

TITLE 20 ENVIRONMENTAL PROTECTION
CHAPTER 3 RADIATION PROTECTION
PART 4 STANDARDS FOR PROTECTION AGAINST RADIATION

20.3.4.1 ISSUING AGENCY: Environmental Improvement Board.
[20.3.4.1 NMAC - Rp, 20.3.4.1 NMAC, 04/30/2009]

20.3.4.2 SCOPE: Except as specifically provided in other parts of this chapter, this part applies to persons licensed or registered by the department to receive, possess, use, transfer or dispose of sources of radiation. The limits in this part do not apply to doses due to background radiation, to exposure of patients to radiation for the purpose of medical diagnosis or therapy, to exposure from individuals administered radioactive material and released under Subsection I of 20.3.7.703 NMAC or to exposure from voluntary participation in medical research programs.
[20.3.4.2 NMAC - Rp, 20.3.4.1 NMAC, 04/30/2009]

20.3.4.3 STATUTORY AUTHORITY: Sections 74-1-9, 74-3-5 and 74-3-9 NMSA 1978.
[20.3.4.3 NMAC - Rp, 20.3.4.3 NMAC, 04/30/2009]

20.3.4.4 DURATION: Permanent.
[20.3.4.4 NMAC - Rp, 20.3.4.4 NMAC, 04/30/2009]

20.3.4.5 EFFECTIVE DATE: April 30, 2009, unless a later date is cited at the end of a section.
[20.3.4.5 NMAC - Rp, 20.3.4.5 NMAC, 04/30/2009]

20.3.4.6 OBJECTIVE:

- A.** The requirements of this part establish standards for protection against ionizing radiation resulting from activities conducted pursuant to licenses or registrations issued by the department.
- B.** The requirements of this part are designed to control the receipt, possession, use, transfer and disposal of sources of radiation by any licensee or registrant so the total dose to an individual, other than background radiation, does not exceed the standards for protection against radiation prescribed in this part. However, nothing in this part shall be construed as limiting actions that may be necessary to protect public health and safety.

[20.3.4.6 NMAC - Rp, 20.3.4.6 NMAC, 04/30/2009]

20.3.4.7 DEFINITIONS:

- A.** “**Absorbed dose**” means the energy imparted by ionizing radiation per unit mass of irradiated material. The units of absorbed dose are the gray (Gy) and the rad.
- B.** “**Activity**” means the rate of disintegration or transformation or decay of radioactive material. The units of activity are the becquerel (Bq) and the curie (Ci).
- C.** “**Adult**” means an individual 18 or more years of age.
- D.** “**Airborne radioactive material**” means any radioactive material dispersed in the air in the form of dusts, fumes, particulates, mists, vapors or gases.
- E.** “**Airborne radioactivity area**” means a room, enclosure or area in which airborne radioactive materials exist in concentrations:
 - (1) in excess of the derived air concentrations (DAC) specified in table I of 20.3.4.461 NMAC; or
 - (2) to such a degree that an individual in the area without respiratory protective equipment could exceed, during the hours an individual is present in a week, an intake of 0.6 percent of the annual limit on intake (ALI) or 12 DAC-hours.
- F.** “**Air-purifying respirator**” means a respirator with an air-purifying filter, cartridge or canister that removes specific air contaminants by passing ambient air through the air-purifying element.
- G.** “**ALARA**” (acronym for “as low as is reasonably achievable”) means making every reasonable effort to maintain exposures to radiation as far below the dose limits in these regulations as is practical, consistent with the purpose for which the licensed or registered activity is undertaken, taking into account the state of technology, the economics of improvements in relation to state of technology, the economics of improvements in relation to benefits to the public health and safety and other societal and socioeconomic considerations, and in relation to utilization of nuclear energy and licensed or registered sources of radiation in the public interest.

H. “**ALI**” (annual limit on intake) means the derived limit for the amount of radioactive material taken into the body of an adult worker by inhalation or ingestion in a year. ALI is the smaller value of intake of a given radionuclide in a year by the reference man that would result in a committed effective dose equivalent of 5 rems (0.05 sievert) or a committed dose equivalent of 50 rems (0.5 sievert) to any individual organ or tissue. ALI values for intake by ingestion and by inhalation of selected radionuclides are given in columns 1 and 2 of table I of 20.3.4.461 NMAC.

I. “**APF**” (assigned protection factor) means the expected workplace level of respiratory protection that would be provided by a properly functioning respirator or a class of respirators to properly fitted and trained users. Operationally, the inhaled concentration can be estimated by dividing the ambient airborne concentration by the APF.

J. “**Atmosphere-supplying respirator**” means a respirator that supplies the respirator user with breathing air from a source independent of the ambient atmosphere, and includes supplied-air respirators (SARs) and self-contained breathing apparatus (SCBA) units.

K. “**Background radiation**” means radiation from cosmic sources; naturally occurring radioactive material as it occurs in nature, including radon (except as a decay product of source or special nuclear material); and global fallout as it exists in the environment from the testing of nuclear explosive devices or from past nuclear accidents such as Chernobyl that contribute to background radiation and are not under the control of the licensee. *Background radiation* does not include radiation from radioactive material regulated by the department or NRC.

L. “**Bioassay**” (radiobioassay) means the determination of kinds, quantities or concentrations, and, in some cases, the locations of radioactive material in the human body, whether by direct measurement (in vivo counting) or by analysis and evaluation of materials excreted or removed from the human body.

M. “**Class**” (lung class or inhalation class) means a classification scheme for inhaled material according to its rate of clearance from the pulmonary region of the lung. Materials are classified as D, W or Y, which applies to a range of clearance half-times: for class D (days) of less than 10 days, for class W (weeks) from 10 to 100 days, and for class Y (years) of greater than 100 days.

N. “**Collective dose**” means the sum of the individual doses received in a given period of time by a specified population from exposure to a specified source of radiation.

O. “**Committed dose equivalent**” ($H_{T,50}$) means the dose equivalent to organs or tissues of reference (T) that will be received from an intake of radioactive material by an individual during the 50-year period following the intake.

P. “**Committed effective dose equivalent**” ($H_{E,50}$) is the sum of the products of the weighting factors applicable to each of the body organs or tissues that are irradiated and the committed dose equivalent to each of these organs or tissues ($H_{E,50} = \{\text{sum over T}\} w_T H_{T,50}$).

Q. “**Constraint**” (dose constraint) means a value above which specified licensee actions are required.

R. “**Controlled area**” means an area, outside of a restricted area but inside the site boundary, access to which can be limited by the licensee for any reason.

S. “**Critical Group**” means the group of individuals reasonably expected to receive the greatest exposure to residual radioactivity for any applicable set of circumstances.

T. “**DAC**” means the derived air concentration.

U. “**DAC-hour**” means the derived air concentration - hour.

V. “**Declared pregnant woman**” means a woman who has voluntarily informed the licensee, in writing, of her pregnancy and the estimated date of conception. The declaration remains in effect until the declared pregnant woman withdraws the declaration in writing or is no longer pregnant.

W. “**Deep dose equivalent**” (H_d), which applies to external whole body exposure, means the dose equivalent at a tissue depth of 1 centimeter (1000 mg/cm^2).

X. “**Demand respirator**” means an atmosphere-supplying respirator that admits breathing air to the facepiece only when a negative pressure is created inside the facepiece by inhalation.

Y. “**Derived air concentration**” (DAC) means the concentration of a given radionuclide in air which, if breathed by reference man for a working year of 2,000 hours under conditions of light work, results in an intake of one ALI. For purposes of these regulations, the condition of light work is an inhalation rate of 1.2 cubic 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.

Z. “**Derived air concentration-hour**” (DAC-hour) means the product of the concentration of radioactive material in air, expressed as a fraction or multiple of the derived air concentration for each radionuclide, and the time of exposure to that radionuclide, in hours. A licensee or registrant may take 2,000 DAC-hours to represent one ALI, equivalent to a committed effective dose equivalent of 5 rems (0.05 sievert).

AA. “Disposable respirator” means a respirator for which maintenance is not intended and that is designed to be discarded after excessive breathing resistance, sorbent exhaustion, physical damage or end-of-service-life renders it unsuitable for use. Examples of this type of respirator are a disposable half-mask respirator or a disposable escape-only self-contained breathing apparatus (SCBA).

AB. “Distinguishable from background” means that the detectable concentration of a radionuclide is statistically different from the background concentration of that radionuclide in the vicinity of the site or, in the case of structures, in similar materials using adequate measurement technology, survey and statistical techniques.

AC. “Dose” (radiation dose) is a generic term that means absorbed dose, dose equivalent, effective dose equivalent, committed dose equivalent, committed effective dose equivalent, total organ dose equivalent or total effective dose equivalent.

AD. “Dose equivalent” (H_T) means the product of the absorbed dose in tissue, quality factor and all other necessary modifying factors at the location of interest. The units of dose equivalent are the sievert (Sv) and rem.

AE. “Dose limits” (limits) means the permissible upper bounds of radiation doses established in accordance with these regulations.

AF. “Dosimetry processor” means an individual or an organization that processes and evaluates individual monitoring devices in order to determine the radiation dose delivered to the monitoring devices.

AG. “Effective dose equivalent” (H_E) means the sum of the products of the dose equivalent to each organ or tissue (H_T), and the weighting factor (w_T) applicable to each of the body organs or tissues (T) that are irradiated ($H_E = \{\text{sum over } T\} w_T H_T$).

AH. “Embryo/fetus” means the developing human organism from conception until the time of birth.

AI. “Entrance or access point” means any opening through which an individual could gain access to radiation areas or to radioactive materials. This includes entry or exit portals of sufficient size to permit human entry, irrespective of their intended use.

AJ. “Exposure” means being exposed to ionizing radiation or to radioactive material. Exposure also means the quotient of dQ divided by dm where “ dQ ” is the absolute value of the total charge of the ions of one sign produced in air when all the electrons (negatrons and positrons) liberated by photons in a volume element of air having mass “ dm ” are completely stopped by air. The special unit of exposure is the roentgen (R). The SI unit of exposure is the coulomb per kilogram (C/kg) (see 20.3.4.8 NMAC).

AK. “Exposure rate” means the exposure per unit of time, such as roentgen per minute and milliroentgen per hour.

AL. “External dose” means that portion of the dose equivalent received from any source of radiation outside the body.

AM. “Extremity” means hand, elbow, arm below the elbow, foot, knee and leg below the knee.

AN. “Eye dose equivalent” means the external dose equivalent to the lens of the eye at a tissue depth of 0.3 centimeter (300 mg/cm^2).

AO. “Filtering facepiece” (dust mask) means a negative pressure particulate respirator with a filter as an integral part of the facepiece or with the entire facepiece composed of the filtering medium, not equipped with elastomeric sealing surfaces and adjustable straps.

AP. “Fit factor” means a quantitative estimate of the fit of a particular respirator to a specific individual and typically estimates the ratio of the concentration of a substance in ambient air to its concentration inside the respirator when worn.

AQ. “Fit test” means the use of a protocol to qualitatively or quantitatively evaluate the fit of a respirator on an individual.

AR. “Generally applicable environmental radiation standards” means standards issued by the EPA under the authority of the Atomic Energy Act that impose limits on radiation exposures or levels, and concentrations or quantities of radioactive material in the general environment outside the boundaries of locations under the control of persons possessing or using radioactive material.

AS. “Gray” (Gy) means the SI unit of absorbed dose. One gray is equal to an absorbed dose of 1 joule per kilogram ($1 \text{ gray} = 100 \text{ rads}$).

AT. “Helmet” means a rigid respiratory inlet covering that also provides head protection against impact and penetration.

AU. “High radiation area” means an area, accessible to individuals, in which radiation levels from radiation sources external to the body could result in an individual receiving a dose equivalent in excess of 0.1 rem (1 millisievert) in 1 hour at 30 centimeters from the radiation source or 30 centimeters from any surface that the radiation penetrates.

AV. “**Hood**” means a respiratory inlet covering that completely covers the head and neck and may also cover portions of the shoulders and torso.

AW. “**Individual monitoring**” means the assessment of:

(1) dose equivalent by the use of individual monitoring devices designed to be worn by an individual;
or

(2) committed effective dose equivalent by bioassay or by determination of the time-weighted air concentrations to which an individual has been exposed, that is, DAC-hours; or

(3) dose equivalent by the use of survey data.

AX. “**Individual monitoring devices**” (individual monitoring equipment) means devices designed to be worn by a single individual for the assessment of dose equivalent, such as film badges, thermoluminescence dosimeters (TLDs), pocket ionization chambers and personal (“lapel”) air sampling devices.

AY. “**Inhalation class**” (see “class”).

AZ. “**Internal dose**” means that portion of the dose equivalent received from radioactive material taken into the body.

BA. “**Lens dose equivalent**” (LDE) applies to the external exposure of the lens of the eye and is taken as the dose equivalent at a tissue depth of 0.3 centimeter (300 mg/cm²).

BB. “**Limits**” (see “dose limits”).

BC. “**Loose-fitting facepiece**” means a respiratory inlet covering that is designed to form a partial seal with the face.

BD. “**Lung class**” (see “class”).

BE. “**Member of the public**” means any individual except when that individual is receiving an occupational dose.

BF. “**Minor**” means an individual less than 18 years of age.

BG. “**Monitoring**” (radiation monitoring, radiation protection monitoring) means the measurement of radiation, radioactive material concentrations, surface area activities or quantities or radioactive material and the use of the results of these measurements to evaluate potential exposures and doses.

BH. “**Negative pressure respirator**” (tight fitting) means a respirator in which the air pressure inside the facepiece is negative during inhalation with respect to the ambient air pressure outside the respirator.

BI. “**Nationally tracked source**” is a sealed source containing a quantity equal to or greater than category 1 or category 2 levels of any radioactive material listed in 20.3.4.467 NMAC. In this context a sealed source is defined as radioactive material that is sealed in a capsule or closely bonded, in a solid form and which is not exempt from regulatory control. It does not mean material encapsulated solely for disposal, or nuclear material contained in any fuel assembly, subassembly, fuel rod or fuel pellet. Category 1 nationally tracked sources are those containing radioactive material at a quantity equal to or greater than the category 1 threshold. Category 2 nationally tracked sources are those containing radioactive material at a quantity equal to or greater than the category 2 threshold but less than the category 1 threshold.

BJ. “**Nonstochastic effect**” (deterministic effect) means a health effect, the severity of which varies with the dose and for which a threshold is believed to exist. Radiation-induced cataract formation is an example of a nonstochastic effect.

BK. “**Occupational dose**” means the dose received by an individual in the course of employment in which the individual's assigned duties involve exposure to radiation or to radioactive material from licensed and unlicensed sources of radiation, whether in the possession of the licensee, registrant or other person. Occupational dose does not include dose received from background radiation; from any medical administration the individual has received; from exposure to individuals administered radioactive materials and released under Subsection I of 20.3.7.703 NMAC; from voluntary participation in medical research programs; or as a member of the public.

BL. “**Personnel monitoring equipment**” (see “individual monitoring devices”).

BM. “**Planned special exposure**” means an infrequent exposure to radiation, separate from and in addition to the annual occupational dose limits.

BN. “**Positive pressure respirator**” means a respirator in which the pressure inside the respiratory inlet covering exceeds the ambient air pressure outside the respirator.

BO. “**Powered air-purifying respirator**” (PAPR) means an air-purifying respirator that uses a blower to force the ambient air through air-purifying elements to the inlet covering.

BP. “**Pressure demand respirator**” means a positive pressure atmosphere-supplying respirator that admits breathing air to the facepiece when the positive pressure is reduced inside the facepiece by inhalation.

BQ. “**Public dose**” means the dose received by a member of the public from exposure to radiation or radioactive material released by a licensee or registrant, or to any other sources of radiation under the control of a

licensee or registrant. Public dose does not include: occupational dose; dose received from background radiation; dose received from any medical administration the individual has received; dose received from exposure to individuals administered radioactive material and released under Subsection I of 20.3.7.703 NMAC; or dose received from voluntary participation in medical research programs.

BR. “Pyrophoric material” means any liquid that ignites spontaneously in dry or moist air at or below 130 degrees fahrenheit (54.4 degrees celsius) or any solid material, other than one classed as an explosive, which under normal conditions is liable to cause fires through friction, retained heat from manufacturing or processing, or which can be ignited readily and, when ignited, burns so vigorously and persistently as to create a serious transportation, handling or disposal hazard. Included are spontaneously combustible and water-reactive materials.

BS. “Qualitative fit test” (QLFT) means a pass or fail fit test to assess the adequacy of respirator fit that relies on the individual's response to the test agent.

BT. “Quality factor” (Q) means the modifying factor, listed in table 8.1 of Subsection C of 20.3.4.8 NMAC and table 8.2 of Subsection D of 20.3.4.8 NMAC, that is used to derive dose equivalent from absorbed dose.

BU. “Quantitative fit test” (QNFT) means an assessment of the adequacy of respirator fit by numerically measuring the amount of leakage into the respirator.

BV. “Quarter” means a period of time equal to one-fourth of the year observed by the licensee, approximately 13 consecutive weeks, providing that the beginning of the first quarter in a year coincides with the starting date of the year and that no day is omitted or duplicated in consecutive quarters.

BW. “Radiation area” means any area, accessible to individuals in which radiation levels could result in an individual receiving a dose equivalent in excess of 0.005 rem (0.05 millisievert) in 1 hour at 30 centimeters from the source of radiation or from any surface that the radiation penetrates.

BX. “Radiation dose” (see “dose”).

BY. “Radiobioassay” (see “bioassay”).

BZ. “Reference man” means a hypothetical aggregation of human physical and physiological characteristics determined by international consensus. These characteristics may be used by researchers and public health employees to standardize results of experiments and to relate biological insult to a common base. A description of reference man is contained in the international commission on radiological protection report (ICRP), publication 23, *report of the task group on reference man*.

CA. “Residual radioactivity” means radioactivity in structures, materials, soils, groundwater and other media at a site resulting from activities under the licensee's control. This includes radioactivity from all licensed and unlicensed sources used by the licensee, but excludes background radiation. It also includes radioactive materials remaining at the site as a result of routine or accidental releases of radioactive material at the site and previous burials at the site, even if those burials were made in accordance with the provisions of this part.

CB. “Respiratory protective equipment” means an apparatus, such as a respirator, used to reduce an individual's intake of airborne radioactive materials.

CC. “Restricted area” means an area, access to which is limited by the licensee or registrant for purposes of protection of individuals against undue risks from exposure to sources of radiation. Restricted area does not include areas used as residential quarters, but separate rooms in a residential building may be set apart as a restricted area.

CD. “Sanitary sewerage” means a system of public sewers for carrying off waste water and refuse, but excluding sewage treatment facilities, septic tanks and leach fields owned or operated by the licensee or registrant.

