

JUL 22 1985

Denise D. Fort, Director
Environmental Improvement Division
Department of Health and Environment
P. O. Box 968
Santa Fe, New Mexico 87504-0968

Dear Ms. Fort:

Thank you for your letter of June 3, 1985, responding to our comments and recommendations following our 1985 review of your Division's radiation control program. Our review of the State's program and the routine exchange of information program between the Nuclear Regulatory Commission (NRC) and the State of New Mexico had disclosed problems in three Category I indicators.

Your letter provided specific responses to the three significant Category I comments we found during our program review. You indicated the State's inspection priority system would be updated to at least match the inspection frequencies of the NRC's system. We find this modification to be acceptable and are pleased to hear that it will impact the program and staff only to a minor degree. With regard to the second comment concerning overdue inspections, your written schedule of inspections to bring the overdue inspections up to date by August 1985 is acceptable, and we will be pleased to receive the tabulation of completed inspections mentioned in your letter.

Your response to the last Category I indicator stated that the remaining two radiologic assessments will be completed within the year. You also indicated that licensing actions being taken will require reporting in a format that will assist the EID in performing annual dose assessments to determine compliance with 40 CFR 190. These actions are an acceptable means of addressing this comment.

Based on our overall program review, your responses to the significant Category I comments indicated above, and the routine exchange of information between the State and the NRC, we believe the New Mexico radiation control program is adequate to protect the public health and safety and is compatible with the NRC's program for the regulation of similar materials. However, we plan to followup on progress made in completing the annual dose assessments for the two remaining mill licensees to determine compliance with 40 CFR 190.

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Denise D. Fort

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I appreciate the courtesy and cooperation you and your staff extended to our representative during the program review meeting. I am also enclosing a copy of this letter for placement in the State Public Document Room or to otherwise be made available for public review.

Sincerely,

ORIGINAL SIGNED BY
ROBERT D. MARTIN

Robert D. Martin
Regional Administrator

Enclosure:
As stated

cc w/encls:
R. Holland, Environmental Improvement Division
K. Hargis, Radiation Protection Bureau
G. Wayne Kerr, Office of State Programs, NRC
State Public Document Room
NRC Public Document Room

bcc w/encls:
W. J. Dircks, eDO
R. D. Martin, RIV
P. S. Check, RIV
R. L. Bangart, RIV
C. E. Wisner, RIV
W. L. Brown, RIV
R. J. Everett, RIV
R. J. Doda, RIV
R. S. Heyer, RIV
G. F. Sanborn, RIV
New Mexico File
R. D. Smith, URFO
D. A. Nussbaumer, SP

~~bcc to DMB (SP01)~~



STATE OF NEW MEXICO

ENVIRONMENTAL IMPROVEMENT DIVISION

P.O. Box 968, Santa Fe, New Mexico 87504-0968
(505) 984-0020

June 3, 1985

Mr. Robert D. Martin
Regional Administrator
U. S. Nuclear Regulatory Commission
Region IV
Parkway Central Plaza Bldg.
611 Ryan Plaza Drive, Suite 1000
Arlington, Texas 76011

Dear Mr. Martin:

Attached to this letter are responses to the comments enclosed with your letter dated May 20, 1985, concerning the NRC review of the New Mexico radiation control program held in April 1985. The New Mexico Environmental Improvement Division has a strong commitment to radiation protection, and will take all measures needed to correct the items noted in the review.

Thank you for the opportunity to respond to the comments.

Sincerely,

Denise D. Fort
Director

DDF/mp

cc: Richard Holland
Kenneth M. Hargis
Michael Brown
Benito J. Garcia
Felix Miera
G. Wayne Kerr, Office of State Programs,
R. J. Doda, NRC Region IV

~~854624/241 opp.~~

SP0111

RESPONSES TO "TECHNICAL COMMENTS AND RECOMMENDATIONS ON THE NEW MEXICO RADIOACTIVE MATERIALS PROGRAM (NOT INCLUDING THE URANIUM MILL PROGRAM)".

I. Compliance

A. Status of Inspection Program (Category I indicator)

Comment

Our review disclosed that 20 licenses in Inspection Priorities 1, 2, and 3 were overdue by more than 50 percent of their inspection frequency. We are aware, in this regard, that the Bureau has placed the more significant licenses in a position to be inspected first on the schedule of inspections. We would also like to recognize that the Bureau has completed substantially more inspections this review period (81) than the previous review period (55). Nonetheless, we believe additional attention to this matter is needed.

