioactive sources—General requirements and classification," Second Edition (February 15, 1999), incorporation by reference approved for § 71.75(d), is available on http://www.amazon.com.</p>		



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State Section Revised Regulation	Federal Regulation 10 CFR	Difference	If Different, Why
<p>20.3.3.306</p> <p>TRANSPORTATION OF RADIOACTIVE MATERIAL:</p> <p>D. The following provisions contained in 10 CFR 71 are applicable to the NRC and not incorporated in this section: 71.11, 71.14(b), 71.19, 71.31, 71.33, 71.35, 71.37, 71.38, 71.39, 71.41, 71.43, 71.45, 71.51, 71.55, 71.59, 71.61, 71.63, 71.64, 71.65, 71.70, 71.71, 71.73, 71.74, 71.75, 71.77, 71.85(a)-(c), 71.91(b), 71.101(c)(2), (d), and (e), 71.107, 71.109, 71.111, 71.113, 71.115, 71.117, 71.119, 71.121, 71.123, and 71.125.</p>	<p><i>RATS 2015-3 category - NRC</i></p> <p>§ 71.85 Preliminary determinations.</p> <p>Before the first use of any packaging for the shipment of licensed material —</p> <p>(a) The certificate holder shall ascertain that there are no cracks, pinholes, uncontrolled voids, or other defects that could significantly reduce the effectiveness of the packaging;</p> <p>(b) Where the maximum normal operating pressure will exceed 35 kPa (5 lbf/in²) gauge, the certificate holder shall test the containment system at an internal pressure at least 50 percent higher than the maximum normal operating pressure, to verify the capability of that system to maintain its structural integrity at that pressure;</p> <p>(c) The certificate holder shall conspicuously and durably mark the packaging with its model number, serial number, gross weight, and a package identification number assigned by the NRC. Before applying the model number, the certificate holder shall determine that the packaging has been fabricated in accordance with the design approved by the Commission; and</p> <p>(d) The licensee shall ascertain that the determinations in paragraphs (a) through (c) of this section have been made.</p>	<p>no</p>	<p>NM needs to except 71.11, 71.70, 71.85(a)-(c), and 71.91(b) from incorporation by reference as they are reserved to the NRC. NM needs to make the change indicated above to meet the Compatibility Category NRC designation assigned to 10 CFR 71.11, 71.70, 71.85(a)-(c), and 71.91 b.</p> <p>NRC Review Comments letter dated 1/16/18</p>



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State Section Revised Regulation	Federal Regulation 10 CFR	Difference	If Different, Why
<p>20.3.3.306</p> <p>TRANSPORTATION OF RADIOACTIVE MATERIAL:</p> <p>D. The following provisions contained in 10 CFR 71 are applicable to the NRC and not incorporated in this section: 71.11, 71.14(b), 71.19, 71.31, 71.33, 71.35, 71.37, 71.38, 71.39, 71.41, 71.43, 71.45, 71.51, 71.55, 71.59, 71.61, 71.63, 71.64, 71.65, 71.70, 71.71, 71.73, 71.74, 71.75, 71.77, 71.85(a)-(c), 71.91(b), 71.101(c)(2), (d), and (e), 71.107, 71.109, 71.111, 71.113, 71.115, 71.117, 71.119, 71.121, 71.123, and 71.125.</p>	<p><i>RATS 2015-3 category - NRC</i></p> <p>§ 71.91 Records.</p> <p>(b) Each certificate holder shall maintain, for a period of 3 years after the life of the packaging to which they apply, records identifying the packaging by model number, serial number, and date of manufacture.</p>	<p>no</p>	<p>NM needs to except 71.11, 71.70, 71.85(a)-(c), and 71.91(b) from incorporation by reference as they are reserved to the NRC. NM needs to make the change indicated above to meet the Compatibility Category NRC designation assigned to 10 CFR 71.11, 71.70, 71.85(a)-(c), and 71.91 b.</p> <p>NRC Review Comments letter dated 1/16/18</p>



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State Section Revised Regulation	Federal Regulation 10 CFR	Difference	If Different, Why
<p>20.3.3.307</p> <p>FILING APPLICATION FOR SPECIFIC LICENSES:</p> <p>E. An application for a specific license of category 1 and category 2 quantities of radioactive material shall comply with 10 CFR 37. The licensee shall comply with 10 CFR 37 except as follows:</p> <p>(1) Any reference to the commission or NRC shall be deemed a reference to the department;</p> <p>(2) 10 CFR 37.5 definitions of agreement state, byproduct material, commission and person shall not be applicable;</p> <p>(3) 10 CFR 37.7, 10 CFR 37.9, 10 CFR 37.11(a) and (b), 10 CFR 37.13, 10 CFR 37.27(c), 10 CFR 37.105, and 10 CFR 37.107 shall not be applicable; and</p> <p>(4) The license required report of events or notification in 10 CFR 37.45, 10 CFR 37.57, 10 CFR 37.77(a) through (d), and 10 CFR 37.81 shall use the following address: New Mexico Environment Department/RCB, P.O. Box 5469, Santa Fe, NM 87502-5469.</p>	<p>RATS 2013-1 category - B</p> <p>§ 37.27 Requirements for criminal history records checks of individuals granted unescorted access to category 1 or category 2 quantities of radioactive material.</p> <p>(c) Procedures for processing of fingerprint checks.</p>	<p>Yes</p>	<p>New Mexico adopts Part 37 by reference and states, “any reference made to the commission or NRC shall be deemed a reference to the department”. This does not apply to 10 CFR 37.27(c) fingerprint submissions.</p> <p>New Mexico needs to exempt 37.27(c) from 20.3.3.307.E (1) in order to meet the Compatibility Category B designation assigned to 10 CFR 37.27(c).</p> <p>NRC Review Comments letter dated 8/9/17</p>



Revisions

State Section Revised Regulation	Federal Regulation 10 CFR	Difference	If Different, Why
<p>20.3.3.307</p> <p>FILING APPLICATION FOR SPECIFIC LICENSES:</p> <p>L. An application for a specific license to transfer source material under <u>this section</u> [10 CFR 40].</p> <p>(1) An application for a specific license to initially transfer source material for use under [10 CFR 40.22, and equivalent regulations] <u>20.3.3.307</u> [20.3.3.304.B]</p> <p>NMAC, will be approved if:</p> <p>(a) the applicant satisfies the general requirements specified in 10 CFR 40.32 and equivalent regulations 20.3.3.307 NMAC; and</p> <p>(b) the applicant submits adequate information on, and the <u>department</u> [NRC] approves the methods to be used for quality control, labeling, and providing safety instructions to recipients.</p>		Yes	<p>RCB correction</p> <ol style="list-style-type: none"> 1. New Mexico has its own equivalent regulation 2. Incorrect reference: 10 CFR 40.22 is for a general license 3. Incorrect reference: 20.3.3.304.B is for a general license 4. The department issues the license



Revisions

State Section Revised Regulation	Federal Regulation 10 CFR	Difference	If Different, Why
<p>20.3.3.307</p> <p>FILING APPLICATION FOR SPECIFIC LICENSES:</p> <p>L. Continued</p> <p>(2) Each person licensed under this section [10 CFR 40.54] shall label the immediate container of each quantity of source material with the type of source material and quantity of material and the words, “radioactive material.”</p> <p>(B) Each person licensed under this section [10 CFR 40.54] shall ensure that the quantities and concentrations of source material are as labeled and indicated in any transfer records.</p> <p>(A) Each person licensed under this section [10 CFR 40.54] shall provide the information specified in this paragraph to each person to whom source material is transferred for use under this section [10 CFR 40.22 and 20.3.3.304.B NMAC]. This information must be transferred before the source material is transferred for the first time in each calendar year to the particular recipient. The required information includes:</p>	<p><i>RATS 2013-1 category - B</i></p>	<p>Yes</p>	<p>Throughout their equivalent regulations to 40.55, New Mexico references 10 CFR “40.54”. As New Mexico has equivalent regulations to 40.54, they should cite their regulations and not “40.54”.</p> <p>New Mexico needs to make the changes indicated above in order to meet the Compatibility Category B designation assigned to 10 CFR 40.55.</p> <p>NRC Review Comments letter dated 8/9/17</p>



Revisions

State Section Revised Regulation	Federal Regulation 10 CFR	Difference	If Different, Why
<p>20.3.3.307</p> <p>FILING APPLICATION FOR SPECIFIC LICENSES:</p> <p>L. (4) Continued</p> <p>(a) a copy of 20.3.3.307.L NMAC [10 CFR 40.22] and 10 CFR 40.51 [or equivalent regulations under 20.3.3.304 NMAC]; and</p> <p>(b) a appropriate radiation safety precautions and instructions relating to handling, use, storage, and disposal of the material.</p> <p>(5) Each person licensed under this section [10 CFR-40.54] shall report transfers as follows:</p> <p>(a) Eile a report with the department under 20.3.1.116 NMAC. The report shall include the following information:</p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p><i>RATS 2013-1 category - B</i></p> <p>continued</p>	<p>Yes</p>	<p>Throughout their equivalent regulations to 40.55, New Mexico references 10 CFR “40.54”. As New Mexico has equivalent regulations to 40.54, they should cite their regulations and not “40.54”.</p> <p>New Mexico needs to make the changes indicated above in order to meet the Compatibility Category B designation assigned to 10 CFR 40.55.</p> <p>NRC Review Comments letter dated 8/9/17</p> <p>RCB Correction</p> <p>Incorrect reference:10 CFR 40.22 is for a general license</p>



Revisions

State Section Revised Regulation	Federal Regulation 10 CFR	Difference	If Different, Why
<p>FILING APPLICATION FOR SPECIFIC LICENSES:</p> <p>L.(5)(a) Continued</p> <p>(i) The name, address, and license number of the person who transferred the source material; <u>and</u></p> <p>(ii) For each general licensee under 10 CFR 40.22 <u>or</u> <u>[and] 20.3.3.304 [20.3.3.307]</u> NMAC to whom greater than 50 grams (0.11 lb) of source material has been transferred in a single calendar quarter, the name and address of the general licensee to whom source material is distributed; a responsible agent, by name and/or position and phone number, of the general licensee to whom the material was sent; and the type, physical form, and quantity of source material transferred; and</p> <p>(iii) The total quantity of each type and physical form of source material transferred in the reporting period to all such generally licensed recipients.</p>	<p><i>RATS 2013-2 Category - B</i></p> <p>§ 40.55 Conditions of licenses to initially transfer source material for use under the 'small quantities of source material' general license: Quality control, labeling, safety instructions, and records and reports.</p> <p>(d) Each person licensed under § 40.54 shall report transfers as follows:</p> <p>(2) File a report with each responsible Agreement State agency that identifies all persons, operating under provisions equivalent to § 40.22, to whom greater than 50 grams (0.11 lb) of source material has been transferred within a single calendar quarter. The report shall include the following information specific to those transfers made to the Agreement State being reported to:</p> <p>(i) The name, address, and license number of the person who transferred the source material; <u>and</u></p> <p>(ii) The name and address of the general licensee to whom source material was distributed; a responsible agent, by name and/or position and phone number, of the general licensee to whom the material was sent; and the type, physical form, and quantity of source material transferred.</p>		<p>New Mexico omits the word “and” between their equivalent to 40.55(d)(2)(i) and (ii). New Mexico needs to add the word “and” as indicated.</p> <p>New Mexico needs to make the changes indicated above in order to meet the Compatibility Category B designation assigned to 10 CFR 40.55(d).</p> <p>NRC Review Comments letter dated 8/9/17</p>



Revisions

State Section Revised Regulation	Federal Regulation 10 CFR	Difference	If Different, Why
<p>FILING APPLICATION FOR SPECIFIC LICENSES:</p> <p>L.(5)(a) Continued</p> <p>(i) The name, address, and license number of the person who transferred the source material; and</p> <p>(ii) For each general licensee under 10 CFR 40.22 or [and] 20.3.3.304 [20.3.3.307] NMAC to whom greater than 50 grams (0.11 lb) of source material has been transferred in a single calendar quarter, the name and address of the general licensee to whom source material is distributed; a responsible agent, by name and/or position and phone number, of the general licensee to whom the material was sent; and the type, physical form, and quantity of source material transferred; and</p> <p>(ii) The total quantity of each type and physical form of source material transferred in the reporting period to all such generally licensed recipients.</p> <p>☐</p>	<p><i>RATS 2013-2 Category - B</i></p> <p>§ 40.55 Conditions of licenses to initially transfer source material for use under the 'small quantities of source material' general license: Quality control, labeling, safety instructions, and records and reports.</p> <p>(d) Each person licensed under § 40.54 shall report transfers as follows:</p> <p>(2) File a report with each responsible Agreement State agency that identifies all persons, operating under provisions equivalent to § 40.22, to whom greater than 50 grams (0.11 lb) of source material has been transferred within a single calendar quarter. The report shall include the following information specific to those transfers made to the Agreement State being reported to:</p> <p>(i) The name, address, and license number of the person who transferred the source material; and</p> <p>(ii) The name and address of the general licensee to whom source material was distributed; a responsible agent, by name and/or position and phone number, of the general licensee to whom the material was sent; and the type, physical form, and quantity of source material transferred.</p>		<p>In their equivalent regulations to 40.55(d)(2)(ii), New Mexico omits the word “or” and inserts the word “and” in the sentence, “(ii) For each general licensee under § 40.22 (ii) For each general licensee under § 40.22 or equivalent Agreement State provisions equivalent Agreement State provisions...”. New Mexico needs to replace “and” with “or”. RCB Correction</p> <p>Incorrect reference:20.3.3.307 is for a specific license</p>



Revisions

State Section Revised Regulation	Federal Regulation 10 CFR	Difference	If Different, Why
<p>FILING APPLICATION FOR SPECIFIC LICENSES:</p> <p>L.(5) (d)Each person licensed under <u>20.3.3.304 NMAC</u> [10 CFR-40.54] shall maintain all information that supports the reports required by this section concerning each transfer to a general licensee for a period of one year after the event is included in a report to the NRC or to an agreement state agency.</p>	<p><i>RATS 2013-1 category - B</i></p>		<p>Throughout their equivalent regulations to 40.55, New Mexico references 10 CFR "40.54". As New Mexico has equivalent regulations to 40.54, they should cite their regulations and not "40.54".</p> <p>New Mexico needs to make the changes indicated above in order to meet the Compatibility Category B designation assigned to 10 CFR 40.55.</p> <p>NRC Review Comments letter dated 8/9/17</p>



Revisions

State Section Revised Regulation	Federal Regulation 10 CFR	Difference	If Different, Why
<p>20.3.3.310</p> <p>PUBLIC NOTICE, PARTICIPATION AND HEARING:</p> <p>B.(3)(a) any local, state, Indian I[t]ribal government or federal government agency that the secretary determines may be significantly affected or interested; and</p>	<p>RATS 2015-5 category - B</p>	<p>no</p>	<p>10 CFR 71.4- wherever they may occur, remove the word "tribe" and add in its place the word "Tribe", remove the word "tribes" and add in its place the word "Tribes", and remove the word "tribal" and add in its place the word "Tribal".</p> <p>Base on RATS 2015-5 letter dated 12/31/15</p>



Revisions

State Section Revised Regulation	Federal Regulation 10 CFR	Difference	If Different, Why
<p>20.3.3.315</p> <p>E.licensing the manufacture and distribution of devices to persons generally licensed under Subsection B of 20.3.3.305 NMAC</p> <p>(1) Requirements for approval of a license application. An application for a specific license to manufacture or initially transfer devices containing radioactive material to persons generally licensed under Subsection B of 20.3.3.305 NMAC or equivalent regulations of the NRC or an agreement state will be approved if:</p> <p>(f) <u>The device has been registered in the Sealed Source and Device Registry.</u></p>	<p>RATS 2012-4 category - B</p> <p>§ 32.51 Byproduct material contained in devices for use under § 31.5; requirements for license to manufacture, or initially transfer.</p> <p>(a) An application for a specific license to manufacture, or initially transfer devices containing byproduct material to persons generally licensed under § 31.5 of this chapter or equivalent regulations of an Agreement State will be approved if:</p> <p>(6) The device has been registered in the Sealed Source and Device Registry.</p>		<p>In § 32.51, paragraph(a)(6) is added to read as follows:</p> <p>(a) * * *</p> <p>(6) The device has been registered in the Sealed Source and Device Registry.</p> <p>Base on RATS 2012-4 letter dated 10/23/15</p>



Revisions

State Section Revised Regulation	Federal Regulation 10 CFR	Difference	If Different, Why
<p>20.3.3.315 E. Licensing the manufacture and distribution of devices to persons generally licensed under Subsection B of 20.3.3.305 NMAC.</p> <p>(4) Transfer provisions:</p> <p>(a) Reserved [If a device containing radioactive material is to be transferred for use under the general license contained in Subsection B of 20.3.3.305 NMAC, each person that is licensed under Paragraph (1) of Subsection D of 20.3.3.315 NMAC shall provide the information specified in this paragraph to each person to whom a device is to be transferred. This information shall be provided before the device may be transferred. In the case of a transfer through an intermediate person, the information shall also be provided to the intended user prior to initial transfer to the intermediate person. The required information includes:</p> <p>(i) a copy of the general license contained in Paragraph (1) of Subsection D of 20.3.3.315 NMAC; if Subparagraphs (b) through (d) of Paragraph (3) of Subsection B of 20.3.3.305 NMAC or Subparagraph (m) of Paragraph (3) of Subsection B of 20.3.3.305 NMAC do not apply to the particular device, those paragraphs may be omitted;</p> <p>7</p>			<p>20.3.3 NMAC RCB Amendments RCB correction: subsection D of 20.3.3.315 is reserved.</p>



Revisions

State Section Revised Regulation	Federal Regulation 10 CFR	Difference	If Different, Why
<p>20.3.3.315 E. Licensing the manufacture and distribution of devices to persons generally licensed under Subsection B of 20.3.3.305 NMAC.</p> <p>(4) Transfer provisions: continued</p> <p>(ii) a copy of Subsection F of 20.3.3.317 NMAC, — 20.3.3.326 NMAC, 20.3.4.451 NMAC and 20.3.4.452 — NMAC;</p> <p>(iii) a list of the services that can only be performed by a specific licensee;</p> <p>(iv) information on acceptable disposal options including estimated costs of disposal; and</p> <p>(v) a statement indicating that improper disposal of radioactive material is subject to civil and criminal penalties pursuant to 20.3.1 NMAC.]</p>		Yes	20.3.3 NMAC RCB Amendments RCB correction: subsection D of 20.3.3.315 is reserved.



Revisions

State Section Revised Regulation	Federal Regulation 10 CFR	Difference	If Different, Why
<p>20.3.3.315 E. Licensing the manufacture and distribution of devices to persons generally licensed under Subsection B of 20.3.3.305 NMAC.</p> <p>(4) Transfer provisions:</p> <p>(e) If a notification of bankruptcy is submitted [has been made] under Subsection E of 20.3.3.317 NMAC of this part and each specific licensee or the license is to be terminated, each person licensed under Paragraph (1) of this subsection shall provide, upon request, to the department, NRC and any agreement state, records of final disposition required under 10CFR30.34(h) [Subparagraph (c) of Paragraph (5) of Subsection D of 20.3.3.315 NMAC].</p>		Yes	20.3.3 NMAC RCB Amendments RCB correction: subsection D of 20.3.3.315 is reserved.




Revisions

State Section Revised Regulation	Federal Regulation 10 CFR	Difference	If Different, Why
<p>20.3.3.315 ☐</p> <p>SPECIAL REQUIREMENTS FOR A SPECIFIC LICENSE TO MANUFACTURE, ASSEMBLE, REPAIR OR DISTRIBUTE COMMODITIES, PRODUCTS OR DEVICES WHICH CONTAIN RADIOACTIVE MATERIAL: F.☐Special requirements for the manufacture, assembly, repair or initial transfer of luminous safety devices for use in aircraft.</p> <p>(3) ☐ Each person licensed under 10 CFR 32.53 shall file an annual report with the director, office of Nuclear Materials Safety and Safeguards [federal and state materials and environmental management programs], ATTN: document control desk/GLTS by an appropriate method listed in 10 CFR 30.6(a) which must state the total quantity of tritium or promethium-147 transferred to persons generally licensed under 10 CFR 31.7. The report must identify each general licensee by name, state the kinds and number of luminous devices transferred, and specify the quantity of tritium or promethium-147 in each kind of device. Each report must cover the year ending June 30 and must be filed within 30 days thereafter. If no transfers have been made to persons generally licensed under 10 CFR 31.7 during the reporting period, the report must so indicate; and</p>	<p><i>RATS 2012-4 Category - B</i></p> <p>§ 32.56 Same: Material transfer reports.</p> <p>(a) Each person licensed under § 32.53 shall file an annual report with the Director, Office of Nuclear Material Safety and Safeguards, ATTN: Document Control Desk/GLTS, by an appropriate method listed in § 30.6(a) of this chapter, which must state the total quantity of tritium or promethium-147 transferred to persons generally licensed under § 31.7 of this chapter. The report must identify each general licensee by name, state the kinds and numbers of luminous devices transferred, and specify the quantity of tritium or promethium-147 in each kind of device. Each report must cover the year ending June 30 and must be filed within thirty (30) days thereafter. If no transfers have been made to persons generally licensed under § 31.7 of this chapter during the reporting period, the report must so indicate.</p>	<p>Yes</p>	<p>New Mexico needs to update the NRC’s contact office name to, “Office of Nuclear Material Safety and Safeguards”.</p> <p>New Mexico needs to make the changes indicated above in order to meet the Compatibility Category B designation assigned to 10 CFR32.56.</p> <p>NRC Review Comments letter dated 8/9/17</p>



Revisions

State Section Revised Regulation	Federal Regulation 10 CFR	Difference	If Different, Why
<p>20.3.3.315  SPECIAL REQUIREMENTS FOR A SPECIFIC LICENSE TO MANUFACTURE, ASSEMBLE, REPAIR OR DISTRIBUTE COMMODITIES, PRODUCTS OR DEVICES WHICH CONTAIN RADIOACTIVE MATERIAL: F. Special requirements for the manufacture, assembly, repair or initial transfer of luminous safety devices for use in aircraft.</p> <p>(4) each person licensed under 10 CFR 32.53 shall report annually all transfers of devices to persons for use under a general license in an agreement state’s regulations that are equivalent to 10 CFR 31.7 of this paragraph to the responsible agreement <u>state</u> agency. The report must state the total quantity of tritium or promethium-147 transferred, identify each general licensee by name, state the kinds and numbers of luminous devices transferred, and specify the quantity of tritium or promethium-147 in each kind of device. If no transfers have been made to a particular agreement state during the reporting period, this information must be reported to the responsible agreement state agency upon request of the agency.</p>	<p><i>RATS 2012-4 Category - B</i></p> <p>§ 32.56 Same: Material transfer reports.</p> <p>(b) Each person licensed under § 32.53 shall report annually all transfers of devices to persons for use under a general license in an Agreement State's regulations that are equivalent to § 31.7 of this chapter to the responsible Agreement State agency. The report must state the total quantity of tritium or promethium-147 transferred, identify each general licensee by name, state the kinds and numbers of luminous devices transferred, and specify the quantity of tritium or promethium-147 in each kind of device. If no transfers have been made to a particular Agreement State during the reporting period, this information must be reported to the responsible Agreement State agency upon request of the agency.</p>	<p>no</p>	<p>in section F.(4), New Mexico omitted the word “State” in the following: “...are equivalent to § 31.7 of this chapter to the responsible Agreement State agency.” New Mexico needs to make the changes indicated above in order to meet the Compatibility Category B designation assigned to 10 CFR 32.56. NRC Review Comments letter dated 8/9/17</p>



Revisions

State Section Revised Regulation	Federal Regulation 10 CFR	Difference	If Different, Why
<p>20.3.3.315</p> <p>SPECIAL REQUIREMENTS FOR A SPECIFIC LICENSE TO MANUFACTURE, ASSEMBLE, REPAIR OR DISTRIBUTE COMMODITIES, PRODUCTS OR DEVICES WHICH CONTAIN RADIOACTIVE MATERIAL:</p> <p>J. (2)(d)(ii) the individual practiced at a pharmacy at a government agency or federally recognized Indian I[t]ribe before November 30, 2007, or at all other pharmacies in non-licensing states, as defined in 20.3.1.7 NMAC, before August 8, 2009, or an earlier date as noticed by the NRC;</p>	<p>RATS 2015-5 category - B</p>	<p>no</p>	<p>10 CFR 71.4- wherever they may occur, remove the word "tribe" and add in its place the word "Tribe", remove the word "tribes" and add in its place the word "Tribes", and remove the word "tribal" and add in its place the word "Tribal".</p> <p>Base on RATS 2015-5 letter dated 12/31/15</p>



Revisions

State Section Revised Regulation	Federal Regulation 10 CFR	Difference	If Different, Why
<p>20.3.3.315</p> <p>SPECIAL REQUIREMENTS FOR A SPECIFIC LICENSE TO MANUFACTURE, ASSEMBLE, REPAIR OR DISTRIBUTE COMMODITIES, PRODUCTS OR DEVICES WHICH CONTAIN RADIOACTIVE MATERIAL:</p> <p>J(2)(f)(v) documentation that only accelerator-produced radioactive materials were used in the practice of nuclear pharmacy at a government agency or federally recognized Indian I[t]ribe before November 30, 2007, or at all other pharmacies in non-licensing states, as defined in 20.3.1.7 NMAC, before August 8, 2009, or an earlier date as noticed by the NRC; and</p>	<p>RATS 2015-5 category - B</p>	<p>no</p>	<p>10 CFR 71.4- wherever they may occur, remove the word "tribe" and add in its place the word "Tribe", remove the word "tribes" and add in its place the word "Tribes", and remove the word "tribal" and add in its place the word "Tribal".</p> <p>Base on RATS 2015-5 letter dated 12/31/15</p>



Revisions

State Section Revised Regulation	Federal Regulation 10 CFR	Difference	If Different, Why
20.3.4 Table 462.1 Hydrogen-3 1,000 Beryllium-7 1,000 Beryllium-10 1 Carbon-11 1,000 Carbon-14 1,000 <u>100</u>	Appendix C to Part 20—Quantities of Licensed Material Requiring Labeling Hydrogen-3 H-3 1,000 Beryllium-7 Be-7 1,000 Beryllium-10 Be-10 1 Carbon-11 C-11 1,000 Carbon-14 C-14 100	Yes	RCB Correction



Revisions

State Section Revised Regulation	Federal Regulation 10 CFR	Difference	If Different, Why
<p>20.3.4.425 SECURITY AND CONTROL OF LICENSED OR REGISTERED SOURCES OF RADIATION: A. The licensee shall secure from unauthorized removal or access licensed materials that are stored in controlled or unrestricted areas. The licensee possessing category 1 and category 2 quantities of radioactive materials shall comply with 10 CFR 37. The licensee shall comply with 10 CFR 37 except as follows: (1) Any reference to the commission or NRC shall be deemed a reference to the department; (2) 10 CFR 37.5 definitions of agreement state, byproduct material, commission and person shall not be applicable; (3) 10 CFR 37.7, 10 CFR 37.9, 10 CFR 37.11(a) and (b), 10 CFR 37.13, 10 CFR 37.27(c), 10 CFR 37.71, 10 CFR 37.105, and 10 CFR 37.107 shall not be applicable; and</p>	<p>RATS 2013-1 category - B § 37.27 Requirements for criminal history records checks of individuals granted unescorted access to category 1 or category 2 quantities of radioactive material. (c) Procedures for processing of fingerprint checks.</p>	<p>Yes</p>	<p>New Mexico adopts Part 37 by reference and states, “any reference made to the commission or NRC shall be deemed a reference to the department”. This does not apply to 10 CFR 37.27(c) fingerprint submissions. New Mexico needs to exempt 37.27(c) from 20.3.3.307.E (1) in order to meet the Compatibility Category B designation assigned to 10 CFR 37.27(c). NRC Review Comments letter dated 8/9/17</p>



Revisions

State Section Revised Regulation	Federal Regulation 10 CFR	Difference	If Different, Why
<p>20.3.4.466 APPENDIX G - REQUIREMENTS FOR TRANSFERS OF LOW-LEVEL RADIOACTIVE WASTE INTENDED FOR DISPOSAL AT LICENSED LAND DISPOSAL FACILITIES AND MANIFESTS:</p> <p>A.</p> <p>(3) NRC forms 540, 540A, 541, 541A, 542 and 542A, and the accompanying instructions, in hard copy, may be obtained by writing or calling the [e]Office of the [e]Chief information [e]Officer, United States Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone (301) 415-5877, or by visiting the NRC's web site at http://www.nrc.gov and selecting forms from the index found on the home page.</p>	<p>RATS 2015-5 category - B</p>	<p>no</p>	<p>In part 20, wherever it may occur, remove the phrase "Office of Information Services" and add in its place the phrase "Office of the Chief Information Officer" Base on RATS 2015-5 letter dated 12/31/15</p>