CE. “Self-contained breathing apparatus” (SCBA) means an atmosphere-supplying respirator for which the breathing air source is designed to be carried by the user.

CF. “Shallow-dose equivalent” (H_s), which applies to the external exposure of the skin of the whole body or the skin of an extremity, is taken as the dose equivalent at a tissue depth of 0.007 centimeter (7 mg/cm²).

CG. “SI” means the international system of units.

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

CI. “Stochastic effect” (probabilistic effect) means a health effect that occurs randomly and for which the probability of the effect occurring, rather than its severity, is assumed to be a linear function of dose without threshold. Hereditary effects and cancer incidence are examples of stochastic effects.

CJ. “Supplied-air respirator” (SAR) or airline respirator means an atmosphere-supplying respirator for which the source of breathing air is not designed to be carried by the user.

CK. “**TEDE**” (total effective dose equivalent) means the sum of the deep dose equivalent for external exposures and the committed effective dose equivalent for internal exposures.

CL. “**Tight-fitting facepiece**” means a respiratory inlet covering that forms a complete seal with the face.

CM. “**TODE**” (total organ dose equivalent) means the sum of the deep dose equivalent and the committed dose equivalent to the organ receiving the highest dose as described in Paragraph (6) of Subsection A of 20.3.4.446 NMAC.

CN. “**Unrestricted area**” means an area, access to which is neither limited nor controlled by the licensee or registrant.

CO. “**User seal check**” (fit check) means an action conducted by the respirator user to determine if the respirator is properly seated to the face. Examples include negative pressure check, positive pressure check, irritant smoke check or isoamyl acetate check.

CP. “**Very high radiation area**” means an area, accessible to individuals, in which radiation levels from radiation sources external to the body could result in an individual receiving an absorbed dose in excess of 500 rads (5 grays) in 1 hour at 1 meter from a radiation source or 1 meter from any surface that the radiation penetrates.

CQ. “**Waste disposal site operators**” means persons licensed to dispose of radioactive waste.

CR. “**Waste handling licensees**” means persons licensed to receive and store radioactive wastes prior to disposal or persons licensed to dispose of radioactive waste.

CS. “**Week**” means 7 consecutive days starting on Sunday.

CT. “**Weighting factor**” (w_T) for an organ or tissue (T) means the proportion of the risk of stochastic effects resulting from irradiation of that organ or tissue to the total risk of stochastic effects when the whole body is 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

table 7.1 notes:

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 highest doses.

² for the purpose of weighting the external whole body dose, for adding it to the internal dose, a single weighting factor, $w_T = 1.0$, has been specified. The use of other weighting factors for external exposure will be approved on a case-by-case basis until such time as specific guidance is issued.

CU. “**Whole body**” means, for purpose of external exposure, head, trunk including male gonads, arms above the elbow or legs above the knee.

CV. “**Worker**” means an individual engaged in work under a license or registration issued by the department and controlled by a licensee or registrant, but does not include the licensee or registrant.

CW. “**Working level**” (WL) means any combination of short-lived radon daughters in 1 liter of air that will result in the ultimate emission of 1.3E+5 megaelectronvolts of potential alpha particle energy. The short-lived radon daughters are for radon-222: polonium-218, lead-214, bismuth-214 and polonium-214; and for radon-220: polonium-216, lead-212, bismuth-212 and polonium-212.

CX. “**Working level month**” (WLM) means exposure to 1 working level for 170 hours (2,000 working hours per year divided by 12 months per year is approximately equal to 170 hours per month).

CY. “**Year**” means the period of time beginning in January used to determine compliance with the provisions of these regulations. The licensee or registrant may change the starting date of the year used to determine

compliance by the licensee or registrant provided that the change is made at the beginning of the year and that no day is omitted or duplicated in consecutive years.
 [20.3.4.7 NMAC - Rp, 20.3.4.7 NMAC, 04/30/2009]

20.3.4.8 UNITS OF EXPOSURE AND DOSE:

A. As used in these regulations, the unit of exposure is the coulomb per kilogram (C/kg) of air. One roentgen is equal to 2.58E-4 coulomb per kilogram of air.

B. As used in these regulations, the units of dose are:

(1) gray (Gy) is the SI unit of absorbed dose; one gray is equal to an absorbed dose of 1 joule per kilogram (1 gray = 100 rads);

(2) rad is the special unit of absorbed dose; one rad is equal to an absorbed dose of 100 erg per gram or 0.01 joule per kilogram (1 rad = 0.01 gray);

(3) rem is the special unit of any of the quantities expressed as dose equivalent; the dose equivalent in rem is equal to the absorbed dose in rad multiplied by the quality factor (1 rem = 0.01 sievert); and

(4) sievert is the SI unit of any of the quantities expressed as dose equivalent; the dose equivalent in sievert is equal to the absorbed dose in gray multiplied by the quality factor (1 sievert = 100 rems).

C. As used in these regulations, the quality factors for converting absorbed dose to dose equivalent 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 Equivalent¹
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

Table 8.1 note: ¹absorbed dose in gray equal to 1 sievert or the absorbed dose in rad equal to 1 rem.

D. If it is more convenient to measure the neutron fluence rate than to determine the neutron dose equivalent rate in sievert per hour or rem per hour, as provided in Subsection C of this section, 0.01 sievert (1 rem) of neutron radiation of unknown energies may, for purposes of these regulations, be assumed to result from a total fluence of 25 million neutrons per square centimeter incident upon the body. If sufficient information exists to estimate the approximate energy distribution of the neutrons, the licensee or registrant may use the fluence rate per unit dose equivalent or the appropriate Q value from table 8.2 to convert a measured tissue dose in gray or rad to dose equivalent in sievert or rem (Note: The values in table 8.2 are presented in the “E” notation. In this notation a 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 Factor¹ (Q)	Fluence per Unit Dose Equivalent² (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 Factor¹ (Q)	Fluence per Unit Dose Equivalent² (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, 04/30/2009]

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 04/30/2009]

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.

[20.3.4.403 NMAC - Rp, 20.3.4.403 NMAC, 04/30/2009]

20.3.4.404 RADIATION PROTECTION PROGRAMS:

A. Each licensee or registrant shall develop, document and implement a radiation protection program commensurate with the scope and extent of licensed or registered activities and sufficient to ensure compliance with the provisions of this part (see 20.3.4.441 NMAC for recordkeeping requirements related to these programs.)

B. The licensee or registrant shall use, to the extent practical, procedures and engineering controls based upon sound radiation protection principles to achieve occupational doses and doses to members of the public that are ALARA.

C. The licensee or registrant shall, at intervals not to exceed 12 months, review the radiation protection program content and implementation.

D. To implement the ALARA requirements of Subsection B of this section, and notwithstanding the requirements in 20.3.4.413 NMAC, a constraint on air emissions of radioactive material to the environment, excluding Radon-222 and its daughters, shall be established by licensees such that the individual member of the public likely to receive the highest dose will not be expected to receive a total effective dose equivalent in excess of 10 millirems (0.1 millisievert) per year from these emissions. If a licensee subject to this requirement exceeds this dose constraint, the licensee shall report the exceedance as provided in 20.3.4.453 NMAC and promptly take appropriate corrective action to ensure against recurrence.

[20.3.4.404 NMAC - Rp, 20.3.4.404 NMAC, 04/30/2009]

20.3.4.405 OCCUPATIONAL DOSE LIMITS FOR ADULTS:

A. Annual Limits. The licensee or registrant shall control the occupational dose to individual adults, except for planned special exposures pursuant to 20.3.4.410 NMAC, to the following dose limits:

- (1) an annual limit, which is the more limiting of:
 - (a) the total effective dose equivalent being equal to 5 rems (0.05 sievert); or
 - (b) the sum of the deep dose equivalent and the committed dose equivalent to any individual organ or tissue other than the lens of the eye being equal to 50 rems (0.5 sievert); and
- (2) the annual limits to the lens of the eye, to the skin of the whole body, and to the skin of extremities which are:
 - (a) a lens dose equivalent of 15 rems (0.15 sievert); and
 - (b) a shallow dose equivalent of 50 rems (0.5 sievert) to the skin of the whole body or to the skin of any extremity.

B. Doses received in excess of the annual limits, including doses received during accidents, emergencies and planned special exposures, shall be subtracted from the limits for planned special exposures that the individual may receive during the current year and during the individual's lifetime (see Subsection E of 20.3.4.410 NMAC).

C. Determining, Assessing and Assigning Dose Equivalent.

(1) The assigned deep dose equivalent shall be for the part of the body receiving the highest exposure. The assigned shallow-dose equivalent shall be the dose averaged over the contiguous 10 square centimeters of skin receiving the highest exposure. The deep-dose equivalent, lens dose equivalent and shallow-dose equivalent may be assessed from surveys or other radiation measurements for the purpose of demonstrating compliance with the occupational dose limits, if the individual monitoring device was not in the region of highest potential exposure, or the results of individual monitoring are unavailable.

(2) **Working with Fluoroscopic Equipment.** When a protective apron is worn while working with medical fluoroscopic equipment and monitoring is conducted as specified in Paragraph (5) of Subsection A of 20.3.4.417 NMAC, the effective dose equivalent for external radiation shall be determined as follows:

- (a) when only one individual monitoring device is used and it is located at the neck outside the protective apron, the reported deep dose equivalent shall be the effective dose equivalent for external radiation; or
- (b) when only one individual monitoring device is used and it is located at the neck outside the protective apron, and the reported dose exceeds 25 percent of the limit specified in Subsection A of this section, the reported deep dose equivalent value multiplied by 0.3 shall be the effective dose equivalent for external radiation; or
- (c) when individual monitoring devices are worn, both under the protective apron at the waist and outside the protective apron at the neck, the effective dose equivalent for external radiation shall be assigned the value of the sum of the deep dose equivalent reported for the individual monitoring device located at the waist under the protective apron multiplied by 1.5 and the deep dose equivalent reported for the individual monitoring device located at the neck outside the protective apron multiplied by 0.04.

D. DAC and ALI. Derived air concentration (DAC) and annual limit on intake (ALI) values are specified in table I of 20.3.4.461 NMAC, and may be used to determine the individual's dose and to demonstrate compliance with the occupational dose limits.

E. Uranium Limits. Notwithstanding the annual dose limits, the licensee shall limit the soluble uranium intake by an individual to 10 milligrams in a week in consideration of chemical toxicity (see table note 3 of 20.3.4.461 NMAC.)

F. Prior Dose. The licensee or registrant shall reduce the dose that an individual may be allowed to receive in the current year by the amount of occupational dose received while employed by any other person during the current year (see 20.3.4.409 NMAC).

[20.3.4.405 NMAC - Rp, 20.3.4.405 NMAC, 04/30/2009]

20.3.4.406 COMPLIANCE WITH REQUIREMENTS FOR SUMMATION OF EXTERNAL AND INTERNAL DOSES:

A. If the licensee or registrant is required to monitor pursuant to both Subsections A and B of 20.3.4.417 NMAC, the licensee or registrant shall demonstrate compliance with the dose limits by summing external and internal doses. If the licensee or registrant is required to monitor only pursuant to either Subsection A or Subsection B of 20.3.4.417 NMAC, then summation is not required to demonstrate compliance with the dose limits. The licensee or registrant may demonstrate compliance with the requirements for summation of external and internal doses pursuant to Subsections B, C and D of this section. The dose equivalents for the lens of the eye, the skin and the extremities are not included in the summation, but are subject to separate limits.

B. Intake by Inhalation. If the only intake of radionuclides is by inhalation, the total effective dose equivalent limit is not exceeded if the sum of the deep dose equivalent divided by the total effective dose equivalent limit, and one of the following, does not exceed unity:

(1) the sum of the fractions of the inhalation ALI for each radionuclide; or
(2) the total number of derived air concentration-hours (DAC-hours) for all radionuclides divided by 2,000; or

(3) the sum of the calculated committed effective dose equivalents to all significantly irradiated organs or tissues (T) calculated from bioassay data using appropriate biological models and expressed as a fraction of the annual limit; for purposes of this requirement, an organ or tissue is deemed to be significantly irradiated if, for that organ or tissue, the product of the weighting factors, w_T , and the committed dose equivalent, $H_{T,50}$, 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 intake for any organ or tissue.

C. Intake by Oral Ingestion. If the occupationally exposed individual receives an intake of radionuclides by oral ingestion greater than 10 percent of the applicable oral ALI, the licensee or registrant shall account for this intake and include it in demonstrating compliance with the limits.

D. Intake through Wounds or Absorption through Skin. The licensee or registrant shall evaluate and, to the extent practical, account for intakes through wounds or skin absorption. The intake through intact skin has been included in the calculation of DAC for hydrogen-3 and does not need to be evaluated or accounted for pursuant to Subsection D of 20.3.4.406 NMAC.

[20.3.4.406 NMAC - Rp, 20.3.4.406 NMAC, 04/30/2009]

20.3.4.407 DETERMINATION OF EXTERNAL DOSE FROM AIRBORNE RADIOACTIVE MATERIAL:

A. Licensees or registrants shall, when determining the dose from airborne radioactive material, include the contribution to the deep dose equivalent, lens dose equivalent and shallow dose equivalent from external exposure to the radioactive cloud (see 20.3.4.461 NMAC, table notes 1 and 2).

B. Airborne radioactivity measurements and DAC values shall not be used as the primary means to assess the deep dose equivalent when the airborne radioactive material includes radionuclides other than noble gases or if the cloud of airborne radioactive material is not relatively uniform. The determination of the deep dose equivalent to an individual shall be based upon measurements using instruments or individual monitoring devices.

[20.3.4.407 NMAC - Rp, 20.3.4.407 NMAC, 04/30/2009]

20.3.4.408 DETERMINATION OF INTERNAL EXPOSURE:

A. For purposes of assessing dose used to determine compliance with occupational dose equivalent limits, the licensee or registrant shall, when required pursuant to 20.3.4.417 NMAC, take suitable and timely measurements of:

- (1) concentrations of radioactive materials in air in work areas; or
- (2) quantities of radionuclides in the body; or
- (3) quantities of radionuclides excreted from the body; or
- (4) combinations of these measurements.

B. Unless respiratory protective equipment is used, as provided in 20.3.4.423 NMAC, or the assessment of intake is based on bioassays, the licensee or registrant shall assume that an individual inhales radioactive material at the airborne concentration in which the individual is present.

C. When specific information on the physical and biochemical properties of the radionuclides taken into the body or the behavior of the material in an individual is known, the licensee or registrant may:

- (1) use that information to calculate the committed effective dose equivalent, and, if used, the licensee or registrant shall document that information in the individual's record;
- (2) upon prior approval of the department, adjust the DAC or ALI values to reflect the actual physical and chemical characteristics of airborne radioactive material, for example, aerosol size distribution or density; and
- (3) separately assess the contribution of fractional intakes of class D, W or Y compounds of a given radionuclide to the committed effective dose equivalent (see 20.3.4.461 NMAC).

D. If the licensee or registrant chooses to assess intakes of class Y material using the measurements given in Paragraphs (2) or (3) of Subsection A of this section, the licensee or registrant may delay the recording and reporting of the assessments for periods up to 7 months, unless otherwise required by 20.3.4.452 NMAC or 20.3.4.453 NMAC. This delay permits the licensee or registrant to make additional measurements basic to the assessments.

E. If the identity and concentration of each radionuclide in a mixture are known, the fraction of the DAC applicable to the mixture for use in calculating DAC-hours shall be either:

- (1) the sum of the ratios of the concentration to the appropriate DAC value, that is, D, W or Y, from 20.3.4.461 NMAC for each radionuclide in the mixture; or
- (2) the ratio of the total concentration for all radionuclides in the mixture to the most restrictive DAC value for any radionuclide in the mixture.

F. 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.

G. When a mixture of radionuclides in air exists, a licensee or registrant may disregard certain radionuclides in the mixture if:

- (1) the licensee or registrant uses the total activity of the mixture in demonstrating compliance with the dose limits in 20.3.4.405 NMAC and in complying with the monitoring requirements in Subsection B of 20.3.4.417 NMAC; and
- (2) the concentration of any radionuclide disregarded is less than 10 percent of its DAC; and
- (3) the sum of these percentages for all of the radionuclides disregarded in the mixture does not exceed 30 percent.

H. When determining the committed effective dose equivalent, the following information may be considered:

- (1) in order to calculate the committed effective dose equivalent, the licensee or registrant may assume that the inhalation of one ALI, or an exposure of 2,000 DAC-hours, results in a committed effective dose equivalent of 5 rems (0.05 sievert) for radionuclides that have their ALIs or DACs based on the committed effective dose equivalent;
- (2) for an ALI and the associated DAC determined by the nonstochastic organ dose limit of 50 rems (0.5 sievert), the intake of radionuclides that would result in a committed effective dose equivalent of 5 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 registrant may, as a simplifying assumption, use the stochastic ALI to determine committed effective dose equivalent; however, if the licensee or registrant uses the stochastic ALI, the licensee or registrant shall also demonstrate that the limit in Paragraph (2) of Subsection A of 20.3.4.405 NMAC is met.

[20.3.4.408 NMAC - Rp, 20.3.4.408 NMAC, 04/30/2009]

20.3.4.409 DETERMINATION OF PRIOR OCCUPATIONAL DOSE:

A. For each individual who may enter the licensee's or registrant's restricted area and is likely to receive, in a year, an occupational dose requiring monitoring pursuant to 20.3.4.417 NMAC, the licensee or registrant shall:

- (1) determine the occupational radiation dose received during the current year; and

(2) attempt to obtain the records of lifetime cumulative occupational radiation dose.

B. Prior to permitting an individual to participate in a planned special exposure, the licensee or registrant shall determine:

(1) the internal and external doses from all previous planned special exposures; and

(2) all doses in excess of the limits, including doses received during accidents and emergencies, received during the lifetime of the individual.

C. In complying with the requirements of Subsection A of this section, a licensee or registrant may:

(1) accept, as a record of the occupational dose that the individual received during the current year, a written signed statement from the individual, or from the individual's most recent employer for work involving radiation exposure, that discloses the nature and the amount of any occupational dose that the individual received during the current year; and

(2) accept, as the record of lifetime cumulative radiation dose, a form *cumulative occupational dose history* or equivalent, signed by the individual and countersigned by an appropriate official of the most recent employer for work involving radiation exposure, or the individual's current employer, if the individual is not employed by the licensee or registrant; and

(3) obtain reports of the individual's dose equivalent from the most recent employer for work involving radiation exposure, or the individual's current employer, if the individual is not employed by the licensee or registrant, by telephone, telegram, facsimile or letter; the licensee or registrant shall request a written verification of the dose data if the authenticity of the transmitted report cannot be established.