Recommendation

We recommend that management establish a short-term action plan over the next several months to deal with this backlog. Such a plan should include goals, set milestones, establish priorities, and provide progress reports to management. We note that the Bureau had already begun the formulation of such a plan during the review meeting in Santa Fe during the week of April 8, 1985.

New Mexico Response

A schedule of inspections to enable the Radiation Protection Bureau to inspect all overdue facilities by August of 1985 has been implemented. A tabulation of accomplished inspections will be forwarded to NRC Region IV Office upon completion.

B. Inspection Frequency (Category I indicator)

Comment

The Bureau's inspection priority system is based upon the inspection frequencies contained in an inspection policy sheet entitled, "Schedule of Inspections." These inspection priorities do not always provide for initial inspections and minimum intervals for reinspections that are consistent with those of NRC. The NRC inspection priority system is contained in IE Manual Chapter 2800, copies of which were furnished to the program in August 16, 1983 and May 7, 1984. (A recent revision to the Chapter is presently being distributed to the Agreement States; the changes, however, will not affect this comment). We wish to note that the

Bureau's staff began the necessary changes to the schedule of inspections during the review meeting and estimated a very small impact with respect to the number of inspections that would be moved up in the list of inspections due.

Recommendation

We recommend that the Bureau modify its inspection priority so that categories of licensees receive initial and routine inspections at intervals at least as frequent as under the NRC system.

New Mexico Response

The Radiation Protection Bureau has modified its inspection priority schedule to the frequency recommended by the NRC. The new schedule was implemented on April 11, 1985 (See enclosure).

C. Enforcement Procedures (Category I Indicator)

Comment

A minor comment was noted for this Category I indicator. The Bureau has not been acknowledging licensee responses to enforcement letters for both radioactive materials and uranium mill inspections. Without some form of acknowledgement, licensees may not always know that their corrective action for violations listed in the enforcement letters are acceptable to the State or that these corrective actions will be reviewed during the next scheduled inspection. This is a minor comment since only this one part of the Bureau's overall enforcement procedures is not being performed at the present time.

Recommendation

We recommend that the Bureau consider and develop some means of acknowledging licensee responses to enforcement letters so that the licensee becomes fully aware of the acceptability of any necessary corrective actions which he proposes.

New Mexico Response

A procedure to implement the NRC recommendations will be drafted and included in the Standard Operations and Procedures Manual, with implementation by August 1985.

D. Inspection Procedures (Category II Indicator)

Comment

Our review disclosed that certain inspection policies were not available to the technical staff in written form. This is of increased concern during periods of high staff turnover, such as recently experienced by the New Mexico radiation control program.

Recommendation

We recommend that written inspection policies be established for: (1) conducting unannounced inspections; (2) obtaining corrective action; (3) following up and closing out previous violations; (4) assuring exit interviews with management; and (5) issuing appropriate notification of violations of health and safety problems.

New Mexico Response

The Radiation Protection Bureau will compile a standard operations and policy manual to document procedures and policy currently used by the Bureau. This manual will include the items recommended by the NRC, and will be completed by August 1985.

II. Legislation and Regulations

A. Updating of Regulations (Category II Indicator)

Comment

The review of the State's radiation control regulations disclosed that three regulatory amendments, which are matters of compatibility, have not been adopted by the State within a 3 year period after adoption by the NRC. These amendments are: (1) addition of Am-241 to exemption for survey instrument calibration sources; (2) radiation protection survey requirement (10 CFR Part 20.201(b)); and (3) clarification of exemption for uranium shielding in shipping containers.

Recommendation

We recommend that three amendments, and any others approaching the 3 year period allowed after NRC adoption, be promulgated as effective State radiation control regulations.

New Mexico Response

These items will be submitted for consideration by the New Mexico Radiation Technical Advisory Council by the end of calendar year 1985. Proposed regulations will then be submitted to the Environmental Improvement Board (EIB) for public hearing and subsequent adoption. It is anticipated that a public hearing would be held about March 1986, and the regulations would be adopted by the EIB in May or June 1986.