Revisions

State Section Revised Regulation	Federal Regulation 10 CFR	Difference	If Different, Why
<p>20.3.5.10</p> <p>SPECIFIC LICENSE FOR INDUSTRIAL RADIOGRAPHY: An application for a specific license for the use of licensed material in industrial radiography will be approved if the applicant meets the following requirements:</p> <p>B. An application for a specific license of category 1 and category 2 quantities of radioactive material shall comply with 10 CFR 37. The licensee shall comply with 10 CFR 37 except as follows:</p> <p>(1) Any reference to the commission or NRC shall be deemed a reference to the department;</p> <p>(2) 10 CFR 37.5 definitions of agreement state, byproduct material, commission and person shall not be applicable;</p> <p>(3) 10 CFR 37.7, 10 CFR 37.9, 10 CFR 37.11(a) and (b), 10 CFR 37.13, <u>10 CFR 37.27(c)</u>, 10 CFR 37.71, 10 CFR 37.105, and 10 CFR 37.107 shall not be applicable; and</p> <p>(4) For any reporting or notification requirements that the licensee must follow in 10 CFR 37.45, 10 CFR 37.57, 10 CFR 37.77(a) through (d), and 10 CFR 37.81 the licensee shall use the following address: New Mexico Environment Department/RCB, P.O. Box 5469, Santa Fe, NM 87502-5469 address information.</p>	<p><u>RATS 2013-1 category - B</u></p> <p>§ 37.27 Requirements for criminal history records checks of individuals granted unescorted access to category 1 or category 2 quantities of radioactive material.</p> <p>(c) Procedures for processing of fingerprint checks.</p>	<p>Yes</p>	<p>New Mexico adopts Part 37 by reference and states, “any reference made to the commission or NRC shall be deemed a reference to the department”. This does not apply to 10 CFR 37.27(c) fingerprint submissions.</p> <p>New Mexico needs to exempt 37.27(c) from 20.3.3.307.E (1) in order to meet the Compatibility Category B designation assigned to 10 CFR 37.27(c).</p> <p>NRC Review Comments letter dated 8/9/17</p>



Revisions

State Section Revised Regulation	Federal Regulation 10 CFR	Difference	If Different, Why
<p>20.3.7.700 GENERAL REGULATORY REQUIREMENTS: E. Application for license, amendment or renewal. (3) An application for a specific license of category 1 and category 2 quantities of radioactive material shall comply with 10 CFR 37. The licensee shall comply with 10 CFR 37 except as follows: (a) Any reference to the commission or NRC shall be deemed a reference to the department; (b) 10 CFR 37.5 Definitions of: agreement state, byproduct material, commission and person shall not be applicable, (c) 10 CFR 37.7, 10 CFR 37.9, 10 CFR 37.11(a) and (b), 10 CFR 37.13, 10 CFR 37.27(c), 10 CFR 37.71, 10 CFR 37.105, and 10 CFR 37.107 shall not be applicable;</p>	<p>RATS 2013-1 category - B § 37.27 Requirements for criminal history records checks of individuals granted unescorted access to category 1 or category 2 quantities of radioactive material. (c) Procedures for processing of fingerprint checks.</p>	<p>Yes</p>	<p>New Mexico adopts Part 37 by reference and states, “any reference made to the commission or NRC shall be deemed a reference to the department”. This does not apply to 10 CFR 37.27(c) fingerprint submissions. New Mexico needs to exempt 37.27(c) from 20.3.3.307.E (1) in order to meet the Compatibility Category B designation assigned to 10 CFR 37.27(c). NRC Review Comments letter dated 8/9/17</p>



Revisions

State Section Revised Regulation	Federal Regulation 10 CFR	Difference	If Different, Why
<p>20.3.12.9</p> <p>SPECIFIC LICENSES FOR WELL LOGGING:</p> <p>B. An application for a specific license of category 1 and category 2 quantities of radioactive material shall comply with 10 CFR 37. The licensee shall comply with 10 CFR 37 except as follows:</p> <p>(1) Any reference to the commission or NRC shall be deemed a reference to the department;</p> <p>(2) 10 CFR 37.5 definitions of agreement state, byproduct material, commission and person shall not be applicable;</p> <p>(3) 10 CFR 37.7, 10 CFR 37.9, 37.11(a) and (b), 10 CFR 37.13, 10 CFR 37.27(c), 10 CFR 37.71, 10 CFR 37.105, and 10 CFR 37.107 shall not be applicable;</p>	<p>RATS 2013-1 category - B</p> <p>§ 37.27 Requirements for criminal history records checks of individuals granted unescorted access to category 1 or category 2 quantities of radioactive material.</p> <p>(c) Procedures for processing of fingerprint checks.</p>	<p>Yes</p>	<p>New Mexico adopts Part 37 by reference and states, “any reference made to the commission or NRC shall be deemed a reference to the department”. This does not apply to 10 CFR 37.27(c) fingerprint submissions.</p> <p>New Mexico needs to exempt 37.27(c) from 20.3.3.307.E (1) in order to meet the Compatibility Category B designation assigned to 10 CFR 37.27(c).</p> <p>NRC Review Comments letter dated 8/9/17</p>



Revisions

State Section Revised Regulation	Federal Regulation 10 CFR	Difference	If Different, Why
<p>20.3.15.1502</p> <p>SPECIFIC LICENSES FOR IRRADIATORS:</p> <p>B. An application for a specific license of category 1 and category 2 quantities of radioactive material shall comply with 10 CFR 37. The licensee shall comply with 10 CFR 37 except as follows:</p> <p>(1) Any reference to the commission or NRC shall be deemed a reference to the department;</p> <p>(2) 10 CFR 37.5 definitions of agreement state, byproduct material, commission and person shall not be applicable;</p> <p>(3) 10 CFR 37.7, 10 CFR 37.9, 10 CFR 37.11(a) and (b), 10 CFR 37.13, 10 CFR 37.27(c), 10 CFR 37.71, 10 CFR 37.105, and 10 CFR 37.107 shall not be applicable;</p> <p>(4) For any reporting or notification requirements that the licensee must follow in 10 CFR 37.45, 10 CFR 37.57, 10 CFR 37.77(a) through (d), 10 CFR 37.81, the licensee shall use, when applicable, New Mexico Environment Department/RCB, P.O. Box 5469, Santa Fe, NM 87502-5469 address information.</p>	<p>RATS 2013-1 category - B</p> <p>§ 37.27 Requirements for criminal history records checks of individuals granted unescorted access to category 1 or category 2 quantities of radioactive material.</p> <p>(c) Procedures for processing of fingerprint checks.</p>	<p>Yes</p>	<p>New Mexico adopts Part 37 by reference and states, “any reference made to the commission or NRC shall be deemed a reference to the department”. This does not apply to 10 CFR 37.27(c) fingerprint submissions.</p> <p>New Mexico needs to exempt 37.27(c) from 20.3.3.307.E (1) in order to meet the Compatibility Category B designation assigned to 10 CFR 37.27(c).</p> <p>NRC Review Comments letter dated 8/9/17</p>



Public Notice

The New Mexico Environment Department, Environmental Protection Division, Radiation Control Bureau is announcing that it is scheduling a meeting of the Radiation Technical Advisory Council on March 3, 2021 to discuss the amendments to the Radiation Protection Rules, 20.3 NMAC.

Due to the current Public Health Emergency (“Emergency”) under the Governor’s Executive Order No. 2020-004, and in accordance with the Attorney General’s guidance for open meetings during the Emergency, this meeting will be held remotely.

The proposed revisions include the following seven parts:

- 20.3.1 NMAC “General Provisions”;
- 20.3.3 NMAC “Licensing of Radioactive Materials”;
- 20.3.4 NMAC “Standards for Protection against Radiation”;
- 20.3.5 NMAC “Radiation Safety Requirements for Industrial Radiographers”;
- 20.3.7 NMAC “General Regulatory Requirements”
- 20.3.12 NMAC “Licenses and Radiation Safety Requirements for Well Logging”;
- and
- 20.3.15 NMAC “Licenses and Radiation Safety Requirements for Irradiators”

New Mexico must maintain a Radiation Protection Program compatible with the Nuclear Regulatory Commission (NRC). This includes revising New Mexico rules to conform to changes in the federal regulations. A copy of the proposed revisions to the Radiation Protection Rules can be reviewed and downloaded from the Department website:

<http://www.nmenv.state.nm.us/nmrcb/home.html>.

A copy of the Agenda for the meeting can be reviewed and downloaded from the Department website:

<http://www.nmenv.state.nm.us/nmrcb/home.html>

The meeting will commence at 10:00 a.m. online via Zoom.

Join Zoom Meeting

<https://zoom.us/j/92921688233?pwd=WjRZU3d3bDZKZytiM2FFOGwySDExUT09>

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Additional information can be obtained by calling (505) 660-9108 or (505) 280-2790.



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OPEN MEETING NOTIFICATION FOR RADIOACTIVE MATERIAL RULE REVISION

Open Meeting notification for Radioactive Material

Rule Revision (Posted 2/10/2021)

RTAC Open Meeting – March 3, 2021 – 10:00 AM

[RTAC Meeting Public Notice for March 3](#)

[Agenda for March 3 2021 RTAC meeting](#)

[Last RTAC Meeting April 2017](#)

[20.3.1 NMAC_no RATS Amendments](#)

[20.3.3 NMAC RATS 2011-1_2013-2 \(petition 12-31-20\)](#)

[20.3.3 NMAC RATS 2015-5 Amendments \(final 9-17-20\)](#)

[20.3.3 NMAC_no RATS RCB Amendments 12-18-20](#)

[20.3.3.306 NMAC RATS 2015-3 \(final for petition 12-31-20\)](#)

[20.3.4 NMAC RATS 2011-1_2013-2 Amendments \(final 9-17-20\)](#)

[20.3.4 NMAC_no RATS RCB Amendments 12-18-20 \(003\)](#)

[20.3.4 NMAC RATS 2015,5 Amendment 2-10-21](#)

[20.3.5 NMAC RATS 2011-1_2013-2 Amendments \(final 9-17-20\)](#)

[20.3.7 NMAC RATS 2011-1_2013-2 Amendments \(final 9-17-20\)](#)

[20.3.12 NMAC RATS 2011-1_2013-2 Amendments \(final 9-17-20\)](#)

[20.3.15 NMAC RATS 2011-1_2013-2 Amendments \(final 9-17-20\)](#)

Matrix of Revision

[Matrix of Revisions 2021 TC DO Power Point](#)

[NRC Matrix of Revisions 2021 TC DO Excel Spreadsheet](#)

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NEW MEXICO
ENVIRONMENT DEPARTMENT

RADIATION TECHNICAL ADVISORY COUNCIL
OPEN MEETING
VIA ZOOM VIDEOCONFERENCE
March 3rd, 2021
10:00 a.m.

HEARING CHAIRPERSON: MS. MIA NAPOLITANO

BOARD MEMBERS: MR. PAUL HOOVER
MR. DAVID HUNTER
MR. NOEL SAVIGNAC
MS. ANGELA KOHN

REPORTED BY: MICHELE M. TRUJILLO
NEW MEXICO CCR No. 226
TRATTEL COURT REPORTING & VIDEOGRAPHY
609 12th Street, Northwest
Albuquerque, New Mexico 87102

1 MS. NAPOLITANO: Okay. So this meeting
2 will start now. We are recording it. If you are a
3 member of the public and you're joining us via Zoom
4 or telephonically, please let me know if you can't
5 hear anything, and you can let me know by either
6 typing a comment in the chat box via Zoom -- it's off
7 to the side -- or you can also call 505-660-9108, and
8 you can let us know that way if you're having, you
9 know, issues with hearing and things.

10 Also, if you are joining us via Zoom,
11 please write your name, organization, phone number,
12 or email address in the comment box off to the side
13 of Zoom. This will serve as a virtual sign-in sheet.
14 We typically have hard-copy sign-in sheets for
15 members of the public to sign in at these meetings.
16 But since we're holding this meeting virtually due to
17 COVID, we are using these virtual sign-in sheets via
18 Zoom.

19 Okay. So I'm going to start with item one
20 on the agenda and do a roll call of the RTAC members.
21 So I will start. Just say "present" or let me know
22 if someone is absent.

23 So we'll start now. David Hunter?

24 MR. HUNTER: Present.

25 MS. NAPOLITANO: Okay. Paul Hoover?

1 MR. HOOVER: Present.

2 MS. NAPOLITANO: Angela Caan (phonetic), or
3 Cone (phonetic)? I don't -- sorry if I mispronounced
4 that.

5 MS. KOHN: It's Kohn.

6 MS. NAPOLITANO: Kohn. Thank you.

7 MS. KOHN: Present.

8 MS. NAPOLITANO: And Noel Savignac? Is
9 that --

10 MR. SAVIGAC: Present.

11 MS. NAPOLITANO: Okay.

12 MR. SAVIGNAC: Yeah, that's good.

13 MS. NAPOLITANO: And then Edward Kline?

14 It looks like he is absent. So we have
15 four members present, one member absent. We have a
16 quorum. So I will move on now to item two of the
17 agenda, and that is -- the next item is to approve
18 the agenda. So is there a motion to approve?

19 Basically, I --

20 MR. HOOVER: I so move.

21 MS. NAPOLITANO: And who -- what is -- can
22 you please state your name?

23 MR. HOOVER: Paul Hoover.

24 MS. NAPOLITANO: Paul Hoover? Okay.

25 And now do I have a second?

1 MR. HUNTER: David Hunter. And I make a
2 motion to approve.

3 MS. NAPOLITANO: A second. Okay.

4 And for the rest of the RTAC members, if
5 you will also approve, can you either just say,
6 "Aye," or, "I vote in favor of the motion," and just
7 state your name for the record, too?

8 MR. SAVIGNAC: Aye. Noel Savignac.

9 MS. NAPOLITANO: Okay.

10 MS. KOHN: Angela Kohn. Approve.

11 MS. NAPOLITANO: Okay. Great.

12 So it looks like all voted in favor to
13 approve the agenda. So we can move on to item three,
14 which is approval of the minutes from the
15 April 20th, 2017, RTAC meeting. So, first, did any
16 members have any changes or edits that they wanted to
17 make to these, to the minutes?

18 MR. HOOVER: No.

19 MS. NAPOLITANO: No?

20 MR. SAVIGNAC: No.

21 MR. HUNTER: David Hunter. No.

22 MS. NAPOLITANO: Okay.

23 MR. SAVIGNAC: Noel. No.

24 MS. NAPOLITANO: Okay.

25 All right. So, since we don't have any

1 changes or edits, do I have a motion to approve the
2 April 20th, 2017, RTAC meeting minutes?

3 MR. HUNTER: David Hunter. I make a motion
4 to approve the minutes as submitted.

5 MR. HOOVER: Paul Hoover. Second.

6 MS. NAPOLITANO: All right. All the rest
7 of the RTAC members, please just say, "Aye," or, "I
8 voted in favor of the motion," and state your name
9 for the record.

10 MR. SAVIGNAC: Aye. Noel Savignac.

11 MS. KOHN: I, Angela Kohn, approve.

12 MS. NAPOLITANO: Okay. Great. Thank you.
13 So all voted to -- in favor to approve the RTAC
14 meeting minutes from the April 20th meeting.

15 The next item on the agenda, item four, is
16 discussion of the proposed amendments to 20.3 NMAC.
17 The Radiation Control Bureau is going to make a
18 presentation on the proposed amendments, and after
19 that, there will be time for questions, and we'll
20 have an open discussion of the proposed amendments.

21 During that time, members of the public can
22 ask questions, and then, after that, the RTAC will
23 need to vote on the amendments. And since the Bureau
24 is proposing amendments to seven parts of 20.3 NMAC,
25 a member of the RTAC will have to make a motion to

1 approve each part. So there will be seven different
2 motions. And I'll help guide everyone through this.
3 I just wanted to give an overview of the process.

4 Okay. So now Mike and Tom will present the
5 proposed amendments to 20.3.

6 MR. ORTIZ: Okay. Tom Collins will do the
7 presentation.

8 Tom, are you able to share your screen on
9 the PowerPoint presentation?

10 MR. COLLINS: It says that the host must
11 enable screen sharing.

12 MR. ORTIZ: Okay. Let me see if I can
13 enable it.

14 MR. SAVIGNAC: I'm a new member of the
15 Environment Department.

16 MR. ORTIZ: I've got it up here. So
17 "share," and hopefully you would be able to see my
18 shared screen.

19 MR. SAVIGNAC: Uh-huh. I can.

20 MR. ORTIZ: Can everyone see that?

21 MR. HUNTER: David Hunter. Yes.

22 MR. SAVIGNAC: It looks good. Noel.

23 MS. NAPOLITANO: Okay. So I will -- do you
24 have control of it, Tom, or should I go ahead and
25 take control?

1 MR. COLLINS: Let me see if I actually
2 have -- can you-all see my screen? I have the
3 PowerPoint presentation up.

4 UNIDENTIFIED SPEAKER: I can see it.

5 MR. HUNTER: Yeah. David Hunter. Yes, I
6 can see it.

7 MR. SAVIGNAC: I think so.

8 MR. COLLINS: All can see it.

9 MR. SAVIGNAC: Yep.

10 MR. COLLINS: Okay. I heard somebody ask
11 who I was. My name is Thomas Collins. I'm an
12 Environmental Scientist and Specialist for the
13 Environment Department, currently working for the
14 Radiation Control Bureau.

15 MR. ORTIZ: Okay. And you should turn your
16 video on, Tom.

17 MR. COLLINS: Can you -- I can either share
18 my screen or I can do my video. Let's see, here.

19 MR. RODRIGUEZ: So the video that we're
20 seeing at the top right-hand corner says "Michael
21 Ortiz." So I think we're looking at Michael Ortiz's
22 PowerPoint, Tom. I don't think we can see yours as
23 of yet, and I'm -- is that the most current version?
24 Because under your name, the date is Xs. Just an
25 observation.

1 MS. TRUJILLO: Who was that speaking,
2 please?

3 MR. RODRIGUEZ: My apology. Santiago
4 Rodriguez.

5 MR. ORTIZ: If you're not able to, I can
6 scroll through as you present, Tom.

7 MR. COLLINS: Okay. I think you might have
8 to scroll through, Michael.

9 MR. ORTIZ: Okay. I will go ahead and do
10 that. I'm on the very first slide. So I'll go to
11 the Introduction, and I'll -- can you-all see the
12 Introduction now?

13 MR. SAVIGNAC: I can see the first slide,
14 the picture.

15 MR. ORTIZ: No Introduction yet?

16 MR. SAVIGNAC: Not yet.

17 MR. RODRIGUEZ: So, Michael, we see -- we
18 see your entire PowerPoint. So we see the slides on
19 the left-hand corner, and then we see the first page.
20 I think you need to go into slide show and then
21 present.

22 MR. ORTIZ: Slide show?

23 MR. RODRIGUEZ: Yeah, slide show.

24 MR. ORTIZ: I've done that, and it actually
25 shows it on one of my screens. So I may have to just

1 actually click on the different slides.

2 MS. TRUJILLO: Who was that talking? I'm
3 sorry. Who was that talking to Michael there?

4 MR. RODRIGUEZ: Still Santiago Rodriguez
5 and David Hunter, both.

6 MR. ORTIZ: So can you see the slide now,
7 the Introduction slide?

8 MR. SAVIGNAC: Yes.

9 MR. ORTIZ: Okay. Go ahead, Tom.

10 MS. NAPOLITANO: Tom, if you're muted,
11 we -- just unmute, since we can't hear you. I don't
12 know if you were trying to talk.

13 MR. COLLINS: Oh.

14 MS. NAPOLITANO: Okay.

15 MR. COLLINS: I shouldn't be muted. And it
16 looks like we may have to proceed in this manner.

17 So, with that said, we'll go ahead and
18 begin. The Radiation Protection Program regulates
19 three resources of radiation: radioactive materials,
20 including any materials or sources, regardless of
21 chemical or physical state, that emit radiation;
22 radiation equipment, meaning any device that is
23 capable of producing radiation; and we also have the
24 Mammography Quality Standard Act Inspection Contract
25 with the U.S. Food and Drug Administration.

1 Next slide, Michael.

2 Our authority and obligations, our
3 authority comes from the Statutory 74-3 NMSA 1978,
4 Radiation Protection Act. The State of New Mexico
5 administers the Radiation Protection Program through
6 an agreement between the Nuclear Regulatory
7 Commission and the State of New Mexico, meaning that
8 we are an agreement state with the NRC.

9 And, finally, the NRC requirements are that
10 New Mexico must maintain compatibility and adequate
11 staff for its Radiation Protection Program. So with
12 that, it means we have regulation compatibility and
13 deadlines for adopting required regulations with the
14 NRC.

15 Next slide, Michael.

16 So the basis for the proposed revisions are
17 to align with the required federal requirements. We
18 do have some amendments to outdated and irrelevant
19 rules, and some corrections to typographical errors
20 are included. And amendments to 20.3.3 NMAC are a
21 result of comments received -- actually, it's not
22 just 20.3.3. All of the amendments to 20.3 NMAC are
23 a result of comments received from the Nuclear
24 Regulatory Commission.

25 Next slide, Michael.

1 This slide shows the Regulation Assessment
2 Tracking, or otherwise known as RATS, which are
3 required to be adopted by agreement states, and if
4 you note, the due dates for adoption have passed,
5 considerably, for some of these.

6 Are there any questions so far?

7 MR. ORTIZ: One clarification on the RATS
8 and the dates. They were turned in in time in the
9 last review, and --

10 MR. COLLINS: Oh.

11 MR. ORTIZ: -- these were reviewed by the
12 NRC. These rules that we're doing now are actually
13 as a result of their second review or final review,
14 after the regulations were amended.

15 This is Michael Ortiz.

16 And so now we are revising them to meet the
17 compatibility requirements based on the
18 recommendations of the review of the NRC. So
19 that's -- so you see the dates. They were adopted in
20 time, but then there was a review by NRC of the final
21 regs. And so they have, actually, a letter
22 submitting 14 comments for some of the RATS and
23 another letter submitting 17 comments for the RATS,
24 and that's the result of what we're doing now,
25 meeting their requirements on their review.

1 Go ahead, Tom.

2 MR. COLLINS: Okay. So this is a brief
3 overview of the compatibility requirement from the
4 NRC. And if you note, A, B, and C are required for
5 compatibility. D category is not required for
6 compatibility. In our presentation here, we only
7 have A, B, and C category requirements for
8 compatibility and then some corrections made by the
9 Radiation Control Bureau.

10 The other two, H and S, are required for
11 adequate programs. NRC, the states are not to adopt
12 these elements. And, of course, if it's in brackets,
13 again, we do not adopt the elements from the RATS.

14 Next slide.

15 So, after we get approval from the
16 Radiation Control Bureau and Environmental
17 Improvement Board, NRC approval will be sought for
18 the proposed revisions which we are here to present.

19 Okay. I want to explain the format of the
20 presentation. First of all, what I've tried to do is
21 highlight in red what the changes are. The
22 underlined, red portion will be what's been added,
23 and the lined-through portions in brackets are what's
24 going to be removed from the regulations.

25 Does anybody have any questions?

1 MR. SAVIGNAC: Is there a way to increase
2 the size?

3 MR. COLLINS: Okay. Well, then, we'll --

4 MR. SAVIGNAC: Is there a way to increase
5 the size of what we're seeing on the revision side --
6 the revision slides?

7 MS. NAPOLITANO: If you hit "view" on the
8 PowerPoint, maybe we could -- there is like a zoom
9 button, perhaps, or --

10 MR. ORTIZ: I'm doing that now.

11 MS. NAPOLITANO: Okay.

12 MR. ORTIZ: It won't let me go above 100
13 percent.

14 MR. SAVIGNAC: Yeah.

15 MR. ORTIZ: Do you want me to continue to
16 try that?

17 MR. SAVIGNAC: Yeah.

18 MR. ORTIZ: You should have the same
19 document. So I would suggest, if you can't see it --

20 MR. SAVIGNAC: That makes it easier to see.

21 MR. ORTIZ: Yeah. Can you see it now?

22 MR. SAVIGNAC: Yeah, we can see it a little
23 better. Thank you, Michael.

24 MR. ORTIZ: Okay. I can actually increase
25 it a little more. Let me --

1 MR. SAVIGNAC: Yeah.

2 MR. ORTIZ: Let me do that.

3 MR. HUNTER: This is David Hunter.

4 Actually, if you have the PowerPoint that you emailed
5 to us, Michael -- I've got mine on a split screen.
6 So I've got it blown up, but if you -- all you have
7 is just what you're seeing here from the meeting,
8 then you're going about it the right way.

9 MR. ORTIZ: Can you see it now?

10 MR. SAVIGNAC: Yeah, that's okay.

11 MR. ORTIZ: Okay.

12 MR. COLLINS: Okay. Should I proceed?

13 MR. ORTIZ: Yes.

14 MR. SAVIGNAC: Please.

15 MR. COLLINS: Okay. I'll proceed.

16 Okay. One of the -- this is our first
17 revision, and this is actually a correction made by
18 the Radiation Control Bureau, and the correction is
19 to align with the current department structure. So
20 it's been a long time since this has been changed,
21 and as you can see, we've added "Environmental
22 Protection Division," because they're no longer part
23 of the Health Environment Department.

24 And if we could, I would like to proceed.

25 And at any time anybody has any questions, please

1 feel free to ask, and we will stop at that point.

2 The next revision is basically capitalizing
3 the letter T in "tribe," and that comes from the NRC.
4 I'll go ahead and go to the next revision.

5 Okay. The NRC wants us to reference
6 NMSA 1978 Section 74 through -- or 74-3-1 through 16,
7 instead of the Atomic Energy Act. So we went ahead
8 and made that correction.

9 And the next slide, please.

10 The next slide, please.

11 Okay. This might need a little bit of
12 explanation. This entire section of the New Mexico
13 regulations has been switched over, because there
14 is -- there are no longer any general licenses issued
15 for static eliminators or ion generating tubes. They
16 have been shifted over to exemptions in 10 CFR 30.15.

17 And the format of the layout of this
18 presentation is I'm going in order of NMAC. So you
19 will see some examples in the near future here, in
20 the next couple of slides, of where this entire
21 section has been diminished or taken out and is now
22 reserved.

23 Are there any questions concerning this
24 revision?

25 I hear no questions. Let's go ahead and

1 proceed to the next.

2 Again, this is category B, compatibility
3 requirement, which we added language to 20.3.302(C),
4 Exempt Items, and therefore we are removing it, at
5 the request of the NRC.

6 Next slide.

7 Another category B requirement where we
8 have added some language. So the language is not
9 identical to what the NRC was requiring; and, of
10 course, here, it's -- we had to take out "fires or
11 airborne hazards." We also included "life," because
12 it's not in 30.20.

13 Okay. Next slide, please.

14 Again, we added language. And I know this
15 looks similar to the previous slide, but they are two
16 different sections. This 20.3.3.302(C)(4)(b), and I
17 believe the previous one was (C)(2)(b), and we went
18 ahead and eliminated the additional language in our
19 regulations.

20 This is was a simple change. We had to add
21 "isotopic concentrations," instead of "natural
22 concentrations"; again, another request from NRC.

23 Next slide, please.

24 This is a correction we made ourselves,
25 that we noted that, in the federal regulation, it

1 added the word "and," requiring the next requirement.
2 So we went ahead and added that as well, for future
3 compatibility.

4 Again, if there's any questions, please
5 halt me, and we'll stop.

6 Another compatibility requirement is we had
7 to add the word "or" to the end of 20.3.3.304(B)(2).

8 Next slide, please.

9 Oh, again, they specified that we needed to
10 change the word "and" and "or." The other changes we
11 made in order to make sure that we met the category B
12 requirement, where these are essentially the same.

13 The next slide, please.

14 At the beginning of the presentation, I
15 noted that we had moved an entire section into our
16 Exempt Items, a portion of our regulations, and this
17 is why. We had to remove "certain devices and
18 equipment."

19 And I would like to state that, where it
20 says "Reserved," "certain devices and equipment"
21 would also be eliminated in here. That is a mistake
22 or an error in the slide. But in our amendments,
23 it's correct. It will say "reserved," "A" dash
24 "reserved." And this was removed at the request of
25 Michelle Beardsley, because general licenses are no

1 longer issued for static eliminators or ion
2 generating tubes. Static eliminators and tubes are
3 listed in exemptions in 10 CFR 30.15.

4 Next slide, please.

5 Michael, next slide, please.

6 This is another minor change to our
7 regulations to align with Federal Regulations. We
8 added the word "removed" and the word "radioactive"
9 and added "byproduct," and this is a change that was
10 made by the Radiation Control Bureau.

11 Next slide, please.

12 And then a similar change made by the
13 Radiation Control Bureau.

14 Next slide, please. And, again, a similar
15 change.

16 Next slide.

17 This is another RCB correction, and what we
18 did is we eliminated the additional language that we
19 had in our regulation and inserted "10 CFR 32.53" so
20 we could remain compatible. Are there any questions
21 concerning this slide?

22 All right. Let's go on to the next one.

23 In this slide, we had additional wording
24 that the NRC noted, and so we have removed that from
25 the New Mexico regulation. And we also found that we

1 had to add additional language, beyond what they
2 requested.

3 Next slide.

4 You're going to see quite a few of these,
5 where we used "equivalent agreement state
6 regulation," and they wanted us to actually omit that
7 and use our equivalent regulation.

8 Okay. Next slide, please.

9 And this is, again, similar, where we're
10 removing "equivalent agreement state regulation" and
11 actually inserting the specific regulation, as
12 requested.

13 Next slide.

14 We had additional wording in this, added
15 language, which we had to remove.

16 Next slide, please.

17 And, again, we -- they wanted us to insert
18 our equivalent agreement state regulation, instead of
19 saying "equivalent Agreement State regulation."