D. Recording Exposure History.

(1) The licensee or registrant shall record the exposure history, as required by Subsection A of this section, on department form *cumulative occupational dose history*, or other clear and legible record, and all the information required on that form. The form or record shall show each period in which the individual received occupational exposure to radiation or radioactive material and shall be signed by the individual who received the exposure. For each period for which the licensee or registrant obtains reports, the licensee or registrant shall use the dose shown in the report in preparing department form *cumulative occupational dose history* or equivalent. For any period in which the licensee or registrant does not obtain a report, the licensee or registrant shall place a notation on department form *cumulative occupational dose history* or equivalent indicating the periods of time for which data are not available.

(2) Licensees or registrants are not required to partition historical dose between external dose equivalent(s) and internal committed dose equivalent(s). Further, occupational exposure histories obtained and recorded on department form *cumulative occupational dose history* or equivalent before the effective date of these regulations, might not have included effective dose equivalent, but may be used in the absence of specific information on the intake of radionuclides by the individual.

E. If the licensee or registrant is unable to obtain a complete record of an individual's current and previously accumulated occupational dose, the licensee or registrant shall assume:

(1) in establishing administrative controls pursuant to Subsection F of 20.3.4.405 NMAC for the current year, that the allowable dose limit for the individual is reduced by 1.25 rems (12.5 millisieverts) for each quarter for which records were unavailable and the individual was engaged in activities that could have resulted in occupational radiation exposure; and

(2) that the individual is not available for planned special exposures.

F. The licensee or registrant shall retain the records on department form *cumulative occupational dose history* or equivalent until the department terminates each pertinent license or registration requiring this record. The licensee or registrant shall retain records used in preparing department form *cumulative occupational dose history* or equivalent for 3 years after the record is made.

[20.3.4.409 NMAC - Rp, 20.3.4.409 NMAC, 04/30/2009]

20.3.4.410 PLANNED SPECIAL EXPOSURES: A licensee or registrant may authorize an adult worker to receive doses in addition to and accounted for separately from the doses received under the limits specified in 20.3.4.405 NMAC provided that each of the following conditions is satisfied:

A. the licensee or registrant authorizes a planned special exposure only in an exceptional situation when alternatives that might avoid the dose estimated to result from the planned special exposure are unavailable or impractical;

B. the licensee or registrant, and employer if the employer is not the licensee or registrant, specifically authorizes the planned special exposure, in writing, before the exposure occurs;

C. before a planned special exposure, the licensee or registrant ensures that each individual involved is:

- (1) informed of the purpose of the planned operation;
- (2) informed of the estimated doses and associated potential risks and specific radiation levels or other conditions that might be involved in performing the task; and
- (3) instructed in the measures to be taken to keep the dose ALARA considering other risks that may be present;

D. prior to permitting an individual to participate in a planned special exposure, the licensee or registrant ascertains prior doses as required by Subsection B of 20.3.4.409 NMAC during the lifetime of the individual for each individual involved;

E. subject to Subsection B of 20.3.4.405 NMAC, the licensee or registrant shall not authorize a planned special exposure that would cause an individual to receive a dose from all planned special exposures and all doses in excess of the limits to exceed:

- (1) the numerical values of any of the dose limits in Subsection A of 20.3.4.405 NMAC in any year; and
- (2) five times the annual dose limits in Subsection A of 20.3.4.405 NMAC during the individual's lifetime;

F. the licensee or registrant maintains records of the conduct of a planned special exposure in accordance with 20.3.4.445 NMAC and submits a written report in accordance with 20.3.4.454 NMAC;

G. the licensee or registrant records the best estimate of the dose resulting from the planned special exposure in the individual's record and informs the individual, in writing, of the dose within 30 days from the date of the planned special exposure; the dose from planned special exposures shall not be considered in controlling future occupational dose of the individual pursuant to Subsection A of 20.3.4.405 NMAC but shall be included in evaluations required by Subsections D and E of this section.

[20.3.4.410 NMAC - Rp, 20.3.4.410 NMAC, 04/30/2009]

20.3.4.411 OCCUPATIONAL DOSE LIMITS FOR MINORS: The annual occupational dose limits for minors are 10 percent of the annual occupational dose limits specified for adult workers in 20.3.4.405 NMAC.

[20.3.4.411 NMAC - Rp, 20.3.4.411 NMAC, 04/30/2009]

20.3.4.412 DOSE EQUIVALENT TO AN EMBRYO/FETUS:

A. The licensee or registrant shall ensure that the dose equivalent to the embryo/fetus during the entire pregnancy, due to the occupational exposure of a declared pregnant woman, does not exceed 0.5 rem (5 millisieverts) (see 20.3.4.446 NMAC for recordkeeping requirements).

B. The licensee or registrant shall make efforts to avoid substantial variation above a uniform monthly exposure rate to a declared pregnant woman so as to satisfy the limit in Subsection A of this section.

C. The dose equivalent to the embryo/fetus is the sum of:

- (1) the dose equivalent to the embryo/fetus resulting from radionuclides in the embryo/fetus and radionuclides in the declared pregnant woman; and
- (2) the deep dose equivalent that is most representative of the dose to the embryo/fetus from external radiation, that is, in the mother's lower torso region:

(a) if multiple measurements have not been made, assignment of the highest deep dose equivalent for the declared pregnant woman shall be the dose to the embryo/fetus, in accordance with Subsection C of 20.3.4.405 NMAC; or

(b) if multiple measurements have been made, assignment of the deep dose equivalent for the declared pregnant woman from the individual monitoring device which is most representative of the dose to the embryo/fetus shall be the dose to the embryo/fetus; assignment of the highest deep dose equivalent for the declared pregnant woman to the embryo/fetus is not required unless that dose is also the most representative deep dose equivalent for the region of the embryo/fetus.

D. If the dose equivalent to the embryo/fetus is found to have exceeded 0.5 rem (5 millisieverts), or is within 0.05 rem (0.5 millisievert) of this dose, by the time the woman declares the pregnancy to the licensee or registrant, the licensee or registrant shall be deemed to be in compliance with Subsection A of this section if the additional dose equivalent to the embryo/fetus does not exceed 0.05 rem (0.5 millisievert) during the remainder of the pregnancy.

[20.3.4.412 NMAC - Rp, 20.3.4.412 NMAC, 04/30/2009]

20.3.4.413 DOSE LIMITS FOR INDIVIDUAL MEMBERS OF THE PUBLIC:

A. Each licensee or registrant shall conduct operations so that:

(1) the total effective dose equivalent to individual members of the public from the licensed or registered operation does not exceed 0.1 rem (1 millisievert) in a year, exclusive of the dose contributions from background radiation, from any medical administration the individual has received, from exposure to individuals administered radioactive material and released under Subsection I of 20.3.7.703 NMAC, from voluntary participation in medical research programs, and from the licensee's disposal of radioactive material into sanitary sewerage in accordance with 20.3.4.435 NMAC; and

(2) the dose in any unrestricted area from external sources, exclusive of dose contributions from patients administered radioactive material and released under Subsection I of 20.3.7.703 NMAC, does not exceed 0.002 rem (0.02 millisievert) in any one hour.

B. If the licensee or registrant permits members of the public to have access to controlled areas, the limits for members of the public continue to apply to those individuals.

C. A licensee, registrant, or an applicant for a license or registration may apply for prior department authorization to operate up to an annual dose limit for an individual member of the public of 0.5 rem (5 millisieverts). This application shall include the following information:

(1) demonstration of the need for and the expected duration of operations in excess of the limit in Subsection A of this section;

(2) the licensee's or registrant's program to assess and control dose within the 0.5 rem (5 millisieverts) annual limit;

(3) the procedures to be followed to maintain the dose ALARA.

D. In addition to the requirements of this part, a licensee or registrant subject to the provisions of the EPA's generally applicable environmental radiation standards in 40 CFR 190 shall comply with those standards.

E. The department may impose additional restrictions on radiation levels in unrestricted areas and on the total quantity of radionuclides that a licensee or registrant may release in effluents in order to restrict the collective dose.

F. Notwithstanding Paragraph (1) of Subsection A of this section, a licensee may permit visitors to an individual who cannot be released, under Subsection I of 20.3.7.703 NMAC, to receive a radiation dose greater than 0.1 rem (1 millisievert) if:

(1) the radiation dose received does not exceed 0.5 rem (5 millisieverts); and

(2) the authorized user, as defined in 20.3.7 NMAC, has determined before the visit that it is appropriate.

[20.3.4.413 NMAC - Rp, 20.3.4.413 NMAC, 04/30/2009]

20.3.4.414 COMPLIANCE WITH DOSE LIMITS FOR INDIVIDUAL MEMBERS OF THE PUBLIC:

A. The licensee or registrant shall make or cause to be made surveys of radiation levels in unrestricted and controlled areas and radioactive materials in effluents released to unrestricted and controlled areas to demonstrate compliance with the dose limits in 20.3.4.413 NMAC for individual members of the public.

B. A licensee or registrant shall show compliance with the annual dose limit in 20.3.4.413 NMAC by:

(1) demonstrating by measurement or calculation that the total effective dose equivalent to the individual likely to receive the highest dose from the licensed or registered operation does not exceed the annual dose limit; or

(2) demonstrating that:

(a) the annual average concentrations of radioactive material released in gaseous and liquid effluents at the boundary of the unrestricted area do not exceed the values specified in table II of 20.3.4.461 NMAC; and

(b) if an individual were continuously present in an unrestricted area, the dose from external sources would not exceed 0.002 rem (0.02 millisievert) in an hour and 0.05 rem (0.5 millisievert) in a year.

C. Upon approval from the department, the licensee or registrant may adjust the effluent concentration values in table II of 20.3.4.461 NMAC for members of the public, to take into account the actual physical and chemical characteristics of the effluents, such as, aerosol size distribution, solubility, density, radioactive decay equilibrium and chemical form.

[20.3.4.414 NMAC - Rp, 20.3.4.414 NMAC, 04/30/2009]

20.3.4.415 TESTING FOR LEAKAGE OR CONTAMINATION OF SEALED SOURCES:

A. The licensee in possession of any sealed source shall assure that:

(1) each sealed source, except as specified in Subsection B of this section, is tested for leakage or contamination and the test results are received before the sealed source is put into use unless the licensee has a certificate from the transferor indicating that the sealed source was tested within the frequencies specified in Paragraphs (2) and (3) of this subsection, before transfer to the licensee;

(2) each sealed source that is not designed to emit alpha particles is tested for leakage or contamination at intervals not to exceed 6 months, or at alternative intervals specified by the source manufacturer and as approved by the department, NRC or an agreement state;

(3) each sealed source that is designed to emit alpha particles is tested for leakage or contamination at intervals not to exceed 3 months, or at alternative intervals specified by the source manufacturer and as approved by the department, NRC or an agreement state;

(4) for each sealed source that is required to be tested for leakage or contamination, at any other time there is reason to suspect that the sealed source might have been damaged or might be leaking, the licensee shall assure that the sealed source is tested for leakage or contamination before further use;

(5) tests for leakage for all sealed sources, except brachytherapy sources manufactured to contain radium, shall be capable of detecting the presence of 0.005 microcuries (185 becquerels) of radioactive material on a test sample; test samples shall be taken from the sealed source or from the surfaces of the container in which the sealed source is stored or mounted on which one might expect contamination to accumulate; for a sealed source contained in a device, test samples are obtained when the source is in the "off" position;

(6) the test for leakage for brachytherapy sources manufactured to contain radium shall be capable of detecting an absolute leakage rate of 0.001 microcuries (37 becquerels) of radon-222 in a 24 hour period when the collection efficiency for radon-222 and its daughters has been determined with respect to collection method, volume and time; and

(7) tests for contamination from radium daughters shall be taken on the interior surface of brachytherapy source storage containers and shall be capable of detecting the presence of 0.005 microcuries (185 becquerels) of a radium daughter which has a half-life greater than 4 days.

B. A licensee need not perform tests for leakage or contamination on the following sealed sources:

(1) sealed sources containing only radioactive material with a half-life of less than 30 days;

(2) sealed sources containing only radioactive material as a gas;

(3) sealed sources containing 100 microcuries (3.7 megabecquerels) or less of beta or photon-emitting material or 10 microcuries (370 kilobecquerels) or less of alpha-emitting material;

(4) sealed sources containing only hydrogen-3;

(5) seeds of iridium-192 encased in nylon ribbon; and

(6) sealed sources, except teletherapy and brachytherapy sources, which are not being used and identified as in storage; however, the licensee shall test each such sealed source for leakage or contamination and receive the test results before any use or transfer of the source unless it has been tested for leakage or contamination within such frequency as specified in Paragraphs (2) and (3) of Subsection A of this section before the date of use or transfer.

C. Tests for leakage or contamination from sealed sources shall be performed by persons specifically authorized by the department.

D. Test results shall be kept in units of becquerel or microcurie and maintained for inspection by the department. Records of test results for sealed sources shall be made pursuant to 20.3.4.443 NMAC.

E. The following shall be considered evidence that a sealed source is leaking:

(1) the presence of 0.005 microcuries (185 becquerels) or more of removable contamination on any test sample;

(2) leakage of 0.001 microcuries (37 becquerels) of radon-222 per 24 hours for brachytherapy sources manufactured to contain radium; and

(3) the presence of removable contamination resulting from the decay of 0.005 microcuries (185 becquerels) or more of radium.

F. The licensee shall immediately withdraw a leaking sealed source from use and shall take action to prevent the spread of contamination. The leaking sealed source shall be repaired or disposed of in accordance with this part.

G. Reports of test results for leaking or contaminated sealed sources shall be made pursuant to 20.3.4.458 NMAC.

[20.3.4.415 NMAC - Rp, 20.3.4.415 NMAC, 04/30/2009]

20.3.4.416 GENERAL REQUIREMENTS FOR SURVEY AND MONITORING:

A. Each licensee or registrant shall make, or cause to be made, surveys that:

- (1) may be necessary to demonstrate compliance with this part; and
- (2) are necessary under the circumstances to evaluate:
 - (a) the magnitude and extent of radiation levels;
 - (b) concentrations or quantities of radioactive material; and
 - (c) the potential radiological hazards.

B. The licensee or registrant shall ensure that instruments and equipment used for quantitative radiation measurements (e.g. dose rate and effluent monitoring) are calibrated at intervals not to exceed 12 months, except when a more frequent interval is specified in another applicable part of this chapter or in a license condition.

C. All personnel dosimeters (except for direct and indirect reading pocket ionization chambers and those dosimeters used to measure the dose to the extremity) that require processing to determine the radiation dose and that are used by licensees and registrants to comply with 20.3.4.405 NMAC, with other applicable provisions of this chapter or with conditions specified in a license or registration shall be processed and evaluated by a dosimetry processor:

- (1) holding current personnel dosimetry accreditation from the national voluntary laboratory accreditation program (NVLAP) of the national institute of standards and technology (NIST); and
- (2) approved in this accreditation process for the type of radiation or radiations included in the national voluntary laboratory accreditation program (NVLAP) program that most closely approximates the type of radiation or radiations for which the individual wearing the dosimeter is monitored.

D. The licensee or registrant shall ensure that adequate precautions are taken to prevent a deceptive exposure of an individual monitoring device.

[20.3.4.416 NMAC - Rp, 20.3.4.416 NMAC, 04/30/2009]

20.3.4.417 CONDITIONS REQUIRING INDIVIDUAL MONITORING OF EXTERNAL AND

INTERNAL OCCUPATIONAL DOSE: Each licensee or registrant shall monitor exposures from sources of radiation at levels sufficient to demonstrate compliance with the occupational dose limits of this part. As a minimum the following requirements shall be met.

A. Each licensee or registrant shall monitor occupational exposure to radiation from licensed and unlicensed radiation sources under the control of the licensee or registrant and shall supply and require the use of individual monitoring devices by:

(1) adults likely to receive, in 1 year from sources external to the body, a dose in excess of 10 percent of the limits in Subsection A of 20.3.4.405 NMAC;

(2) minors likely to receive, in 1 year, from radiation sources external to the body, a deep dose equivalent in excess of 0.1 rem (1 millisievert), a lens dose equivalent in excess of 0.15 rem (1.5 millisieverts), or a shallow dose equivalent to the skin or to the extremities in excess of 0.5 rem (5 millisieverts);

(3) declared pregnant women likely to receive during the entire pregnancy, from radiation sources external to the body, a deep dose equivalent in excess of 0.1 rem (1 millisievert) (note: all of the occupational doses in Subsection A of 20.3.4.405 NMAC continue to be applicable to the declared pregnant worker as long as the embryo/fetus dose limit is not exceeded);

(4) individuals entering a high or very high radiation area; and

(5) individuals working with medical fluoroscopic equipment:

(a) an individual monitoring device used for the dose to an embryo/fetus of a declared pregnant woman, pursuant to Subsection A of 20.3.4.412 NMAC, shall be located under the protective apron at the waist;

(b) an individual monitoring device used for eye dose equivalent shall be located at the neck, or an unshielded location closer to the eye, outside the protective apron; and

(c) when only one individual monitoring device is used to determine the effective dose equivalent for external radiation pursuant to Paragraph (2) of Subsection C of 20.3.4.405 NMAC, it shall be located at the neck outside the protective apron; when a second individual monitoring device is used, for the same purpose, it shall be located under the protective apron at the waist; the second individual monitoring device is required for a declared pregnant woman.

B. Each licensee or registrant shall monitor (see 20.3.4.408 NMAC) the occupational intake of radioactive material by and assess the committed effective dose equivalent to:

(1) adults likely to receive, in 1 year, an intake in excess of 10 percent of the applicable ALI(s) in columns 1 and 2 of table I of 20.3.4.461 NMAC;

(2) minors likely to receive, in 1 year, a committed effective dose equivalent in excess of 0.1 rem (1 millisievert); and

(3) declared pregnant women likely to receive, during the entire pregnancy, a committed effective dose equivalent in excess of 0.1 rem (1 millisievert).

C. Each licensee or registrant shall ensure that individuals who are required to monitor occupational doses in accordance with Subsection A of this section wear individual monitoring devices as follows:

(1) an individual monitoring device used for monitoring the dose to the whole body shall be worn at the unshielded location of the whole body likely to receive the highest exposure; when a protective apron is worn, the location of the individual monitoring device is typically at the neck (collar); or

(2) an individual monitoring device used for monitoring the dose to an embryo/fetus of a declared pregnant woman, pursuant to Subsection A of 20.3.4.412 NMAC, shall be located at the waist under any protective apron being worn by the woman; or

(3) an individual monitoring device used for monitoring the eye dose equivalent, to demonstrate compliance with Subparagraph (a) of Paragraph (2) of Subsection A of 20.3.4.405 NMAC, shall be located at the neck (collar), outside any protective apron being worn by the monitored individual, or at an unshielded location closer to the eye; or

(4) an individual monitoring device used for monitoring the dose to the extremities, to demonstrate compliance with Subparagraph (b) of Paragraph (2) of Subsection A of 20.3.4.405 NMAC, shall be worn on the extremity likely to receive the highest exposure; each individual monitoring device shall be oriented to measure the highest dose to the extremity being monitored.