III. Personnel

A. Staff Continuity (Category II Indicator)

Comment

We found the turnover of technical staff within New Mexico's radiation control program amounted to 7 persons during the review period. Staff turnover for the previous review in 1983 was 6 persons. For a program of this size, turnover of this magnitude presents difficulties in training new staff members and in maintaining program continuity. While a variety of reasons are given for this turnover, low salaries appear to be one contributor. A somewhat unique situation exists in the State. Since few industrial positions are available for radiological health specialists, the State must compete with the significantly higher salary scales of the National Labs in New Mexico. As a matter of

information only, some States have been successful at increasing salary scales for radiological health specialists through the reclassification of these position descriptions.

Recommendation

Since this is the second review period in which significant staff turnover has been experienced by the New Mexico radiation control program, we recommend the Division monitor closely the reasons for this turnover and attempt to minimize any future turnover of technical staff wherever possible.

New Mexico Response

The EID recognizes the problem with staff turnover, which is primarily due to low salaries. An attempt will be made during the next year to establish specific job classifications for health physicists, with salaries at a higher level. We believe that this will help mitigate the continuing problem with the turnover of technical staff.

RESPONSES TO
TECHNICAL COMMENTS AND RECOMMENDATIONS ON THE
NEW MEXICO URANIUM MILL PROGRAM

I. Compliance

A. Status of Inspection Program (Category 1 Indicator)

Comment

Environmental dose assessments for uranium milling facilities should be conducted annually to determine compliance with EPA 40 CFR 190 criteria. The review disclosed that the Bureau utilizes the MILDOS predictive model calculations as well as actual measurement data, but only performs a dose assessment upon license renewal. This assessment should also be made for mills in shutdown or standby status, even though it may be less comprehensive.

Recommendation

We recommend that annual dose assessments be made by the Bureau to determine compliance with 40 CFR 190. This is a repeat recommendation from the previous review.

New Mexico Response

As was pointed out during the review, recent comprehensive radiologic assessments have been completed for three of the mill licensees. The remaining two will be conducted within the next year.

As part of licensing actions being taken by the EID, mill licensees are being requested to implement environmental monitoring programs with reporting in a format consistent with that proposed in NRC Regulatory Guide 4.14. These data will assist the EID in performing annual dose assessments to determine compliance with 40CFR190.

SCHEDULE OF INSPECTION

April 10, 1985

<u>PRIORITY</u>	<u>TYPE OF LICENSE</u>	<u>INITIAL INSPECTION</u>	<u>SUBSEQUENT INSPECTION</u>
1.	Large Processors. (Such as multicurie accelerator produced drugs, etc.) Uranium Mills. (ML)	1 month	6 months (Active) 1 year (Inactive)
2.	Broad License, Type A, Field Industrial Radiographers, In-plant Industrial Radiographers, Industrial with Kilocurie sources, Non-mill Uranium Activity. (BM, IR, UR, UL, SI, MB, PP, IX, UH).	6 months	1 year
3.	Broad License, Type B or C, Industrial with multicurie sources or unsealed, except gauge licenses. Industrial Laundry, Medical Institutional with therapy, generator or airborne sources. (BB, GI, GL, LA, VI, WL, RP, TT, TW).	6 months	2 years
4.	Academic Specific Civil Defense Industrial gauge licenses Industrial, curie or less sealed sources Medical Institutional other than above Medical Private Practice. Medical In-Vitro only. (AC, CD, DM, GA, IV, MD-PP, RD, VT).	6 months	2 years
5.	Industrial calibration services, gas chromatograph, laboratory analysis with microcurie sources, storage only. Depleted Uranium (AN, BA, CS, DU, GC, SO).	1 year	3 years

AC Academic
AN Laboratory Analysis
BA Beta Application
BB Broad Type B
BM Broad Medical
CD Civil Defense
CS Calibration Service
DU Density/Moisture Gauges
DM Depleted Uranium
GA Gauge
GC Gas Chromatograph

GI Gamma Irradiator
GL General License
IR Industrial Radiography
IX Ion Exchange
IV In Vitro
LA Laundry
ML Line Backfill
MD Medical Doctor - PP
MI Medical Institution
ML Uranium Mill
PP Push-Pull

RD Research and Development
RP Radiopharmacy
SI Sludge Irradiator
SO Storage Only
TT Teletherapy
TW Transportation of Waste
UH Uranium Handling
UL Uranium Leaching
UR Uranium
VT Veterinarian
WL Well Logging