20 The next slide.

21 Now, again, this is a similar circumstance,
22 where we had to actually specify our regulation.

23 The next slide.

24 MR. ORTIZ: Hold for a minute, Tom. David
25 Hunter left the room.

1 MR. COLLINS: Oh.

2 MR. ORTIZ: So I don't think -- I think
3 you'll need to repeat that, the one slide that you
4 reviewed just now. Let's wait for --

5 MR. COLLINS: Oh, okay.

6 MR. ORTIZ: -- David to get back.

7 MR. SAVIGNAC: It doesn't sound too --

8 MR. COLLINS: We'll wait for --

9 MR. SAVIGNAC: It doesn't sound as if NRC
10 is allowing much input from the State in the
11 regulations.

12 MR. ORTIZ: I think, basically, what
13 they're doing is reviewing it to make sure that we're
14 compatible with, one, with the health and safety and
15 security and other requirements, and then also making
16 sure that we refer to our department and agency,
17 instead of the NRC, or vice versa. So those,
18 generally, are the areas that they find issues with.

19 So that's, a lot of the times, why we have
20 to either remove language or change from "department"
21 to "NRC" or "NRC" to "department." That's usually
22 what happens.

23 MR. SAVIGNAC: Yeah.

24 MR. COLLINS: David, are you -- are you --
25 David, are you there?

1 MR. RODRIGUEZ: And this is Santiago
2 Rodriguez.

3 So, Noel, part of it also is that the NRC
4 sets this up so is that agreement states are
5 compatible with their CFR. In the event that a state
6 is no longer able to support or administer the
7 agreement state program, the NRC can step in and take
8 over the program seamlessly.

9 If the regulations are not identical or
10 extremely close, depending on the category, it's more
11 difficult for them to come in and try to get
12 licensees into compliance. That's a big part of it.

13 MR. SAVIGNAC: Okay.

14 MR. ORTIZ: David is back. Okay. Go
15 ahead, Tom.

16 MR. COLLINS: Okay. Mr. Hunter, while you
17 were away, I was reviewing a slide. Again, the slide
18 that we were covering is similar to the previous
19 slides, where we had to actually specify the NMAC
20 regulation, instead of stating "equivalent Agreement
21 State regulation," and we will continue.

22 Next slide, please.

23 MR. HOOVER: Before we go on, this is Paul
24 Hoover. I'd like to follow up on what Santiago said
25 just a minute ago, that we need -- you know, that the

1 state has got to align with the NRC, pretty much,
2 verbatim. What are the implications for the
3 licensees, then, within the state to align? What are
4 the implications? What are the steps that -- what
5 are the impacts to them, and what things do they need
6 to do to come into alignment?

7 MR. ORTIZ: This is Michael Ortiz.

8 Basically, they need to follow the regulations and
9 make sure that they are complying with the
10 regulations, with our regulations, once they're
11 compatible. So, basically, they have to follow the
12 State of New Mexico's regulations as we change them
13 and made them compatible. So that is really in
14 alignment with the Federal Regulations.

15 Now, we're not exactly the same in all
16 cases, because some requirements in the
17 Federal Regulations are not imposed on the agreement
18 states. So that's why we have to be compatible with
19 their regulations in certain areas.

20 But there are certain parts of 10 CFR that
21 are different than ours. But our licensees in our
22 state, since we are an agreement state, must comply
23 with the New Mexico Administrative Code, and that's
24 why we do this, as they're required by the dates that
25 are implemented. And so they do have to follow our

1 NMAC regulations, and they're generally compatible
2 with the federal, but they're not exactly the same.

3 MR. HOOVER: This is Paul Hoover again.

4 Let me be more explicit in my question. Based on the
5 changes that are being made today in the New Mexico
6 regs, are there actions that licensees around
7 New Mexico need to take in response?

8 MR. ORTIZ: Yes, there are. In the case of
9 some of these regulations, like devices, we don't
10 have any licensees that deal with devices, luminous
11 devices or aircraft devices. But in the cases of
12 radiation safety, under part four, or licensing,
13 under part three, they -- or specific licensing under
14 industrial radiography, well logging, those changes
15 in those regs, they will have to comply with.

16 But a good portion of these that are
17 presented -- for example, right here on this
18 slide, 305, for luminous safety devices for use in
19 aircraft, we don't have any licensees that
20 are really -- fall into this category.

21 So some of these revisions are made for
22 compatibility and may or may not have impact, in this
23 case do not have an impact on the licensees. But
24 there are some that will. For example, part 37
25 requirements, which are security, category one and

1 two materials, those will have an impact, and there
2 is a national program that follows that. But, for
3 this particular regulation, they will not.

4 MR. HOOVER: Okay. This is Paul. One last
5 question. Is it, then, up to the individual
6 licensees to evaluate these changes to determine
7 whether they impact their specific operation?

8 MR. ORTIZ: Yes. They're required to have
9 and know the regulations and how they change and each
10 time they change. And so we will, when we inspect
11 them, verify that they're meeting those regulations
12 as they change.

13 The part seven regulations, medical, those
14 are changing significantly over time, and we have
15 some changes in there. So those that are licensed in
16 the medical industries will have to pay special
17 attention. And they do. They're aware of them and
18 comply, in most cases.

19 MR. HUNTER: I'm sorry. This is
20 David Hunter. Each of the licensees, there is a
21 statement on there saying that they're required to be
22 familiar with the regulations, because that's always
23 been an issue when the regulators would come in to do
24 an inspection, and they would kind of plead ignorance
25 on some parts.

1 But there is a very clear statement, and
2 each licensee, in each licensee's RAM license, it's
3 their responsibility to keep up with the regulations.

4 MR. HOOVER: Okay. So there's no
5 notification that goes out that says, "We've done an
6 update to the regulations, and you need to go look at
7 your license"?

8 MR. RODRIGUEZ: So, if I may -- this is
9 Santiago Rodriguez, Paul. My apologies for opening
10 this can of worms and making it unclear in what I was
11 saying, but -- so what we do is, just like for this
12 meeting, we issue public notice, and any licensees
13 that are going to be impacted by the change in
14 regulation, we communicate that to them.

15 MR. HOOVER: I see.

16 MR. RODRIGUEZ: There's no, like jack- --
17 there's no jack-in-the-box. There's no surprises.

18 MR. HOOVER: I see.

19 MR RODRIGUEZ: The staffers are in constant
20 communication with licensees. They're always
21 communicating with Victor, our licensing specialist.

22 So we, I believe, and Mike can confirm,
23 that we have a very good working relationship with
24 the licensed community, and therefore -- and if we go
25 to them and, for some reason, they've had a change of

1 management, a change in radiation safety officer,
2 whatever, they're a little bit behind, we work with
3 them to make sure that they can get into compliance.

4 We don't come in with, you know, the hammer
5 and hit somebody over the head. We work with them.
6 But after that point, it is their responsibility, as
7 David said, and we can point to that and say, "It is
8 your responsibility, as the licensee, to know,
9 understand, and follow the regulations." But we do
10 communicate with them. It's part of what we do.

11 MR. HOOVER: Great. Santiago, that answers
12 my concern. Thanks.

13 MS. NAPOLITANO: And so I just wanted to
14 also clarify that these changes that the Bureau is
15 proposing now, they will not go into effect after
16 this meeting. After this meeting, we will hold a
17 hearing on the changes and make that, the proposed --
18 we will propose the changes to the Environmental
19 Improvement Board. And if the Environmental
20 Improvement Board approves of the changes, then they
21 will go to into effect.

22 And then after they go into effect, at that
23 time, that's when we will, you know, provide the
24 public and the licensees with the notice that, "These
25 changes were approved by the EIB. They've gone into

1 effect."

2 And usually there is some lag time between
3 the hearing and when they go into effect so that
4 licensees have some time to prepare and/or implement
5 the changes, if they need to. They don't go into
6 effect immediately upon approval, either. There is
7 some time, too, so --

8 MR. COLLINS: Okay. I think the questions
9 have been answered, and I will continue to proceed,
10 if everybody is okay with that.

11 MR. SAVIGNAC: Go ahead.

12 MR. COLLINS: Okay. I believe we -- okay.
13 Let's go ahead and go to the next slide.

14 Okay. So if anybody went through this the
15 first time, the NRC actually requested some changes
16 that we have made to 20.3.306, and one of them is
17 that the "Commission" means the NRC and not us,
18 except if it's specified below in this, in this
19 regulation.

20 So let's see the next slide.

21 What we did is we added this language, "All
22 reference in 10 CFR to 'commission' and 'NRC' are
23 changed to 'Department' as follows," and this follows
24 suit with the request that the NRC made that these be
25 changed.

1 So the next one, two, probably -- it looks
2 like eight slides are going to show you where that
3 change -- what federal regulation it is that the
4 "commission" and "NRC" are changed to the
5 "department."

6 Are there any questions so far?

7 Okay. Next slide.

8 MR. HOOVER: Yeah. This is Paul, Tom.

9 MR. COLLINS: Oh, hold on.

10 MR. HOOVER: I guess the -- it sounded like
11 the intent was to change to be explicit about a
12 commission role or responsibility, an NRC role and
13 responsibility. Is it okay with NRC if we choose to
14 make it "New Mexico Department"?

15 MR. COLLINS: No. It depends on what we're
16 looking at. In this case --

17 MR. HOOVER: Okay.

18 MR. COLLINS: -- for 20.3.306(C), the NRC
19 states that "Commission" and "NRC" mean us, or the
20 New Mexico Environment Department, Radiation Control
21 Bureau.

22 MR. HOOVER: Okay.

23 MR. COLLINS: There is another statement
24 we're going to have in here where it actually, I
25 believe, means them, but it's -- this one was kind of

1 a confusing requirement that they gave us.

2 MR. HOOVER: Yeah. Okay. So I guess it
3 depends on the condition or the situation, whether it
4 should read "commission" or "department"?

5 MR. ORTIZ: Right. This is Michael Ortiz.
6 So, basically, if you look to the last column in here
7 on the matrix, it actually -- that is from the NRC's
8 review of the regulations, once they were changed.

9 And so they'll tell us, "Hey, we want you
10 to refer to 'commission' in this circumstance. But
11 in this circumstance, we want you to refer to your
12 agency."

13 MR. HOOVER: Okay. Great.

14 MR. ORTIZ: So that's what we're doing.
15 We're making -- we're taking their recommendations
16 and changing them based on the NRC's review of our
17 documents.

18 MR. SAVIGNAC: Their mandate.

19 MR. HOOVER: Okay. Thanks.

20 MR. COLLINS: Okay. So, again, the next
21 slides are going to look similar, but what I'm doing
22 is I'm pointing out where, in this case, this would
23 mean Radiation Control Bureau.

24 Okay. Yep. The next slide. And 71.91,
25 the same thing. This would mean us.

1 The next slide. And stop me if I'm going
2 too fast through these.

3 Continue. Oh, this one does not have a
4 reference to "commission." So this is an error on
5 their part, but we still included it.

6 Next slide.

7 Again, "commission" is in this federal
8 regulation.

9 The next slide.

10 Here, it's NRC, but it would mean Radiation
11 Control Bureau.

12 Next slide.

13 And, I believe, the next slide, the same
14 situation. This would mean us.

15 And the following slide. And that's the
16 last of the Federal Regulations, which "commission"
17 and "NRC" mean the Radiation Control Bureau.

18 The next slide.

19 MR. ORTIZ: It would actually mean the
20 department. It isn't --

21 MR. COLLINS: Well, yeah, the Environment
22 Department.

23 MR. SAVIGNAC: Just a little clarification
24 for me. In general, the State of New Mexico controls
25 the transportation of radioactive materials, or -- is

1 that right?

2 Michael?

3 MR. COLLINS: Actually --

4 MR. ORTIZ: CFR 71 is the controlling part.

5 That's what we're referencing here, 10 CFR Part 71

6 are taken by reference, and so that is the federal

7 law that regulates that. And then, also, 49 CFR

8 comes in for the transportation of radioactive

9 materials.

10 The State, itself, would in their
11 inspections make sure that they're complying with
12 those regulations, but we are not the final -- we'll
13 issue violations if they're not -- if they're not
14 following Part 71 or if they're not following 49 CFR
15 and cite those regulations, but each one of the
16 licenses actually refer to Part 71 on transportation,
17 that they must follow in their license conditions
18 when they're issued.

19 MR. SAVIGNAC: So is my understanding
20 correct that the State of New Mexico enforces the
21 transportation of radioactive material?

22 MR. ORTIZ: They will enforce it through
23 the federal laws to the licensed conditions --

24 MR. SAVIGNAC: Okay.

25 MR. ORTIZ: -- on the person's license.

1 MR. SAVIGNAC: Okay. Thank you. Just a
2 clarification.

3 MR. ORTIZ: Okay.
4 Next slide, Tom?

5 MR. COLLINS: Yes, please.

6 Again, this is another situation where "all
7 reference in 10 CFR to 'certificate holder,'
8 'applicant,' and 'applicant for a certificate of
9 compliance' (COC) apply to NRC as follows," and not
10 to New Mexico. In other words, all of this applies
11 to the federal regulation and is directed towards the
12 Nuclear Regulatory Commission, and we have about six
13 or seven slides similar to this.

14 Next slide, please.

15 And the following slide.

16 And the following slide.

17 And the final one of this group.

18 Okay. If there are no questions concerning
19 this, let's go ahead and go to the next slide.

20 Okay. So we were asked to exempt some
21 regulations in ours, and, fortunately, we had already
22 had a Part D of this, "The following provisions
23 contained in 10 CFR 71 are applicable to the NRC and
24 not incorporated in this section." And through the
25 next four slides, I'm showing the federal regulation

1 that we're excepted from. Yeah, 70, 71.

2 Next slide. That's a continuation of that.

3 Next slide. And that should be it for that
4 requirement.

5 Okay. This has to do with fingerprint and
6 background checks. Those are specifically sent to
7 the NRC for processing. So, in this case, we had to
8 make sure to exempt 10 CFR 37.27 or, actually, make
9 it not applicable to us.

10 Go ahead and go to the next slide. Yep.

11 Oh, this is an RCB correction. We found
12 that there were some incorrect references in this
13 section. We have our own equivalent regulation, so
14 we did not need 10 CFR 40. We used this section.

15 We had an incorrect reference to --
16 10 CFR 40.22 is for a general license. These are for
17 specific licenses. We also had an incorrect
18 reference to one of our NMAC regulations, which was
19 for a general license, and we corrected it for a
20 specific license.

21 You'll see quite a few slides similar to
22 this one, where we were not to refer to 10 CFR 40.54
23 but actually refer to our regulation, and in this
24 case, we just said "this section," instead of
25 placing 20.3.3.307(L) in that location.

1 Next slide. Again, that's this section.

2 Next slide. Okay. We did receive some
3 specific instructions to add the word "and" and move
4 the word "and" and, in its place, place "or," and
5 then we also added the correction for our regulation.

6 Next slide, please. This is similar to
7 what we saw before, where we had to reference our
8 regulation, and in this case, we went ahead and wrote
9 it out.

10 Yeah, the next slide. This is similar to
11 the very first slide. We found a reference to
12 "tribal government" and capitalized "tribal."

13 The next slide, please. This is a
14 compatibility requirement, and we had to add that
15 devices be registered in the Sealed Source and
16 Directory (sic) Registry.

17 Okay. Next slide, please.

18 In this case, we discovered that we were
19 referencing an entire section that is currently
20 reserved under this transfer provision; 20.3.3.315 is
21 reserved. It has no provisions in it, and so we had
22 to delete that entire comment or entire portion of
23 the regulation. And this is a continuation of that.

24 And this, again, is the same thing.
25 Subsection D of 20.3.3.315 is reserved, and so we

1 made corrections to that, as well.

2 MR. HOOVER: This is Paul Hoover. Surely,
3 there are still requirements for transfer of devices.
4 Is it -- are these captured elsewhere if they're
5 being removed from this, this section?

6 MR. COLLINS: Yes, they are, but, in
7 addition, when you -- let's go back, I think, one
8 slide.

9 Let's see. Let's go back one more slide,
10 please. It says, "Each person that is licensed under
11 paragraph (1) of Subsection D." There is no
12 Subsection D, so nobody can be licensed under
13 Subsection D. Does that explain why we made the
14 deletion?

15 MR. HOOVER: I guess my point is, there are
16 three slides of requirements governing transfer
17 devices. My question is: Are there requirements
18 elsewhere that govern that activity?

19 MR. ORTIZ: Well, I can answer that. This
20 is Michael Ortiz.

21 So, basically, this is specifically for
22 manufacture and distribution of devices to persons
23 generally licensed. The State of New Mexico does not
24 license any manufacturing distribution of devices.
25 The NRC actually is the only person that can do that.

1 But we do have transfer of radioactive
2 materials regulations that are in part, and part of
3 the compatibility is we would refer to the NRC and
4 the NRC's ability to license for distribution and
5 manufacturing. The State of New Mexico does not have
6 that authority. That is actually -- general
7 licensees for distribution, for example, of a DM
8 gauge, we license DM gauges, but we do not license
9 them for distribution. We license them for use.

10 The NRC has to license, for example, a DM
11 gauge manufacturer that has americium 241 and CG 137
12 for general distribution or gauges that have
13 radioactive material for general distribution.
14 They're the only ones that can license for that
15 purpose. We cannot.

16 MR. HOOVER: Thank you.

17 MR. COLLINS: Okay. Let's skip forward
18 to -- I think it's slide 65, or is it the next one?

19 The next slide, this is.

20 MR. ORTIZ: Are we on the right one?

21 MR. COLLINS: This is -- yes, we are.

22 MR. ORTIZ: Okay.

23 MR. HOOVER: This is a rather innocuous
24 change. We had to change to "Nuclear Materials
25 Safety and Safeguards Department," since their name

1 changed in our regulations.

2 Go ahead and go to the next slide, I think.

3 Here, they requested us to insert the word
4 "state" agency.

5 The next slide, please.

6 Again, this is similar to the very first
7 slide. We found another reference to "tribe" and
8 capitalized it.

9 Next slide.

10 Next slide, Michael.

11 This is a change we made. We found that
12 there was -- in our tables, we had an incorrect
13 reference for Carbon-14 of 1,000, and it should have
14 been 100. So that's a correction we're making to the
15 regulation.

16 Next slide, please.

17 MR. ORTIZ: Just to make a point of that
18 one change, that was actually sent to us by a
19 licensee, basically telling us, "Hey, your
20 regulations are off by a factor of 10, compared to
21 the Federal Regulations," and so we went and checked
22 the RATS for that and found that we were, and that's
23 why we made that change.

24 MR. COLLINS: Okay. So we're back to the
25 fingerprint. This request by the NRC, because any

1 reference does not apply to 10 C- -- this does not
2 apply to 10 CFR 37.27, fingerprint/background
3 submissions. That's sent to the NRC, not us.

4 But this caused a cascade of changes,
5 because we had to change them. And I think it
6 was 20.3.7, 20.3.10, 12, and 15, because we reference
7 background checks; or that actual citation, it had to
8 be inserted so that we would not be referencing --
9 let me see if I can say this properly.

10 "Part 37 by reference and states, 'any
11 reference made to the commission or NRC shall be
12 deemed a reference to the department.'" This does not
13 apply to the fingerprint/background submissions.

14 Continue, please. The next slide.

15 This is another correction where we just
16 had to capitalize "Office of the Chief Information
17 Officer."

18 Next slide.

19 This is the fingerprint/background check
20 again, and it carries through to 20.3.5.10.

21 Next slide.

22 Again, fingerprint/background checks
23 carried over to 20.3.7.700 and 12. And I think we're
24 on the final slide, and it's the same thing. It's
25 the fingerprint/background checks under 20.3.15.1502.

1 And with that, I think we are done with the
2 presentation. Are there any questions or comments?

3 MR. SAVIGNAC: This is Noel. Were there
4 any changes to the fee structures that we pay in
5 New Mexico?

6 MR. COLLINS: Not in this go-round.

7 MR. SAVIGNAC: And a secondary question.
8 Are the fees we pay in New Mexico the same as -- I
9 assume that they're now the same as the NRC charges.

10 MR. ORTIZ: No, they're not. This is
11 Michael Ortiz. So, basically, we'll be presenting
12 the 2020 -- FY 20 information on the fees collected.
13 We are substantially less than the NRC's fees.

14 So they are mandated by Congress to
15 collect 90 percent of their costs and recover those
16 costs by fees. So, in reality, if they ever did have
17 to take over our program because we were not
18 compatible with the NRC and they decided to take over
19 the State of New Mexico's Radiation Protection
20 Program, they would be a burden to our licensees,
21 because their costs would go up significantly.

22 I just thought I'd explain that on the
23 fees.

24 MR. SAVIGNAC: Okay. Thank you.

25 MR. ORTIZ: And I will present the FY 20 --

1 there is a spreadsheet that was sent to you ahead of
2 time, but it will give you an idea of what we
3 collected in FY 20 in fees, what was actually
4 supposedly to be collected. I'll go through that in
5 a bit, but that answers -- hopefully, that answers
6 your question.

7 MR. SAVIGNAC: Yeah.

8 MR. ORTIZ: With that, I guess I'll turn it
9 over back to Mia.

10 Mia, please.

11 MS. NAPOLITANO: Okay.

12 So, yeah, if there aren't any other
13 questions or comments to make about our Bureau's
14 presentation, then we will vote now on the proposed
15 amendments. So an RTAC member will need to motion
16 that the proposed amendments to 20.3.1 NMAC be
17 approved.

18 MR. HOOVER: Paul Hoover. I so move.

19 MS. NAPOLITANO: Okay.

20 MR. HUNTER: David Hunter. I second the
21 motion.

22 MS. NAPOLITANO: Great. And then, again,
23 all in favor say "aye" and state your name.

24 MR. SAVIGNAC: Aye. Noel.

25 MS. KOHN: Angela Kohn. I agree.

1 MS. NAPOLITANO: Okay. So it looks like
2 all voted in favor to approve the proposed amendments
3 to 20.3.1 NMAC as presented.

4 I'm going to go through all of the
5 amendments. So now an RTAC member will need to
6 motion that the proposed amendments to 20.3.3 NMAC be
7 approved.

8 MR. HOOVER: Paul Hoover. So move.

9 MS. NAPOLITANO: And so a second --

10 MR. HUNTER: David Hunter. Second the
11 motion.

12 MS. NAPOLITANO: Great. And then, on --

13 MR. SAVIGNAC: Noel. Approve.

14 MS. KOHN: Angela Kohn. Approve.

15 MS. NAPOLITANO: Great. It looks like all
16 voted in favor to approve the proposed amendments
17 to 20.3.3 NMAC as written.

18 And now an RTAC member will need to motion
19 that the proposed amendments to 20.3.4 NMAC be
20 approved.

21 MR. HOOVER: Paul Hoover. I so move.

22 MS. NAPOLITANO: And do I have a second?

23 MR. HUNTER: David Hunter. I second the
24 motion.

25 MS. NAPOLITANO: Great.

1 MR. SAVIGNAC: Noel. Approve.

2 MS. KOHN: Angela Kohn. Approve.

3 MS. NAPOLITANO: So it looks like all voted
4 in favor to approve the proposed amendments to 20.3.4
5 NMAC as written.

6 Now an RTAC member will need to motion that
7 the proposed amendments to 20.3.5 NMAC be approved.

8 MR. HOOVER: Paul Hoover. I so move.

9 MR. HUNTER: David Hunter. I second.

10 MR. SAVIGNAC: Noel. Approve.

11 MS. KOHN: Angela Kohn. Approve.

12 MS. NAPOLITANO: All voted in favor to
13 approve the proposed amendments to 20.3.4 NMAC as
14 written.

15 All right. Let me see. I lost track here.

16 Okay. So now an RTAC member will need to
17 motion that the proposed amendments to 20.3.5 NMAC be
18 approved.

19 MR. HOOVER: Paul Hoover. I so move.

20 MR. HUNTER: David Hunter. I second the
21 motion.

22 MR. SAVIGNAC: Noel. Approve.

23 MS. KOHN: Angela Kohn. Approve.

24 MS. NAPOLITANO: All voted in favor to
25 approve the proposed amendments to 20.3.5 NMAC as

1 written.

2 Now an RTAC member will need to motion that
3 the proposed amendments to 20.3.7 NMAC be approved.

4 MR. HOOVER: Paul Hoover. I so move.

5 MR. HUNTER: This is David Hunter. I
6 second the motion.

7 MR. SAVIGNAC: Noel Savignac. Approve.

8 MS. KOHN: Angela Kohn. Approve.

9 MS. NAPOLITANO: Great. All right. All
10 voted in favor to approve the amendments to 20.3.7
11 NMAC as written.

12 Now we will move -- an RTAC member will
13 need to motion that the proposed amendments
14 to 20.3.12 NMAC be approved.

15 MR. HOOVER: Paul Hoover. I so move.

16 MR. HUNTER: David Hunter. I second the
17 motion.

18 MR. SAVIGNAC: Noel Savignac. Approve.

19 MS. KOHN: Angela Kohn. Approve.

20 MS. NAPOLITANO: All voted in favor to
21 approve the proposed amendments to 20.3.12 NMAC as
22 written.

23 And, lastly, an RTAC member will need to
24 motion that the proposed amendments to 20.3.15 NMAC
25 be approved.

1 MR. HOOVER: Paul Hoover. So moved.

2 MR. HUNTER: David Hunter. I second the
3 motion.

4 MR. SAVIGNAC: Noel Savignac. Approve.

5 MS. KOHN: Angela Kohn. I approve.

6 MS. NAPOLITANO: Great. So all voted in
7 favor to approve the proposed amendments to 20.3.15
8 NMAC as written.

9 And it looks like we have gone through all
10 of the proposed amendments. So we can move on to
11 item five, which is discussion of fees, and the
12 Bureau will make that presentation.

13 MR. SAVIGNAC: I'd like to ask for a
14 three-minute break, bathroom break.

15 MS. NAPOLITANO: Oh, yeah. No, definitely.
16 Let's -- we can all take about a three- or
17 five-minute break. So you got it.

18 MR. SAVIGNAC: Okay. See you in three, in
19 three to five.

20 (Recess taken from 11:13 a.m. to 11:16 a.m.)

21 MR. ORTIZ: Okay. So this part is a
22 discussion on fees. I misspoke earlier. I said
23 FY 20. It's actually calendar year 2020. So we
24 gathered the latest information so that we could
25 show -- if you'll --

1 Can everyone see my shared spreadsheet?

2 David, can you see my spreadsheet?

3 MR. HUNTER: Yes. Yes, sir, I can. David.

4 Yes.

5 MR. ORTIZ: Okay. Paul, can you see it?

6 MR. HOOVER: Yes, I can.

7 MR. ORTIZ: Noel, can you see it?

8 MR. SAVIGNAC: Yes.

9 MR. ORTIZ: And, Angela, can you see it?

10 Angela?

11 MS. KOHN: Yes, I can see it.

12 MR. ORTIZ: Okay. So basically what you're
13 looking at is -- the license numbers on the left-hand
14 side, you'll see that, the license type. IR means
15 industrial radiography. Others, decommissioned
16 service, storage only, calibration service. So
17 they're a print of types of licenses, medical,
18 calibration service, DM gauges.

19 So that's what these different letters
20 mean. They're just the print types.

21 MR. SAVIGNAC: What's AA?

22 MR. ORTIZ: Sir?

23 MR. SAVIGNAC: What is AA?

24 MR. ORTIZ: AA is academic broad-scope, A
25 license, and laundry is LA. Medical, medical

1 institution, medical doctors. Gauge licensees is
2 the GA.

3 Let's see if there's any others. RS is the
4 radiation services. PA is a particle accelerator.
5 Or a paint analyzer. I'm sorry. The TA is a --
6 let's see. I have Victor on here.

7 Victor, can you give me designation for the
8 TA?

9 MR. SULLIVAN: Mike, it's a tracer.

10 MR. ORTIZ: Okay.

11 MR. SULLIVAN: It's Specter Tech.

12 MR. ORTIZ: Okay. Tracer studies. Okay.
13 Thank you, Carl.

14 And let's see. Carl, VT? Veterinary is
15 what that is, I believe. And gamma radiator is GI.
16 GM is broad-scope medical. I'm just trying to
17 identify any of these that may be different.

18 Radiopharmacy is RP. Academic broad-scope.

19 MR. SAVIGNAC: Let's go back to the
20 radiopharmacy one. I missed that one.

21 MR. ORTIZ: RP.

22 MR. SAVIGNAC: Okay. Thank you.

23 MR. ORTIZ: Let's see. Well logging is WL.
24 Gamma irradiator is GI. I think that covers them
25 all.

1 And then the fees, the current fees and the
2 amounts -- oh, by the way, these fees were put in
3 place in 2002 and have not changed since 2002. So
4 when the fees went into place in the revision of
5 regulations in 2002 is when these fees had gone into
6 place, and they have not changed since then. They
7 haven't been corrected for inflation, for anything.

8 So we have proposed it several times but
9 never been allowed to implement new fees. And these
10 fees are only for annual fees of the license, and
11 they do not include an inspection fee. They do not
12 include any amendment renewal or application fees, as
13 many of our counterpart agreement states do have in
14 place.

15 The current fees that were due -- and I'm
16 going to scroll to the bottom -- for the year were
17 \$753,607.50. The next column that you'll look at is
18 the actual fees paid. And so, when I scroll up and
19 down this, you see that there are entries in the Is
20 SBE column, column N, and credits in column O.

21 So what happens is we have, in our
22 regulations, we allow small entities. So when you're
23 below a certain number of people or certain dollar
24 amounts of sales that you're able to collect, we
25 allow you to take and certify as a small entity.