[20.3.4.417 NMAC - Rp, 20.3.4.417 NMAC, 04/30/2009]

20.3.4.418 CONTROL OF ACCESS TO HIGH RADIATION AREAS:

A. The licensee or registrant shall ensure that each entrance or access point to a high radiation area has one or more of the following features:

(1) a control device that, upon entry into the area, causes the level of radiation to be reduced below that level at which an individual might receive a deep dose equivalent of 0.1 rem (1 millisievert) in 1 hour at 30 centimeters from the source of radiation or from any surface that the radiation penetrates; or

(2) a control device that energizes a conspicuous visible or audible alarm signal so that the individual entering the high radiation area and the supervisor of the activity are made aware of the entry; or

(3) entryways that are locked, except during periods when access to the areas is required, with positive control over each individual entry.

B. In place of the controls required by Subsection A of this section for a high radiation area, the licensee or registrant may substitute continuous direct or electronic surveillance that is capable of preventing unauthorized entry.

C. The licensee or registrant may apply to the department for approval of alternative methods for controlling access to high radiation areas.

D. The licensee or registrant shall establish the controls required by Subsections A and C of this section in a way that does not prevent individuals from leaving a high radiation area.

E. The licensee or registrant is not required to control each entrance or access point to a room or other area that is a high radiation area solely because of the presence of radioactive materials prepared for transport, and packaged and labeled in accordance with the regulations of the DOT provided that:

(1) the packages do not remain in the area longer than 3 days; and

(2) the dose rate at 1 meter from the external surface of any package does not exceed 0.01 rem (0.1 millisievert) per hour.

F. The licensee or registrant is not required to control entrance or access to rooms or other areas in hospitals solely because of the presence of patients containing radioactive material, provided that there are personnel in attendance who are taking the necessary precautions to prevent the exposure of individuals to radiation or radioactive material in excess of the established limits in this part and to operate within the ALARA provisions of the licensee's or registrant's radiation protection program.

[20.3.4.418 NMAC - Rp, 20.3.4.418 NMAC, 04/30/2009]

20.3.4.419 CONTROL OF ACCESS TO VERY HIGH RADIATION AREAS: In addition to the requirements in 20.3.4.418 NMAC, the licensee or registrant shall institute measures to ensure that an individual is not able to gain unauthorized or inadvertent access to areas in which radiation levels could be encountered at 500

rads (5 grays) or more in 1 hour at 1 meter from a source of radiation or any surface through which the radiation penetrates.

[20.3.4.419 NMAC - Rp, 20.3.4.419 NMAC, 04/30/2009]

20.3.4.420 CONTROL OF ACCESS TO VERY HIGH RADIATION AREAS - IRRADIATORS:

In addition to the requirements in 20.3.4.419 NMAC, the licensee shall comply with the requirements specified in 20.3.15 NMAC for access control.

[20.3.4.420 NMAC - Rp, 20.3.4.420 NMAC, 04/30/2009]

20.3.4.421 USE OF PROCESS OR OTHER ENGINEERING CONTROLS: The licensee or registrant shall use, to the extent practicable, process or other engineering controls, such as, containment, decontamination or ventilation, to control the concentrations of radioactive material in air.

[20.3.4.421 NMAC - Rp, 20.3.4.421 NMAC, 04/30/2009]

20.3.4.422 USE OF OTHER CONTROLS:

A. When it is not practical to apply process or other engineering controls to control the concentrations of radioactive material in the air to values below those that define an airborne radioactivity area, the licensee or registrant shall, consistent with maintaining the total effective dose equivalent ALARA, increase monitoring and limit intakes by one or more of the following means:

- (1) control of access;
- (2) limitation of exposure times;
- (3) use of respiratory protection equipment; or
- (4) other controls.

B. If the licensee or registrant performs an ALARA analysis to determine whether or not respirators should be used, the licensee or registrant may consider safety factors other than radiological factors. The licensee or registrant should also consider the impact of respirator use on workers' industrial health and safety.

[20.3.4.422 NMAC - Rp, 20.3.4.422 NMAC, 04/30/2009]

20.3.4.423 USE OF INDIVIDUAL RESPIRATORY PROTECTION EQUIPMENT: The requirements of this section apply to licensees and registrants who assign or permit the use of respiratory protection equipment to limit the intake of radioactive material.

A. The licensee or registrant shall use only respiratory protection equipment that is tested and certified by the national institute for occupational safety and health (NIOSH) except as otherwise noted in this part.

B. If the licensee or registrant wishes to use equipment that has not been tested or certified by national institute for occupational safety and health (NIOSH), or for which there is no schedule for testing or certification, the licensee or registrant shall submit an application to the department for authorized use of this equipment except as provided in this part. The application shall include evidence that the material and performance characteristics of the equipment are capable of providing the proposed degree of protection under anticipated conditions of use. This shall be demonstrated either by testing made by the licensee or registrant, or on the basis of reliable test information.

C. The licensee or registrant shall implement and maintain a respiratory protection program that includes:

- (1) air sampling sufficient to identify the potential hazard, permit proper equipment selection and estimate doses;
- (2) surveys and bioassays, as necessary, to evaluate actual intakes;
- (3) testing of respirators for operability (user seal check for face sealing devices and functional check for others) immediately prior to each use;
- (4) written procedures regarding:
 - (a) monitoring, including air sampling and bioassays;
 - (b) supervision and training of respirator users;
 - (c) fit testing;
 - (d) respirator selection;
 - (e) breathing air quality;
 - (f) inventory and control;
 - (g) storage, issuance, maintenance, repair, testing and quality assurance of respiratory

protection equipment;

(h) recordkeeping; and
(i) relief from respirator use and limitations on periods of respirator use;
(5) determination by a physician that the individual user is medically fit to use respiratory protection equipment; before:

(a) the initial fitting of a face sealing respirator;
(b) before the first field use of non-face sealing respirators; and
(c) either every 12 months thereafter, or periodically at a frequency determined by a physician;
(6) fit testing, with fit factor greater than or equal to 10 times the APF for negative pressure devices, and a fit factor that is greater than or equal to 500 for any positive pressure, continuous flow, and pressure-demand devices, before the first field use of tight fitting, face-sealing respirators and periodically thereafter at a frequency not to exceed 1 year; fit testing shall be performed with the facepiece operating in the negative pressure mode.

D. The licensee or registrant shall advise each respirator user that the user may leave the area at any time for relief from respirator use in the event of equipment malfunction, physical or psychological distress, procedural or communication failure, significant deterioration of operating conditions or any other conditions that might require such relief.

E. The licensee or registrant shall also consider limitations appropriate to the type and mode of use. When selecting respiratory devices the licensee or registrant shall provide for vision correction, adequate communication, low temperature work environments and the concurrent use of other safety or radiological protection equipment. The licensee or registrant shall use equipment in such a way as not to interfere with the proper operation of the respirator.

F. Standby rescue persons are required whenever one-piece atmosphere-supplying suits, or any combination of supplied air respiratory protection device and personnel protective equipment are used from which an unaided individual would have difficulty extricating himself or herself. The standby persons shall be equipped with respiratory protection devices or other apparatus appropriate for the potential hazards. The standby rescue persons shall observe or otherwise maintain continuous communication with the workers (visual, voice, signal line, telephone, radio or other suitable means), and be immediately available to assist them in case of a failure of the air supply or for any other reason that requires relief from distress. A sufficient number of standby rescue persons shall be immediately available to assist all users of this type of equipment and to provide effective emergency rescue if needed.

G. Atmosphere-supplying respirators shall be supplied with respirable air of grade D quality or better as defined by the compressed gas association in publication G-7.1, *commodity specification for air*, 1997, and included in the regulations of the occupational safety and health administration at 29 CFR 1910.134(i)(1)(ii)(A) through (E). Grade D quality air criteria include:

- (1) oxygen content (v/v) of 19.5-23.5 percent;
- (2) hydrocarbon (condensed) content of 5 milligrams per cubic meter of air or less;
- (3) carbon monoxide content of 10 parts per million (ppm) or less;
- (4) carbon dioxide content of 1,000 parts per million (ppm) or less; and
- (5) lack of noticeable odor.

H. The licensee or registrant shall ensure that no objects, materials or substances, such as facial hair, or any conditions that interfere with the face-facepiece seal or valve function, and that are under the control of the respirator wearer, are present between the skin of the wearer's face and the sealing surface of a tight-fitting respirator facepiece.

I. In estimating the dose to individuals from intake of airborne radioactive materials, the concentration of radioactive material in the air that is inhaled when respirators are worn is initially assumed to be the ambient concentration in air without respiratory protection, divided by the assigned protection factor. If the dose is later found to be greater than the estimated dose, the corrected value shall be used. If the dose is later found to be less than the estimated dose, the corrected value may be used.

J. Application for Use of Higher Assigned Protection Factors. The licensee or registrant shall obtain authorization from the department before using assigned protection factors in excess of those specified in 20.3.4.460 NMAC. The department may authorize a licensee or registrant to use higher assigned protection factors on receipt of an application that:

- (1) describes the situation for which a need exists for higher protection factors; and
- (2) demonstrates that the respiratory protection equipment provides these higher protection factors under the proposed conditions of use.

[20.3.4.423 NMAC - Rp, 20.3.4.423 NMAC, 04/30/2009]

20.3.4.424 FURTHER RESTRICTIONS ON THE USE OF RESPIRATORY PROTECTION

EQUIPMENT: The department may impose restrictions in addition to those in sections 20.3.4.422 NMAC, 20.3.4.423 NMAC and 20.3.4.460 NMAC, in order to:

- A. ensure that the respiratory protection program of the licensee or registrant is adequate to limit doses to individuals from intakes of airborne radioactive materials consistent with maintaining total effective dose equivalent ALARA; and
- B. limit the extent to which a licensee or registrant may use respiratory protection equipment instead of process or other engineering controls.

[20.3.4.424 NMAC - Rp, 20.3.4.424 NMAC, 04/30/2009]

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.
- B. The licensee shall control and maintain constant surveillance, and use devices or administrative procedures to prevent unauthorized access to licensed radioactive material that is in a controlled or unrestricted area and that is not in storage.
- C. The registrant shall secure registered radiation machines from unauthorized removal.
- D. The registrant shall use devices or administrative procedures to prevent unauthorized use of registered radiation machines.

[20.3.4.425 NMAC - Rp, 20.3.4.425 NMAC, 04/30/2009]

20.3.4.426 RADIOLOGICAL CRITERIA FOR LICENSE TERMINATION:

A. General Provisions and Scope.

(1) The criteria in this part apply to the decommissioning of any facility licensed under this chapter as well as other facilities subject to the department's jurisdiction under the Act. For low-level waste disposal facilities licensed under 20.3.13 NMAC, the criteria apply only to ancillary surface facilities that support radioactive waste disposal activities.

(2) The criteria in this section do not apply to sites which:

- (a) have been decommissioned prior to the effective date of the rule; or,
- (b) have previously submitted and received department approval on a license termination plan or decommissioning plan that is compatible with applicable department criteria.

(3) After a site has been decommissioned and the license terminated in accordance with the criteria in this section, the department will require additional cleanup only if, based on new information, it determines that the criteria of this section were not met and residual radioactivity remaining at the site could result in significant threat to public health and safety.

(4) When calculating TEDE to the average member of the critical group the licensee shall determine the peak annual TEDE dose expected within the first 1000 years after decommissioning.

B. Radiological Criteria for Unrestricted Use. A site will be considered acceptable for unrestricted use if the residual radioactivity that is distinguishable from background radiation results in a TEDE to an average member of the critical group that does not exceed 25 millirems (0.25 millisievert) per year, including that from groundwater sources of drinking water, and the residual radioactivity has been reduced to levels that are ALARA. Determination of the levels which are ALARA must take into account consideration of any detriments, such as deaths from transportation accidents, expected to potentially result from decontamination and waste disposal.

C. Criteria for License Termination under Restricted Conditions. A site will be considered acceptable for license termination under restricted conditions if:

(1) the licensee can demonstrate that further reductions in residual radioactivity necessary to comply with the provisions of Subsection B of this section would result in net public or environmental harm or were not being made because the residual levels associated with restricted conditions are ALARA; determination of the levels which are ALARA must take into account consideration of any detriments, such as traffic accidents, expected to potentially result from decontamination and waste disposal;

(2) the licensee has made provisions for legally enforceable institutional controls that provide reasonable assurance that the TEDE from residual radioactivity distinguishable from background to the average member of the critical group will not exceed 25 millirems (0.25 millisievert) per year;

(3) the licensee has provided sufficient financial assurance to enable an independent third party, including a governmental custodian of a site, to assume and carry out responsibilities for any necessary control and maintenance of the site; acceptable financial assurance mechanisms are:

(a) funds placed into an account segregated from the licensee's assets and outside the licensee's administrative control as described in Paragraph (1) of Subsection F of 20.3.3.311 NMAC;

(b) surety method, insurance, or other guarantee method as described in Paragraph (2) of Subsection F of 20.3.3.311 NMAC;

(c) a statement of intent in the case of federal, state, or local government licensees, as described in Paragraph (4) of Subsection F of 20.3.3.311 NMAC; or

(d) when a governmental entity is assuming custody and ownership of a site, an arrangement that is deemed acceptable by such governmental entity;

(4) the licensee has submitted a decommissioning plan or license termination plan to the department indicating the licensee's intent to decommission in accordance with Subsection E of 20.3.3.318 NMAC, and specifying that the licensee intends to decommission by restricting use of the site; the licensee shall document in the license termination plan or decommissioning plan how the advice of individuals and institutions in the community who may be affected by the decommissioning has been sought and incorporated, as appropriate, following analysis of that advice:

(a) licensees proposing to decommission by restricting use of the site shall seek advice from such affected parties regarding the following matters concerning the proposed decommissioning:

(i) whether provisions for institutional controls proposed by the licensee: 1) will provide reasonable assurance that the TEDE from residual radioactivity distinguishable from background to the average member of the critical group will not exceed 25 millirems (0.25 millisievert) TEDE per year; 2) will be enforceable; and 3) will not impose undue burdens on the local community or other affected parties;

(ii) whether the licensee has provided sufficient financial assurance to enable an independent third party, including a governmental custodian of a site, to assume and carry out responsibilities for any necessary control and maintenance of the site;

(b) in seeking advice on the issues identified in Subparagraph (a) of this paragraph, the licensee shall provide for:

(i) participation by representatives of a broad cross section of community interests who may be affected by the decommissioning;

(ii) an opportunity for a comprehensive, collective discussion on the issues by the participants represented; and

(iii) a publicly available summary of the results of all such discussions, including a description of the individual viewpoints of the participants on the issues and the extent of agreement and disagreement among the participants on the issues; and

(5) residual radioactivity at the site has been reduced so that if the institutional controls were no longer in effect, there is reasonable assurance that the TEDE from residual radioactivity distinguishable from background to the average member of the critical group is ALARA and would not exceed either:

(a) 100 millirems (1 millisievert) per year; or

(b) 500 millirems (5 millisieverts) per year provided the licensee:

(i) demonstrates that further reductions in residual radioactivity necessary to comply with the 100 millirems per year (1 millisievert per year) value of Subparagraph (a) of this paragraph are not technically achievable, would be prohibitively expensive, or would result in net public or environmental harm;

(ii) makes provisions for durable institutional controls; and

(iii) provides sufficient financial assurance to enable a responsible government entity or independent third party, including a governmental custodian of a site, both to carry out periodic rechecks of the site no less frequently than every 5 years to assure that the institutional controls remain in place as necessary to meet the criteria of Paragraph (2) of this subsection and to assume and carry out responsibilities for any necessary control and maintenance of those controls; acceptable financial assurance mechanisms are those in Paragraph (3) of this subsection.

D. Alternate Criteria for License Termination.

(1) The department may terminate a license using alternate criteria greater than the dose criterion of Subsection B of this section, Paragraph (2) of Subsection C of this section, and Item (i) of Subparagraph (a) of Paragraph (4) of Subsection C of this section, if the licensee:

(a) provides assurance that public health and safety would continue to be protected, and that it is unlikely that the dose from all man-made sources combined, other than medical, would be more than the 100

millirems per year (1 millisievert per year) limit of 20.3.4.413 NMAC, by submitting an analysis of possible sources of exposure;

(b) has employed to the extent practical restrictions on site use according to the provisions of Subsection C of this section in minimizing exposures at the site;

(c) reduces doses to ALARA levels, taking into consideration any detriments such as traffic accidents expected to potentially result from decontamination and waste disposal; and

(d) has submitted a decommissioning plan or license termination plan to the department indicating the licensee's intent to decommission in accordance with Subsection E of 20.3.3.318 NMAC, and specifying that the licensee proposes to decommission by use of alternate criteria; the licensee shall document in the decommissioning plan or license termination plan how the advice of individuals and institutions in the community who may be affected by the decommissioning has been sought and addressed, as appropriate, following analysis of that advice; in seeking such advice, the licensee shall provide for:

(i) participation by representatives of a broad cross section of community interests who may be affected by the decommissioning;

(ii) an opportunity for a comprehensive, collective discussion on the issues by the participants represented; and

(iii) a publicly available summary of the results of all such discussions, including a description of the individual viewpoints of the participants on the issues and the extent of agreement and disagreement among the participants on the issues.

(2) The use of alternate criteria to terminate a license requires the approval of the department after consideration of the department staff's recommendations that will address any comments provided by state and federal agencies and any public comments submitted pursuant to Subsection E of this section.

E. Public Notification and Public Participation. Upon the receipt of a license termination plan or decommissioning plan from the licensee, or a proposal by the licensee for release of a site pursuant to Subsection C or D of this section, or whenever the department deems such notice to be in the public interest, the department shall:

(1) notify and solicit comments from:

(a) local governments in the vicinity of the site and any Indian nation or other indigenous people that have treaty or statutory rights that could be affected by the decommissioning; and

(b) the EPA for cases where the licensee proposes to release a site pursuant to Subsection D of this section; and

(2) publish a notice in the state register and in a forum, such as local newspapers, letters to state or local organizations, or other appropriate forum, that is readily accessible to individuals in the vicinity of the site, and solicit comments from the public and affected parties; further, that the public notice may be published in any language when appropriate.

F. Minimization of Contamination. Applicants for licenses, other than renewals, shall describe in the application how facility design and procedures for operation will minimize, to the extent practicable, contamination of the facility and the environment, facilitate eventual decommissioning, and minimize, to the extent practicable, the generation of radioactive waste.