1 You'll have to turn in, usually, three years of your
2 tax returns so they can certify and make that
3 determination.

4 And if you qualify, you would pay less.
5 And so basically the -- in this case, if you look at
6 row four and five, this licensee qualified for a
7 small entity and only paid \$500, instead of \$7,480
8 that was the actual annual fee but was -- because of
9 their certification, they paid only \$500.

10 The second one on row five -- do you have a
11 question? Does someone have a question?

12 MR. SAVIGNAC: No.

13 MR. ORTIZ: Row five, if you look at that
14 licensee, the fee is \$1700. Basically, they only
15 paid \$500, because they were able to certify a small
16 entity. So they were -- what we have to do is issue
17 a credit for the differences.

18 So the difference between \$500 and \$7,480
19 is \$6,980, and the difference from \$500 and \$1700 is
20 \$1200. So those are credits that are issued. So
21 you'll see it in column O, what's is called Credit.

22 And so each one will have different amounts
23 that they pay. In this case, 1.A. is medical. They
24 are charged -- \$3,850 is the annual fee, because
25 they're able to certify. It's a small entity.

1 Under 1.A., they paid \$1500. So it's either \$500 or
2 \$1500. 1.A. is \$1500. 1.B. is \$500. So they're
3 issued credits for \$2,315 and \$9,130.

4 So there's big differences. So, a lot of
5 these, they're small entities that meet that
6 certification and not pay the full fee amount that's
7 assessed. So, instead of collecting the \$753,607, we
8 only collected \$648,042.50, and we'd have to issue a
9 credit to balance our -- the financial people, to
10 balance our spreadsheet, of \$82,460 which we did not
11 collect.

12 All of these monies are used to run the
13 Radiation Protection Program.

14 MR. HUNTER: Michael, this is David Hunter.
15 I have a question for you. On the revenue that
16 you're generating here from all of the licensees,
17 does that go into the Radiation Control Bureau
18 general fund, or does that go into a New Mexico
19 environmental fund?

20 MR. ORTIZ: It goes into a special revenue
21 fund that is, by statute, called the Radiation Fund
22 that's created under statutes, and that money is
23 supposed to be set aside to run the Radiation
24 Protection Program. It so states it in statutes.
25 But we had, for example, in the last

1 administration -- and Santiago can speak more to
2 that.

3 So let me ask him, Santiago, if you could
4 speak more to what happens with our money, sometimes,
5 even though it goes to a special revenue fund. Can
6 you speak to that, Santiago?

7 MR. RODRIGUEZ: Yes. So this is Santiago
8 Rodriguez. Thank you, Mike.

9 So the Radiation Protection Fund is the
10 fund that was created under statute. As Mike stated,
11 that is, all fees from radioactive materials
12 licensing go into. It is a special revenue fund. We
13 are appropriated X amount of dollars every year to
14 spend as part of our budget, and any money that is
15 not spent that has come out of the Radiation
16 Protection Fund returns to the fund.

17 There has been in prior years, because of
18 the small balance that it's carried -- and I say
19 "small," by comparison to the other bureaus within
20 the agency. It looks very attractive when you have a
21 little bit of money in an account, and so during that
22 time, they went ahead and swept some of the money
23 from the fund to keep the State solvent.

24 So it was a proposal of \$650,000 of what we
25 had, which would have left us with roughly about

1 \$200,000 in the bank. And so, through some
2 discussions and conversations, they only took about
3 \$400,000 of that.

4 And, again, as Mike said, we're very
5 careful about how this money is spent. The money is
6 utilized to pay the staff that do the inspections,
7 that do the work and ensure that the citizens of the
8 state of New Mexico and the environment are protected
9 as a result of all of the activities that can occur
10 through radioactive materials licensing.

11 I hope that answers your questions. If you
12 have anything pressing that you would like to ask,
13 I'm happy to entertain that at this time.

14 MR. SAVIGNAC: How much does it cost the
15 Environment Department each year? What are your
16 expenses, roughly?

17 MR. RODRIGUEZ: So the expenses for the
18 entire Bureau are roughly about \$1.2 million.

19 MR. SAVIGNAC: So you have expenses of \$1.2
20 million, and you have revenues of about -- what was
21 it, \$700,000, something like that?

22 MR. RODRIGUEZ: Correct. So the difference
23 in revenue comes from the fixed-unit price contract
24 through the mammography program, which brings in
25 about \$85,000 to \$90,000. We get a General Fund

1 allocation, and the thing with General Fund is
2 whatever is not spent returns to the General Fund.
3 But we're always very good about spending that. And
4 that supports our office of nuclear workers. That
5 supports our X-ray program, because we do not have
6 fees at this time for the X-ray program, which is, in
7 fact, the largest program in the Bureau.

8 The Stevens Program brings in money through
9 the certification and licensing of individuals that
10 administer radiation in the field to Cubans, and so
11 part of Mike's program is that, when we go out and do
12 inspections, they ensure that the people that are
13 taking X-rays and administering radiation are, in
14 fact, qualified and certified.

15 And then we have a WIPP pass-through grant
16 that we get through Energy and Minerals, on behalf of
17 the Department of Energy. And so that is a five-year
18 grant, and so we're a year, I believe, two, possibly,
19 of this cycle.

20 But that's something that continues, and
21 what that offers is training and education and
22 continuing -- and CEUs to those individuals that work
23 along the WIPP route. So those would be the nurses
24 and emergency staffs, the State Police, that respond
25 to any type of accidents that occur.

1 And, finally, we have a grant through the
2 EPA for radon that we use to do radon outreach, and
3 we provide radon test kits that we've been able to
4 purchase using these funds. And so we give the radon
5 test kits to individuals, one, for households, so
6 they can have an idea of what type of radon gas they
7 have.

8 So that pretty much is the various sources
9 of funding that come into the Bureau, and
10 Stevens Program is also a program that the funds do
11 not revert. They stay in his fund.

12 MR. SAVIGNAC: So, in total, are you in the
13 black or in the red?

14 MR. RODRIGUEZ: So we're in the black. I'm
15 very careful about how we spend money. You know, I
16 tell everybody to have --

17 MR. SAVIGNAC: Like about -- like about how
18 much?

19 MR. RODRIGUEZ: In the black?

20 MR. SAVIGNAC: Yeah.

21 MR. RODRIGUEZ: It depends. It fluctuates
22 from year to year. It's a running target right now.

23 MR. SAVIGNAC: Just in general.

24 MR. RODRIGUEZ: So we -- well, we spend all
25 of our General Fund, and we probably are going to

1 revert, probably, about \$30,000 to \$50,000 back into
2 the special revenue fund for radioactive materials.
3 So, you know, it's anywhere from \$30,000 to \$50,000.
4 So we're okay.

5 MR. SAVIGNAC: So it sounds like a good
6 program, well-run, to me.

7 MR. RODRIGUEZ: Excellent. Thank you for
8 that.

9 MR. HOOVER: Mike, this is Paul Hoover.
10 Can you go to row 77?

11 I noticed that the SBE category 1.A.
12 results in an actual fee of \$4500, which is different
13 than the other 1.A.s. Is there a reason for that
14 difference?

15 MR. RODRIGUEZ: I can respond to that.
16 This is Santiago Rodriguez.

17 So the way this works is licensees are
18 billed per category. So if you have a radioactive
19 materials license and you have different categories
20 that you're authorized for, for example, like you
21 have a gauge, if you have a calibration service, if
22 you -- whatever it is, you're billed by each
23 individual piece of that.

24 And then what happens is, if you apply for
25 small entity, you hit the small -- each category with

1 that small entity, which in this case creates that
2 large reduction.

3 Just by looking at this, I already know who
4 the licensee is. So they take advantage of that, and
5 they apply the "small entity" to each category on
6 their invoice.

7 MR. HOOVER: So they hit it three times.
8 They hit it three times, then.

9 MR. RODRIGUEZ: In this case, four times.
10 I think they have four different fee categories. So
11 they hit it four times. Yep.

12 MR. HOOVER: Okay.

13 MR. RODRIGUEZ: Right? Yes. Three.

14 MR. HOOVER: No. That would be --

15 MR. RODRIGUEZ: You're right, three. You
16 are right, three, because it would be 15, 15, 15, 45.
17 You're right.

18 MR. HOOVER: Okay. Thanks. That's it.

19 MR. RODRIGUEZ: You bet.

20 MR. ORTIZ: One thing, when Santiago is
21 referring to the Stevens Program, it's basically the
22 medical imaging program, and they also have their own
23 RTAC, or equivalent to the RTAC. It's a MIRTAC.

24 And so that's one of the things that we
25 have to try and get the legislature to remove. The

1 current statutes refer to four additional members for
2 purposes of the Radiation -- Medical Imaging
3 Radiation Safety Act, how they have their own statute
4 and their own council. So that's one thing that,
5 hopefully in the future, at one of the legislative
6 sections, we need to remove that language.

7 For the purposes of meeting on the RTAC,
8 the RTAC consists of seven members for dealing with
9 these issues, ruling making, rule revisions. So
10 that's why the four of you make up the quorum. So I
11 just thought I'd explain that.

12 Any other questions regarding our
13 discussions on the fees?

14 If not, I'll turn it back to Mia. I'm
15 done.

16 MS. NAPOLITANO: Okay. All right. So if
17 there aren't any other questions or comments about
18 item five of the agenda, we can now move to item six,
19 which is "Other business." Do any RTAC members or
20 does the Bureau have any other items they would like
21 to discuss today?

22 Okay. All right. It looks like we are
23 ready, then, to move on to item seven, since there --
24 we don't have any other business to discuss, which is
25 to -- the next meeting agenda and dates. Would the

1 RTAC like to set the date for the next meeting, or --
2 at this time?

3 No? Okay.

4 So we can -- if we aren't going to set the
5 next meeting date and agenda now, then we can move on
6 to item eight, which is adjournment. So a member of
7 the RTAC will need to move that the meeting be
8 adjourned.

9 MR. SAVIGNAC: Before --

10 MR. HOOVER: David Hunter. I make a motion
11 that we adjourn the meeting.

12 MR. SAVIGNAC: Before we adjourn the
13 meeting, I would like to commend the radiation
14 department on a good job in getting through all of
15 that minutia, all of those small, little changes.
16 Likely, that's a lot of work, and I'm just really
17 impressed that the people have done a good job with
18 that.

19 Go on with the motion.

20 MS. NAPOLITANO: Okay. We will start
21 again. If an RTAC member could just move to adjourn
22 the meeting.

23 MR. HUNTER: David Hunter. I make a motion
24 to adjourn the meeting.

25 MR. HOOVER: Paul Hoover. Second.

1 MS. NAPOLITANO: Okay.

2 MR. SAVIGNAC: Noel Savignac. Approve.

3 MS. KOHN: Angela Kohn. I approve.

4 MS. NAPOLITANO: All right. So the meeting
5 is adjourned, and, Mike, you can end the recording
6 now, and we can conclude.

7 (Meeting concluded at 11:37 a.m.)

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1 IN RE: RADIATION TECHNICAL ADVISORY COUNCIL

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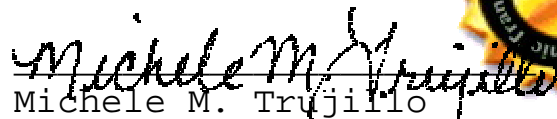
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PART 71—PACKAGING AND TRANSPORTATION OF RADIOACTIVE MATERIAL

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[Appendix A to Part 71—Determination of A₁ and A₂](#)

Authority: Atomic Energy Act of 1954, secs. 53, 57, 62, 63, 81, 161, 182, 183, 223, 234, 1701 (42 U.S.C. 2073, 2077, 2092, 2093, 2111, 2201, 2232, 2233, 2273, 2282, 2297f); Energy Reorganization Act of 1974, secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); Nuclear Waste Policy Act of 1982, sec. 180 (42 U.S.C. 10175); 44 U.S.C. 3504 note.

Section 71.97 also issued under Sec. 301, Pub. L. 96–295, 94 Stat. 789 (42 U.S.C. 5841 note).

Source: 60 FR 50264, Sept. 28, 1995, unless otherwise noted.

[72 FR 63974, Nov. 14, 2007; 73 FR 63572, Oct. 24, 2008; 77 FR 39908, Jul. 6, 2012; 77 FR 34204, Jun. 11, 2012; 80 FR 34013-34014, Jun. 12, 2015; 80 FR 54235, Sep. 9, 2015]

Subpart A—General Provisions

 TOP

Source: 69 FR 3786, Jan. 26, 2004, unless otherwise noted.

§ 71.0 Purpose and scope.

(a) This part establishes—

(1) Requirements for packaging, preparation for shipment, and transportation of licensed material; and

(2) Procedures and standards for NRC approval of packaging and shipping procedures for fissile material and for a quantity of other licensed material in excess of a Type A quantity.

(b) The packaging and transport of licensed material are also subject to other parts of this chapter (e.g., 10 CFR parts 20, 21, 30, 40, 70, and 73) and to the regulations of other agencies (e.g., the U.S. Department of Transportation (DOT) and the U.S. Postal Service)¹ having jurisdiction over means of transport. The requirements of this part are in addition to, and not in substitution for, other requirements.

(c) The regulations in this part apply to any licensee authorized by specific or general license issued by the **Commission (NRC)** to receive, possess, use, or transfer licensed material, if the licensee delivers that material to a carrier for transport, transports the material outside the site of usage as specified in the NRC license, or transports that material on public highways. No provision of this part authorizes possession of licensed material.

(d)(1) Exemptions from the requirement for license in § 71.3 are specified in § 71.14. General licenses for which no NRC package approval is required are issued in §§ 71.21 through 71.23. The general license in § 71.17 requires that an NRC certificate of compliance or other package approval be issued for the package to be used under this general license.

(2) Application for package approval must be completed in accordance with subpart D of this part, demonstrating that the design of the package to be used satisfies the package approval standards contained in subpart E of this part, as related to the tests of subpart F of this part.

(3) A licensee transporting licensed material, or delivering licensed material to a carrier for transport, shall comply with the operating control requirements of subpart G of this part; the quality assurance requirements of subpart H of this part; and the general provisions of subpart A of this part, including DOT regulations referenced in § 71.5.

(e) The regulations of this part apply to any person holding, or applying for, a certificate of compliance, issued pursuant to this part, for a package intended for the transportation of radioactive material, outside the confines of a licensee's facility or authorized place of use.

(f) The regulations in this part apply to any person required to obtain a certificate of compliance, or an approved compliance plan, pursuant to part 76 of this chapter, if the person delivers radioactive material to a common or contract carrier for transport or transports the material outside the confines of the person's plant or other authorized place of use.

(g) This part also gives notice to all persons who knowingly provide to any licensee, certificate holder, quality assurance program approval holder, applicant for a license, certificate, or quality assurance program approval, or to a contractor, or subcontractor of any of them, components, equipment, materials, or other goods or services, that relate to a licensee's, certificate holder's, quality assurance program approval holder's, or applicant's activities subject to this part, that they may be individually subject to NRC enforcement action for violation of § 71.8.

¹ Postal Service Manual (Domestic Mail Manual), section 124, which is incorporated by reference at 39 CFR 111.1.

[80 FR 34011, Jun. 12, 2015]

§ 71.1 Communications and records.

 TOP

(a) Except where otherwise specified, all communications and reports concerning the regulations in this part and applications filed under them should be sent by mail addressed: ATTN: Document Control Desk, Director, Division of Fuel Management, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, by hand delivery to the NRC's offices at 11555 Rockville Pike, Rockville, Maryland; or, where practicable, by electronic submission, for example, via Electronic Information Exchange, or CD-ROM. Electronic submissions must be made in a manner that enables the NRC to receive, read,

authenticate, distribute, and archive the submission, and process and retrieve it a single page at a time. Detailed guidance on making electronic submissions can be obtained by visiting the NRC's Web site at <http://www.nrc.gov/site-help/e-submittals.html>; by e-mail to MSHD.Resource@nrc.gov; or by writing the Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. The guidance discusses, among other topics, the formats the NRC can accept, the use of electronic signatures, and the treatment of nonpublic information. If the submission date falls on a Saturday, Sunday, or a Federal holiday, the next Federal working day becomes the official due date.

(b) Each record required by this part must be legible throughout the retention period specified by each **Commission (NRC)** regulation. The record may be the original or a reproduced copy or a microform provided that the copy or microform is authenticated by authorized personnel and that the microform is capable of producing a clear copy throughout the required retention period. The record may also be stored in electronic media with the capability for producing legible, accurate, and complete records during the required retention period. Records such as letters, drawings, and specifications must include all pertinent information such as stamps, initials, and signatures. The licensee shall maintain adequate safeguards against tampering with and loss of records.

[69 FR 3786, Jan. 26, 2004; 69 FR 58038, Sept. 29, 2004; 70 FR 69421, Nov. 16, 2005; 72 FR 33386, Jun. 18, 2007; 74 FR 62683, Dec. 1, 2009; 75 FR 73945, Nov. 30, 2010; 79 FR 75741, Dec. 19, 2014; 80 FR 74981, Dec. 1, 2015; 84 FR 65645, Nov. 29, 2019]

§ 71.2 Interpretations.



Except as specifically authorized by the **Commission (NRC)** in writing, no interpretation of the meaning of the regulations in this part by any officer or employee of the **Commission (NRC)**, other than a written interpretation by the General Counsel, will be recognized to be binding upon the **Commission (NRC)**.

§ 71.3 Requirement for license.



Except as authorized in a general license or a specific license issued by the **Commission (NRC)**, or as exempted in this part, no licensee may--

- (a) Deliver licensed material to a carrier for transport; or
- (b) Transport licensed material.

§ 71.4 Definitions.



The following terms are as defined here for the purpose of this part. To ensure compatibility with international transportation standards, all limits in this part are given in terms of dual units: The International System of Units (SI) followed or preceded by U.S. standard or customary units. The U.S. customary units are not exact equivalents but are rounded to a convenient value, providing a functionally equivalent unit. For the purpose of this part, either unit may be used.

A₁ means the maximum activity of special form radioactive material permitted in a Type A package. This value is either listed in Appendix A, Table A-1, of this part, or may be derived in accordance with the procedures prescribed in Appendix A of this part.

A₂ means the maximum activity of radioactive material, other than special form material, LSA, and SCO material, permitted in a Type A package. This value is either listed in Appendix A, Table A-1, of this part, or may be derived in accordance with the procedures prescribed in Appendix A of this part.

Carrier means a person engaged in the transportation of passengers or property by land or water as a common, contract, or private carrier, or by civil aircraft.

Certificate holder means a person who has been issued a certificate of compliance or other package approval by the Commission (NRC).

Certificate of Compliance (CoC) means the certificate issued by the Commission (NRC) under subpart D of this part which approves the design of a package for the transportation of radioactive material.

Close reflection by water means immediate contact by water of sufficient thickness for maximum reflection of neutrons.

Consignment means each shipment of a package or groups of packages or load of radioactive material offered by a shipper for transport.

Containment system means the assembly of components of the packaging intended to retain the radioactive material during transport.

Contamination means the presence of a radioactive substance on a surface in quantities in excess of 0.4 Bq/cm² (1×10^{-5} μ Ci/cm²) for beta and gamma emitters and low toxicity alpha emitters, or 0.04 Bq/cm² (1×10^{-6} μ Ci/cm²) for all other alpha emitters.

(1) *Fixed contamination* means contamination that cannot be removed from a surface during normal conditions of transport.

(2) *Non-fixed contamination* means contamination that can be removed from a surface during normal conditions of transport.

Conveyance means:

- (1) For transport by public highway or rail any transport vehicle or large freight container;
- (2) For transport by water any vessel, or any hold, compartment, or defined deck area of a vessel including any transport vehicle on board the vessel; and
- (3) For transport by any aircraft.

Criticality Safety Index (CSI) means the dimensionless number (rounded up to the next tenth) assigned to and placed on the label of a fissile material package, to designate the degree of control of accumulation of packages, overpacks or freight containers containing fissile material during transportation. Determination of the criticality safety index is described in §§ 71.22, 71.23, and 71.59. The criticality safety index for an overpack, freight container, consignment or conveyance containing fissile material packages is the arithmetic sum of the criticality safety indices of all the fissile material packages contained within the overpack, freight container, consignment or conveyance.

Deuterium means, for the purposes of §§ 71.15 and 71.22, deuterium and any deuterium compounds, including heavy water, in which the ratio of deuterium atoms to hydrogen atoms exceeds 1:5000.

DOT means the U.S. Department of Transportation.

Exclusive use means the sole use by a single consignor of a conveyance for which all initial, intermediate, and final loading and unloading are carried out in accordance with the direction of the consignor or consignee. The consignor and the carrier must ensure that any loading or unloading is performed by personnel having radiological training and resources appropriate for safe handling of the consignment. The consignor must issue specific instructions, in writing, for maintenance of exclusive use shipment controls, and include them with the shipping paper information provided to the carrier by the consignor.

Fissile material means the radionuclides uranium-233, uranium-235, plutonium-239, and plutonium-241, or any combination of these radionuclides. Fissile material means the fissile nuclides themselves, not material containing fissile nuclides. Unirradiated natural uranium and depleted uranium and natural uranium or depleted uranium, that has been irradiated in thermal reactors only, are not included in this definition. Certain exclusions from fissile material controls are provided in §71.15.

Graphite means, for the purposes of §§ 71.15 and 71.22, graphite with a boron equivalent content less than 5 parts per million and density greater than 1.5 grams per cubic centimeter.

Indian Tribe means an Indian or Alaska Native Tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian Tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. 5130.

Licensed material means byproduct, source, or special nuclear material received, possessed, used, or transferred under a general or specific license issued by the Commission (NRC) pursuant to the regulations in this chapter.

Low Specific Activity (LSA) material means radioactive material with limited specific activity which is nonfissile or is excepted under § 71.15, and which satisfies the descriptions and limits set forth in the following section. Shielding materials surrounding the LSA material may not be considered in determining the estimated average specific activity of the package contents. The LSA material must be in one of three groups:

(1) LSA—I.

(i) Uranium and thorium ores, concentrates of uranium and thorium ores, and other ores containing naturally occurring radionuclides that are intended to be processed for the use of these radionuclides;

(ii) Natural uranium, depleted uranium, natural thorium or their compounds or mixtures, provided they are unirradiated and in solid or liquid form;

(iii) Radioactive material other than fissile material, for which the A_2 value is unlimited; or

(iv) Other radioactive material in which the activity is distributed throughout and the estimated average specific activity does not exceed 30 times the value for exempt material activity concentration determined in accordance with appendix A.

(2) LSA—II.

(i) Water with tritium concentration up to 0.8 TBq/liter (20.0 Ci/liter); or

(ii) Other radioactive material in which the activity is distributed throughout and the estimated average specific activity does not exceed $10^{-4} A_2/g$ for solids and gases, and $10^{-5} A_2/g$ for liquids.

(3) LSA—III. Solids (*e.g.*, consolidated wastes, activated materials), excluding powders, that satisfy the requirements of § 71.77, in which:

(i) The radioactive material is distributed throughout a solid or a collection of solid objects, or is essentially uniformly distributed in a solid compact binding agent (such as concrete, bitumen, ceramic, etc.);

(ii) The radioactive material is relatively insoluble, or it is intrinsically contained in a relatively insoluble material, so that even under loss of packaging, the loss of radioactive material per package by leaching, when placed in water for 7 days will not exceed $0.1 A_2$; and

(iii) The estimated average specific activity of the solid, excluding any shielding material, does not exceed $2 \times 10^{-3} A_2/g$.

Low toxicity alpha emitters means natural uranium, depleted uranium, natural thorium; uranium-235, uranium-238, thorium-232, thorium-228 or thorium-230 when contained in ores or physical or chemical concentrates or tailings; or alpha emitters with a half-life of less than 10 days.

Maximum normal operating pressure means the maximum gauge pressure that would develop in the containment system in a period of 1 year under the heat condition specified in §71.71(c)(1), in the absence of venting, external cooling by an ancillary system, or operational controls during transport.

Natural thorium means thorium with the naturally occurring distribution of thorium isotopes (essentially 100 weight percent thorium-232).

Normal form radioactive material means radioactive material that has not been demonstrated to qualify as "special form radioactive material."

Optimum interspersed hydrogenous moderation means the presence of hydrogenous material between packages to such an extent that the maximum nuclear reactivity results.

Package means the packaging together with its radioactive contents as presented for transport.

(1) Fissile material package or Type AF package, Type BF package, Type B(U)F package, or Type B(M)F package means a fissile material packaging together with its fissile material contents.

(2) Type A package means a Type A packaging together with its radioactive contents. A Type A package is defined and must comply with the DOT regulations in 49 CFR part 173.

(3) Type B package means a Type B packaging together with its radioactive contents. On approval, a Type B package design is designated by NRC as B(U) unless the package has a maximum normal operating pressure of more than 700 kPa (100 lbs/in²) gauge or a pressure relief device that would allow the release of radioactive material to the environment under the tests specified in §71.73 (hypothetical accident conditions), in which case it will receive a designation B(M). B(U) refers to the need for unilateral approval of international shipments; B(M) refers to the need for multilateral approval of international shipments. There is no distinction made in how packages with these designations may be used in domestic transportation. To determine their distinction for international transportation, see DOT regulations in 49 CFR Part 173. A Type B package approved before September 6, 1983, was designated only as Type B. Limitations on its use are specified in §71.19.

Packaging means the assembly of components necessary to ensure compliance with the packaging requirements of this part. It may consist of one or more receptacles, absorbent materials, spacing structures, thermal insulation, radiation shielding, and devices for cooling or absorbing mechanical shocks. The vehicle, tie-down system, and auxiliary equipment may be designated as part of the packaging.

Special form radioactive material means radioactive material that satisfies the following conditions:

- (1) It is either a single solid piece or is contained in a sealed capsule that can be opened only by destroying the capsule;
- (2) The piece or capsule has at least one dimension not less than 5 mm (0.2 in); and
- (3) It satisfies the requirements of § 71.75. A special form encapsulation designed in accordance with the requirements of § 71.4 in effect on June 30, 1983 (see 10 CFR part 71, revised as of January 1, 1983), and constructed before July 1, 1985; a special form encapsulation designed in accordance with the requirements of § 71.4 in effect on March 31, 1996 (see 10 CFR part 71, revised as of January 1, 1996), and constructed before April 1, 1998; and special form material that was successfully tested before September 10, 2015 in accordance with the requirements of § 71.75(d) of this section in effect before September 10, 2015 may continue to be used. Any other special form encapsulation must meet the specifications of this definition.

Specific activity of a radionuclide means the radioactivity of the radionuclide per unit mass of that nuclide. The specific activity of a material in which the radionuclide is essentially uniformly distributed is the radioactivity per unit mass of the material.

Spent nuclear fuel or Spent fuel means fuel that has been withdrawn from a nuclear reactor following irradiation, has undergone at least 1 year's decay since being used as a source of energy in a power reactor, and has not been chemically separated into its constituent elements by reprocessing. Spent fuel includes the special nuclear material, byproduct material, source material, and other radioactive materials associated with fuel assemblies.

State means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

Surface Contaminated Object (SCO) means a solid object that is not itself classed as radioactive material, but which has radioactive material distributed on any of its surfaces. SCO must be in one of two groups with surface activity not exceeding the following limits:

(1) SCO-I: A solid object on which:

(i) The nonfixed contamination on the accessible surface averaged over 300 cm² (or the area of the surface if less than 300 cm²) does not exceed 4 Bq/cm² (10⁻⁴ microcurie/cm²) for beta and gamma and low toxicity alpha emitters, or 0.4 Bq/cm² (10⁻⁵ microcurie/cm²) for all other alpha emitters;

(ii) The fixed contamination on the accessible surface averaged over 300 cm² (or the area of the surface if less than 300 cm²) does not exceed 4 x 10⁴ Bq/cm² (1.0 microcurie/cm²) for beta and gamma and low toxicity alpha emitters, or 4 x 10³ Bq/cm² (0.1 microcurie/cm²) for all other alpha emitters; and

(iii) The nonfixed contamination plus the fixed contamination on the inaccessible surface averaged over 300 cm² (or the area of the surface if less than 300 cm²) does not exceed 4 x 10⁴ Bq/cm² (1 microcurie/cm²) for beta and gamma and low toxicity alpha emitters, or 4 x 10³ Bq/cm² (0.1 microcurie/cm²) for all other alpha emitters.

(2) SCO-II: A solid object on which the limits for SCO-I are exceeded and on which:

(i) The nonfixed contamination on the accessible surface averaged over 300 cm² (or the area of the surface if less than 300 cm²) does not exceed 400 Bq/cm² (10⁻² microcurie/cm²) for beta and gamma and low toxicity alpha emitters or 40 Bq/cm² (10⁻³ microcurie/cm²) for all other alpha emitters;

(ii) The fixed contamination on the accessible surface averaged over 300 cm² (or the area of the surface if less than 300 cm²) does not exceed 8 x 10⁵ Bq/cm² (20 microcuries/cm²) for beta and gamma and low toxicity alpha emitters, or 8 x 10⁴ Bq/cm² (2 microcuries/cm²) for all other alpha emitters; and

(iii) The nonfixed contamination plus the fixed contamination on the inaccessible surface averaged over 300 cm² (or the area of the surface if less than 300 cm²) does not exceed 8 x 10⁵ Bq/cm² (20 microcuries/cm²) for beta and gamma and low toxicity alpha emitters, or 8 x 10⁴ Bq/cm² (2 microcuries/cm²) for all other alpha emitters.

Transport index (TI) means the dimensionless number (rounded up to the next tenth) placed on the label of a package, to designate the degree of control to be exercised by the carrier during transportation. The transport index is the number determined by multiplying the maximum radiation level in millisievert (mSv) per hour at 1 meter (3.3 ft) from the external surface of the package by 100 (equivalent to the maximum radiation level in millirem per hour at 1 meter (3.3 ft)).

Tribal official means the highest ranking individual that represents Tribal leadership, such as the Chief, President, or Tribal Council leadership.

Type A quantity means a quantity of radioactive material, the aggregate radioactivity of which does not exceed A₁ for special form radioactive material, or A₂, for normal form radioactive material, where A₁ and A₂ are given in Table A-1 of this part, or may be determined by procedures described in Appendix A of this part.

Type B quantity means a quantity of radioactive material greater than a Type A quantity.

Unirradiated uranium means uranium containing not more than 2 x 10³ Bq of plutonium per gram of uranium-235, not more than 9 x 10⁶ Bq of fission products per gram of uranium-235, and not more than 5 x 10⁻³ g of uranium-236 per gram of uranium-235.

Uranium—natural, depleted, enriched. (1) Natural uranium means uranium (which may be chemically separated) with the naturally occurring distribution of uranium isotopes

(approximately 0.711 weight percent uranium-235, and the remainder by weight essentially uranium-238).

(2) Depleted uranium means uranium containing less uranium-235 than the naturally occurring distribution of uranium isotopes.

(3) Enriched uranium means uranium containing more uranium-235 than the naturally occurring distribution of uranium isotopes.

[69 FR 3787, Jan. 26, 2004; 69 FR 58038, Sep. 29, 2004; 77 FR 34204, Jun. 11, 2012; 80 FR 34011, Jun. 12, 2015; 80 FR 48684, Aug. 14, 2015; 80 FR 74981, Dec. 1, 2015; 82 FR 52825, Nov. 15, 2017]

§ 71.5 Transportation of licensed material.



(a) Each licensee who transports licensed material outside the site of usage, as specified in the NRC license, or where transport is on public highways, or who delivers licensed material to a carrier for transport, shall comply with the applicable requirements of the DOT regulations in 49 CFR parts 107, 171 through 180, and 390 through 397, appropriate to the mode of transport.

(1) The licensee shall particularly note DOT regulations in the following areas:

(i) Packaging—49 CFR part 173: subparts A, B, and I.

(ii) Marking and labeling—49 CFR part 172: subpart D; and §§ 172.400 through 172.407 and §§ 172.436 through 172.441 of subpart E.

(iii) Placarding—49 CFR part 172: subpart F, especially §§ 172.500 through 172.519 and 172.556; and appendices B and C.

(iv) Accident reporting—49 CFR part 171: §§ 171.15 and 171.16.

(v) Shipping papers and emergency information—49 CFR part 172: subparts C and G.

(vi) Hazardous material employee training—49 CFR part 172: subpart H.

(vii) Security plans—49 CFR part 172: subpart I.

(viii) Hazardous material shipper/carrier registration—49 CFR part 107: subpart G.

(2) The licensee shall also note DOT regulations pertaining to the following modes of transportation:

(i) Rail—49 CFR part 174: subparts A through D and K.

(ii) Air—49 CFR part 175.

(iii) Vessel—49 CFR part 176: subparts A through F and M.

(iv) Public Highway—49 CFR part 177 and parts 390 through 397.

(b) If DOT regulations are not applicable to a shipment of licensed material, the licensee shall conform to the standards and requirements of the DOT specified in paragraph (a) of this section to the same extent as if the shipment or transportation were subject to DOT regulations. A request for modification, waiver, or exemption from those requirements, and any notification referred to in those requirements, must be filed with, or made to, the Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

§ 71.6 Information collection requirements: OMB approval.

 TOP

(a) The Nuclear Regulatory Commission has submitted the information collection requirements contained in this part to the Office of Management and Budget (OMB) for approval as required by the Paperwork Reduction Act (44 U.S.C. 3501 et seq.). The NRC may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. OMB has approved the information collection requirements contained in this part under control number 3150-0008.

(b) The approved information collection requirements contained in this part appear in §§ 71.5, 71.7, 71.9, 71.12, 71.17, 71.19, 71.22, 71.23, 71.31, 71.33, 71.35, 71.37, 71.38, 71.39, 71.41, 71.47, 71.85, 71.87, 71.89, 71.91, 71.93, 71.95, 71.97, 71.101, 71.103, 71.105, 71.106, 71.107, 71.109, 71.111, 71.113, 71.115, 71.117, 71.119, 71.121, 71.123, 71.125, 71.127, 71.129, 71.131, 71.133, 71.135, 71.137, and appendix A, paragraph II.

[75 FR 73945, Nov. 30, 2010; 80 FR 34012, Jun. 12, 2015]

§ 71.7 Completeness and accuracy of information.

 TOP

(a) Information provided to the **Commission (NRC)** by a licensee, certificate holder, or an applicant for a license or CoC; or information required by statute or by the **Commission's (NRC)** regulations, orders, license or CoC conditions, to be maintained by the licensee or certificate holder, must be complete and accurate in all material respects.

(b) Each licensee, certificate holder, or applicant for a license or CoC must notify the **Commission (NRC)** of information identified by the licensee, certificate holder, or applicant for a license or CoC as having, for the regulated activity, a significant implication for public health

and safety or common defense and security. A licensee, certificate holder, or an applicant for a license or CoC violates this paragraph only if the licensee, certificate holder, or applicant for a license or CoC fails to notify the **Commission (NRC)** of information that the licensee, certificate holder, or applicant for a license or CoC has identified as having a significant implication for public health and safety or common defense and security. Notification must be provided to the Administrator of the appropriate Regional Office within 2 working days of identifying the information. This requirement is not applicable to information which is already required to be provided to the **Commission (NRC)** by other reporting or updating requirements.

§ 71.8 Deliberate misconduct.



(a) This section applies to any--

(1) Licensee;

(2) Certificate holder;

(3) Quality assurance program approval holder;

(4) Applicant for a license, certificate, or quality assurance program approval;

(5) Contractor (including a supplier or consultant) or subcontractor, to any person identified in paragraph (a)(4) of this section; or

(6) Employees of any person identified in paragraphs (a)(1) through (a)(5) of this section.

(b) A person identified in paragraph (a) of this section who knowingly provides to any entity, listed in paragraphs (a)(1) through (a)(5) of this section, any components, materials, or other goods or services that relate to a licensee's, certificate holder's, quality assurance program approval holder's, or applicant's activities subject to this part may not:

(1) Engage in deliberate misconduct that causes or would have caused, if not detected, a licensee, certificate holder, quality assurance program approval holder, or any applicant to be in violation of any rule, regulation, or order; or any term, condition or limitation of any license, certificate, or approval issued by the **Commission (NRC)**; or

(2) Deliberately submit to the NRC, a licensee, a certificate holder, quality assurance program approval holder, an applicant for a license, certificate or quality assurance program approval, or a licensee's, applicant's, certificate holder's, or quality assurance program approval holder's contractor or subcontractor, information that the person submitting the information knows to be incomplete or inaccurate in some respect material to the NRC.

(c) A person who violates paragraph (b)(1) or (b)(2) of this section may be subject to enforcement action in accordance with the procedures in 10 CFR part 2, subpart B.

(d) For the purposes of paragraph (b)(1) of this section, deliberate misconduct by a person means an intentional act or omission that the person knows:

(1) Would cause a licensee, certificate holder, quality assurance program approval holder, or applicant for a license, certificate, or quality assurance program approval to be in violation of any rule, regulation, or order; or any term, condition, or limitation of any license or certificate issued by the **Commission (NRC)**; or

(2) Constitutes a violation of a requirement, procedure, instruction, contract, purchase order, or policy of a licensee, certificate holder, quality assurance program approval holder, applicant, or the contractor or subcontractor of any of them.

§ 71.9 Employee protection.



(a) Discrimination by a Commission licensee, certificate holder, an applicant for a **Commission (NRC)** license or a CoC, or a contractor or subcontractor of any of these, against an employee for engaging in certain protected activities, is prohibited. Discrimination includes discharge and other actions that relate to compensation, terms, conditions, or privileges of employment. The protected activities are established in section 211 of the Energy Reorganization Act of 1974, as amended, and in general are related to the administration or enforcement of a requirement imposed under the Atomic Energy Act of 1954, as amended, or the Energy Reorganization Act of 1974, as amended.

(1) The protected activities include, but are not limited to:

(i) Providing the **Commission (NRC)** or his or her employer information about alleged violations of either of the statutes named in paragraph (a) of this section or possible violations of requirements imposed under either of those statutes;

(ii) Refusing to engage in any practice made unlawful under either of the statutes named in paragraph (a) of this section or under these requirements if the employee has identified the alleged illegality to the employer;

(iii) Requesting the **Commission (NRC)** to institute action against his or her employer for the administration or enforcement of these requirements;

(iv) Testifying in any **Commission (NRC)** proceeding, or before Congress, or at any Federal or State proceeding regarding any provision (or proposed provision) of either of the statutes named in paragraph (a) of this section; and

(v) Assisting or participating in, or is about to assist or participate in, these activities.

(2) These activities are protected even if no formal proceeding is actually initiated as a result of the employee's assistance or participation.

(3) This section has no application to any employee alleging discrimination prohibited by this section who, acting without direction from his or her employer (or the employer's agent), deliberately causes a violation of any requirement of the Energy Reorganization Act of 1974, as amended, or the Atomic Energy Act of 1954, as amended.

(b) Any employee who believes that he or she has been discharged or otherwise discriminated against by any person for engaging in protected activities specified in paragraph (a)(1) of this section may seek a remedy for the discharge or discrimination through an administrative proceeding in the Department of Labor. The administrative proceeding must be initiated within 180 days after an alleged violation occurs. The employee may do this by filing a complaint alleging the violation with the Department of Labor, Employment Standards Administration, Wage and Hour Division. The Department of Labor may order reinstatement, back pay, and compensatory damages.

(c) A violation of paragraph (a), (e), or (f) of this section by a **Commission (NRC)** licensee, certificate holder, applicant for a **Commission (NRC)** license or a CoC, or a contractor or subcontractor of any of these may be grounds for:

(1) Denial, revocation, or suspension of the license or the CoC;

(2) Imposition of a civil penalty on the licensee, applicant, or a contractor or subcontractor of the licensee or applicant; or

(3) Other enforcement action.

(d) Actions taken by an employer, or others, which adversely affect an employee may be predicated upon nondiscriminatory grounds. The prohibition applies when the adverse action occurs because the employee has engaged in protected activities. An employee's engagement in protected activities does not automatically render him or her immune from discharge or discipline for legitimate reasons or from adverse action dictated by nonprohibited considerations.

(e)(1) Each licensee, certificate holder, and applicant for a license or CoC must prominently post the current revision of NRC Form 3, "Notice to Employees," referenced in §19.11(c) of this chapter. This form must be posted at locations sufficient to permit employees protected by this section to observe a copy on the way to or from their place of work. The premises must be posted not later than 30 days after an application is docketed and remain posted while the application is pending before the **Commission (NRC)**, during the term of the license or CoC, and for 30 days following license or CoC termination.

(2) Copies of NRC Form 3 may be obtained by writing to the Regional Administrator of the appropriate U.S. Nuclear Regulatory Commission Regional Office listed in Appendix D to Part 20 of this chapter, via email to Forms.Resource@nrc.gov, or by visiting the NRC's online library at <http://www.nrc.gov/reading-rm/doc-collections/forms/>.

(f) No agreement affecting the compensation, terms, conditions, or privileges of employment, including an agreement to settle a complaint filed by an employee with the Department of Labor

pursuant to section 211 of the Energy Reorganization Act of 1974, as amended, may contain any provision which would prohibit, restrict, or otherwise discourage an employee from participating in a protected activity as defined in paragraph (a)(1) of this section including, but not limited to, providing information to the NRC or to his or her employer on potential violations or other matters within NRC's regulatory responsibilities.

[72 FR 63975, Nov. 14, 2007; 79 FR 66605, Nov. 10, 2014]

§ 71.10 Public inspection of application.



TOP

Applications for approval of a package design under this part, which are submitted to the **Commission (NRC)**, may be made available for public inspection, in accordance with provisions of parts 2 and 9 of this chapter. This includes an application to amend or revise an existing package design, any associated documents and drawings submitted with the application, and any responses to NRC requests for additional information.

§ 71.11 Protection of Safeguards Information



TOP

Each licensee, certificate holder, or applicant for a Certificate of Compliance for a transportation package for transport of irradiated reactor fuel, strategic special nuclear material, a critical mass of special nuclear material, or byproduct material in quantities determined by the **Commission (NRC)** through order or regulation to be significant to the public health and safety or the common defense and security, shall protect Safeguards Information against unauthorized disclosure in accordance with the requirements in § 73.21 and the requirements of § 73.22 or § 73.23 of this chapter, as applicable.

[73 FR 63572, Oct. 24, 2008]

Subpart B--Exemptions



TOP

Source: 69 FR 3786, Jan. 26, 2004, unless otherwise noted.

§ 71.12 Specific exemptions.

On application of any interested person or on its own initiative, the **Commission (NRC)** may grant any exemption from the requirements of the regulations in this part that it determines is authorized by law and will not endanger life or property nor the common defense and security.

§ 71.13 Exemption of physicians.



Any physician licensed by a State to dispense drugs in the practice of medicine is exempt from § 71.5 with respect to transport by the physician of licensed material for use in the practice of medicine. However, any physician operating under this exemption must be licensed under 10 CFR part 35 or the equivalent Agreement State regulations.

§ 71.14 Exemption for low-level materials.



(a) A licensee is exempt from all the requirements of this part with respect to shipment or carriage of the following low-level materials:

(1) Natural material and ores containing naturally occurring radionuclides that are either in their natural state, or have only been processed for purposes other than for the extraction of the radionuclides, and which are not intended to be processed for the use of these radionuclides, provided the activity concentration of the material does not exceed 10 times the applicable radionuclide activity concentration values specified in appendix A, Table A-2, or Table A-3 of this part.

(2) Materials for which the activity concentration is not greater than the activity concentration values specified in appendix A, Table A-2, or Table A-3 of this part, or for which the consignment activity is not greater than the limit for an exempt consignment found in appendix A, Table A-2, or Table A-3 of this part.

(3) Non-radioactive solid objects with radioactive substances present on any surfaces in quantities not in excess of the levels cited in the definition of contamination in § 71.4.

(b) A licensee is exempt from all the requirements of this part, other than §§ 71.5 and 71.88, with respect to shipment or carriage of the following packages, provided the packages do not contain any fissile material, or the material is exempt from classification as fissile material under § 71.15:

(1) A package that contains no more than a Type A quantity of radioactive material;

(2) A package transported within the United States that contains no more than 0.74 TBq (20 Ci) of special form plutonium-244; or

(3) The package contains only LSA or SCO radioactive material, provided—

(i) That the LSA or SCO material has an external radiation dose of less than or equal to 10 mSv/h (1 rem/h), at a distance of 3 m from the unshielded material; or

(ii) That the package contains only LSA-I or SCO-I material.

[80 FR 34012, Jun. 12, 2015]

§ 71.15 Exemption from classification as fissile material.



Fissile material meeting the requirements of at least one of the paragraphs (a) through (f) of this section are exempt from classification as fissile material and from the fissile material package standards of §§ 71.55 and 71.59, but are subject to all other requirements of this part, except as noted.

(a) Individual package containing 2 grams or less fissile material.

(b) Individual or bulk packaging containing 15 grams or less of fissile material provided the package has at least 200 grams of solid nonfissile material for every gram of fissile material. Lead, beryllium, graphite, and hydrogenous material enriched in deuterium may be present in the package but must not be included in determining the required mass for solid nonfissile material.

(c)(1) Low concentrations of solid fissile material commingled with solid nonfissile material, provided that:

(i) There is at least 2000 grams of solid nonfissile material for every gram of fissile material, and

(ii) There is no more than 180 grams of fissile material distributed within 360 kg of contiguous nonfissile material.

(2) Lead, beryllium, graphite, and hydrogenous material enriched in deuterium may be present in the package but must not be included in determining the required mass of solid nonfissile material.

(d) Uranium enriched in uranium-235 to a maximum of 1 percent by weight, and with total plutonium and uranium-233 content of up to 1 percent of the mass of uranium-235, provided that the mass of any beryllium, graphite, and hydrogenous material enriched in deuterium constitutes less than 5 percent of the uranium mass, and that the fissile material is distributed homogeneously and does not form a lattice arrangement within the package.

(e) Liquid solutions of uranyl nitrate enriched in uranium-235 to a maximum of 2 percent by mass, with a total plutonium and uranium-233 content not exceeding 0.002 percent of the mass of uranium, and with a minimum nitrogen to uranium atomic ratio (N/U) of 2. The material must be contained in at least a DOT Type A package.

(f) Packages containing, individually, a total plutonium mass of not more than 1000 grams, of which not more than 20 percent by mass may consist of plutonium-239, plutonium-241, or any combination of these radionuclides.

[80 FR 34012, Jun. 12, 2015]

§ 71.16 [Reserved]

▲ TOP

Subpart C--General Licenses

▲ TOP

Source: 69 FR 3792, Jan. 26, 2004, unless otherwise noted.

§ 71.17 General license: NRC-approved package.

(a) A general license is issued to any licensee of the **Commission (Department)** to transport, or to deliver to a carrier for transport, licensed material in a package for which a license, certificate of compliance (CoC), or other approval has been issued by the NRC.

(b) This general license applies only to a licensee who has a quality assurance program approved by the **Commission (Department)** as satisfying the provisions of subpart H of this part.

(c) Each licensee issued a general license under paragraph (a) of this section shall—

(1) Maintain a copy of the Certificate of Compliance, or other approval of the package, and the drawings and other documents referenced in the approval relating to the use and maintenance of the packaging and to the actions to be taken before shipment;

(2) Comply with the terms and conditions of the license, certificate, or other approval, as applicable, and the applicable requirements of subparts A, G, and H of this part; and

(3) Submit in writing before the first use of the package to: ATTN: Document Control Desk, Director, Division of Fuel Management, Office of Nuclear Material Safety and Safeguards, using an appropriate method listed in § 71.1(a), the licensee's name and license number and the package identification number specified in the package approval.

(d) This general license applies only when the package approval authorizes use of the package under this general license.

(e) For a Type B or fissile material package, the design of which was approved by NRC before April 1, 1996, the general license is subject to the additional restrictions of § 71.19.

[75 FR 73945, Nov. 30, 2010; 79 FR 75741, Dec. 19, 2014; 80 FR 34012, Jun. 12, 2015; 84 FR 65645, Nov. 29, 2019]

§ 71.18 [Reserved]



§ 71.19 Previously approved package.



(a) A Type B(U) package, a Type B(M) package, or a fissile material package, previously approved by the NRC but without the designation "-85" in the identification number of the NRC CoC, may be used under the general license of § 71.17 with the following additional conditions:

(1) Fabrication of the package is satisfactorily completed by April 1, 1999, as demonstrated by application of its model number in accordance with § 71.85(c);

(2) A package used for a shipment to a location outside the United States is subject to multilateral approval as defined in DOT regulations at 49 CFR 173.403; and

(3) A serial number which uniquely identifies each packaging which conforms to the approved design is assigned to and legibly and durably marked on the outside of each packaging.

(b) A Type B(U) package, a Type B(M) package, or a fissile material package previously approved by the NRC with the designation "-85" in the identification number of the NRC CoC, may be used under the general license of § 71.17 with the following additional conditions:

(1) Fabrication of the package must be satisfactorily completed by December 31, 2006, as demonstrated by application of its model number in accordance with § 71.85(c); and

(2) A package used for a shipment to a location outside the United States is subject to multilateral approval as defined in the DOT's regulations at 49 CFR 173.403.

(c) NRC will approve modifications to the design and authorized contents of a Type B package, or a fissile material package, previously approved by NRC, provided—

(1) The modifications of a Type B package are not significant with respect to the design, operating characteristics, or safe performance of the containment system, when the package is subjected to the tests specified in §§ 71.71 and 71.73;

(2) The modifications of a fissile material package are not significant, with respect to the prevention of criticality, when the package is subjected to the tests specified in §§ 71.71 and 71.73; and

(3) The modifications to the package satisfy the requirements of this part.

(d) NRC will revise the package identification number to designate previously approved package designs as B, BF, AF, B(U), B(M), B(U)F, B(M)F, B(U)-85, B(U)F-85, B(M)-85, B(M)F-85, or AF-85 as appropriate, and with the identification number suffix "-96" after receipt of an application demonstrating that the design meets the requirements of this part.

[80 FR 34012, Jun. 12, 2015]

§ 71.20 General license: DOT specification container.

 TOP

- (a) A general license is issued to any licensee of the **Commission (NRC)** to transport, or to deliver to a carrier for transport, licensed material in a specification container for fissile material or for a Type B quantity of radioactive material as specified in DOT regulations at 49 CFR parts 173 and 178.
- (b) This general license applies only to a licensee who has a quality assurance program approved by the **Commission (NRC)** as satisfying the provisions of subpart H of this part.
- (c) This general license applies only to a licensee who--
- (1) Has a copy of the specification; and
 - (2) Complies with the terms and conditions of the specification and the applicable requirements of subparts A, G, and H of this part.
- (d) This general license is subject to the limitation that the specification container may not be used for a shipment to a location outside the United States, except by multilateral approval, as defined in DOT regulations at 49 CFR 173.403.
- (e) This section expires October 1, 2008.

§ 71.21 General license: Use of foreign approved package.

 TOP

- (a) A general license is issued to any licensee of the **Commission (Department)** to transport, or to deliver to a carrier for transport, licensed material in a package, the design of which has been approved in a foreign national competent authority certificate, that has been revalidated by the DOT as meeting the applicable requirements of 49 CFR 171.23.
- (b) Except as otherwise provided in this section, the general license applies only to a licensee who has a quality assurance program approved by the **Commission (Department)** as satisfying the applicable provisions of subpart H of this part.

(c) This general license applies only to shipments made to or from locations outside the United States.

(d) Each licensee issued a general license under paragraph (a) of this section shall—

(1) Maintain a copy of the applicable certificate, the revalidation, and the drawings and other documents referenced in the certificate, relating to the use and maintenance of the packaging and to the actions to be taken before shipment; and

(2) Comply with the terms and conditions of the certificate and revalidation, and with the applicable requirements of subparts A, G, and H of this part.

[80 FR 34012, Jun. 12, 2015]

§ 71.22 General license: Fissile material.



(a) A general license is issued to any licensee of the **Commission (NRC)** to transport fissile material, or to deliver fissile material to a carrier for transport, if the material is shipped in accordance with this section. The fissile material need not be contained in a package which meets the standards of subparts E and F of this part; however, the material must be contained in a Type A package. The Type A package must also meet the DOT requirements of 49 CFR 173.417(a).

(b) The general license applies only to a licensee who has a quality assurance program approved by the **Commission (NRC)** as satisfying the provisions of subpart H of this part.

(c) The general license applies only when a package's contents:

(1) Contain no more than a Type A quantity of radioactive material; and

(2) Contain less than 500 total grams of beryllium, graphite, or hydrogenous material enriched in deuterium.

(d) The general license applies only to packages containing fissile material that are labeled with a CSI which:

(1) Has been determined in accordance with paragraph (e) of this section;

(2) Has a value less than or equal to 10; and

(3) For a shipment of multiple packages containing fissile material, the sum of the CSIs must be less than or equal to 50 (for shipment on a nonexclusive use conveyance) and less than or equal to 100 (for shipment on an exclusive use conveyance).

(e)(1) The value for the CSI must be greater than or equal to the number calculated by the following equation:

$$CSI = 10 \left[\frac{\text{grams of } ^{235}\text{U}}{X} + \frac{\text{grams of } ^{233}\text{U}}{Y} + \frac{\text{grams of Pu}}{Z} \right];$$

- (2) The calculated CSI must be rounded up to the first decimal place;
- (3) The values of X, Y, and Z used in the CSI equation must be taken from Tables 71-1 or 71-2, as appropriate;
- (4) If Table 71-2 is used to obtain the value of X, then the values for the terms in the equation for uranium-233 and plutonium must be assumed to be zero; and
- (5) Table 71-1 values for X, Y, and Z must be used to determine the CSI if:
 - (i) Uranium-233 is present in the package;
 - (ii) The mass of plutonium exceeds 1 percent of the mass of uranium-235;
 - (iii) The uranium is of unknown uranium-235 enrichment or greater than 24 weight percent enrichment; or
 - (iv) Substances having a moderating effectiveness (i.e., an average hydrogen density greater than H₂O) (e.g., certain hydrocarbon oils or plastics) are present in any form, except as polyethylene used for packing or wrapping.

Table 71-1. Mass Limits for General License Packages Containing Mixed Quantities of Fissile Material or Uranium-235 of Unknown Enrichment per § 71.22(e)

Fissile material	Fissile material mass mixed with moderating substances having an average hydrogen density less than or equal to H ₂ O (grams)	Fissile material mass mixed with moderating substances having an average hydrogen density greater than H ₂ O ^a (grams)
²³⁵ U (X)	60	38
²³³ U (Y)	43	27
²³⁹ Pu or ²⁴¹ Pu (Z)	37	24

^a When mixtures of moderating substances are present, the lower mass limits shall be used if more than 15 percent of the moderating substance has an average hydrogen density greater than H₂O.

Table 71-2. Mass Limits for General License Packages Containing Uranium-235 of Known Enrichment per § 71.22(e)

Uranium enrichment in weight percent of ²³⁵U not exceeding	Fissile material mass of ²³⁵U (X) (grams)
24	60
20	63
15	67
11	72
10	76
9.5	78
9	81
8.5	82
8	85
7.5	88
7	90
6.5	93
6	97
5.5	102
5	108
4.5	114
4	120
3.5	132
3	150
2.5	180
2	246
1.5	408
1.35	480
1	1,020
0.92	1,800

[69 FR 3786, Jan. 26, 2004; 69 FR 58038, Sept. 29, 2004]

§ 71.23 General license: Plutonium-beryllium special form material.



(a) A general license is issued to any licensee of the **Commission (NRC)** to transport fissile material in the form of plutonium-beryllium (Pu-Be) special form sealed sources, or to deliver Pu-Be sealed sources to a carrier for transport, if the material is shipped in accordance with this section. This material need not be contained in a package which meets the standards of subparts E and F of this part; however, the material must be contained in a Type A package. The Type A package must also meet the DOT requirements of 49 CFR 173.417(a).

(b) The general license applies only to a licensee who has a quality assurance program approved by the **Commission (NRC)** as satisfying the provisions of subpart H of this part.

(c) The general license applies only when a package's contents:

(1) Contain no more than a Type A quantity of radioactive material; and

(2) Contain less than 1000 g of plutonium, provided that: plutonium-239, plutonium-241, or any combination of these radionuclides, constitutes less than 240 g of the total quantity of plutonium in the package.

(d) The general license applies only to packages labeled with a CSI which:

(1) Has been determined in accordance with paragraph (e) of this section;

(2) Has a value less than or equal to 100; and

(3) For a shipment of multiple packages containing Pu-Be sealed sources, the sum of the CSIs must be less than or equal to 50 (for shipment on a nonexclusive use conveyance) and less than or equal to 100 (for shipment on an exclusive use conveyance).

(e)(1) The value for the CSI must be greater than or equal to the number calculated by the following equation:

$$\text{CSI} = 10 \left[\frac{\text{grams of } ^{239}\text{Pu} + \text{grams of } ^{241}\text{Pu}}{24} \right]; \text{ and}$$

(2) The calculated CSI must be rounded up to the first decimal place.

§ 71.24 [Reserved]



§ 71.25 [Reserved]



Subpart D—Application for Package Approval



§ 71.31 Contents of application.

(a) An application for an approval under this part must include, for each proposed packaging design, the following information:

- (1) A package description as required by § 71.33;
- (2) A package evaluation as required by § 71.35; and
- (3) A quality assurance program description, as required by § 71.37, or a reference to a previously approved quality assurance program.

(b) Except as provided in § 71.19, an application for modification of a package design, whether for modification of the packaging or authorized contents, must include sufficient information to demonstrate that the proposed design satisfies the package standards in effect at the time the application is filed.

(c) The applicant shall identify any established codes and standards proposed for use in package design, fabrication, assembly, testing, maintenance, and use. In the absence of any codes and standards, the applicant shall describe and justify the basis and rationale used to formulate the package quality assurance program.

[80 FR 34012, Jun. 12, 2015]

§ 71.33 Package description.



The application must include a description of the proposed package in sufficient detail to identify the package accurately and provide a sufficient basis for evaluation of the package. The description must include --

(a) With respect to the packaging --

- (1) Classification as Type B(U), Type B(M), or fissile material packaging;

- (2) Gross weight;
- (3) Model number;
- (4) Identification of the containment system;
- (5) Specific materials of construction, weights, dimensions, and fabrication methods of --
 - (i) Receptacles;
 - (ii) Materials specifically used as nonfissile neutron absorbers or moderators;
 - (iii) Internal and external structures supporting or protecting receptacles;
 - (iv) Valves, sampling ports, lifting devices, and tie-down devices; and
 - (v) Structural and mechanical means for the transfer and dissipation of heat; and
- (6) Identification and volumes of any receptacles containing coolant.
 - (b) With respect to the contents of the package --
 - (1) Identification and maximum radioactivity of radioactive constituents;
 - (2) Identification and maximum quantities of fissile constituents;
 - (3) Chemical and physical form;
 - (4) Extent of reflection, the amount and identity of nonfissile materials used as neutron absorbers or moderators, and the atomic ratio of moderator to fissile constituents;
 - (5) Maximum normal operating pressure;
 - (6) Maximum weight;
 - (7) Maximum amount of decay heat; and
 - (8) Identification and volumes of any coolants.