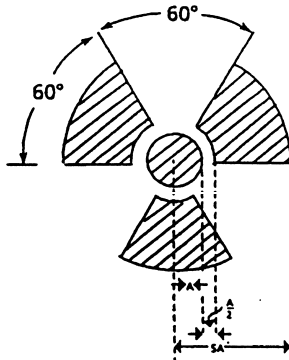
[20.3.4.426 NMAC - Rp, 20.3.4.426 NMAC, 04/30/2009]

20.3.4.427 CAUTION SIGNS:

A. Standard Radiation Symbol. Unless otherwise authorized by the department, the symbol prescribed by this section shall use the colors magenta, purple or black on yellow background. The symbol prescribed is the three-bladed design as follows:

(1) cross-hatched area is to be magenta, purple or black; and

(2) the background is to be yellow.



B. Exception to Color Requirements for Standard Radiation Symbol. Notwithstanding the requirements of Subsection A of this section, licensees or registrants are authorized to label sources, source holders or device components containing sources of radiation that are subjected to high temperatures, with conspicuously etched or stamped radiation caution symbols and without a color requirement.

C. Additional Information on Signs and Labels. In addition to the contents of signs and labels prescribed in this part, the licensee or registrant shall provide, on or near the required signs and labels, additional information, as appropriate, to make individuals aware of potential radiation exposures and to minimize the exposures.

[20.3.4.427 NMAC - Rp, 20.3.4.427 NMAC, 04/30/2009]

20.3.4.428 POSTING REQUIREMENTS:

A. Posting of Radiation Areas. The licensee or registrant shall post each radiation area with a conspicuous sign or signs bearing the radiation symbol and the words "Caution, Radiation Area."

B. Posting of High Radiation Areas. The licensee or registrant shall post each high radiation area with a conspicuous sign or signs bearing the radiation symbol and the words "Caution, High Radiation Area" or "Danger, High Radiation Area."

C. Posting of Very High Radiation Areas. The licensee or registrant shall post each very high radiation area with a conspicuous sign or signs bearing the radiation symbol and words "Grave Danger, Very High Radiation Area."

D. Posting of Airborne Radioactivity Areas. The licensee or registrant shall post each airborne radioactivity area with a conspicuous sign or signs bearing the radiation symbol and the words "Caution, Airborne Radioactivity Area" or "Danger, Airborne Radioactivity Area."

E. Posting of Areas or Rooms in Which Licensed or Registered Material is Used or Stored. The licensee or registrant shall post each area or room in which there is used or stored an amount of licensed or registered material exceeding 10 times the quantity of such material specified in 20.3.4.462 NMAC with a conspicuous sign or signs bearing the radiation symbol and the words "Caution, Radioactive Material" or "Danger, Radioactive Material."

[20.3.4.428 NMAC - Rp, 20.3.4.428 NMAC, 04/30/2009]

20.3.4.429 EXCEPTIONS TO POSTING REQUIREMENTS:

A. A licensee or registrant is not required to post caution signs in areas or rooms containing sources of radiation for periods of less than 8 hours, if each of the following conditions is met:

- (1) the sources of radiation are constantly attended during these periods by an individual who takes the precautions necessary to prevent the exposure of individuals to sources of radiation in excess of the limits established in this part; and
- (2) the area or room is subject to the licensee's or registrant's control.

B. Rooms or other areas in hospitals that are occupied by patients are not required to be posted with caution signs pursuant to 20.3.4.428 NMAC provided that the patient could be released from licensee control pursuant to Subsection I of 20.3.7.703 NMAC.

C. A room or area is not required to be posted with a caution sign because of the presence of a sealed source provided the radiation level at 30 centimeters from the surface of the sealed source container or housing does not exceed 0.005 rem (0.05 millisievert) per hour.

D. A room or area is not required to be posted with a caution sign because of the presence of radiation machines provided the radiation level at 30 centimeters from the radiation machine housing does not exceed 0.005 rem (0.05 millisievert) per hour.

E. Rooms in hospitals or clinics that are used for teletherapy are exempt from the requirement to post caution signs under 20.3.4.428 NMAC if:

(1) access to the room is controlled pursuant to Subsection E of 20.3.7.711 NMAC; and

(2) personnel in attendance take necessary precautions to prevent the inadvertent exposure of workers, other patients and members of the public to radiation in excess of the limits established in this part. [20.3.4.429 NMAC - Rp, 20.3.4.429 NMAC, 04/30/2009]

20.3.4.430 LABELING CONTAINERS AND RADIATION MACHINES:

A. The licensee or registrant shall ensure that each container of licensed or registered material bears a durable, clearly visible label bearing the radiation symbol and the words "Caution, Radioactive Material" or "Danger, Radioactive Material." The label shall also provide information, such as the radionuclides present, an estimate of the quantity of radioactivity, the date for which the activity is estimated, radiation levels, kinds of materials and mass enrichment, to permit individuals handling or using the containers, or working in the vicinity of the containers, to take precautions to avoid or minimize exposures.

B. Each licensee or registrant shall, prior to removal or disposal of empty uncontaminated containers to unrestricted areas, remove or deface the radioactive material label or otherwise clearly indicate that the container no longer contains radioactive materials.

C. Each registrant shall ensure that each radiation machine is labeled in a conspicuous manner which cautions individuals that radiation is produced when it is energized. [20.3.4.430 NMAC - Rp, 20.3.4.430 NMAC, 04/30/2009]

20.3.4.431 EXEMPTIONS TO LABELING REQUIREMENTS: A licensee is not required to label:

A. containers holding licensed material in quantities less than the quantities listed in 20.3.4.462 NMAC;

B. containers holding licensed material in concentrations less than those specified in table III of 20.3.4.461 NMAC;

C. containers attended by an individual who takes the precautions necessary to prevent the exposure of individuals in excess of the limits established by this part;

D. containers when they are in transport and packaged and labeled in accordance with the regulations of the DOT (labeling of packages containing radioactive materials is required by the DOT if the amount and type of radioactive material exceeds the limits for an excepted quantity or article as defined and limited by DOT regulations 49 CFR 173.403 (m) and (w) and 173.421-424);

E. containers that are accessible only to individuals authorized to handle or use them, or to work in the vicinity of the containers, if the contents are identified to these individuals by a readily available written record; examples of containers of this type are containers in locations such as water-filled canals, storage vaults or hot cells; the record shall be retained as long as the containers are in use for the purpose indicated on the record; or

F. installed manufacturing or process equipment, such as piping and tanks. [20.3.4.431 NMAC - Rp, 20.3.4.431 NMAC, 04/30/2009]

20.3.4.432 PROCEDURES FOR RECEIVING AND OPENING PACKAGES:

A. Each licensee who expects to receive a package containing quantities of radioactive material in excess of a type A quantity, as defined in Subsection A of 20.3.3.306 NMAC, incorporating 10 CFR 71.4 and Appendix A of 10 CFR 71, shall make arrangements to receive:

(1) the package when the carrier offers it for delivery; or

(2) the notification of the arrival of the package at the carrier's terminal and to take possession of the package expeditiously.

B. Each licensee shall:

(1) monitor the external surfaces of a labeled (with a radioactive white I, yellow II or yellow III label as specified in DOT regulations 49 CFR 172.403 and 172.436-440) package for radioactive contamination unless the package contains only radioactive material in the form of gas or in special form as defined in 10 CFR 71.4;

(2) monitor the external surfaces of a labeled package for radiation levels unless the package contains quantities of radioactive material that are less than or equal to the type A quantity, as defined in Subsection A of 20.3.3.306 NMAC, incorporating 10 CFR 71.4 and Appendix A to 10 CFR 71; and

(3) monitor all packages known to contain radioactive material for radioactive contamination and radiation levels if there is evidence of degradation of package integrity, such as packages that are crushed, wet or damaged.

C. The licensee shall perform the monitoring required by Subsection B of this section as soon as practicable after receipt of the package, but not later than 3 hours after the package is received at the licensee's facility if it is received during the licensee's normal working hours. If a package is received after working hours, the package shall be monitored no later than three hours from the beginning of the next working day.

D. The licensee shall immediately notify the final delivery carrier and, by telephone and written communication which can include e-mail, telegram, mailgram or facsimile, the department when:

(1) removable radioactive surface contamination exceeds the limits of 20.3.3.306 NMAC, incorporating 10 CFR 71.87(i); or

(2) external radiation levels exceed the limits of 20.3.3.306 NMAC, incorporating 10 CFR 71.47.

E. Each licensee shall:

(1) establish, maintain and retain written procedures for safely opening packages in which radioactive material is received; and

(2) ensure that the procedures are followed and that due consideration is given to special instructions for the type of package being opened.

F. Licensees transferring special form sources in vehicles owned or operated by the licensee to and from a work site are exempt from the contamination monitoring requirements of Subsection B of this section, but are not exempt from the survey requirement in Subsection B of this section for measuring radiation levels that ensures that the source is still properly lodged in its shield.

[20.3.4.432 NMAC - Rp, 20.3.4.432 NMAC, 04/30/2009]

20.3.4.433 WASTE DISPOSAL - GENERAL REQUIREMENTS:

A. A licensee shall dispose of licensed material only:

(1) by transfer to an authorized recipient as provided in 20.3.4.438 NMAC or 20.3.3 NMAC, or to the DOE;

(2) by decay in storage;

(3) by release in effluents within the limits in 20.3.4.413 NMAC; or

(4) as authorized pursuant to 20.3.4.434 NMAC, 20.3.4.435 NMAC, 20.3.4.436 NMAC or 20.3.4.437 NMAC and in accordance with 20.3.4.439 NMAC.

B. A person shall be specifically licensed to receive waste containing licensed material from other persons for:

(1) treatment prior to disposal;

(2) treatment or disposal by incineration;

(3) decay in storage;

(4) disposal at a land disposal facility licensed pursuant to 20.3.13 NMAC;

(5) storage until transferred to a storage or disposal facility authorized to receive the waste; or

(6) disposal at a geologic repository under 10 CFR 60 or 10 CFR 63, specifically licensed by NRC.

[20.3.4.433 NMAC - Rp, 20.3.4.433 NMAC, 04/30/2009]

20.3.4.434 METHOD FOR OBTAINING APPROVAL OF PROPOSED DISPOSAL PROCEDURES:

A licensee or applicant for a license may apply to the department for approval of proposed procedures, not otherwise authorized in these regulations, to dispose of licensed material generated in the licensee's activities. Each application shall include:

A. a description of the waste containing licensed material to be disposed of, including the physical and chemical properties important to risk evaluation, and the proposed manner and conditions of waste disposal;

B. an analysis and evaluation of pertinent information on the nature of the environment;

C. the nature and location of other potentially affected licensed and unlicensed facilities; and

D. analyses and procedures to ensure that doses are maintained ALARA and within the dose limits in this part.
[20.3.4.434 NMAC - Rp, 20.3.4.434 NMAC, 04/30/2009]

20.3.4.435 DISPOSAL BY RELEASE INTO SANITARY SEWAGE:

A. A licensee may discharge licensed material into sanitary sewerage if each of the following conditions is satisfied:

- (1) the material is readily soluble, or is readily dispersible biological material, in water;
- (2) the quantity of licensed or other radioactive material that the licensee releases into the sewer in 1 month divided by the average monthly volume of water released into the sewer by the licensee does not exceed the concentration listed in table III of 20.3.4.461 NMAC;
- (3) if more than one radionuclide is released, the following conditions must also be satisfied:
 - (a) the licensee shall determine the fraction of the limit in table III of 20.3.4.461 NMAC represented by discharges into sanitary sewerage by dividing the actual monthly average concentration of each radionuclide released by the licensee or registrant into the sewer by the concentration of that radionuclide listed in table III of 20.3.4.461 NMAC; and
 - (b) the sum of the fractions for each radionuclide required by Subparagraph (a) of Paragraph (3) of this subsection does not exceed unity; and
- (4) the total quantity of licensed or other radioactive material that the licensee releases into the sanitary sewerage in a year does not exceed 5 curies (185 gigabecquerels) of hydrogen-3, 1 curie (37 gigabecquerels) of carbon-14, and 1 curie (37 gigabecquerels) of all other radioactive materials combined.

B. Excreta from individuals undergoing medical diagnosis or therapy with radioactive material are not subject to the limitations contained in Subsection A of this section.
[20.3.4.435 NMAC - Rp, 20.3.4.435 NMAC, 04/30/2009]

20.3.4.436 TREATMENT OR DISPOSAL BY INCINERATION: A licensee may treat or dispose of licensed material by incineration only in the form and concentration specified in 20.3.4.437 NMAC or as specifically approved by the department pursuant to 20.3.4.434 NMAC.
[20.3.4.436 NMAC - Rp, 20.3.4.436 NMAC, 04/30/2009]

20.3.4.437 DISPOSAL OF SPECIFIC WASTES:

A. A licensee may dispose of the following licensed material as if it were not radioactive:

- (1) 0.05 microcurie (1.85 kilobecquerels), or less, of hydrogen-3 or carbon-14 per gram of medium used for liquid scintillation counting; and
- (2) 0.05 microcurie (1.85 kilobecquerels), or less, of hydrogen-3 or carbon-14 per gram of animal tissue, averaged over the weight of the entire animal.

B. A licensee shall not dispose of tissue pursuant to Paragraph (2) of Subsection A of this section in a manner that would permit its use either as food for humans or as animal feed.

C. Disposal of Certain Byproduct Material.

(1) Licensed material as defined in Paragraphs (3), (4) and (5) of the definition of *byproduct 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 defined as low-level radioactive waste. Therefore, any licensed radioactive material being disposed of at a facility, or transferred for ultimate disposal at a facility licensed under 20.3.13 NMAC, must meet the requirements of 20.3.4.438 NMAC.

(2) A licensee may dispose of byproduct material as defined in Paragraphs (3), (4) and (5) of the definition of *byproduct material* set forth in 20.3.1.7 NMAC, at a disposal facility authorize to dispose of such material in accordance with any federal or state solid or hazardous waste law, including the Solid Waste Disposal Act, as authorized under the Energy Policy Act.

D. The licensee shall maintain records of disposal in accordance with 20.3.4.448 NMAC.
[20.3.4.437 NMAC - Rp, 20.3.4.437 NMAC, 04/30/2009]

20.3.4.438 TRANSFER FOR DISPOSAL AND MANIFESTS:

A. The requirements of this section and 20.3.4.466 NMAC are designed to:

- (1) control transfers of low-level radioactive waste by any waste generator, waste collector or waste processor licensee, as defined in 20.3.4.466 NMAC (appendix G), who ships low-level waste either directly or

indirectly through a waste collector, waste broker or waste processor, to a licensed low-level waste land disposal facility (as defined in 20.3.13 NMAC);

- (2) establish a manifest tracking system; and
- (3) supplement existing requirements concerning transfers and record keeping for those wastes.

B. Each shipment of radioactive waste intended for disposal at a licensed land disposal facility must be accompanied by a shipment manifest, which contains all the information on the NRC's *uniform low-level radioactive waste manifest* (see 20.3.4.466 NMAC).

C. Any licensee shipping radioactive waste intended for ultimate disposal at a licensed land disposal facility must document the information required on NRC's *uniform low-level radioactive waste manifest* and transfer this recorded manifest information to the intended consignee in accordance with 20.3.4.466 NMAC.

D. Each shipment manifest must include a certification by the waste generator as specified in Subsection B of 20.3.4.466 NMAC.

E. Each person involved in the transfer for disposal and disposal of waste, including the waste generator, waste collector, waste processor and disposal facility operator, shall comply with the requirements specified in Subsection C of 20.3.4.466 NMAC.

F. Any licensee shipping byproduct material as defined in Paragraphs (3), (4) and (5) of the definition of *byproduct material* set forth in 20.3.4.7 NMAC intended for ultimate disposal at a land disposal facility licensed under 20.3.13 NMAC must document the information required on the NRC's *uniform low-level radioactive waste manifest* and transfer this recorded manifest information to the intended consignee in accordance with 20.3.4.466 NMAC.

[20.3.4.438 NMAC - Rp, 20.3.4.438 NMAC, 04/30/2009]

20.3.4.439 COMPLIANCE WITH ENVIRONMENTAL AND HEALTH PROTECTION

REGULATIONS: Nothing in sections 20.3.4.433 NMAC, 20.3.4.434 NMAC, 20.3.4.435 NMAC, 20.3.4.436 NMAC, 20.3.4.437 NMAC or 20.3.4.438 NMAC relieves the licensee from complying with other applicable federal, state and local regulations governing any other toxic or hazardous properties of materials that may be disposed of under these sections.

[20.3.4.439 NMAC - Rp, 20.3.4.439 NMAC, 04/30/2009]

20.3.4.440 RECORDS - GENERAL PROVISIONS:

A. Each licensee or registrant shall use the units: curie, rad, rem, including multiples and subdivisions, and shall clearly indicate the units of all quantities on records required by this part.

B. In the records required by this part, the licensee or registrant may record quantities in SI units in parentheses following each of the units specified in Subsection A of this section. However, all quantities must be recorded as stated in Subsection A of this section.

C. Notwithstanding the requirements of Subsection A of this section, when recording information on shipment manifests, as required in Subsection B of 20.3.4.438 NMAC, information must be recorded in SI or in SI and the units as specified in Subsection A of this section.

D. The licensee or registrant shall make a clear distinction among the quantities entered on the records required by this part (e.g., total effective dose equivalent, shallow-dose equivalent, lens dose equivalent, deep-dose equivalent, committed effective dose equivalent).

[20.3.4.440 NMAC - Rp, 20.3.4.440 NMAC, 04/30/2009]

20.3.4.441 RECORDS OF RADIATION PROTECTION PROGRAMS:

A. Each licensee or registrant shall maintain records of the radiation protection program, including:

- (1) the provisions of the program; and
- (2) audits and other reviews of program content and implementation.

B. The licensee or registrant shall retain the records required by Paragraph (1) of Subsection A of this section until the department terminates each pertinent license or registration requiring the record. The licensee or registrant shall retain the records required by Paragraph (2) of Subsection A of this section for 3 years after the record is made.

[20.3.4.441 NMAC - Rp, 20.3.4.441 NMAC, 04/30/2009]

20.3.4.442 RECORDS OF SURVEYS:

A. Each licensee or registrant shall maintain records showing the results of surveys and calibrations required by 20.3.4.416 NMAC and Subsection B of 20.3.4.432 NMAC. The licensee or registrant shall retain these records for 3 years after the record is made.

B. The licensee or registrant shall retain each of the following records until the department terminates each pertinent license or registration requiring the record:

(1) records of the results of surveys to determine the dose from external sources of radiation and used, in the absence of or in combination with individual monitoring data, in the assessment of individual dose equivalents;

(2) records of the results of measurements and calculations used to determine individual intakes of radioactive material and used in the assessment of internal dose;

(3) records showing the results of air sampling, surveys and bioassays required pursuant to Subparagraphs (a) and (b) of Paragraph (3) of Subsection A of 20.3.4.423 NMAC; and

(4) records of the results of measurements and calculations used to evaluate the release of radioactive effluents to the environment.