§ 71.35 Package evaluation.



The application must include the following:

(a) A demonstration that the package satisfies the standards specified in subparts E and F of this part;

(b) For a fissile material package, the allowable number of packages that may be transported in the same vehicle in accordance with § 71.59; and

(c) For a fissile material shipment, any proposed special controls and precautions for transport, loading, unloading, and handling and any proposed special controls in case of an accident or delay.

§ 71.37 Quality assurance.



TOP

(a) The applicant shall describe the quality assurance program (see Subpart H of this part) for the design, fabrication, assembly, testing, maintenance, repair, modification, and use of the proposed package.

(b) The applicant shall identify any specific provisions of the quality assurance program that are applicable to the particular package design under consideration, including a description of the leak testing procedures.

§ 71.38 Renewal of a certificate of compliance.



TOP

(a) Except as provided in paragraph (b) of this section, each Certificate of Compliance expires at the end of the day, in the month and year stated in the approval.

(b) In any case in which a person, not less than 30 days before the expiration of an existing Certificate of Compliance issued pursuant to the part, has filed an application in proper form for renewal, the existing Certificate of Compliance for which the renewal application was filed shall not be deemed to have expired until final action on the application for renewal has been taken by the **Commission** (NRC).

(c) In applying for renewal of an existing Certificate of Compliance, an applicant may be required to submit a consolidated application that is comprised of as few documents as possible. The consolidated application should incorporate all changes to its certificate, including changes that are incorporated by reference in the existing certificate.

[80 FR 34012, Jun. 12, 2015]

§ 71.39 Requirement for additional information.



The **Commission (NRC)** may at any time require additional information in order to enable it to determine whether a license, certificate of compliance, or other approval should be granted, renewed, denied, modified, suspended, or revoked.

Subpart E--Package Approval Standards



§ 71.41 Demonstration of compliance.

(a) The effects on a package of the tests specified in § 71.71 ("Normal conditions of transport"), and the tests specified in § 71.73 ("Hypothetical accident conditions"), and § 71.61 ("Special requirements for Type B packages containing more than 10^5 A₂"), must be evaluated by subjecting a specimen or scale model to a specific test, or by another method of demonstration acceptable to the **Commission (NRC)**, as appropriate for the particular feature being considered.

(b) Taking into account the type of vehicle, the method of securing or attaching the package, and the controls to be exercised by the shipper, the **Commission (NRC)** may permit the shipment to be evaluated together with the transporting vehicle.

(c) Environmental and test conditions different from those specified in §§ 71.71 and 71.73 may be approved by the **Commission (NRC)** if the controls proposed to be exercised by the shipper are demonstrated to be adequate to provide equivalent safety of the shipment.

(d) Packages for which compliance with the other provisions of these regulations is impracticable shall not be transported except under special package authorization. Provided the applicant demonstrates that compliance with the other provisions of the regulations is impracticable and that the requisite standards of safety established by these regulations have been demonstrated through means alternative to the other provisions, a special package authorization may be approved for one-time shipments. The applicant shall demonstrate that the overall level of safety in transport for these shipments is at least equivalent to that which would be provided if all the applicable requirements had been met.

[60 FR 50264, Sept. 28, 1995 as amended at 69 FR 3794, Jan. 26, 2004]

§ 71.43 General standards for all packages.



(a) The smallest overall dimension of a package may not be less than 10 cm (4 in).

(b) The outside of a package must incorporate a feature, such as a seal, that is not readily breakable and that, while intact, would be evidence that the package has not been opened by unauthorized persons.

(c) Each package must include a containment system securely closed by a positive fastening device that cannot be opened unintentionally or by a pressure that may arise within the package.

(d) A package must be made of materials and construction that assure that there will be no significant chemical, galvanic, or other reaction among the packaging components, among package contents, or between the packaging components and the package contents, including possible reaction resulting from inleakage of water, to the maximum credible extent. Account must be taken of the behavior of materials under irradiation.

(e) A package valve or other device, the failure of which would allow radioactive contents to escape, must be protected against unauthorized operation and, except for a pressure relief device, must be provided with an enclosure to retain any leakage.

(f) A package must be designed, constructed, and prepared for shipment so that under the tests specified in § 71.71 ("Normal conditions of transport") there would be no loss or dispersal of radioactive contents, no significant increase in external surface radiation levels, and no substantial reduction in the effectiveness of the packaging.

(g) A package must be designed, constructed, and prepared for transport so that in still air at 38°C (100°F) and in the shade, no accessible surface of a package would have a temperature exceeding 50°C (122°F) in a nonexclusive use shipment, or 85°C (185°F) in an exclusive use shipment.

(h) A package may not incorporate a feature intended to allow continuous venting during transport.

§ 71.45 Lifting and tie-down standards for all packages.



(a) Any lifting attachment that is a structural part of a package must be designed with a minimum safety factor of three against yielding when used to lift the package in the intended manner, and it must be designed so that failure of any lifting device under excessive load would not impair the ability of the package to meet other requirements of this subpart. Any other structural part of the package that could be used to lift the package must be capable of being rendered inoperable for lifting the package during transport, or must be designed with strength equivalent to that required for lifting attachments.

(b) Tie-down devices:

(1) If there is a system of tie-down devices that is a structural part of the package, the system must be capable of withstanding, without generating stress in any material of the package in

excess of its yield strength, a static force applied to the center of gravity of the package having a vertical component of 2 times the weight of the package with its contents, a horizontal component along the direction in which the vehicle travels of 10 times the weight of the package with its contents, and a horizontal component in the transverse direction of 5 times the weight of the package with its contents.

(2) Any other structural part of the package that could be used to tie down the package must be capable of being rendered inoperable for tying down the package during transport, or must be designed with strength equivalent to that required for tie-down devices.

(3) Each tie-down device that is a structural part of a package must be designed so that failure of the device under excessive load would not impair the ability of the package to meet other requirements of this part.

§ 71.47 External radiation standards for all packages.



(a) Except as provided in paragraph (b) of this section, each package of radioactive materials offered for transportation must be designed and prepared for shipment so that under conditions normally incident to transportation the radiation level does not exceed 2 mSv/h (200 mrem/h) at any point on the external surface of the package, and the transport index does not exceed 10.

(b) A package that exceeds the radiation level limits specified in paragraph (a) of this section must be transported by exclusive use shipment only, and the radiation levels for such shipment must not exceed the following during transportation:

(1) 2 mSv/h (200 mrem/h) on the external surface of the package, unless the following conditions are met, in which case the limit is 10 mSv/h (1000 mrem/h):

(i) The shipment is made in a closed transport vehicle;

(ii) The package is secured within the vehicle so that its position remains fixed during transportation; and

(iii) There are no loading or unloading operations between the beginning and end of the transportation;

(2) 2 mSv/h (200 mrem/h) at any point on the outer surface of the vehicle, including the top and underside of the vehicle; or in the case of a flat-bed style vehicle, at any point on the vertical planes projected from the outer edges of the vehicle, on the upper surface of the load or enclosure, if used, and on the lower external surface of the vehicle; and

(3) 0.1 mSv/h (10 mrem/h) at any point 2 meters (80 in) from the outer lateral surfaces of the vehicle (excluding the top and underside of the vehicle); or in the case of a flat-bed style vehicle,

at any point 2 meters (6.6 feet) from the vertical planes projected by the outer edges of the vehicle (excluding the top and underside of the vehicle); and

(4) 0.02 mSv/h (2 mrem/h) in any normally occupied space, except that this provision does not apply to private carriers, if exposed personnel under their control wear radiation dosimetry devices in conformance with 10 CFR 20.1502.

(c) For shipments made under the provisions of paragraph (b) of this section, the shipper shall provide specific written instructions to the carrier for maintenance of the exclusive use shipment controls. The instructions must be included with the shipping paper information.

(d) The written instructions required for exclusive use shipments must be sufficient so that, when followed, they will cause the carrier to avoid actions that will unnecessarily delay delivery or unnecessarily result in increased radiation levels or radiation exposures to transport workers or members of the general public.

§ 71.51 Additional requirements for Type B packages.



(a) A Type B package, in addition to satisfying the requirements of §§ 71.41 through 71.47, must be designed, constructed, and prepared for shipment so that under the tests specified in:

(1) Section 71.71 ("Normal conditions of transport"), there would be no loss or dispersal of radioactive contents--as demonstrated to a sensitivity of 10^{-6} A₂ per hour, no significant increase in external surface radiation levels, and no substantial reduction in the effectiveness of the packaging; and

(2) Section 71.73 ("Hypothetical accident conditions"), there would be no escape of krypton-85 exceeding 10 A₂ in 1 week, no escape of other radioactive material exceeding a total amount A₂ in 1 week, and no external radiation dose rate exceeding 10 mSv/h (1 rem/h) at 1 m (40 in) from the external surface of the package.

(b) Where mixtures of different radionuclides are present, the provisions of appendix A, paragraph IV of this part shall apply, except that for Krypton-85, an effective A₂ value equal to 10 A₂ may be used.

(c) Compliance with the permitted activity release limits of paragraph (a) of this section may not depend on filters or on a mechanical cooling system.

(d) For packages which contain radioactive contents with activity greater than 10^5 A₂, the requirements of § 71.61 must be met.

[60 FR 50264, Sept. 28, 1995 as amended at 69 FR 3794, Jan. 26, 2004]

§ 71.53 [Reserved]



[62 FR 5913, Feb. 10, 1997; 69 FR 3794, January 26, 2004]

§ 71.55 General requirements for fissile material packages.



(a) A package used for the shipment of fissile material must be designed and constructed in accordance with §§ 71.41 through 71.47. When required by the total amount of radioactive material, a package used for the shipment of fissile material must also be designed and constructed in accordance with § 71.51.

(b) Except as provided in paragraph (c) or (g) of this section, a package used for the shipment of fissile material must be so designed and constructed and its contents so limited that it would be subcritical if water were to leak into the containment system, or liquid contents were to leak out of the containment system so that, under the following conditions, maximum reactivity of the fissile material would be attained:

(1) The most reactive credible configuration consistent with the chemical and physical form of the material;

(2) Moderation by water to the most reactive credible extent; and

(3) Close full reflection of the containment system by water on all sides, or such greater reflection of the containment system as may additionally be provided by the surrounding material of the packaging.

(c) The **Commission (NRC)** may approve exceptions to the requirements of paragraph (b) of this section if the package incorporates special design features that ensure that no single packaging error would permit leakage, and if appropriate measures are taken before each shipment to ensure that the containment system does not leak.

(d) A package used for the shipment of fissile material must be so designed and constructed and its contents so limited that under the tests specified in § 71.71 ("Normal conditions of transport")

--

(1) The contents would be subcritical;

(2) The geometric form of the package contents would not be substantially altered;

(3) There would be no leakage of water into the containment system unless, in the evaluation of undamaged packages under § 71.59(a)(1), it has been assumed that moderation is present to such

an extent as to cause maximum reactivity consistent with the chemical and physical form of the material; and

(4) There will be no substantial reduction in the effectiveness of the packaging, including:

(i) No more than 5 percent reduction in the total effective volume of the packaging on which nuclear safety is assessed;

(ii) No more than 5 percent reduction in the effective spacing between the fissile contents and the outer surface of the packaging; and

(iii) No occurrence of an aperture in the outer surface of the packaging large enough to permit the entry of a 10 cm (4 in) cube.

(e) A package used for the shipment of fissile material must be so designed and constructed and its contents so limited that under the tests specified in § 71.73 ("Hypothetical accident conditions"), the package would be subcritical. For this determination, it must be assumed that:

(1) The fissile material is in the most reactive credible configuration consistent with the damaged condition of the package and the chemical and physical form of the contents;

(2) Water moderation occurs to the most reactive credible extent consistent with the damaged condition of the package and the chemical and physical form of the contents; and

(3) There is full reflection by water on all sides, as close as is consistent with the damaged condition of the package.

(f) For fissile material package designs to be transported by air:

(1) The package must be designed and constructed, and its contents limited so that it would be subcritical, assuming reflection by 20 cm (7.9 in) of water but no water leakage, when subjected to sequential application of:

(i) The free drop test in § 71.73(c)(1);

(ii) The crush test in § 71.73(c)(2);

(iii) A puncture test, for packages of 250 kg or more, consisting of a free drop of the specimen through a distance of 3 m (120 in) in a position for which maximum damage is expected at the conclusion of the test sequence, onto the upper end of a solid, vertical, cylindrical, mild steel probe mounted on an essentially unyielding, horizontal surface. The probe must be 20 cm (7.9 in) in diameter, with the striking end forming the frustum of a right circular cone with the dimensions of 30 cm height, 2.5 cm top diameter, and a top edge rounded to a radius of not more than 6 mm (0.25 in). For packages less than 250 kg, the puncture test must be the same, except that a 250 kg probe must be dropped onto the specimen which must be placed on the surface; and

(iv) The thermal test in § 71.73(c)(4), except that the duration of the test must be 60 minutes.

(2) The package must be designed and constructed, and its contents limited, so that it would be subcritical, assuming reflection by 20 cm (7.9 in) of water but no water inleakage, when subjected to an impact on an unyielding surface at a velocity of 90 m/s normal to the surface, at such orientation so as to result in maximum damage. A separate, undamaged specimen can be used for this evaluation.

(3) Allowance may not be made for the special design features in paragraph (c) of this section, unless water leakage into or out of void spaces is prevented following application of the tests in paragraphs (f)(1) and (f)(2) of this section, and subsequent application of the immersion test in § 71.73(c)(5).

(g) Packages containing uranium hexafluoride only are excepted from the requirements of paragraph (b) of this section provided that:

(1) Following the tests specified in § 71.73 ("Hypothetical accident conditions"), there is no physical contact between the valve body and any other component of the packaging, other than at its original point of attachment, and the valve remains leak tight;

(2) There is an adequate quality control in the manufacture, maintenance, and repair of packagings;

(3) Each package is tested to demonstrate closure before each shipment; and

(4) The uranium is enriched to not more than 5 weight percent uranium-235.

[60 FR 50264, Sept. 28, 1995; 61 FR 28724, June 6, 1996; 69 FR 3794, Jan. 26, 2004]

§ 71.57 [Reserved]

 TOP

§ 71.59 Standards for arrays of fissile material packages.

 TOP

(a) A fissile material package must be controlled by either the shipper or the carrier during transport to assure that an array of such packages remains subcritical. To enable this control, the designer of a fissile material package shall derive a number "N" based on all the following conditions being satisfied, assuming packages are stacked together in any arrangement and with close full reflection on all sides of the stack by water:

(1) Five times "N" undamaged packages with nothing between the packages would be subcritical;

(2) Two times "N" damaged packages, if each package were subjected to the tests specified in § 71.73 ("Hypothetical accident conditions") would be subcritical with optimum interspersed hydrogenous moderation; and

(3) The value of "N" cannot be less than 0.5.

(b) The CSI must be determined by dividing the number 50 by the value of "N" derived using the procedures specified in paragraph (a) of this section. The value of the CSI may be zero provided that an unlimited number of packages are subcritical, such that the value of "N" is effectively equal to infinity under the procedures specified in paragraph (a) of this section. Any CSI greater than zero must be rounded up to the first decimal place.

(c) For a fissile material package which is assigned a CSI value--

(1) Less than or equal to 50, that package may be shipped by a carrier in a nonexclusive use conveyance, provided the sum of the CSIs is limited to less than or equal to 50.

(2) Less than or equal to 50, that package may be shipped by a carrier in an exclusive use conveyance, provided the sum of the CSIs is limited to less than or equal to 100.

(3) Greater than 50, that package must be shipped by a carrier in an exclusive use conveyance, provided the sum of the CSIs is limited to less than or equal to 100.

[69 FR 3795, Jan. 26, 2004]

§ 71.61 Special requirements for Type B packages containing more than $10^5 A_2$.

 TOP

A Type B package containing more than $10^5 A_2$ must be designed so that its undamaged containment system can withstand an external water pressure of 2 MPa (290 psi) for a period of not less than 1 hour without collapse, buckling, or inleakage of water.

[69 FR 3795, Jan. 26, 2004]

§ 71.63 Special requirement for plutonium shipments.

 TOP

Shipments containing plutonium must be made with the contents in solid form, if the contents contain greater than 0.74 TBq (20 Ci) of plutonium.

[69 FR 3795, Jan. 26, 2004]

§ 71.64 Special requirements for plutonium air shipments.



(a) A package for the shipment of plutonium by air subject to § 71.88(a)(4), in addition to satisfying the requirements of §§ 71.41 through 71.63, as applicable, must be designed, constructed, and prepared for shipment so that under the tests specified in --

(1) Section 71.74 ("Accident conditions for air transport of plutonium") --

(i) The containment vessel would not be ruptured in its post-tested condition, and the package must provide a sufficient degree of containment to restrict accumulated loss of plutonium contents to not more than an A₂ quantity in a period of 1 week;

(ii) The external radiation level would not exceed 10 mSv/h (1 rem/h) at a distance of 1 m (40 in) from the surface of the package in its post-tested condition in air; and

(iii) A single package and an array of packages are demonstrated to be subcritical in accordance with this part, except that the damaged condition of the package must be considered to be that which results from the plutonium accident tests in § 71.74, rather than the hypothetical accident tests in § 71.73; and

(2) Section 71.74(c), there would be no detectable leakage of water into the containment vessel of the package.

(b) With respect to the package requirements of paragraph (a), there must be a demonstration or analytical assessment showing that --

(1) The results of the physical testing for package qualification would not be adversely affected to a significant extent by --

(i) The presence, during the tests, of the actual contents that will be transported in the package; and

(ii) Ambient water temperatures ranging from 0.6°C (+33°F) to 38°C (+100°F) for those qualification tests involving water, and ambient atmospheric temperatures ranging from -40°C (-40°F) to +54°C (+130°F) for the other qualification tests.

(2) The ability of the package to meet the acceptance standards prescribed for the accident condition sequential tests would not be adversely affected if one or more tests in the sequence were deleted.

§ 71.65 Additional requirements.



The **Commission (NRC)** may, by rule, regulation, or order, impose requirements on any licensee, in addition to those established in this part, as it deems necessary or appropriate to protect public health or to minimize danger to life or property.

Subpart F—Package, Special Form, and LSA-III Tests²



² The package standards related to the tests in this subpart are contained in subpart E of this part.

§ 71.70 Incorporations by reference.

(a) The materials listed in this section are incorporated by reference in the corresponding sections noted and made a part of the regulations in part 71. These incorporations by reference were approved by the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. These materials are incorporated as they exist on the date of the approval. A notice of any changes made to the material incorporated by reference will be published in the **Federal Register**, and the material must be available to the public. The materials can be examined, by appointment, at the NRC's Technical Library, which is located at Two White Flint North, 11545 Rockville Pike, Rockville, Maryland 20852; telephone: 301-415-7000; email: *Library.Resource@nrc.gov*. The materials are also available from the sources listed below. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 1-202-741-6030 or go to <http://www.archives.gov/federal-register/cfr/ibr-locations.html>.

(b) International Organization for Standardization, ISO Central Secretariat, Chemin de Blandonnet 8 CP 401, 1214 Vernier, Geneva, Switzerland; email: *central@iso.org*; phone: +41 22 749 01 11; Web site: <http://www.iso.org>.

(1) ISO 9978:1992(E), "Radiation protection—Sealed radioactive sources—Leakage test methods," First Edition (February 15, 1992), incorporation by reference approved for § 71.75(a), is available for purchase from the American National Standards Institute, 25 West 43rd Street, 4th Floor, New York, NY 10036, 212-642-4900, <http://www.ansi.org>, or *info@ansi.org*.

(2) ISO 2919:1999(E), "Radiation protection—Sealed radioactive sources—General requirements and classification," Second Edition (February 15, 1999), incorporation by reference approved for § 71.75(d), is available on <http://www.amazon.com>.

[80 FR 34013, Jun. 12, 2015; 80 FR 48684, Aug. 14, 2015]

§ 71.71 Normal conditions of transport.



(a) *Evaluation.* Evaluation of each package design under normal conditions of transport must include a determination of the effect on that design of the conditions and tests specified in this section. Separate specimens may be used for the free drop test, the compression test, and the penetration test, if each specimen is subjected to the water spray test before being subjected to any of the other tests.

(b) *Initial conditions.* With respect to the initial conditions for the tests in this section, the demonstration of compliance with the requirements of this part must be based on the ambient temperature preceding and following the tests remaining constant at that value between -29°C (-20°F) and +38°C (+100°F) which is most unfavorable for the feature under consideration. The initial internal pressure within the containment system must be considered to be the maximum normal operating pressure, unless a lower internal pressure consistent with the ambient temperature considered to precede and follow the tests is more unfavorable.

(c) *Conditions and tests.*

(1) *Heat.* An ambient temperature of 38°C (100°F) in still air, and insolation according to the following table:

INSOLATION DATA

Form and location of surface	Total insolation for a 12-hour period (g cal/cm ²)
Flat surfaces transported horizontally;	
Base	None
Other surfaces	800
Flat surfaces not transported horizontally	200
Curved surfaces	400

(2) *Cold.* An ambient temperature of -40°C (-40°F) in still air and shade.

(3) *Reduced external pressure.* An external pressure of 25 kPa (3.5 lbf/in²) absolute.

(4) *Increased external pressure.* An external pressure of 140 kPa (20 lbf/in²) absolute.

(5) *Vibration.* Vibration normally incident to transport.

(6) *Water spray.* A water spray that simulates exposure to rainfall of approximately 5 cm/h (2 in/h) for at least 1 hour.

(7) *Free drop.* Between 1.5 and 2.5 hours after the conclusion of the water spray test, a free drop through the distance specified below onto a flat, essentially unyielding, horizontal surface, striking the surface in a position for which maximum damage is expected.

Criteria for Free Drop Test (Weight/Distance)

Package weight		Free drop distance	
Kilograms	(Pounds)	Meters	(Feet)
Less than 5,000	(Less than 11,000)	1.2	(4)
5,000 to 10,000	(11,000 to 22,000)	0.9	(3)
10,000 to 15,000	(22,000 to 33,100)	0.6	(2)
More than 15,000	(More than 33,100)	0.3	(1)

(8) *Corner drop.* A free drop onto each corner of the package in succession, or in the case of a cylindrical package onto each quarter of each rim, from a height of 0.3 m (1 ft) onto a flat, essentially unyielding, horizontal surface. This test applies only to fiberboard, wood, or fissile material rectangular packages not exceeding 50 kg (110 lbs) and fiberboard, wood, or fissile material cylindrical packages not exceeding 100 kg (220 lbs).

(9) *Compression.* For packages weighing up to 5000 kg (11,000 lbs), the package must be subjected, for a period of 24 hours, to a compressive load applied uniformly to the top and bottom of the package in the position in which the package would normally be transported. The compressive load must be the greater of the following:

(i) The equivalent of 5 times the weight of the package; or

(ii) The equivalent of 13 kPa (2 lbf/in²) multiplied by the vertically projected area of the package.

(10) *Penetration.* Impact of the hemispherical end of a vertical steel cylinder of 3.2 cm (1.25 in) diameter and 6 kg (13 lbs) mass, dropped from a height of 1 m (40 in) onto the exposed surface of the package that is expected to be most vulnerable to puncture. The long axis of the cylinder must be perpendicular to the package surface.

[81 FR 86910, Dec. 2, 2016]

§ 71.73 Hypothetical accident conditions.



(a) *Test procedures.* Evaluation for hypothetical accident conditions is to be based on sequential application of the tests specified in this section, in the order indicated, to determine their cumulative effect on a package or array of packages. An undamaged specimen may be used for the water immersion tests specified in paragraph (c)(6) of this section.

(b) *Test conditions.* With respect to the initial conditions for the tests, except for the water immersion tests, to demonstrate compliance with the requirements of this part during testing, the

ambient air temperature before and after the tests must remain constant at that value between -29°C (-20°F) and +38°C (+100°F) which is most unfavorable for the feature under consideration. The initial internal pressure within the containment system must be the maximum normal operating pressure, unless a lower internal pressure, consistent with the ambient temperature assumed to precede and follow the tests, is more unfavorable.

(c) *Tests.* Tests for hypothetical accident conditions must be conducted as follows:

(1) *Free Drop.* A free drop of the specimen through a distance of 9 m (30 ft) onto a flat, essentially unyielding, horizontal surface, striking the surface in a position for which maximum damage is expected.

(2) *Crush.* Subjection of the specimen to a dynamic crush test by positioning the specimen on a flat, essentially unyielding horizontal surface so as to suffer maximum damage by the drop of a 500-kg (1100-lb) mass from 9 m (30 ft) onto the specimen. The mass must consist of a solid mild steel plate 1 m (40 in) by 1 m (40 in) and must fall in a horizontal attitude. The crush test is required only when the specimen has a mass not greater than 500 kg (1100 lb), an overall density not greater than 1000 kg/m³ (62.4 lb/ft³) based on external dimension, and radioactive contents greater than 1000 A₂ not as special form radioactive material. For packages containing fissile material, the radioactive contents greater than 1000 A₂ criterion does not apply.

(3) *Puncture.* A free drop of the specimen through a distance of 1 m (40 in) in a position for which maximum damage is expected, onto the upper end of a solid, vertical, cylindrical, mild steel bar mounted on an essentially unyielding, horizontal surface. The bar must be 15 cm (6 in) in diameter, with the top horizontal and its edge rounded to a radius of not more than 6 mm (0.25 in), and of a length as to cause maximum damage to the package, but not less than 20 cm (8 in) long. The long axis of the bar must be vertical.

(4) *Thermal.* Exposure of the specimen fully engulfed, except for a simple support system, in a hydrocarbon fuel/air fire of sufficient extent, and in sufficiently quiescent ambient conditions, to provide an average emissivity coefficient of at least 0.9, with an average flame temperature of at least 800°C (1475°F) for a period of 30 minutes, or any other thermal test that provides the equivalent total heat input to the package and which provides a time averaged environmental temperature of 800°C. The fuel source must extend horizontally at least 1 m (40 in), but may not extend more than 3 m (10 ft), beyond any external surface of the specimen, and the specimen must be positioned 1 m (40 in) above the surface of the fuel source. For purposes of calculation, the surface absorptivity coefficient must be either that value which the package may be expected to possess if exposed to the fire specified or 0.8, whichever is greater; and the convective coefficient must be that value which may be demonstrated to exist if the package were exposed to the fire specified. Artificial cooling may not be applied after cessation of external heat input, and any combustion of materials of construction, must be allowed to proceed until it terminates naturally.

(5) *Immersion--fissile material.* For fissile material subject to § 71.55, in those cases where water leakage has not been assumed for criticality analysis, immersion under a head of water of at least 0.9 m (3 ft) in the attitude for which maximum leakage is expected.

(6) *Immersion--all packages.* A separate, undamaged specimen must be subjected to water pressure equivalent to immersion under a head of water of at least 15 m (50 ft). For test purposes, an external pressure of water of 150 kPa (21.7 lbf/in²) gauge is considered to meet these conditions.

[69 FR 3795, Jan. 26, 2004]

§ 71.74 Accident conditions for air transport of plutonium.



(a) *Test conditions--Sequence of tests.* A package must be physically tested to the following conditions in the order indicated to determine their cumulative effect.

(1) Impact at a velocity of not less than 129 m/sec (422 ft/sec) at a right angle onto a flat, essentially unyielding, horizontal surface, in the orientation (e.g., side, end, corner) expected to result in maximum damage at the conclusion of the test sequence.

(2) A static compressive load of 31,800 kg (70,000 lbs) applied in the orientation expected to result in maximum damage at the conclusion of the test sequence. The force on the package must be developed between a flat steel surface and a 5 cm (2 in) wide, straight, solid, steel bar. The length of the bar must be at least as long as the diameter of the package, and the longitudinal axis of the bar must be parallel to the plane of the flat surface. The load must be applied to the bar in a manner that prevents any members or devices used to support the bar from contacting the package.

(3) Packages weighing less than 227 kg (500 lbs) must be placed on a flat, essentially unyielding, horizontal surface, and subjected to a weight of 227 kg (500 lbs) falling from a height of 3 m (10 ft) and striking in the position expected to result in maximum damage at the conclusion of the test sequence. The end of the weight contacting the package must be a solid probe made of mild steel. The probe must be the shape of the frustum of a right circular cone, 30 cm (12 in) long, 20 cm (8 in) in diameter at the base, and 2.5 cm (1 in) in diameter at the end. The longitudinal axis of the probe must be perpendicular to the horizontal surface. For packages weighing 227 kg (500 lbs) or more, the base of the probe must be placed on a flat, essentially unyielding horizontal surface, and the package dropped from a height of 3 m (10 ft) onto the probe, striking in the position expected to result in maximum damage at the conclusion of the test sequence.

(4) The package must be firmly restrained and supported such that its longitudinal axis is inclined approximately 45° to the horizontal. The area of the package that made first contact with the impact surface in paragraph (a)(1) of this section must be in the lowermost position. The package must be struck at approximately the center of its vertical projection by the end of a structural steel angle section falling from a height of at least 46 m (150 ft). The angle section must be at least 1.8 m (6 ft) in length with equal legs at least 13 cm (5 in) long and 1.3 cm (0.5 in) thick. The angle section must be guided in such a way as to fall end-on, without tumbling. The package must be rotated approximately 90° about its longitudinal axis and struck by the steel angle section falling as before.

(5) The package must be exposed to luminous flames from a pool fire of JP-4 or JP-5 aviation fuel for a period of at least 60 minutes. The luminous flames must extend an average of at least 0.9 m (3 ft) and no more than 3 m (10 ft) beyond the package in all horizontal directions. The position and orientation of the package in relation to the fuel must be that which is expected to result in maximum damage at the conclusion of the test sequence. An alternate method of thermal testing may be substituted for this fire test, provided that the alternate test is not of shorter duration and would not result in a lower heating rate to the package. At the conclusion of the thermal test, the package must be allowed to cool naturally or must be cooled by water sprinkling, whichever is expected to result in maximum damage at the conclusion of the test sequence.

(6) Immersion under at least 0.9 m (3 ft) of water.

(b) *Individual free-fall impact test.*

(1) An undamaged package must be physically subjected to an impact at a velocity not less than the calculated terminal free-fall velocity, at mean sea level, at a right angle onto a flat, essentially unyielding, horizontal surface, in the orientation (e.g., side, end, corner) expected to result in maximum damage.

(2) This test is not required if the calculated terminal free-fall velocity of the package is less than 129 m/sec (422 ft/sec), or if a velocity not less than either 129 m/sec (422 ft/sec) or the calculated terminal free-fall velocity of the package is used in the sequential test of paragraph (a)(1) of this section.

(c) Individual deep submersion test. An undamaged package must be physically submerged and physically subjected to an external water pressure of at least 4 MPa (600 lbs/in²).

§ 71.75 Qualification of special form radioactive material.



(a) Special form radioactive materials must meet the test requirements of paragraph (b) of this section. Each solid radioactive material or capsule specimen to be tested must be manufactured or fabricated so that it is representative of the actual solid material or capsule that will be transported, with the proposed radioactive content duplicated as closely as practicable. Any differences between the material to be transported and the test material, such as the use of non-radioactive contents, must be taken into account in determining whether the test requirements have been met. In addition:

(1) A different specimen may be used for each of the tests;

(2) The specimen may not break or shatter when subjected to the impact, percussion, or bending tests;

(3) The specimen may not melt or disperse when subjected to the heat test;

(4) After each test, leaktightness or indispersibility of the specimen must be determined by a method no less sensitive than the leaching assessment procedure prescribed in paragraph (c) of this section. For a capsule resistant to corrosion by water, and which has an internal void volume greater than 0.1 milliliter, an alternative to the leaching assessment is a demonstration of leaktightness of $\times 10^{-4}$ torr-liter/s (1.3×10^{-4} atm-cm³/s) based on air at 25°C (77°F) and one atmosphere differential pressure for solid radioactive content, or $\times 10^{-6}$ torr-liter/s (1.30×10^{-6} atm-cm³/s) for liquid or gaseous radioactive content; and

(5) A specimen that comprises or simulates radioactive material contained in a sealed capsule need not be subjected to the leaktightness procedure specified in this section, provided it is alternatively subjected to any of the tests prescribed in ISO 9978:1992(E), "Radiation protection—Sealed radioactive sources—Leakage test methods" (incorporated by reference, see § 71.70).

(b) *Test methods.* (1) *Impact Test.* The specimen must fall onto the target from a height of 9 m (30 ft) or greater in the orientation expected to result in maximum damage. The target must be a flat, horizontal surface of such mass and rigidity that any increase in its resistance to displacement or deformation, on impact by the specimen, would not significantly increase the damage to the specimen.

(2) *Percussion Test.* (i) The specimen must be placed on a sheet of lead that is supported by a smooth solid surface, and struck by the flat face of a steel billet so as to produce an impact equivalent to that resulting from a free drop of 1.4 kg (3 lbs) through 1 m (40 in);

(ii) The flat face of the billet must be 25 millimeters (mm) (1 inch) in diameter with the edge rounded off to a radius of $3 \text{ mm} \pm 0.3 \text{ mm}$ ($0.12 \text{ in} \pm 0.012 \text{ in}$);

(iii) The lead must be hardness number 3.5 to 4.5 on the Vickers scale and not more than 25 mm (1 inch) thick, and must cover an area greater than that covered by the specimen;

(iv) A fresh surface of lead must be used for each impact; and

(v) The billet must strike the specimen so as to cause maximum damage.

(3) *Bending test.* (i) This test applies only to long, slender sources with a length of 10 cm (4 inches) or greater and a length to width ratio of 10 or greater;

(ii) The specimen must be rigidly clamped in a horizontal position so that one half of its length protrudes from the face of the clamp;

(iii) The orientation of the specimen must be such that the specimen will suffer maximum damage when its free end is struck by the flat face of a steel billet;

(iv) The billet must strike the specimen so as to produce an impact equivalent to that resulting from a free vertical drop of 1.4 kg (3 lbs) through 1 m (40 in); and

(v) The flat face of the billet must be 25 mm (1 inch) in diameter with the edges rounded off to a radius of $3\text{ mm}\pm 0.3\text{ mm}$ ($.12\text{ in}\pm 0.012\text{ in}$).

(4) *Heat test.* The specimen must be heated in air to a temperature of not less than 800°C (1475°F), held at that temperature for a period of 10 minutes, and then allowed to cool.

(c) *Leaching assessment methods.* (1) For indispersible solid material —

(i) The specimen must be immersed for 7 days in water at ambient temperature. The water must have a pH of 6-8 and a maximum conductivity of 10 micromho per centimeter at 20° (68°F);

(ii) The water with specimen must then be heated to a temperature of $50^{\circ}\text{C}\pm 5^{\circ}\text{C}$ ($122^{\circ}\text{F}\pm 9^{\circ}\text{F}$) and maintained at this temperature for 4 hours.

(iii) The activity of the water must then be determined;

(iv) The specimen must then be stored for at least 7 days in still air of relative humidity not less than 90 percent at 30°C (86°F);

(v) The specimen must then be immersed in water under the same conditions as in paragraph (c)(1)(i) of this section, and the water with specimen must be heated to $50^{\circ}\text{C}\pm 5^{\circ}\text{C}$ ($122^{\circ}\text{F}\pm 9^{\circ}\text{F}$) and maintained at that temperature for 4 hours;

(vi) The activity of the water must then be determined. The sum of the activities determined here and in paragraph (c)(1)(iii) of this section must not exceed 2 kilobecquerels (kBq) (0.05 microcurie (μCi)).

(2) For encapsulated material —

(i) The specimen must be immersed in water at ambient temperature. The water must have a pH of 6-8 and a maximum conductivity of 10 micromho per centimeter;

(ii) The water and specimen must be heated to a temperature of $50^{\circ}\text{C}\pm 5^{\circ}\text{C}$ ($122^{\circ}\text{F}\pm 9^{\circ}\text{F}$) and maintained at this temperature for 4 hours;

(iii) The activity of the water must then be determined;

(iv) The specimen must then be stored for at least 7 days in still air at a temperature of 30°C (86°F) or greater;

(v) The process in paragraph (c)(2)(i), (ii), and (iii) of this section must be repeated; and

(vi) The activity of the water must then be determined. The sum of the activities determined here and in paragraph (c)(2)(iii) of this section must not exceed 2 kilobecquerels (kBq) (0.05 microcurie (Ci)).

(d) A specimen that comprises or simulates radioactive material contained in a sealed capsule need not be subjected to —

(1) The impact test and the percussion test of this section, provided that the specimen is:

(i) Less than 200 grams and alternatively subjected to the Class 4 impact test prescribed in ISO 2919:1999(E), "Radiation protection—Sealed radioactive sources—General requirements and classification" (incorporated by reference, see § 71.70); or

(ii) Less than 500 grams and alternatively subjected to the Class 5 impact test prescribed in ISO 2919:1999(E), "Radioactive protection—Sealed radioactive sources—General requirements and classification" (incorporated by reference, see § 71.70); and

(2) The heat test of this section, provided the specimen is alternatively subjected to the Class 6 temperature test specified in ISO 2919:1999(E), "Radioactive protection—Sealed radioactive sources—General requirements and classification" (incorporated by reference, see § 71.70).

[80 FR 34013, Jun. 12, 2015]

§ 71.77 Qualification of LSA-III Material



(a) LSA-III material must meet the test requirements of paragraph (b) of this section. Any differences between the specimen to be tested and the material to be transported must be taken into account in determining whether the test requirements have been met.

(b) *Leaching Test.* (1) The specimen, representing no less than the entire contents of the package, must be immersed for 7 days in water at ambient temperature;

(2) The volume of water to be used in the test must be sufficient to ensure that at the end of the test period the free volume of the unabsorbed and unreacted water remaining will be at least 10% of the volume of the specimen itself;

(3) The water must have an initial pH of 6-8 and a maximum conductivity 10 micromho/cm at 20°C (68°F); and

(4) The total activity of the free volume of water must be measured following the 7 day immersion test and must not exceed 0.1 A₂.

Subpart G--Operating Controls and Procedures



§ 71.81 Applicability of operating controls and procedures.

A licensee subject to this part, who, under a general or specific license, transports licensed material or delivers licensed material to a carrier for transport, shall comply with the requirements of this subpart G, with the quality assurance requirements of subpart H of this part, and with the general provisions of subpart A of this part.

§ 71.83 Assumptions as to unknown properties.

▲ TOP

When the isotopic abundance, mass, concentration, degree of irradiation, degree of moderation, or other pertinent property of fissile material in any package is not known, the licensee shall package the fissile material as if the unknown properties have credible values that will cause the maximum neutron multiplication.

§ 71.85 Preliminary determinations.

▲ TOP

Before the first use of any packaging for the shipment of licensed material —

- (a) The certificate holder shall ascertain that there are no cracks, pinholes, uncontrolled voids, or other defects that could significantly reduce the effectiveness of the packaging;
- (b) Where the maximum normal operating pressure will exceed 35 kPa (5 lbf/in²) gauge, the certificate holder shall test the containment system at an internal pressure at least 50 percent higher than the maximum normal operating pressure, to verify the capability of that system to maintain its structural integrity at that pressure;
- (c) The certificate holder shall conspicuously and durably mark the packaging with its model number, serial number, gross weight, and a package identification number assigned by the NRC. Before applying the model number, the certificate holder shall determine that the packaging has been fabricated in accordance with the design approved by the **Commission (NRC)**; and
- (d) The licensee shall ascertain that the determinations in paragraphs (a) through (c) of this section have been made.

[80 FR 34013, Jun. 12, 2015]

§ 71.87 Routine determinations.

▲ TOP

Before each shipment of licensed material, the licensee shall ensure that the package with its contents satisfies the applicable requirements of this part and of the license. The licensee shall determine that --

- (a) The package is proper for the contents to be shipped;
- (b) The package is in unimpaired physical condition except for superficial defects such as marks or dents;
- (c) Each closure device of the packaging, including any required gasket, is properly installed and secured and free of defects;
- (d) Any system for containing liquid is adequately sealed and has adequate space or other specified provision for expansion of the liquid;
- (e) Any pressure relief device is operable and set in accordance with written procedures;
- (f) The package has been loaded and closed in accordance with written procedures;
- (g) For fissile material, any moderator or neutron absorber, if required, is present and in proper condition;
- (h) Any structural part of the package that could be used to lift or tie down the package during transport is rendered inoperable for that purpose, unless it satisfies the design requirements of § 71.45;
- (i) The level of non-fixed (removable) radioactive contamination on the external surfaces of each package offered for shipment is as low as reasonably achievable, and within the limits specified in DOT regulations in 49 CFR 173.443;
- (j) External radiation levels around the package and around the vehicle, if applicable, will not exceed the limits specified in § 71.47 at any time during transportation; and
- (k) Accessible package surface temperatures will not exceed the limits specified in § 71.43(g) at any time during transportation.

§ 71.88 Air transport of plutonium.



(a) Notwithstanding the provisions of any general licenses and notwithstanding any exemptions stated directly in this part or included indirectly by citation of 49 CFR chapter I, as may be applicable, the licensee shall assure that plutonium in any form, whether for import, export, or domestic shipment, is not transported by air or delivered to a carrier for air transport unless:

- (1) The plutonium is contained in a medical device designed for individual human application; or

(2) The plutonium is contained in a material in which the specific activity is less than or equal to the activity concentration values for plutonium specified in Appendix A, Table A-2, of this part, and in which the radioactivity is essentially uniformly distributed; or

(3) The plutonium is shipped in a single package containing no more than an A₂ quantity of plutonium in any isotope or form, and is shipped in accordance with § 71.5; or

(4) The plutonium is shipped in a package specifically authorized for the shipment of plutonium by air in the Certificate of Compliance for that package issued by the **Commission (NRC)**.

(b) Nothing in paragraph (a) of this section is to be interpreted as removing or diminishing the requirements of § 73.24 of this chapter.

(c) For a shipment of plutonium by air which is subject to paragraph (a)(4) of this section, the licensee shall, through special arrangement with the carrier, require compliance with 49 CFR 175.704, U.S. Department of Transportation regulations applicable to the air transport of plutonium.

[69 FR 3795, Jan. 26, 2004]

§ 71.89 Opening instructions.

 TOP

Before delivery of a package to a carrier for transport, the licensee shall ensure that any special instructions needed to safely open the package have been sent to, or otherwise made available to, the consignee for the consignee's use in accordance with 10 CFR 20.1906(e).

§ 71.91 Records.

 TOP

(a) Each licensee shall maintain, for a period of 3 years after shipment, a record of each shipment of licensed material not exempt under § 71.14, showing where applicable —

(1) Identification of the packaging by model number and serial number;

(2) Verification that there are no significant defects in the packaging, as shipped;

(3) Volume and identification of coolant;

(4) Type and quantity of licensed material in each package, and the total quantity of each shipment;

(5) For each item of irradiated fissile material —

- (i) Identification by model number and serial number;
 - (ii) Irradiation and decay history to the extent appropriate to demonstrate that its nuclear and thermal characteristics comply with license conditions; and
 - (iii) Any abnormal or unusual condition relevant to radiation safety;
- (6) Date of the shipment;
 - (7) For fissile packages and for Type B packages, any special controls exercised;
 - (8) Name and address of the transferee;
 - (9) Address to which the shipment was made; and
 - (10) Results of the determinations required by § 71.87 and by the conditions of the package approval.
- (b) Each certificate holder shall maintain, for a period of 3 years after the life of the packaging to which they apply, records identifying the packaging by model number, serial number, and date of manufacture. (No reference to commission)
 - (c) The licensee, certificate holder, and an applicant for a CoC, shall make available to the **Commission (Department)** for inspection, upon reasonable notice, all records required by this part. Records are only valid if stamped, initialed, or signed and dated by authorized personnel, or otherwise authenticated.
 - (d) The licensee, certificate holder, and an applicant for a CoC shall maintain sufficient written records to furnish evidence of the quality of packaging. The records to be maintained include results of the determinations required by § 71.85; design, fabrication, and assembly records; results of reviews, inspections, tests, and audits; results of monitoring work performance and materials analyses; and results of maintenance, modification, and repair activities. Inspection, test, and audit records must identify the inspector or data recorder, the type of observation, the results, the acceptability, and the action taken in connection with any deficiencies noted. These records must be retained for 3 years after the life of the packaging to which they apply. (No reference to commission)

[69 FR 3796, Jan. 26, 2004; 80 FR 34013, Jun. 12, 2015]

§ 71.93 Inspection and tests.



- (a) The licensee, certificate holder, and applicant for a CoC shall permit the **Commission (NRC)**, at all reasonable times, to inspect the licensed material, packaging, premises, and facilities in

which the licensed material or packaging is used, provided, constructed, fabricated, tested, stored, or shipped.

(b) The licensee, certificate holder, and applicant for a CoC shall perform, and permit the **Commission (NRC)** to perform, any tests the **Commission (NRC)** deems necessary or appropriate for the administration of the regulations in this chapter.

(c) The certificate holder and applicant for a CoC shall notify the NRC, in accordance with § 71.1, 45 days in advance of starting fabrication of the first packaging under a CoC. This paragraph applies to any packaging used for the shipment of licensed material which has either--

(1) A decay heat load in excess of 5 kW; or

(2) A maximum normal operating pressure in excess of 103 kPa (15 lbf/in²) gauge.

[69 FR 3796, Jan. 26, 2004]

§ 71.95 Reports.



(a) The licensee, after requesting the certificate holder's input, shall submit a written report to the **Commission (NRC)** of--

(1) Instances in which there is a significant reduction in the effectiveness of any NRC-approved Type B or Type AF packaging during use; or

(2) Details of any defects with safety significance in any NRC-approved Type B or fissile material packaging, after first use.

(3) Instances in which the conditions of approval in the Certificate of Compliance were not observed in making a shipment.

(b) The licensee shall submit a written report to the **Commission (NRC)** of instances in which the conditions in the certificate of compliance were not followed during a shipment.

(c) Each licensee shall submit, in accordance with § 71.1, a written report required by paragraph (a) or (b) of this section within 60 days of the event or discovery of the event. The licensee shall also provide a copy of each report submitted to the NRC to the applicable certificate holder.

Written reports prepared under other regulations may be submitted to fulfill this requirement if the reports contain all the necessary information, and the appropriate distribution is made. Using an appropriate method listed in § 71.1(a), the licensee shall report to: ATTN: Document Control Desk, Director, Division of Fuel Management, Office of Nuclear Material Safety and Safeguards. These written reports must include the following:

(1) A brief abstract describing the major occurrences during the event, including all component or system failures that contributed to the event and significant corrective action taken or planned to prevent recurrence.

(2) A clear, specific, narrative description of the event that occurred so that knowledgeable readers conversant with the requirements of part 71, but not familiar with the design of the packaging, can understand the complete event. The narrative description must include the following specific information as appropriate for the particular event.

(i) Status of components or systems that were inoperable at the start of the event and that contributed to the event;

(ii) Dates and approximate times of occurrences;

(iii) The cause of each component or system failure or personnel error, if known;

(iv) The failure mode, mechanism, and effect of each failed component, if known;

(v) A list of systems or secondary functions that were also affected for failures of components with multiple functions;

(vi) The method of discovery of each component or system failure or procedural error;

(vii) For each human performance-related root cause, a discussion of the cause(s) and circumstances;

(viii) The manufacturer and model number (or other identification) of each component that failed during the event; and

(ix) For events occurring during use of a packaging, the quantities and chemical and physical form(s) of the package contents.

(3) An assessment of the safety consequences and implications of the event. This assessment must include the availability of other systems or components that could have performed the same function as the components and systems that failed during the event.

(4) A description of any corrective actions planned as a result of the event, including the means employed to repair any defects, and actions taken to reduce the probability of similar events occurring in the future.

(5) Reference to any previous similar events involving the same packaging that are known to the licensee or certificate holder.

(6) The name and telephone number of a person within the licensee's organization who is knowledgeable about the event and can provide additional information.

(7) The extent of exposure of individuals to radiation or to radioactive materials without identification of individuals by name.

(d) Report legibility. The reports submitted by licensees and/or certificate holders under this section must be of sufficient quality to permit reproduction and micrographic processing.

[60 FR 50264, Sept. 28, 1995, as amended at 67 FR 3585, Jan. 25, 2002; 68 FR 58818, Oct. 10, 2003; 69 FR 3796, Jan. 26, 2004; 75 FR 73945, Nov. 30, 2010; 79 FR 75741, Dec. 19, 2014; 84 FR 65645, Nov. 29, 2019]

§ 71.97 Advance notification of shipment of irradiated reactor fuel and nuclear waste.

 TOP

(a)(1) As specified in paragraphs (b), (c), and (d) of this section, each licensee shall provide advance notification to the governor of a State, or the governor's designee, of the shipment of licensed material, within or across the boundary of the State, before the transport, or delivery to a carrier, for transport, of licensed material outside the confines of the licensee's plant or other place of use or storage.

(2) As specified in paragraphs (b), (c), and (d) of this section, after June 11, 2013, each licensee shall provide advance notification to the Tribal official of participating Tribes referenced in paragraph (c)(3)(iii) of this section, or the official's designee, of the shipment of licensed material, within or across the boundary of the Tribe's reservation, before the transport, or delivery to a carrier, for transport, of licensed material outside the confines of the licensee's plant or other place of use or storage.

(b) Advance notification is also required under this section for the shipment of licensed material, other than irradiated fuel, meeting the following three conditions:

(1) The licensed material is required by this part to be in Type B packaging for transportation;

(2) The licensed material is being transported to or across a State boundary en route to a disposal facility or to a collection point for transport to a disposal facility; and

(3) The quantity of licensed material in a single package exceeds the least of the following:

(i) 3000 times the A_1 value of the radionuclides as specified in appendix A, Table A-1 for special form radioactive material;

(ii) 3000 times the A_2 value of the radionuclides as specified in appendix A, Table A-1 for normal form radioactive material; or

(iii) 1000 TBq (27,000 Ci).

(c) *Procedures for submitting advance notification.* (1) The notification must be made in writing to:

- (i) The office of each appropriate governor or governor's designee;
- (ii) The office of each appropriate Tribal official or Tribal official's designee; and
- (iii) The Director, Office of Nuclear Security and Incident Response.

(2) A notification delivered by mail must be postmarked at least 7 days before the beginning of the 7-day period during which departure of the shipment is estimated to occur.

(3) A notification delivered by any other means than mail must reach the office of the governor or of the governor's designee or the Tribal official or Tribal official's designee at least 4 days before the beginning of the 7-day period during which departure of the shipment is estimated to occur.

(i) A list of the names and mailing addresses of the governors' designees receiving advance notification of transportation of nuclear waste was published in the **Federal Register** on June 30, 1995 (60 FR 34306).

(ii) Contact information for each State, including telephone and mailing addresses of governors and governors' designees, and participating Tribes, including telephone and mailing addresses of Tribal officials and Tribal official's designees, is available on the NRC Web site at:
<https://scp.nrc.gov/special/designee.pdf>.

(iii) A list of the names and mailing addresses of the governors' designees and Tribal officials' designees of participating Tribes is available on request from the Director, Division of Materials Safety, Security, State, and Tribal Programs, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory **Commission (NRC)**, Washington, DC 20555-0001.

(4) The licensee shall retain a copy of the notification as a record for 3 years.

(d) *Information to be furnished in advance notification of shipment.* Each advance notification of shipment of irradiated reactor fuel or nuclear waste must contain the following information:

(1) The name, address, and telephone number of the shipper, carrier, and receiver of the irradiated reactor fuel or nuclear waste shipment;

(2) A description of the irradiated reactor fuel or nuclear waste contained in the shipment, as specified in the regulations of DOT in 49 CFR 172.202 and 172.203(d);

(3) The point of origin of the shipment and the 7-day period during which departure of the shipment is estimated to occur;

(4) The 7-day period during which arrival of the shipment at State boundaries or Tribal reservation boundaries is estimated to occur;

(5) The destination of the shipment, and the 7-day period during which arrival of the shipment is estimated to occur; and

(6) A point of contact, with a telephone number, for current shipment information.

(e) *Revision notice.* A licensee who finds that schedule information previously furnished to a governor or governor's designee or a Tribal official or Tribal official's designee, in accordance with this section, will not be met, shall telephone a responsible individual in the office of the governor of the State or of the governor's designee or the Tribal official or the Tribal official's designee and inform that individual of the extent of the delay beyond the schedule originally reported. The licensee shall maintain a record of the name of the individual contacted for 3 years.

(f) *Cancellation notice.* (1) Each licensee who cancels an irradiated reactor fuel or nuclear waste shipment for which advance notification has been sent shall send a cancellation notice to the governor of each State or to the governor's designee previously notified, each Tribal official or to the Tribal official's designee previously notified, and to the Director, Office of Nuclear Security and Incident Response.

(2) The licensee shall state in the notice that it is a cancellation and identify the advance notification that is being canceled. The licensee shall retain a copy of the notice as a record for 3 years.

[60 FR 50264, Sept. 28, 1995, as amended at 67 FR 3586, Jan. 25, 2002; 68 FR 58818, Oct. 10, 2003; 74 FR 62683, Dec. 1, 2009; 75 FR 73945, Nov. 30, 2010; 77 FR 34204, Jun. 11, 2012; 78 FR 17021, Mar. 19, 2013; 79 FR 75741, Dec. 19, 2014; 80 FR 74981, Dec. 1, 2015; 83 FR 30288, Jun. 28, 2018; 83 FR 58723, Nov. 21, 2018]

§ 71.99 Violations.



(a) The **Commission** (NRC) may obtain an injunction or other court order to prevent a violation of the provisions of --

(1) The Atomic Energy Act of 1954, as amended;

(2) Title II of the Energy Reorganization Act of 1974, as amended; or (3) A regulation or order issued pursuant to those Acts.

(b) The **Commission** (NRC) may obtain a court order for the payment of a civil penalty imposed under section 234 of the Atomic Energy Act:

(1) For violations of --

(i) Sections 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, or 109 of the Atomic Energy Act of 1954, as amended;

(ii) Section 206 of the Energy Reorganization Act;

(iii) Any rule, regulation, or order issued pursuant to the sections specified in paragraph (b)(1)(i) of this section; or

(iv) Any term, condition, or limitation of any license issued under the sections specified in paragraph (b)(1)(i) of this section.

(2) For any violation for which a license may be revoked under section 186 of the Atomic Energy Act of 1954, as amended.

§ 71.100 Criminal penalties.



TOP

(a) Section 223 of the Atomic Energy Act of 1954, as amended, provides for criminal sanctions for willful violation of, attempted violation of, or conspiracy to violate, any regulation issued under sections 161b, 161i, or 161o of the Act. For purposes of section 223, all the regulations in part 71 are issued under one or more of sections 161b, 161i, or 161o, except for the sections listed in paragraph (b) of this section.

(b) The regulations in part 71 that are not issued under sections 161b, 161i, or 161o for the purposes of section 223 are as follows: §§ 71.0, 71.2, 71.4, 71.6, 71.7, 71.10, 71.31, 71.33, 71.35, 71.37, 71.38, 71.39, 71.40, 71.41, 71.43, 71.45, 71.47, 71.51, 71.55, 71.59, 71.65, 71.71, 71.73, 71.74, 71.75, 71.77, 71.99, and 71.100.

[69 FR 3796, Jan. 26, 2004]

Subpart H—Quality Assurance



TOP

Source: 69 FR 3797, Jan. 26, 2004, unless otherwise noted.

§ 71.101 Quality assurance requirements.

(a) *Purpose.* This subpart describes quality assurance requirements applying to design, purchase, fabrication, handling, shipping, storing, cleaning, assembly, inspection, testing, operation, maintenance, repair, and modification of components of packaging that are important to safety. As used in this subpart, "quality assurance" comprises all those planned and systematic actions necessary to provide adequate confidence that a system or component will perform satisfactorily in service. Quality assurance includes quality control, which comprises those quality assurance

actions related to control of the physical characteristics and quality of the material or component to predetermined requirements. Each certificate holder and applicant for a package approval is responsible for satisfying the quality assurance requirements that apply to design, fabrication, testing, and modification of packaging subject to this subpart. Each licensee is responsible for satisfying the quality assurance requirements that apply to its use of a packaging for the shipment of licensed material subject to this subpart.

(b) *Establishment of program.* Each licensee, certificate holder, and applicant for a CoC shall establish, maintain, and execute a quality assurance program satisfying each of the applicable criteria of §§ 71.101 through 71.137 and satisfying any specific provisions that are applicable to the licensee's activities including procurement of packaging. The licensee, certificate holder, and applicant for a CoC shall execute the applicable criteria in a graded approach to an extent that is commensurate with the quality assurance requirement's importance to safety.

(c) *Approval of program.* (1) Before the use of any package for the shipment of licensed material subject to this subpart, each licensee shall obtain **Commission (Department)** approval of its quality assurance program. Using an appropriate method listed in § 71.1(a), each licensee shall file a description of its quality assurance program, including a discussion of which requirements of this subpart are applicable and how they will be satisfied, by submitting the description to: ATTN: Document Control Desk, Director, Division of Fuel Management, Office of Nuclear Material Safety and Safeguards.

(2) Before the fabrication, testing, or modification of any package for the shipment of licensed material subject to this subpart, each certificate holder, or applicant for a Certificate of Compliance shall obtain **Commission (NRC)** approval of its quality assurance program. Each certificate holder or applicant for a CoC shall, in accordance with § 71.1, file a description of its quality assurance program, including a discussion of which requirements of this subpart are applicable and how they will be satisfied.

(d) *Existing package designs.* The provisions of this paragraph deal with packages that have been approved for use in accordance with this part before January 1, 1979, and which have been designed in accordance with the provisions of this part in effect at the time of application for package approval. Those packages will be accepted as having been designed in accordance with a quality assurance program that satisfies the provisions of paragraph (b) of this section.

(e) *Existing packages.* The provisions of this paragraph deal with packages that have been approved for use in accordance with this part before January 1, 1979, have been at least partially fabricated before that date, and for which the fabrication is in accordance with the provisions of this part in effect at the time of application for approval of package design. These packages will be accepted as having been fabricated and assembled in accordance with a quality assurance program that satisfies the provisions of paragraph (b) of this section.

(f) *Previously approved programs.* A **Commission (NRC)**-approved quality assurance program that satisfies the applicable criteria of subpart H of this part, Appendix B of part 50 of this chapter, or subpart G of part 72 of this chapter, and that is established, maintained, and executed regarding transport packages, will be accepted as satisfying the requirements of paragraph (b) of

this section. Before first use, the licensee, certificate holder, and applicant for a CoC shall notify the NRC, in accordance with § 71.1, of its intent to apply its previously approved subpart H, Appendix B, or subpart G quality assurance program to transportation activities. The licensee, certificate holder, and applicant for a CoC shall identify the program by date of submittal to the Commission (NRC), Docket Number, and date of Commission (NRC) approval.