[20.3.4.442 NMAC - Rp, 20.3.4.442 NMAC, 04/30/2009]

20.3.4.443 RECORDS OF TESTS FOR LEAKAGE OR CONTAMINATION OF SEALED

SOURCES: Records of tests for leakage or contamination of sealed sources required by 20.3.4.415 NMAC shall be kept in units of microcurie or becquerel, and maintained for inspection by the department for 5 years after the records are made.

[20.3.4.443 NMAC - Rp, 20.3.4.443 NMAC, 04/30/2009]

20.3.4.444 RECORDS OF PRIOR OCCUPATIONAL DOSE:

A. The licensee or registrant shall retain the records of prior occupational dose and exposure history as specified in 20.3.4.409 NMAC on department form *cumulative occupational dose history* or equivalent until the department terminates each pertinent license or registration requiring this record. The licensee or registrant shall retain records used in preparing department form *cumulative occupational dose history* or equivalent for 3 years after the record is made.

B. Upon termination of the license or registration, the licensee or registrant shall permanently store records on department form *cumulative occupational dose history* or equivalent, or shall make provision with the department for transfer to the department.

[20.3.4.444 NMAC - Rp, 20.3.4.444 NMAC, 04/30/2009]

20.3.4.445 RECORDS OF PLANNED SPECIAL EXPOSURES:

A. For each use of the provisions of 20.3.4.410 NMAC for planned special exposures, the licensee or registrant shall maintain records that describe:

(1) the exceptional circumstances requiring the use of a planned special exposure;

(2) the name of the management official who authorized the planned special exposure and a copy of the signed authorization;

(3) what actions were necessary;

(4) why the actions were necessary;

(5) what precautions were taken to assure that doses were maintained ALARA;

(6) what individual and collective doses were expected to result; and

(7) the doses actually received in the planned special exposure.

B. The licensee or registrant shall retain the records until the department terminates each pertinent license or registration requiring these records.

C. Upon termination of the license or registration, the licensee or registrant shall permanently store records on department form *cumulative occupational dose history* or equivalent, or shall make provision with the department for transfer to the department.

[20.3.4.445 NMAC - Rp, 20.3.4.445 NMAC, 04/30/2009]

20.3.4.446 RECORDS OF INDIVIDUAL MONITORING RESULTS:

A. Record Keeping Requirement. Each licensee or registrant shall maintain records of doses received by all individuals for whom monitoring was required pursuant to 20.3.4.417 NMAC, and records of doses received during planned special exposures, accidents and emergency conditions. Assessments of dose equivalent and

records made using units in effect before May 3, 1995 (see 20.3.4 NMAC codified as of May 3, 1995) need not be changed. These records shall include, when applicable:

- (1) the deep dose equivalent to the whole body, lens dose equivalent, shallow dose equivalent to the skin and shallow dose equivalent to the extremities;
- (2) the estimated intake of radionuclides (see 20.3.4.406 NMAC);
- (3) the committed effective dose equivalent assigned to the intake of radionuclides;
- (4) the specific information used to assess the committed effective dose equivalent pursuant to Subsections A and C of 20.3.4.408 NMAC, and when required by 20.3.4.417 NMAC;
- (5) the total effective dose equivalent when required by 20.3.4.406 NMAC; and
- (6) the total of the deep dose equivalent and the committed dose to the organ receiving the highest total dose.

B. Record Keeping Frequency. The licensee or registrant shall make entries of the records specified in Subsection A of this section at intervals not to exceed 1 year.

C. Record Keeping Format. The licensee or registrant shall maintain the records specified in Subsection A of this section on department form *occupational dose record for a monitoring period*, in accordance with the instructions to the form, or in clear and legible records containing all the information required by the form.

D. The licensee or registrant shall maintain the records of dose to an embryo/fetus with the records of dose to the declared pregnant woman. The declaration of pregnancy, including the estimated date of conception, shall also be kept on file, but may be maintained separately from the dose records.

E. The licensee or registrant shall retain each required form or record until the department terminates each pertinent license or registration requiring the record.

F. Upon termination of the license or registration, the licensee or registrant shall permanently store records on department form *cumulative occupational dose history* or equivalent, or shall make provision with the department for transfer to the department.

G. Privacy Protection. The records required under this section should be protected from public disclosure because of their personal and private nature.

[20.3.4.446 NMAC - Rp, 20.3.4.446 NMAC, 04/30/2009]

20.3.4.447 RECORDS OF DOSE TO INDIVIDUAL MEMBERS OF THE PUBLIC:

A. Each licensee or registrant shall maintain records sufficient to demonstrate compliance with the dose limit for individual members of the public (see 20.3.4.413 NMAC).

B. The licensee or registrant shall retain the records required by Subsection A of this section until the department terminates each pertinent license or registration requiring the record.

[20.3.4.447 NMAC - Rp, 20.3.4.447 NMAC, 04/30/2009]

20.3.4.448 RECORDS OF WASTE DISPOSAL:

A. Each licensee shall maintain records of the disposal of licensed materials made pursuant to 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.

B. Each registrant shall maintain records of the disposal of radiation machines.

C. The licensee or registrant shall retain the records required by Subsections A and B of this section until the department terminates each pertinent license or registration requiring the record.

[20.3.4.448 NMAC - Rp, 20.3.4.448 NMAC, 04/30/2009]

20.3.4.449 [RESERVED]

20.3.4.450 FORM OF RECORDS: Each record required by this part shall be legible throughout the specified retention period. The record shall 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 or 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, shall include all pertinent information, such as stamps, initials and signatures. The licensee or registrant shall maintain adequate safeguards against tampering with and loss of records.

[20.3.4.450 NMAC - Rp, 20.3.4.450 NMAC, 04/30/2009]

20.3.4.451 REPORTS OF STOLEN, LOST OR MISSING LICENSED OR REGISTERED SOURCES OF RADIATION:

A. Telephone Reports. Each licensee shall report to the department by telephone as follows:

(1) immediately after its occurrence becomes known to the licensee, stolen, lost or missing licensed radioactive material in an aggregate quantity equal to or greater than 1,000 times the quantity specified in 20.3.4.462 NMAC under such circumstances that it appears to the licensee that an exposure could result to individuals in unrestricted areas; or

(2) within 30 days after its occurrence becomes known to the licensee, lost, stolen or missing licensed radioactive material in an aggregate quantity greater than 10 times the quantity 20.3.4.462 NMAC that is still missing;

(3) each registrant shall report immediately after its occurrence becomes known to the registrant, a stolen, lost or missing radiation machine.

B. Written Reports. Each licensee or registrant required to make a report pursuant to Subsection A of this section shall, within 30 days after making the telephone report, make a written report to the department setting forth the following information:

(1) a description of the licensed or registered source of radiation involved, including, for radioactive material, the kind, quantity, and chemical and physical form; and, for radiation machines, the manufacturer, model and serial number, type and maximum energy of radiation emitted;

(2) a description of the circumstances under which the loss or theft occurred;

(3) a statement of disposition, or probable disposition, of the licensed or registered source of radiation involved;

(4) exposures of individuals to radiation, circumstances under which the exposures occurred, and the possible total effective dose equivalent to persons in unrestricted areas;

(5) actions that have been taken, or will be taken, to recover the source of radiation; and

(6) procedures or measures that have been, or will be, adopted to ensure against a recurrence of the loss or theft of licensed or registered sources of radiation.

C. Subsequent to filing the written report, the licensee or registrant shall also report additional substantive information on the loss or theft within 30 days after the licensee or registrant learns of such information.

D. The licensee or registrant shall prepare any report filed with the department pursuant to this section so that names of individuals who may have received exposure to radiation are stated in a separate and detachable portion of the report.

[20.3.4.451 NMAC - Rp, 20.3.4.451 NMAC, 04/30/2009]

20.3.4.452 NOTIFICATION OF INCIDENTS:

A. Immediate Notification. Notwithstanding other requirements for notification, each licensee or registrant shall immediately report each event involving a source of radiation possessed by the licensee or registrant that may have caused or threatens to cause any of the following conditions:

(1) an individual to receive:

(a) a total effective dose equivalent of 25 rems (0.25 sievert) or more; or

(b) a lens dose equivalent of 75 rems (0.75 sievert) or more; or

(c) a shallow dose equivalent to the skin or extremities or a total organ dose equivalent of 250 rads (2.5 grays) or more; or

(2) the release of radioactive material, inside or outside of a restricted area, so that, had an individual been present for 24 hours, the individual could have received an intake five times the occupational ALI; this provision does not apply to locations where personnel are not normally stationed during routine operations, such as hot-cells or process enclosures.

B. Twenty-Four Hour Notification. Each licensee or registrant shall, within 24 hours of discovery of the event, report to the department each event involving loss of control of a licensed or registered source of radiation possessed by the licensee or registrant that may have caused, or threatens to cause, any of the following conditions:

(1) an individual to receive, in a period of 24 hours:

(a) a total effective dose equivalent exceeding 5 rems (0.05 sievert); or

(b) a lens dose equivalent exceeding 15 rems (0.15 sievert); or

(c) a shallow dose equivalent to the skin or extremities or a total organ dose equivalent exceeding 50 rems (0.5 sievert); or

(2) the release of radioactive material, inside or outside of a restricted area, so that, had an individual been present for 24 hours, the individual could have received an intake in excess of one occupational ALI; this

provision does not apply to locations where personnel are not normally stationed during routine operations, such as hot-cells or process enclosures.

C. The licensee or registrant shall prepare each report filed with the department pursuant to this section so that names of individuals who have received exposure to sources of radiation are stated in a separate and detachable portion of the report.

D. Licensees and registrants shall make the reports required by Subsections A and B of this section to the department by telephone, and shall confirm the initial contact by e-mail, telegram, mailgram or facsimile to the department.

E. The provisions of this section do not apply to doses that result from planned special exposures, provided such doses are within the limits for planned special exposures and are reported pursuant to 20.3.4.454 NMAC.

[20.3.4.452 NMAC - Rp, 20.3.4.452 NMAC, 04/30/2009]

20.3.4.453 REPORTS OF EXPOSURES, RADIATION LEVELS AND CONCENTRATIONS OF RADIOACTIVE MATERIAL EXCEEDING THE CONSTRAINTS OR LIMITS:

A. Reportable Events. In addition to the notification required by 20.3.4.452 NMAC, each licensee or registrant shall submit a written report within 30 days after learning of any of the following occurrences:

- (1) incidents for which notification is required by 20.3.4.452 NMAC; or
- (2) doses in excess of any of the following:
 - (a) the occupational dose limits for adults in 20.3.4.452 NMAC;
 - (b) the occupational dose limits for a minor in 20.3.4.411 NMAC;
 - (c) the limits for an embryo/fetus of a declared pregnant woman in 20.3.4.412 NMAC;
 - (d) the limits for an individual member of the public in 20.3.4.413 NMAC;
 - (e) the limit in the license or registration; or
 - (f) the ALARA constraints for air emissions established under Subsection D of 20.3.4.404

NMAC; or

- (3) levels of radiation or concentrations of radioactive material in:
 - (a) a restricted area in excess of applicable limits in the license or registration; or
 - (b) an unrestricted area in excess of 10 times the applicable limit set forth in this part (20.3.4 NMAC) or in the license or registration, whether or not involving exposure of any individual in excess of the limits in 20.3.4.413 NMAC; or
- (4) for licensees subject to the provisions of EPA generally applicable environmental radiation standards in 40 CFR 190, levels of radiation or releases of radioactive material in excess of those standards, or of license conditions related to those standards.

B. Content of Report.

(1) Each report required by Subsection A of this section shall describe the extent of exposure of individuals to radiation and radioactive material, including, as appropriate:

- (a) estimates of each individual's dose;
- (b) the levels of radiation and concentrations of radioactive material involved;
- (c) the cause of the elevated exposures, dose rates or concentrations; and
- (d) corrective steps taken or planned to ensure against a recurrence, including the schedule for achieving conformance with applicable limits, ALARA constraints, generally applicable environmental standards and associated license or registration conditions.

(2) Each report filed pursuant to Subsection A of this section shall include for each occupationally overexposed individual: the name, social security account number and date of birth. With respect to the limit for the embryo/fetus set forth in 20.3.4.412 NMAC, the identifiers should be those of the declared pregnant woman. The report shall be prepared so that this information is stated in a separate and detachable part of the report.

C. All licensees or registrants who make reports pursuant to Subsection A of this section shall submit the report in writing to the department.

[20.3.4.453 NMAC - Rp, 20.3.4.453 NMAC, 04/30/2009]

20.3.4.454 REPORTS OF PLANNED SPECIAL EXPOSURES: The licensee or registrant shall submit a written report to the department within 30 days following any planned special exposure conducted in accordance with 20.3.4.410 NMAC, informing the department that a planned special exposure was conducted and indicating the date the planned special exposure occurred and the information required by 20.3.4.445 NMAC.

[20.3.4.454 NMAC - Rp, 20.3.4.454 NMAC, 04/30/2009]

20.3.4.455 REPORTS OF TRANSACTIONS INVOLVING NATIONALLY TRACKED SOURCES:

Each licensee who manufactures, transfers, receives, disassembles or disposes of a nationally tracked source (as defined in 20.3.4.7 NMAC) shall complete and submit a *national source tracking transaction report* as specified in Subsections A through E of this section for each type of transaction.

A. Each licensee who manufactures a nationally tracked source shall complete and submit a *national source tracking transaction report*. The report must include the following information:

- (1) the name, address and license number of the reporting licensee;
- (2) the name of the individual preparing the report;
- (3) the manufacturer, model and serial number of the source;
- (4) the radioactive material in the source;
- (5) the initial source strength in becquerels (curies) at the time of manufacture; and
- (6) the manufacture date of the source.

B. Each licensee that transfers a nationally tracked source to another person shall complete and submit a *national source tracking transaction report*. The report must include the following information:

- (1) the name, address and license number of the reporting licensee;
- (2) the name of the individual preparing the report;
- (3) the name and license number of the recipient facility and the shipping address;
- (4) the manufacturer, model and serial number of the source or, if not available, other information to uniquely identify the source;
- (5) the radioactive material in the source;
- (6) the initial or current source strength in becquerels (curies);
- (7) the date for which the source strength is reported;
- (8) the shipping date;
- (9) the estimated arrival date; and
- (10) for nationally tracked sources transferred as waste under a *uniform low-level radioactive waste manifest*, the waste manifest number and the container identification of the container with the nationally tracked source.

C. Each licensee that receives a nationally tracked source shall complete and submit a *national source tracking transaction report*. The report must include the following information:

- (1) the name, address and license number of the reporting licensee;
- (2) the name of the individual preparing the report;
- (3) the name, address and license number of the person that provided the source;
- (4) the manufacturer, model and serial number of the source or, if not available, other information to uniquely identify the source;
- (5) the radioactive material in the source;
- (6) the initial or current source strength in becquerels (curies);
- (7) the date for which the source strength is reported;
- (8) the date of receipt; and
- (9) for material received under a *uniform low-level radioactive waste manifest*, the waste manifest number and the container identification with the nationally tracked source.

D. Each licensee that disassembles a nationally tracked source shall complete and submit a *national source tracking transaction report*. The report must include the following information:

- (1) the name, address and license number of the reporting licensee;
- (2) the name of the individual preparing the report;
- (3) the manufacturer, model and serial number of the source or, if not available, other information to uniquely identify the source;
- (4) the radioactive material in the source;
- (5) the initial or current source strength in becquerels (curies);
- (6) the date for which the source strength is reported; and
- (7) the disassemble date of the source.

E. Each licensee who disposes of a nationally tracked source shall complete and submit a *national source tracking transaction report*. The report must include the following information:

- (1) the name, address and license number of the reporting licensee;
- (2) the name of the individual preparing the report;
- (3) the waste manifest number;

- (4) the container identification with the nationally tracked source;
- (5) the date of disposal; and
- (6) the method of disposal.

F. The reports discussed in Subsections A through E of this section must be submitted by the close of the next business day after the transaction. A single report may be submitted for multiple sources and transactions. The reports must be submitted to the *national source tracking system* by using:

- (1) the on-line *national source tracking system*;
- (2) electronically using a computer-readable format;
- (3) by facsimile;
- (4) by mail to the address on the *national source tracking transaction report* form (NRC form 748);

or

- (5) by telephone with follow-up by facsimile or mail.

G. Each licensee shall correct any error in previously filed reports or file a new report for any missed transaction within 5 business days of the discovery of the error or missed transaction. Such errors may be detected by a variety of methods such as administrative reviews or by physical inventories required by regulation. In addition, each licensee shall reconcile the inventory of nationally tracked sources possessed by the licensee against that licensee's data in the *national source tracking system*. The reconciliation must be conducted during the month of January in each year. The reconciliation process must include resolving any discrepancies between the *national source tracking system* and the actual inventory by filing the reports identified by Subsections A through E of this section. By January 31 of each year, each licensee must submit to the *national source tracking system* confirmation that the data in the *national source tracking system* is correct.

H. Each licensee that possesses category 1 nationally tracked sources shall report its initial inventory of category 1 nationally tracked sources to the *national source tracking system* by January 31, 2009. Each licensee that possesses category 2 nationally tracked sources shall report its initial inventory of category 2 nationally tracked sources to the *national source tracking system* by January 31, 2009. The information may be submitted by using any of the methods identified by Paragraph (1) through (4) of Subsection F of this section. The initial inventory report must include the following information:

- (1) the name, address and license number of the reporting licensee;
- (2) the name of the individual preparing the report;
- (3) the manufacturer, model and serial number of each nationally tracked source or, if not available, other information to uniquely identify the source;
- (4) the radioactive material in the sealed source;
- (5) the initial or current source strength in becquerels (curies); and
- (6) the date for which the source strength is reported.

[20.3.4.455 NMAC - N, 04/30/2009]

20.3.4.456 REPORTS OF INDIVIDUAL MONITORING:

A. This section applies to each person licensed or registered by the department to:

- (1) possess or use sources of radiation for purposes of industrial radiography pursuant to 20.3.3 NMAC and 20.3.5 NMAC; or
- (2) receive radioactive waste from other persons for disposal pursuant to 20.3.13 NMAC; or
- (3) possess or use at any time, for processing or manufacturing for distribution pursuant to 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

Table 456.1 note: ¹the department may require as a license condition, or by rule, regulation or order pursuant to 20.3.1.111 NMAC, reports from licensees who are licensed to use radionuclides not on this list, in quantities sufficient to cause comparable radiation levels.

B. Each licensee or registrant in a category listed in Subsection A of this section shall submit an annual report of the results of individual monitoring carried out by the licensee or registrant for each individual for whom monitoring was required by 20.3.4.417 NMAC during that year. The licensee or registrant may include additional data for individuals for whom monitoring was provided but not required. The licensee or registrant shall use department form *occupational dose record for a monitoring period* or equivalent, or electronic media containing all the information required by department form *occupational dose record for a monitoring period*.