(g) *Radiography containers.* A program for transport container inspection and maintenance limited to radiographic exposure devices, source changers, or packages transporting these devices and meeting the requirements of § 34.31(b) of this chapter or equivalent Agreement State requirement, is deemed to satisfy the requirements of §§ 71.17(b) and 71.101(b).

[75 FR 73945, Nov. 30, 2010; 79 FR 75741, Dec. 19, 2014; 80 FR 34013, Jun. 12, 2015; 84 FR 65645, Nov. 29, 2019]

§ 71.103 Quality assurance organization.

 TOP

(a) The licensee, certificate holder, and applicant for a Certificate of Compliance shall be responsible for the establishment and execution of the quality assurance program. The licensee, certificate holder, and applicant for a Certificate of Compliance may delegate to others, such as contractors, agents, or consultants, the work of establishing and executing the quality assurance program, or any part of the quality assurance program, but shall retain responsibility for the program. These activities include performing the functions associated with attaining quality objectives and the quality assurance functions.

(b) The quality assurance functions are—

(1) Assuring that an appropriate quality assurance program is established and effectively executed; and

(2) Verifying, by procedures such as checking, auditing, and inspection, that activities affecting the functions that are important to safety have been correctly performed.

(c) The persons and organizations performing quality assurance functions must have sufficient authority and organizational freedom to—

(1) Identify quality problems;

(2) Initiate, recommend, or provide solutions; and

(3) Verify implementation of solutions.

(d) The persons and organizations performing quality assurance functions shall report to a management level that assures that the required authority and organizational freedom, including

sufficient independence from cost and schedule, when opposed to safety considerations, are provided.

(e) Because of the many variables involved, such as the number of personnel, the type of activity being performed, and the location or locations where activities are performed, the organizational structure for executing the quality assurance program may take various forms, provided that the persons and organizations assigned the quality assurance functions have the required authority and organizational freedom.

(f) Irrespective of the organizational structure, the individual(s) assigned the responsibility for assuring effective execution of any portion of the quality assurance program, at any location where activities subject to this section are being performed, must have direct access to the levels of management necessary to perform this function.

[80 FR 34014, Jun. 12, 2015]

§ 71.105 Quality assurance program.



(a) The licensee, certificate holder, and applicant for a CoC shall establish, at the earliest practicable time consistent with the schedule for accomplishing the activities, a quality assurance program that complies with the requirements of §§ 71.101 through 71.137. The licensee, certificate holder, and applicant for a CoC shall document the quality assurance program by written procedures or instructions and shall carry out the program in accordance with those procedures throughout the period during which the packaging is used. The licensee, certificate holder, and applicant for a CoC shall identify the material and components to be covered by the quality assurance program, the major organizations participating in the program, and the designated functions of these organizations.

(b) The licensee, certificate holder, and applicant for a CoC, through its quality assurance program, shall provide control over activities affecting the quality of the identified materials and components to an extent consistent with their importance to safety, and as necessary to assure conformance to the approved design of each individual package used for the shipment of radioactive material. The licensee, certificate holder, and applicant for a CoC shall assure that activities affecting quality are accomplished under suitably controlled conditions. Controlled conditions include the use of appropriate equipment; suitable environmental conditions for accomplishing the activity, such as adequate cleanliness; and assurance that all prerequisites for the given activity have been satisfied. The licensee, certificate holder, and applicant for a CoC shall take into account the need for special controls, processes, test equipment, tools, and skills to attain the required quality, and the need for verification of quality by inspection and test.

(c) The licensee, certificate holder, and applicant for a CoC shall base the requirements and procedures of its quality assurance program on the following considerations concerning the complexity and proposed use of the package and its components:

- (1) The impact of malfunction or failure of the item to safety;
- (2) The design and fabrication complexity or uniqueness of the item;
- (3) The need for special controls and surveillance over processes and equipment;
- (4) The degree to which functional compliance can be demonstrated by inspection or test; and
- (5) The quality history and degree of standardization of the item.

(d) The licensee, certificate holder, and applicant for a CoC shall provide for indoctrination and training of personnel performing activities affecting quality, as necessary to assure that suitable proficiency is achieved and maintained. The licensee, certificate holder, and applicant for a CoC shall review the status and adequacy of the quality assurance program at established intervals. Management of other organizations participating in the quality assurance program shall review regularly the status and adequacy of that part of the quality assurance program they are executing.

§ 71.106 Changes to quality assurance program.

 TOP

(a) Each quality assurance program approval holder shall submit, in accordance with § 71.1(a), a description of a proposed change to its **NRC (Department)**-approved quality assurance program that will reduce commitments in the program description as approved by the **NRC (Department)**. The quality assurance program approval holder shall not implement the change before receiving **NRC (Department)** approval.

(1) The description of a proposed change to the **NRC (Department)**-approved quality assurance program must identify the change, the reason for the change, and the basis for concluding that the revised program incorporating the change continues to satisfy the applicable requirements of subpart H of this part.

(2) [Reserved]

(b) Each quality assurance program approval holder may change a previously approved quality assurance program without prior **NRC (Department)** approval, if the change does not reduce the commitments in the quality assurance program previously approved by the **NRC (Department)**. Changes to the quality assurance program that do not reduce the commitments shall be submitted to the **NRC (Department)** every 24 months, in accordance with § 71.1(a). In addition to quality assurance program changes involving administrative improvements and clarifications, spelling corrections, and non-substantive changes to punctuation or editorial items, the following changes are not considered reductions in commitment:

- (1) The use of a quality assurance standard approved by the **NRC (Department)** that is more recent than the quality assurance standard in the certificate holder's or applicant's current quality assurance program at the time of the change;
 - (2) The use of generic organizational position titles that clearly denote the position function, supplemented as necessary by descriptive text, rather than specific titles, provided that there is no substantive change to either the functions of the position or reporting responsibilities;
 - (3) The use of generic organizational charts to indicate functional relationships, authorities, and responsibilities, or alternatively, the use of descriptive text, provided that there is no substantive change to the functional relationships, authorities, or responsibilities;
 - (4) The elimination of quality assurance program information that duplicates language in quality assurance regulatory guides and quality assurance standards to which the quality assurance program approval holder has committed to on record; and
 - (5) Organizational revisions that ensure that persons and organizations performing quality assurance functions continue to have the requisite authority and organizational freedom, including sufficient independence from cost and schedule when opposed to safety considerations.
- (c) Each quality assurance program approval holder shall maintain records of quality assurance program changes.

[80 FR 34013, Jun. 12, 2015]

§ 71.107 Package design control.



- TOP
- (a) The licensee, certificate holder, and applicant for a CoC shall establish measures to assure that applicable regulatory requirements and the package design, as specified in the license or CoC for those materials and components to which this section applies, are correctly translated into specifications, drawings, procedures, and instructions. These measures must include provisions to assure that appropriate quality standards are specified and included in design documents and that deviations from standards are controlled. Measures must be established for the selection and review for suitability of application of materials, parts, equipment, and processes that are essential to the functions of the materials, parts, and components of the packaging that are important to safety.
 - (b) The licensee, certificate holder, and applicant for a CoC shall establish measures for the identification and control of design interfaces and for coordination among participating design organizations. These measures must include the establishment of written procedures, among participating design organizations, for the review, approval, release, distribution, and revision of documents involving design interfaces. The design control measures must provide for verifying or checking the adequacy of design, by methods such as design reviews, alternate or simplified calculational methods, or by a suitable testing program. For the verifying or checking process,

the licensee shall designate individuals or groups other than those who were responsible for the original design, but who may be from the same organization. Where a test program is used to verify the adequacy of a specific design feature in lieu of other verifying or checking processes, the licensee, certificate holder, and applicant for a CoC shall include suitable qualification testing of a prototype or sample unit under the most adverse design conditions. The licensee, certificate holder, and applicant for a CoC shall apply design control measures to the following:

- (1) Criticality physics, radiation shielding, stress, thermal, hydraulic, and accident analyses;
- (2) Compatibility of materials;
- (3) Accessibility for inservice inspection, maintenance, and repair;
- (4) Features to facilitate decontamination; and
- (5) Delineation of acceptance criteria for inspections and tests.

(c) The licensee, certificate holder, and applicant for a CoC shall subject design changes, including field changes, to design control measures commensurate with those applied to the original design. Changes in the conditions specified in the CoC require prior NRC approval.

§ 71.109 Procurement document control.

 TOP

The licensee, certificate holder, and applicant for a CoC shall establish measures to assure that adequate quality is required in the documents for procurement of material, equipment, and services, whether purchased by the licensee, certificate holder, and applicant for a CoC or by its contractors or subcontractors. To the extent necessary, the licensee, certificate holder, and applicant for a CoC shall require contractors or subcontractors to provide a quality assurance program consistent with the applicable provisions of this part.

§ 71.111 Instructions, procedures, and drawings.

 TOP

The licensee, certificate holder, and applicant for a CoC shall prescribe activities affecting quality by documented instructions, procedures, or drawings of a type appropriate to the circumstances and shall require that these instructions, procedures, and drawings be followed. The instructions, procedures, and drawings must include appropriate quantitative or qualitative acceptance criteria for determining that important activities have been satisfactorily accomplished.

§ 71.113 Document control.



The licensee, certificate holder, and applicant for a CoC shall establish measures to control the issuance of documents such as instructions, procedures, and drawings, including changes, that prescribe all activities affecting quality. These measures must assure that documents, including changes, are reviewed for adequacy, approved for release by authorized personnel, and distributed and used at the location where the prescribed activity is performed.

§ 71.115 Control of purchased material, equipment, and services.



(a) The licensee, certificate holder, and applicant for a CoC shall establish measures to assure that purchased material, equipment, and services, whether purchased directly or through contractors and subcontractors, conform to the procurement documents. These measures must include provisions, as appropriate, for source evaluation and selection, objective evidence of quality furnished by the contractor or subcontractor, inspection at the contractor or subcontractor source, and examination of products on delivery.

(b) The licensee, certificate holder, and applicant for a CoC shall have available documentary evidence that material and equipment conform to the procurement specifications before installation or use of the material and equipment. The licensee, certificate holder, and applicant for a CoC shall retain, or have available, this documentary evidence for the life of the package to which it applies. The licensee, certificate holder, and applicant for a CoC shall assure that the evidence is sufficient to identify the specific requirements met by the purchased material and equipment.

(c) The licensee, certificate holder, and applicant for a CoC shall assess the effectiveness of the control of quality by contractors and subcontractors at intervals consistent with the importance, complexity, and quantity of the product or services.

§ 71.117 Identification and control of materials, parts, and components.



The licensee, certificate holder, and applicant for a CoC shall establish measures for the identification and control of materials, parts, and components. These measures must assure that identification of the item is maintained by heat number, part number, or other appropriate means, either on the item or on records traceable to the item, as required throughout fabrication, installation, and use of the item. These identification and control measures must be designed to prevent the use of incorrect or defective materials, parts, and components.

§ 71.119 Control of special processes.



The licensee, certificate holder, and applicant for a CoC shall establish measures to assure that special processes, including welding, heat treating, and nondestructive testing are controlled and accomplished by qualified personnel using qualified procedures in accordance with applicable codes, standards, specifications, criteria, and other special requirements.

§ 71.121 Internal inspection.



The licensee, certificate holder, and applicant for a CoC shall establish and execute a program for inspection of activities affecting quality by or for the organization performing the activity, to verify conformance with the documented instructions, procedures, and drawings for accomplishing the activity. The inspection must be performed by individuals other than those who performed the activity being inspected. Examination, measurements, or tests of material or products processed must be performed for each work operation where necessary to assure quality. If direct inspection of processed material or products is not carried out, indirect control by monitoring processing methods, equipment, and personnel must be provided. Both inspection and process monitoring must be provided when quality control is inadequate without both. If mandatory inspection hold points, which require witnessing or inspecting by the licensee's designated representative and beyond which work should not proceed without the consent of its designated representative, are required, the specific hold points must be indicated in appropriate documents.

§ 71.123 Test control.



The licensee, certificate holder, and applicant for a CoC shall establish a test program to assure that all testing required to demonstrate that the packaging components will perform satisfactorily in service is identified and performed in accordance with written test procedures that incorporate the requirements of this part and the requirements and acceptance limits contained in the package approval. The test procedures must include provisions for assuring that all prerequisites for the given test are met, that adequate test instrumentation is available and used, and that the test is performed under suitable environmental conditions. The licensee, certificate holder, and applicant for a CoC shall document and evaluate the test results to assure that test requirements have been satisfied.

§ 71.125 Control of measuring and test equipment.



The licensee, certificate holder, and applicant for a CoC shall establish measures to assure that tools, gauges, instruments, and other measuring and testing devices used in activities affecting quality are properly controlled, calibrated, and adjusted at specified times to maintain accuracy within necessary limits.

§ 71.127 Handling, storage, and shipping control.

 TOP

The licensee, certificate holder, and applicant for a CoC shall establish measures to control, in accordance with instructions, the handling, storage, shipping, cleaning, and preservation of materials and equipment to be used in packaging to prevent damage or deterioration. When necessary for particular products, special protective environments, such as inert gas atmosphere, and specific moisture content and temperature levels must be specified and provided.

§ 71.129 Inspection, test, and operating status.

 TOP

(a) The licensee, certificate holder, and applicant for a CoC shall establish measures to indicate, by the use of markings such as stamps, tags, labels, routing cards, or other suitable means, the status of inspections and tests performed upon individual items of the packaging. These measures must provide for the identification of items that have satisfactorily passed required inspections and tests, where necessary to preclude inadvertent bypassing of the inspections and tests.

(b) The licensee shall establish measures to identify the operating status of components of the packaging, such as tagging valves and switches, to prevent inadvertent operation.

§ 71.131 Nonconforming materials, parts, or components.

 TOP

The licensee, certificate holder, and applicant for a CoC shall establish measures to control materials, parts, or components that do not conform to the licensee's requirements to prevent their inadvertent use or installation. These measures must include, as appropriate, procedures for identification, documentation, segregation, disposition, and notification to affected organizations. Nonconforming items must be reviewed and accepted, rejected, repaired, or reworked in accordance with documented procedures.

§ 71.133 Corrective action.

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The licensee, certificate holder, and applicant for a CoC shall establish measures to assure that conditions adverse to quality, such as deficiencies, deviations, defective material and equipment, and nonconformances, are promptly identified and corrected. In the case of a significant condition adverse to quality, the measures must assure that the cause of the condition is determined and corrective action taken to preclude repetition. The identification of the significant condition adverse to quality, the cause of the condition, and the corrective action taken must be documented and reported to appropriate levels of management.

§ 71.135 Quality assurance records.



The licensee, certificate holder, and applicant for a Certificate of Compliance shall maintain sufficient written records to describe the activities affecting quality. These records must include changes to the quality assurance program as required by § 71.106, the instructions, procedures, and drawings required by § 71.111 to prescribe quality assurance activities, and closely related specifications such as required qualifications of personnel, procedures, and equipment. The records must include the instructions or procedures that establish a records retention program that is consistent with applicable regulations and designates factors such as duration, location, and assigned responsibility. The licensee, certificate holder, and applicant for a Certificate of Compliance shall retain these records for 3 years beyond the date when the licensee, certificate holder, and applicant for a Certificate of Compliance last engage in the activity for which the quality assurance program was developed. If any portion of the quality assurance program, written procedures or instructions is superseded, the licensee, certificate holder, and applicant for a Certificate of Compliance shall retain the superseded material for 3 years after it is superseded.

[80 FR 34014, Jun. 12, 2015]

§ 71.137 Audits.



The licensee, certificate holder, and applicant for a CoC shall carry out a comprehensive system of planned and periodic audits to verify compliance with all aspects of the quality assurance program and to determine the effectiveness of the program. The audits must be performed in accordance with written procedures or checklists by appropriately trained personnel not having direct responsibilities in the areas being audited. Audited results must be documented and reviewed by management having responsibility in the area audited. Followup action, including reaudit of deficient areas, must be taken where indicated.

Appendix A to Part 71—Determination of A₁ and A₂



I. Values of A_1 and A_2 for individual radionuclides, which are the bases for many activity limits elsewhere in these regulations, are given in Table A-1. The curie (Ci) values specified are obtained by converting from the Terabecquerel (TBq) value. The Terabecquerel values are the regulatory standard. The curie values are for information only and are not intended to be the regulatory standard. Where values of A_1 and A_2 are unlimited, it is for radiation control purposes only. For nuclear criticality safety, some materials are subject to controls placed on fissile material.

II. a. For individual radionuclides whose identities are known, but which are not listed in Table A-1, the A_1 and A_2 values contained in Table A-3 may be used. Otherwise, the licensee shall obtain prior **Commission (NRC)** approval of the A_1 and A_2 values for radionuclides not listed in Table A-1, before shipping the material.

b. For individual radionuclides whose identities are known, but which are not listed in Table A-2, the exempt material activity concentration and exempt consignment activity values contained in Table A-3 may be used. Otherwise, the licensee shall obtain prior **Commission (NRC)** approval of the exempt material activity concentration and exempt consignment activity values for radionuclides not listed in Table A-2, before shipping the material.

c. The licensee shall submit requests for prior approval, described under paragraphs II(a) and II(b) of this Appendix, to the **Commission (NRC)**, in accordance with § 71.1 of this part.

III. In the calculations of A_1 and A_2 for a radionuclide not in Table A-1, a single radioactive decay chain, in which radionuclides are present in their naturally occurring proportions, and in which no daughter radionuclide has a half-life either longer than 10 days, or longer than that of the parent radionuclide, shall be considered as a single radionuclide, and the activity to be taken into account, and the A_1 or A_2 value to be applied, shall be those corresponding to the parent radionuclide of that chain. In the case of radioactive decay chains in which any daughter radionuclide has a half-life either longer than 10 days, or greater than that of the parent radionuclide, the parent and those daughter radionuclides shall be considered as mixtures of different radionuclides.

IV. For mixtures of radionuclides whose identities and respective activities are known, the following conditions apply:

a. For special form radioactive material, the maximum quantity transported in a Type A package is as follows:

$$\sum_i \frac{B(i)}{A_1(i)} \leq 1$$

where $B(i)$ is the activity of radionuclide i in special form, and $A_1(i)$ is the A_1 value for radionuclide i .

b. For normal form radioactive material, the maximum quantity transported in a Type A package is as follows:

$$\sum_i \frac{B(i)}{A_2(i)} \leq 1$$

where B(i) is the activity of radionuclide i in normal form, and A₂(i) is the A₂ value for radionuclide i.

c. If the package contains both special and normal form radioactive material, the activity that may be transported in a Type A package is as follows:

$$\sum_i \frac{B(i)}{A_1(i)} + \sum_j \frac{C(j)}{A_2(j)} \leq 1$$

where B(i) is the activity of radionuclide i as special form radioactive material, A₁(i) is the A₁ value for radionuclide i, C(j) is the activity of radionuclide j as normal form radioactive material, and A₂(j) is the A₂ value for radionuclide j.

d. Alternatively, the A₁ value for mixtures of special form material may be determined as follows:

$$A_1 \text{ for mixture} = \frac{1}{\sum_i \frac{f(i)}{A_1(i)}}$$

where f(i) is the fraction of activity for radionuclide i in the mixture and A₁(i) is the appropriate A₁ value for radionuclide i.

e. Alternatively, the A₂ value for mixtures of normal form material may be determined as follows:

$$A_2 \text{ for mixture} = \frac{1}{\sum_i \frac{f(i)}{A_2(i)}}$$

where f(i) is the fraction of activity for radionuclide i in the mixture and A₂(i) is the appropriate A₂ value for radionuclide i.

f. The exempt activity concentration for mixtures of nuclides may be determined as follows:

$$\text{Exempt activity concentration for mixture} = \frac{1}{\sum_i \frac{f(i)}{[A](i)}}$$

where $f(i)$ is the fraction of activity concentration of radionuclide i in the mixture and $[A](i)$ is the activity concentration for exempt material containing radionuclide i .

g. The activity limit for an exempt consignment for mixtures of radionuclides may be determined as follows:

$$\text{Exempt consignment activity limit for mixture} = \frac{1}{\sum_i \frac{f(i)}{A(i)}}$$

where $f(i)$ is the fraction of activity of radionuclide i in the mixture and $A(i)$ is the activity limit for exempt consignments for radionuclide i .

V. a. When the identity of each radionuclide is known, but the individual activities of some of the radionuclides are not known, the radionuclides may be grouped, and the lowest A_1 or A_2 value, as appropriate, for the radionuclides in each group may be used in applying the formulas in paragraph IV. Groups may be based on the total alpha activity and the total beta/gamma activity when these are known, using the lowest A_1 or A_2 values for the alpha emitters and beta/gamma emitters.

b. When the identity of each radionuclide is known but the individual activities of some of the radionuclides are not known, the radionuclides may be grouped and the lowest $[A]$ (activity concentration for exempt material) or A (activity limit for exempt consignment) value, as appropriate, for the radionuclides in each group may be used in applying the formulas in paragraph IV of this appendix. Groups may be based on the total alpha activity and the total beta/gamma activity when these are known, using the lowest $[A]$ or A values for the alpha emitters and beta/gamma emitters, respectively.

**STATE OF NEW MEXICO
BEFORE THE ENVIRONMENTAL IMPROVEMENT BOARD**

**IN THE MATTER OF PROPOSED
AMENDMENTS TO
20.3.1 NMAC, 20.3.3 NMAC,
20.3.4 NMAC, 20.3.5 NMAC, 20.3.7 NMAC,
20.3.12 NMAC, AND 20.3.15 NMAC**

No. EIB 21-09

**Radiation Control Bureau,
Environmental Protection Division of the
New Mexico Environment Department,**

Petitioner.

ORDER AND STATEMENT OF REASONS

This matter comes before the New Mexico Environmental Improvement Board (“Board”) upon a petition filed by the Radiation Control Bureau (“Bureau”) of the Environmental Protection Division (“Division”) of the New Mexico Environment Department (“Department”) on March 5, 2021, to amend 20.3.1 NMAC, 20.3.3 NMAC, 20.3.4 NMAC, 20.3.5 NMAC, 20.3.7 NMAC, 20.3.12 NMAC, and 20.3.15 NMAC. A public hearing was held on June 25, 2021, with a quorum of the Board present during the hearing. The public hearing was held via internet (Zoom) and via telephone due to the concerns surrounding the Novel Coronavirus (“COVID-19”) and in accordance with Governor Michelle Lujan Grisham's Declaration of a Public Health Emergency in Executive Order 2020-004, and subsequent executive orders; various Public Health Emergency Orders limiting mass gatherings due to COVID-19; and the Office of the Attorney General’s Open Government Division’s Guidance to Public Entities Regarding the Open Meetings Act and Inspection of Public Records Act Compliance During COVID-19 State of Emergency.

The Board heard technical testimony from the Department and admitted exhibits into the record. On June 25, 2021, the Board deliberated and voted to amend the regulations for the reasons that follow:

I. STATEMENT OF REASONS

1. Pursuant to 20.1.1.300(A) NMAC, any person may petition the Board to adopt, amend, or repeal any regulation within the jurisdiction of the Board.
2. On March 5, 2021, the Bureau filed a petition with the Board for a public hearing in this matter. On March 26, 2021, at a meeting conducted in compliance with the Open Meetings Act and other applicable requirements, the Board granted the Bureau's request for a hearing and scheduled the hearing for June 25, 2021, and continuing thereafter as necessary.
3. Public notice of the hearing was published in English and Spanish in three publications: the Albuquerque Journal, the New Mexico Register, and the Santa Fe New Mexican (**NMED Exhibits 10-13**), on April 14, 20, and 29, 2021. The notice stated that the Board may make a decision on the proposed regulations at the conclusion of the hearing or may convene at a later date to consider action on the proposal.
4. Public notice requirements in compliance with NMSA 1978, Section 14-4-5.2 (2017), as incorporated into the Board's rulemaking regulations in 20.1.1.300(A) NMAC and 20.1.1.7(N) NMAC, were met (**NMED Exhibits 14-17**).
5. As required by NMSA 1978, Section 14-4A-4 (2005), the public notice was provided to the Small Business Regulatory Advisory Commission via email on April 6, 2021 (**NMED Exhibit 23**). On May 3, 2021, the Small Business Regulatory Advisory Commission informed the Department that the proposed amendments will not pose a hardship to small businesses. (**NMED Exhibit 24**).

6. Pursuant to NMSA 1978, Section 74-3-5(A) (2000), the proposed amendments were provided to the Radiation Technology Advisory Council (“RTAC”) at its March 3, 2021, meeting (**NMED Exhibit 25**). The RTAC approved the amendments as proposed (**NMED Exhibit 27**).
7. NMED filed a Notice of Intent to Present Technical Testimony (“NOI”) on June 4, 2021, in accordance with 20.1.1.302 NMAC.
8. A hearing in this matter was held via internet (Zoom) and telephone at which a reasonable opportunity for all persons to be heard was provided.
9. Pursuant to NMSA 1978, Section 74-3-15 (1977), the State of New Mexico (“State”) administers the Radiation Protection Program through an agreement between the United States Nuclear Regulatory Commission (“NRC”) and the State titled “Agreement Between the United States Atomic Energy Commission and the State of New Mexico for Discontinuance of Certain Commission Regulatory Authority and Responsibility within the State Pursuant to Section 274 of the Atomic Energy Act of 1954, As Amended” executed on April 3, 1974 (“Agreement”). The Agreement provides for discontinuance of the regulatory authority of the NRC and acceptance of that authority by the Board and Environmental Protection Division of the Department. § 74-3-15. For the duration of the Agreement, the Board shall have the authority to regulate the radioactive materials covered by the Agreement for the protection of the public health and safety and the environment from radiation hazards. *Id.*
10. As an agreement state under 42 U.S.C. § 2021 and Section 74-3-15, New Mexico's state regulations must be compatible to the NRC’s regulations. 42 U.S.C. § 2021(d)(2).

11. The compatibility requirement is met through the promulgation of state regulations when necessary.
12. New Mexico must maintain a compatible and adequately staffed radiation control program to keep its agreement status.
13. Failure to maintain compatibility with NRC regulations jeopardizes the Agreement between the State and the NRC potentially subjecting New Mexico businesses currently licensed by the State to significantly higher fees if licensed by the NRC.
14. The Bureau is also taking this opportunity to clarify the existing regulations, fix minor and typographical errors, and update citations based on the federally required changes.
15. The Department has the duty to maintain, develop and enforce New Mexico's radiation regulations to align with their federal counterparts as required by the Agreement between the State and the NRC. NMSA 1978, § 74-1-7(A)(5) (2000).
16. The Board has the authority to promulgate radiation control rules and standards pursuant to NMSA 1978, Section 74-1-8(A)(5) (2020), NMSA 1978, Section 74-1-9 (1985), and Section 74-3-5(A).
17. In considering the proposed amendments, the Board is required, by Section 74-1-9, to give the weight it deems appropriate to all facts and circumstances, including but not limited to (1) character and degree of injury to or interference with health, welfare, animal and plant life, property, and the environment; (2) the public interest, including the social, economic, and cultural value of the regulated activity and the social, economic, and cultural effects of environmental degradation; and (3) technical practicability, necessity for and economic reasonableness of reducing, eliminating or otherwise taking action with respect to environmental degradation.

18. The Board considered all facts and circumstances and concluded that the proposed amendments do not cause injury to or interfere with health, welfare, animal, and plant life, property, and the environment. The Board found the proposed revisions to be technically practical, economically reasonable, and in the public interest. The Board concludes that the factors specified by Section 74-1-9 all weigh in favor of adopting the proposed revisions.
19. Adoption of the amendments to 20.3.1 NMAC, 20.3.3 NMAC, 20.3.4 NMAC, 20.3.5 NMAC, 20.3.7 NMAC, 20.3.12 NMAC, and 20.3.15 NMAC will allow New Mexico to become compatible with the current federal regulations and will provide consistency between the federal and state regulations.
20. The notice and hearing requirements of Section 14-4-5.2, Section 74-1-9, Section 74-3-5(A), Section 14-4A-4, and 20.1.1 NMAC were satisfied in this rulemaking process.
21. The Board hereby approves of the proposed amendments to 20.3.1 NMAC, 20.3.3 NMAC, 20.3.4 NMAC, 20.3.5 NMAC, 20.3.7 NMAC, 20.3.12 NMAC, and 20.3.15 NMAC as they are written in **NMED Exhibit 1**, for the reasons stated above.

ORDER

By _____ vote of a quorum of the Board members, the proposed adoption of the amendments to 20.3.1 NMAC, 20.3.3 NMAC, 20.3.4 NMAC, 20.3.5 NMAC, 20.3.7 NMAC, 20.3.12 NMAC, and 20.3.15 NMAC, as contained in NMED Exhibit 1 of the Department's June 4, 2021, Notice of Intent to Present Technical Testimony, were approved by the Board on _____, 2021. Annotations to 20.3.1 NMAC, 20.3.3 NMAC, 20.3.4 NMAC, 20.3.5 NMAC, 20.3.7 NMAC, 20.3.12 NMAC, and 20.3.15 NMAC, with any appropriate corrections of typographical errors or formatting, shall be filed with the New Mexico State Records Center as expeditiously as possible by the Department.

SIGNED this ____ day of June, 2021.

Phoebe Suina, Chair
New Mexico Environmental Improvement Board
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