C. The licensee or registrant shall file the report required by Subsection B of this section, covering the preceding year, on or before April 30 of each year. The licensee or registrant shall submit the report to the department.

[20.3.4.456 NMAC - Rp, 20.3.4.456 NMAC, 04/30/2009]

20.3.4.457 NOTIFICATIONS AND REPORTS TO INDIVIDUALS OF EXCEEDING DOSE LIMITS:

A. Requirements for notification and reports to individuals of exposure to radiation or radioactive material are specified in 20.3.10.1003 NMAC.

B. When a licensee or registrant is required pursuant to the provisions of 20.3.4.453 NMAC, 20.3.4.454 NMAC or 20.3.4.456 NMAC to report to the department any exposure of an identified occupationally exposed individual, or an identified member of the public, to radiation or radioactive material, the licensee or registrant shall also provide a copy of the report submitted to the department to the individual. This report must be transmitted at a time not later than the transmittal to the department, and shall comply with the provisions of 20.3.10.1003 NMAC.

[20.3.4.457 NMAC - Rp, 20.3.4.457 NMAC, 04/30/2009]

20.3.4.458 REPORTS OF LEAKING OR CONTAMINATED SEALED SOURCES: The licensee shall file a report within 5 days with the department if the test for leakage or contamination required pursuant to 20.3.4.415 NMAC indicates a sealed source is leaking or contaminated. The report shall include the equipment involved, the test results and the corrective action taken.

[20.3.4.458 NMAC - Rp, 20.3.4.458 NMAC, 04/30/2009]

20.3.4.459 VACATING PREMISES: Each specific licensee shall, no less than 30 days before vacating or relinquishing possession or control of premises which may have been contaminated with radioactive material as a result of his activities, notify the department in writing of intent to vacate. When deemed necessary by the department, the licensee shall decontaminate the premises in such a manner as the department may specify.

[20.3.4.459 NMAC - Rp, 20.3.4.459 NMAC, 04/30/2009]

20.3.4.460 APPENDIX A - PROTECTION FACTORS FOR RESPIRATORS: The assigned protection factors specified in this section apply only in a respiratory protection program that meets the requirements of this part. They are applicable only to airborne radiological hazards and may not be appropriate to circumstances when chemical or other respiratory hazards exist instead of, or in addition to, radioactive hazards. Selection and use of respirators for such circumstances shall also comply with department of labor regulations. Radioactive contaminants for which the concentration values in column 3 of table I of 20.3.4.461 NMAC are based on internal dose due to inhalation may, in addition, present external exposure hazards at higher concentrations. Under these circumstances, limitations on occupancy may have to be governed by external dose limits.

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

Configuration (air purifying respirators only)	Operating Mode	Assigned Protection Factors
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

(1) The assigned protection factors apply for protection against particulate only.

(2) Air purifying respirators with APF <100 shall be equipped with particulate filters that are at least 95 percent efficient. Air purifying respirators with APF = 100 shall be equipped with particulate filters that are at least 99 percent efficient. Air purifying respirators with APFs >100 shall be equipped with particulate filters that are at least 99.97 percent efficient.

(3) The licensee may apply to the department for the use of an APF greater than 1 for sorbent cartridges as protection against airborne radioactive gases and vapors (e.g., radioiodine).

(4) **Special requirements and indications for filtering facepiece disposable respirators.** Licensees may permit individuals to use this type of respirator who have not been medically screened or fit tested on the device provided that no credit is taken for their use in estimating intake or dose. It is also recognized that it is difficult to perform an effective positive or negative pressure pre-use user seal check on this type of device. All other respiratory protection program requirements listed in 20.3.4.423 NMAC apply. An assigned protection factor has not been assigned for these devices. However, an APF equal to 10 may be used if the licensee can demonstrate a fit factor of at least 100 by use of a validated or evaluated, qualitative or quantitative fit test.

(5) **Special requirements and indications for half facepiece, negative pressure respirators.** The requirements in this paragraph apply to the under-chin configuration only. No distinction is made in this section between elastomeric half-masks with replaceable cartridges and those designed with the filter medium as an integral part of the facepiece (e.g., disposable or reusable disposable). Both types are acceptable so long as the seal area of the latter contains some substantial type of seal-enhancing material such as rubber or plastic, the two or more suspension straps are adjustable, the filter medium is at least 95 percent efficient and all other requirements of this part are met.

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

Configuration (air-line respirators only)	Operating Mode	Assigned Protection Factors
Helmet/hood	Continuous	1000
Facepiece, loose-fitting	Continuous	25
Suit	Continuous	(Refer to Paragraph (3) of this subsection.)

(1) The assigned protection factors apply for protection against particulate, gases and vapors.

(2) The assigned protection factors for gases and vapors are not applicable to radioactive contaminants that present an absorption or submersion hazard. For tritium oxide vapor, approximately one-third of the intake occurs by absorption through the skin so that an overall protection factor of 3 is appropriate when atmosphere-supplying respirators are used to protect against tritium oxide. Exposure to radioactive noble gases is not considered a significant respiratory hazard, and protective actions for these contaminants should be based on external (submersion) dose considerations.

(3) **Special requirements and indications for suits.** No national institute for occupational safety and health (NIOSH) approval schedule is currently available for atmosphere supplying suits. This equipment may be used in an acceptable respiratory protection program as long as all the other minimum program requirements, with the exception of fit testing, are met (see 20.3.4.423 NMAC).

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.)

(1) The assigned protection factors apply for protection against particulate, gases and vapors.

(2) The assigned protection factors for gases and vapors are not applicable to radioactive contaminants that present an absorption or submersion hazard. For tritium oxide vapor, approximately one-third of the intake occurs by absorption through the skin so that an overall protection factor of 3 is appropriate when atmosphere-supplying respirators are used to protect against tritium oxide. Exposure to radioactive noble gases is not considered a significant respiratory hazard, and protective actions for these contaminants should be based on external (submersion) dose considerations.

(3) **Special requirements and indications for demand and demand-recirculating self-contained breathing apparatus (SCBA).** The licensee should implement institutional controls to assure that these devices are not used in areas immediately dangerous to life or health (IDLH).

(4) **Special requirements and indications for pressure demand and positive pressure recirculating self-contained breathing apparatus (SCBA).** This type of respirator may be used as an emergency device in unknown concentrations for protection against inhalation hazards. External radiation hazards and other limitations to permitted exposure such as skin absorption shall be taken into account in these circumstances. This device may not be used by any individual who experiences perceptible outward leakage of breathing gas while wearing the device.

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.

[20.3.4.460 NMAC - Rp, 20.3.4.460 NMAC, 04/30/2009]

20.3.4.461 APPENDIX B - ANNUAL LIMITS ON INTAKE (ALI) AND DERIVED AIR CONCENTRATIONS (DAC) OF RADIONUCLIDES FOR OCCUPATIONAL EXPOSURE; EFFLUENT CONCENTRATIONS; CONCENTRATIONS FOR RELEASE TO SANITARY SEWERAGE:

A. Introduction. For each radionuclide, table I of this section indicates the chemical form which is to be used for selecting the appropriate ALI or DAC value. The ALIs and DACs for inhalation are given for an aerosol with an activity median aerodynamic diameter (AMAD) of 1 micrometer, and for three classes (D,W and Y) of radioactive material, which refer to their retention (approximately days, weeks or years) in the pulmonary region 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 100 days and for Y greater than 100 days. The class (D,W or Y) given in the column headed "Class" applies only to the inhalation ALIs and DACs given in columns 2 and 3 of table I of this section. Table II of this section provides concentration limits for airborne and liquid effluents released to the general environment. Table III of this section provides concentration limits for discharges to sanitary sewerage.

B. Note. The values in tables I, II and III of this section are presented in the E-notation. In this 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 6×10^0 or 6.

C. Table I "Occupational Values".

(1) Note that the columns in table I of this section titled "Oral Ingestion ALI," "Inhalation ALI" and "DAC," are applicable to occupational exposure to radioactive material.

(2) The ALI's in this section are the annual intakes of given radionuclide by "reference man" which would result in either a committed effective dose equivalent of 5 rems (0.05 sievert) (stochastic ALI), or a committed dose equivalent of 50 rems (0.5 sievert) to an organ or tissue (non-stochastic ALI). The stochastic ALIs were derived to result in a risk, due to irradiation of organs and tissues, comparable to the risk associated with deep dose equivalent to the whole body of 5 rems (0.05 sievert). The derivation includes multiplying the committed dose equivalent to an organ or tissue by a weighting factor, w_T . This weighting factor is the proportion of the risk of stochastic effects resulting from irradiation of the organ or tissue, T, to the total risk of stochastic effects when the whole body is irradiated uniformly. The values of w_T are listed under the definition of weighting factor in 20.3.4.7 NMAC. The non-stochastic ALI's were derived to avoid non-stochastic effects, such as prompt damage to tissue or reduction in organ function.

(3) A value of $w_T = 0.06$ is applicable to each of the five organs or tissues in the "remainder" category receiving the highest dose equivalents, and the dose equivalents of all other remaining tissues may be disregarded. The following portions of the gastro-intestinal (GI) tract - stomach, small intestine, upper large intestine and lower large intestine - are to be treated as four separate organs.

(4) Note that the dose equivalents for an extremity, skin and lens of the eye are not considered in computing the committed effective dose equivalent, but are subject to limits that must be met separately.

(5) When an ALI is defined by the stochastic dose limit, this value alone is given. When an ALI is determined by the non-stochastic dose limit to an organ, the organ or tissue to which the limit applies is shown, and the ALI for the stochastic limit is shown in parentheses. Abbreviated organ or tissue designations are used:

- (a) LLI wall = lower large intestine wall;
- (b) St wall = stomach wall;
- (c) Blad wall = bladder wall; and
- (d) Bone surf = bone surface.

(6) The use of the ALI's listed first, the more limiting of the stochastic and non-stochastic ALI's, will ensure that non-stochastic effects are avoided and that the risk of stochastic effects is limited to an acceptably low value. If, in a particular situation involving a radionuclide for which the non-stochastic ALI is limiting, use of that non-stochastic ALI is considered unduly conservative, the licensee may use the stochastic ALI to determine the committed effective dose equivalent. However, the licensee shall also ensure that the 50 rems (0.5 sievert) dose equivalent limit for any organ or tissue is not exceeded by the sum of the external deep dose equivalent plus the internal committed dose equivalent to that organ, not the effective dose. For the case where there is no external dose contribution, this would be demonstrated if the sum of the fractions of the non-stochastic ALI's (ALI_{ns}) that contribute to the committed dose equivalent to the organ receiving the highest dose does not exceed unity, that 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 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. Note that the dose equivalents for an extremity, skin and lens of the eye are not considered in computing the committed effective dose equivalent, but are subject to limits that must be met separately.

(7) The derived air concentration (DAC) values are derived limits intended to control chronic occupational exposures. The relationship between the DAC and the ALI is given by:

$\text{DAC} = \text{ALI (in microcuries)} / (2000 \text{ hours per working year} \times 60 \text{ minutes/hour} \times 20000 \text{ milliliter per minute}) = (\text{ALI} / 2.4 \times 10^9 \text{ ml}) \text{ microcuries/milliliter}$, where 20000 milliliter is the volume of air breathed per minute at work by reference man under working conditions of light work.

(8) The DAC values relate to one of two modes of exposure: either external submersion or the internal committed dose equivalents resulting from inhalation of radioactive materials. DACs based upon submersion are for immersion in a semi-infinite cloud of uniform concentration and apply to each radionuclide separately.

(9) The ALI and DAC values include contributions to exposure by the single radionuclide named and any in-growth of daughter radionuclides produced in the body by decay of the parent. However, intakes that include both the parent and daughter radionuclides should be treated by the general method appropriate for mixtures.

(10) The values of ALI and DAC do not apply directly when the individual both ingests and inhales a radionuclide, when the individual is exposed to a mixture of radionuclides by either inhalation or ingestion or both, or when the individual is exposed to both internal and external irradiation (see 20.3.4.406 NMAC). When an individual is exposed to radioactive materials which fall under several of the translocation classifications of the same radionuclide, such as class D, class W or class Y, the exposure may be evaluated as if it were a mixture of different radionuclides.

(11) It should be noted that the classification of a compound as class D, W or Y is based on the chemical form of the compound and does not take into account the radiological half-life of different radionuclides. For this reason, values are given for class D, W and Y compounds, even for very short-lived radionuclides.

D. Table II "Effluent Concentrations".

(1) The columns in table II of this section titled "effluents," "air" and "water" are applicable to the assessment and control of dose to the public, particularly in the implementation of the provisions of 20.3.4.414 NMAC. The concentration values given in columns 1 and 2 of table II are equivalent to the radionuclide concentrations which, if inhaled or ingested continuously over the course of a year, would produce a total effective dose equivalent of 0.05 rem (0.5 millisievert).

(2) Consideration of non-stochastic limits has not been included in deriving the air and water effluent concentration limits because non-stochastic effects are presumed not to occur at or below the dose levels established for individual members of the public. For radionuclides, where the non-stochastic limit was governing in deriving the occupational DAC, the stochastic ALI was used in deriving the corresponding airborne effluent limit in table II of this subsection. For this reason, the DAC and airborne effluent limits are not always proportional as was the case in appendix A of part D of the eighth edition of volume I of the *suggested state regulations for control 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
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

List of Elements and their Corresponding Atomic Numbers		
Element	Atomic Symbol	Atomic Number
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
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

List of Elements and their Corresponding Atomic Numbers		
Element	Atomic Symbol	Atomic Number
Uranium	U	92
Vanadium	V	23
Xenon	Xe	54
Ytterbium	Yb	70
Yttrium	Y	39
Zinc	Zn	30
Zirconium	Zr	40

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
12	Magnesium-28	D, all compounds except those given for W, oxides, hydroxides, carbides, halides, and nitrates	7E+2 -	2E+3 1E+3	7E-7 5E-7	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)							
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
- 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:

$$SA = 3.6E-7 \text{ curies/gram U for depleted uranium; and}$$

$$SA = (0.4 + 0.38 (\text{enrichment}) + 0.0034 (\text{enrichment})^2)E-6 \text{ for enrichment } \geq 0.72,$$

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	Inhalation		Air (μCi/ml)	Water (μCi/ml)	Monthly Average Concentration (μCi/ml)
		ALI (μCi)	ALI (μCi)			
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	-	-	-

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	Inhalation		Air ($\mu\text{Ci/ml}$)	Water ($\mu\text{Ci/ml}$)	Monthly Average Concentration ($\mu\text{Ci/ml}$)
		ALI (μCi)	ALI (μCi)			
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	-	-
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:

$$\frac{C_A}{DAC_A} + \frac{C_B}{DAC_B} + \frac{C_C}{DAC_C} \leq 1$$

(5) To convert microcuries to kilobecquerels, multiply the microcurie value by 37.
 [20.3.4.461 NMAC - Rp, 20.3.4.461 NMAC, 04/30/2009]

20.3.4.462 APPENDIX C - QUANTITIES¹ OF LICENSED MATERIAL REQUIRING LABELING:
A. Table 462.1.

TABLE 462.1	
Radionuclide	Quantity (microcuries²)
Hydrogen-3	1,000
Beryllium-7	1,000
Beryllium-10	1
Carbon-11	1,000
Carbon-14	1,000
Fluorine-18	1,000
Sodium-22	100
Sodium-24	100
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

TABLE 462.1	
Radionuclide	Quantity (microcuries ²)
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
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

TABLE 462.1	
Radionuclide	Quantity (microcuries ²)
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
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

TABLE 462.1	
Radionuclide	Quantity (microcuries ²)
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
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

TABLE 462.1	
Radionuclide	Quantity (microcuries ²)
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
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

TABLE 462.1	
Radionuclide	Quantity (microcuries ²)
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
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

TABLE 462.1	
Radionuclide	Quantity (microcuries ²)
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
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

TABLE 462.1	
Radionuclide	Quantity (microcuries ²)
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
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

TABLE 462.1	
Radionuclide	Quantity (microcuries ²)
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
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

TABLE 462.1	
Radionuclide	Quantity (microcuries ²)
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
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

TABLE 462.1	
Radionuclide	Quantity (microcuries ²)
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
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

TABLE 462.1	
Radionuclide	Quantity (microcuries ²)
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
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

TABLE 462.1	
Radionuclide	Quantity (microcuries ²)
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
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

TABLE 462.1	
Radionuclide	Quantity (microcuries ²)
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
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

TABLE 462.1	
Radionuclide	Quantity (microcuries ²)
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
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

TABLE 462.1	
Radionuclide	Quantity (microcuries ²)
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, the limit for the combination shall be derived as follows: determine, for each radionuclide in the combination, the ratio between the quantity present in the combination and the limit otherwise established for the specific radionuclide when not in combination. The sum of such ratios for all radionuclides in the combination may not exceed "1", that is, unity.

[20.3.4.462 NMAC - Rp, 20.3.4.462 NMAC, 04/30/2009]

20.3.4.463 [RESERVED]

20.3.4.464 [RESERVED]

20.3.4.465 [RESERVED]

20.3.4.466 APPENDIX G - REQUIREMENTS FOR TRANSFERS OF LOW-LEVEL RADIOACTIVE WASTE INTENDED FOR DISPOSAL AT LICENSED LAND DISPOSAL FACILITIES AND MANIFESTS: LLW means low-level radioactive waste as defined in the Low-Level Radioactive Waste Policy Act.

A. Manifest.

(1) A waste generator, collector or processor who transports, or offers for transportation LLW intended for ultimate disposal at a licensed low-level radioactive waste land disposal facility must prepare a manifest [NRC OMB Control Numbers 3150-0164, -0165 and -0166] reflecting information requested on applicable NRC forms 540 (*uniform low-level radioactive waste manifest* (shipping paper) and 541 (*uniform low-level radioactive waste manifest* (container and waste description)) and, if necessary, on an applicable NRC form 542 (*uniform low-level radioactive waste manifest* (manifest index and regional compact tabulation)). NRC forms 540 and 540A must be completed and must physically accompany the pertinent low-level waste shipment. Upon agreement between shipper and consignee, NRC forms 541, 541A, 542 and 542A may be completed, transmitted and stored in electronic media with the capability for producing legible, accurate and complete records on the respective forms. Licensees are not required by NRC to comply with the manifesting requirements of this part when they ship the following:

(a) LLW for processing and expect its return (i.e., for storage under their license) prior to disposal at a licensed land disposal facility;

(b) LLW that is being returned to the licensee who is the "waste generator" or "generator", as defined in this part; or

(c) radioactively contaminated material to a “waste processor” that becomes the processor's “residual waste” unless regulated by other applicable federal or state regulations;

(d) these exclusions from manifesting requirements do not, however, exempt the licensee from complying with applicable DOT requirements for shipments referencing 49 CFR, including the preparation of shipping papers.

(2) For guidance in completing these forms, refer to the instructions that accompany the forms. Copies of manifests required by this section may be legible carbon copies, photocopies or computer printouts that reproduce the data in the format of the uniform manifest.

(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 office of the chief information 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.

(4) This section includes information requirements of the DOT, as codified in 49 CFR Part 172. Additional 49 CFR requirements may be applicable. Information on hazardous, medical or other waste, required to meet EPA regulations, as codified in 40 CFR Parts 259, 261 or elsewhere, is not addressed in this section, and must be provided on the required EPA forms. However, any required EPA forms must accompany the *uniform low-level radioactive waste manifest* required by this chapter.

(5) As used in this section, the following definitions apply:

(a) “chelating agent” has the same meaning as that given in 20.3.13.7 NMAC;

(b) “chemical description” means a description of the principal chemical characteristics of a low-level radioactive waste;

(c) “computer-readable medium” means that the department's computer can transfer the information from the medium into its memory;

(d) “consignee” means the designated receiver of the shipment of low-level radioactive waste;

(e) “decontamination facility” means a facility operating under a department, NRC or agreement state license whose principal purpose is decontamination of equipment or materials to accomplish recycle, reuse or other waste management objectives, and, for purposes of this part, is not considered to be a consignee for LLW shipments;

(f) “disposal container” means a container principally used to confine low-level radioactive waste during disposal operations at a land disposal facility (also see “high integrity container”); note that for some shipments, the disposal container may be the transport package;

(g) “EPA identification number” means the number received by a transporter following application to the administrator of EPA as required by 40 CFR Part 263;

(h) “generator” means a licensee operating under a department, NRC or agreement state license who (1) is a waste generator as defined in this part, or (2) is the licensee to whom waste can be attributed within the context of the Low-Level Radioactive Waste Policy Amendments Act (e.g., waste generated as a result of decontamination or recycle activities);

(i) “high integrity container” (HIC) means a container commonly designed to meet the structural stability requirements of 20.3.13.1325 NMAC, and to meet DOT requirements for a type A package;

(j) “land disposal facility” has the same meaning as that given in 20.3.13.7 NMAC;

(k) “NRC forms 540, 540A, 541, 541A, 542 and 542A” are official NRC forms referenced in this section; licensees need not use originals of these NRC forms as long as any substitute forms are equivalent to the original documentation in respect to content, clarity, size and location of information; upon agreement between the shipper and consignee, NRC forms 541 (and 541A) and NRC forms 542 (and 542A) may be completed, transmitted and stored in electronic media; the electronic media must have the capability for producing legible, accurate and complete records in the format of the uniform manifest;

(l) “package” means the assembly of components necessary to ensure compliance with the packaging requirements of DOT regulations, together with its radioactive contents, as presented for transport;

(m) “physical description” means the items called for on NRC form 541 to describe a LLW;

(n) “residual waste” means LLW resulting from processing or decontamination activities that cannot be easily separated into distinct batches attributable to specific waste generators; this waste is attributable to the processor or decontamination facility, provided that other federal laws or regulations, such as those of Resource Conservation and Recovery Act (RCRA), are not applicable;

(o) “shipper” means the licensed entity (i.e., the waste generator, waste collector or waste processor) who offers low-level radioactive waste for transportation, typically consigning this type of waste to a licensed waste collector, waste processor or land disposal facility operator;

(p) “shipping paper” means NRC form 540 and, if required, NRC form 540A which includes the information required by DOT in 49 CFR part 172;

(q) “source material” has the same meaning as that given in 20.3.3.7 NMAC;

(r) “special nuclear material” has the same meaning as that given in 20.3.3.7 NMAC;

(s) “uniform low-level radioactive waste manifest” or “uniform manifest” means the combination of NRC forms 540, 541 and, if necessary, 542, and their respective continuation sheets as needed, or equivalent;

(t) “waste collector,” including “waste broker,” means an entity, operating under a department, NRC or agreement state license, whose principal purpose is to collect and consolidate waste generated by others, and to transfer this waste, without processing or repackaging the collected waste, to another licensed waste collector, licensed waste processor or licensed land disposal facility;

(u) “waste description” means the physical, chemical and radiological description of a low-level radioactive waste as called for on NRC form 541;

(v) “waste generator” means an entity, operating under a department, NRC or agreement state license, who (1) possesses any material or component that contains radioactivity or is radioactively contaminated for which the licensee foresees no further use, and (2) transfers this material or component to a licensed land disposal facility or to a licensed waste collector or processor for handling or treatment prior to disposal; a licensee performing processing or decontamination services may be a “waste generator” if the transfer of low-level radioactive waste from its facility is defined as “residual waste”;

(w) “waste processor” means an entity, operating under a department, NRC or agreement state license, whose principal purpose is to process, repackage or otherwise treat low-level radioactive material or waste generated by others prior to eventual transfer of waste to a licensed low-level radioactive waste land disposal facility; and

(x) “waste type” means a waste within a disposal container having a unique physical description (i.e., a specific waste descriptor code or description; or a waste sorbed on or solidified in a specifically defined media).

(6) Information requirements.

(a) **General information.** The shipper of the radioactive waste shall provide the following information on the uniform manifest:

(i) the name, facility address and telephone number of the licensee shipping the waste;

(ii) an explicit declaration indicating whether the shipper is acting as a waste generator, collector, processor or a combination of these identifiers for purposes of the manifested shipment; and

(iii) the name, address and telephone number, or the name and EPA identification number for the carrier transporting the waste.

(b) **Shipment information.** The shipper of the radioactive waste shall provide the following information regarding the waste shipment on the uniform manifest:

(i) the date of the waste shipment;

(ii) the total number of packages or disposal containers;

(iii) the total disposal volume and disposal weight in the shipment;

(iv) the total radionuclide activity in the shipment;

(v) the activity of each of the radionuclides H-3, C-14, Tc-99 and I-129 contained in the shipment; and

(vi) the total masses of U-233, U-235 and plutonium in special nuclear material, and the total mass of uranium and thorium in source material.

(c) **Disposal container and waste information.** The shipper of the radioactive waste shall provide the following information on the uniform manifest regarding the waste and each disposal container of waste in the shipment:

(i) an alphabetic or numeric identification that uniquely identifies each disposal container in the shipment;

(ii) a physical description of the disposal container, including the manufacturer and model of any high integrity container;

(iii) the volume displaced by the disposal container;

(iv) the gross weight of the disposal container, including the waste;

(v) for waste consigned to a disposal facility, the maximum radiation level at the surface of each disposal container;

(vi) a physical and chemical description of the waste;

(vii) the total weight percentage of chelating agent for any waste containing more than 0.1% chelating agent by weight, plus the identity of the principal chelating agent;

(viii) the approximate volume of waste within a container;

(ix) the sorbing or solidification media, if any, and the identity of the solidification media vendor and brand name;

(x) the identities and activities of individual radionuclides contained in each container, the masses of U-233, U-235 and plutonium in special nuclear material, and the masses of uranium and thorium in source material, including fissile category classification; for discrete waste types (i.e., activated materials, contaminated equipment, mechanical filters, sealed source/devices and wastes in solidification/stabilization media), the identities and activities of individual radionuclides associated with or contained on these waste types within a disposal container shall be reported;

(xi) the total radioactivity within each container;

(xii) for wastes consigned to a disposal facility, the classification of the waste pursuant to 20.3.13.1324 NMAC; waste not meeting the structural stability requirements of Subsection B of 20.3.13.1325 NMAC; and

(xiii) any other information required on a manifest or shipping paper by the DOT, the NRC or other regulatory agencies.

(d) **Uncontainerized waste information.** The shipper of the radioactive waste shall provide the following information on the uniform manifest regarding a waste shipment delivered without a disposal container:

(i) the approximate volume and weight of the waste;

(ii) a physical and chemical description of the waste;

(iii) the total weight percentage of chelating agent if the chelating agent exceeds 0.1% by weight, plus the identity of the principal chelating agent;

(iv) for waste consigned to a disposal facility, the classification of the waste pursuant to 20.3.13.1324 NMAC; waste not meeting the structural stability requirements of Subsection B of 20.3.13.1325 NMAC must be identified;

(v) the identities and activities of individual radionuclides contained in the waste, the masses of U-233, U-235 and plutonium in special nuclear material, and the masses of uranium and thorium in source material; and

(vi) for wastes consigned to a disposal facility, the maximum radiation levels at the surface of the waste.

(e) **Multi-generator disposal container information.** This section applies to disposal containers enclosing mixtures of waste originating from different generators. (Note: The origin of the LLW resulting from a processor's activities may be attributable to one or more "generators," including "waste generators," as defined in this section). It also applies to mixtures of wastes shipped in an uncontainerized form, for which portions of the mixture within the shipment originate from different generators.

(i) For homogeneous mixtures of waste, such as incinerator ash, provide the waste description applicable to the mixture and the volume of the waste attributed to each generator.

(ii) For heterogeneous mixtures of waste, such as the combined products from a large compactor, identify each generator contributing waste to the disposal container, and, for discrete waste types (i.e., activated materials, contaminated equipment, mechanical filters, sealed source/devices and wastes in solidification/stabilization media), the identities and activities of individual radionuclides contained on these waste types within the disposal container. For each generator, provide the following: (1) the volume of waste within the disposal container; (2) a physical and chemical description of the waste, including the solidification agent, if any; (3) the total weight percentage of chelating agents for any disposal container containing more than 0.1% chelating agent by weight, plus the identity of the principal chelating agent; (4) the sorbing or solidification media, if any, and the identity of the solidification media vendor and brand name if the media is claimed to meet stability requirements in Subsection B of 20.3.13.1325 NMAC; and (5) radionuclide identities and activities contained in the waste, the masses of U-233, U-235 and plutonium in special nuclear material, and the masses of uranium and thorium in source material if contained in the waste.

B. Certification. An authorized representative of the waste generator, processor or collector shall certify by signing and dating the shipment manifest that the transported materials are properly classified, described, packaged, marked and labeled, and are in proper condition for transportation according to the applicable regulations of the department, the DOT and the NRC. A collector in signing the certification is certifying that nothing has been done to the collected waste which would invalidate the waste generator's certification.

C. Control and Tracking.

(1) Any licensee who transfers radioactive waste to a land disposal facility or a licensed waste collector shall comply with the requirements in Subparagraphs (a) through (i) of this paragraph. Any licensee who transfers waste to a licensed waste processor for waste treatment or repackaging shall comply with the requirements of Subparagraphs (d) through (i) of this paragraph. A licensee shall:

(a) prepare all wastes so that the waste is classified according to 20.3.13.1324 NMAC, and meets the waste characteristics requirements in 20.3.13.1325 NMAC;

(b) label each disposal container (or transport package if potential radiation hazards preclude labeling of the individual disposal container) of waste to identify whether it is class A waste, class B waste, class C waste or greater than class C waste, in accordance with 20.3.13.1324 NMAC;

(c) conduct a quality assurance program to assure compliance with 20.3.13.1324 NMAC and 20.3.13.1325 NMAC (the program must include management evaluation of audits);

(d) prepare the NRC *uniform low-level radioactive waste manifest* as required by Subsection A of this section;

(e) forward a copy or electronically transfer the *uniform low-level radioactive waste manifest* to the intended consignee so that either (1) receipt of the manifest precedes the LLW shipment or (2) the manifest is delivered to the consignee with the waste at the time the waste is transferred to the consignee. Using both delivery methods (1) and (2) is also acceptable;

(f) include NRC form 540 (and NRC form 540A, if required) with the shipment regardless of the option chosen in Subparagraph (e) of this paragraph;

(g) receive acknowledgment of the receipt of the shipment in the form of a signed copy of NRC form 540;

(h) retain a copy of or electronically store the *uniform low-level radioactive waste manifest* and documentation of acknowledgment of receipt as the record of transfer of licensed material as required by 20.3.3 NMAC; and

(i) for any shipments or any part of a shipment for which acknowledgment of receipt has not been received within the times set forth in this section, conduct an investigation in accordance with Paragraph (5) of this subsection.

(2) Any waste collector licensee who handles only prepackaged waste shall:

(a) acknowledge receipt of the waste from the shipper within one week of receipt by returning a signed copy of NRC form 540;

(b) prepare a new manifest to reflect consolidated shipments that meet the requirements of this section; the waste collector shall ensure that, for each container of waste in the shipment, the manifest identifies the generator of that container of waste;

(c) forward a copy or electronically transfer the *uniform low-level radioactive waste manifest* to the intended consignee so that either (1) receipt of the manifest precedes the LLW shipment or (2) the manifest is delivered to the consignee with the waste at the time the waste is transferred to the consignee; using both delivery methods (1) and (2) is also acceptable;

(d) include NRC form 540 (and NRC form 540A, if required) with the shipment regardless of the option chosen in Subparagraph (c) of this paragraph;

(e) receive acknowledgment of the receipt of the shipment in the form of a signed copy of NRC form 540;

(f) retain a copy of or electronically store the *uniform low-level radioactive waste manifest* and documentation of acknowledgment of receipt as the record of transfer of licensed material as required by 20.3.3 NMAC;

(g) for any shipments or any part of a shipment for which acknowledgment of receipt has not been received within the times set forth in this section, conduct an investigation in accordance with Paragraph (5) of this subsection; and

(h) notify the shipper and the department when any shipment, or part of a shipment, has not arrived within 60 days after receipt of an advance manifest, unless notified by the shipper that the shipment has been cancelled.

(3) Any licensed waste processor who treats or repackages waste shall:

(a) acknowledge receipt of the waste from the shipper within one week of receipt by returning a signed copy of NRC form 540;

(b) prepare a new manifest that meets the requirements of this section; preparation of the new manifest reflects that the processor is responsible for meeting these requirements; for each container of waste in the

shipment, the manifest shall identify the waste generators, the preprocessed waste volume and the other information as required in Subparagraph (e) of Paragraph (6) of Subsection A of this section;

(c) prepare all wastes so that the waste is classified according to 20.3.13.1324 NMAC, and meets the waste characteristics requirements in 20.3.13.1325 NMAC;

(d) label each package of waste to identify whether it is class A waste, class B waste or class C waste, in accordance with 20.3.13.1324 NMAC and 20.3.13.1326 NMAC;

(e) conduct a quality assurance program to assure compliance with 20.3.13.1324 NMAC and 20.3.13.325 NMAC (the program shall include management evaluation of audits);

(f) forward a copy or electronically transfer the *uniform low-level radioactive waste manifest* to the intended consignee so that either (1) receipt of the manifest precedes the LLW shipment or (2) the manifest is delivered to the consignee with the waste at the time the waste is transferred to the consignee; using both delivery methods (1) and (2) is also acceptable;

(g) include NRC form 540 (and NRC form 540A, if required) with the shipment regardless of the option chosen in paragraph Subparagraph (f) of this paragraph;

(h) receive acknowledgment of the receipt of the shipment in the form of a signed copy of NRC form 540;

(i) retain a copy of or electronically store the *uniform low-level radioactive waste manifest* and documentation of acknowledgment of receipt as the record of transfer of licensed material as required by 20.3.3 NMAC;

(j) for any shipment or any part of a shipment for which acknowledgment of receipt has not been received within the times set forth in this section, conduct an investigation in accordance with Paragraph (5) of this subsection; and

(k) notify the shipper and the department when any shipment, or part of a shipment, has not arrived within 60 days after receipt of an advance manifest, unless notified by the shipper that the shipment has been canceled.

(4) The land disposal facility operator shall:

(a) acknowledge receipt of the waste within one week of receipt by returning, as a minimum, a signed copy of NRC form 540 to the shipper; the shipper to be notified is the licensee who last possessed the waste and transferred the waste to the operator; if any discrepancy exists between materials listed on the *uniform low-level radioactive waste manifest* and materials received, copies or electronic transfer of the affected forms must be returned indicating the discrepancy;

(b) maintain copies of all completed manifests and electronically store the information required by 20.3.13.1334 NMAC until the department terminates the license; and

(c) notify the shipper and the department when any shipment, or part of a shipment, has not arrived within 60 days after receipt of an advance manifest, unless notified by the shipper that the shipment has been canceled.

(5) Any shipment or part of a shipment for which acknowledgment is not received within the times set forth in this section must:

(a) be investigated by the shipper if the shipper has not received notification or receipt within 20 days after transfer; and

(b) be traced and reported; the investigation shall include tracing the shipment and filing a report with the department; each licensee who conducts a trace investigation shall file a written report with the department within 2 weeks of completion of the investigation.

[20.3.4.466 NMAC - Rp, 20.3.4.466 NMAC, 04/30/2009]

20.3.4.467 NATIONALLY TRACKED SOURCE THRESHOLDS: The terabecquerel values are the regulatory standard. The curie values specified are obtained by converting from the terabecquerel value. The curie 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

TABLE 467.1				
Radioactive Material	Category 1 terabecquerel	Category 1 curie	Category 2 terabecquerel	Category 2 curie
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
Ytterbium-169	300	8,100	3	81

[20.3.4.467 NMAC - N, 04/30/2009]

HISTORY OF 20.3.4 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed as follows:

EIB 73-2, Regulations for Governing the Health and Environmental Aspects of Radiation filed on 7-9-73;

EIB 73-2, Amendment 1, Regulations for Governing the Health and Environmental Aspects of Radiation filed on 4-17-78;

EIB RPR-1, Radiation Protection Regulations filed on 4-21-80;

EIB RPR-1, Amendment 1, Radiation Protection Regulations filed on 10-13-81;

EIB RPR-1, Amendment 2, Radiation Protection Regulations filed on 12-15-82; and

EIB RPR-1, Radiation Protection Regulations filed on 3-10-89.

History of Repealed Material: 20.3.4 NMAC, Standards for Protection Against Radiation (filed 03/15/2004), repealed 04/30/2009.

Other History: EIB RPR 1, Radiation Protection Regulations, filed 03-10-1989 renumbered and reformatted to 20 NMAC 3.1; Radioactive Materials and Radiation Machines, effective 05-03-1995;

20 NMAC 3.1; Radioactive Materials and Radiation Machines (filed 04-03-1995) internally renumbered, reformatted and replaced by 20 NMAC 3.1, Radioactive Materials and Radiation Machines, effective 07-30-1999.

20 NMAC 3.1.Subpart 4, Standards for Protection Against Radiation (filed 06-17-1999) reformatted, amended and replaced by 20.3.4 NMAC, Standards for Protection Against Radiation, effective 04/15/2004.

20.3.4 NMAC, Standards for Protection Against Radiation (filed 03/15/2004) replaced by 20.3.4 NMAC, Standards for Protection Against Radiation, effective 04/30/2009.