

This rule was filed as 20 NMAC 3.1 Subpart 2.

**TITLE 20 ENVIRONMENTAL PROTECTION**  
**CHAPTER 3 RADIATION PROTECTION**  
**PART 2 REGISTRATION OF RADIATION MACHINES AND SERVICES**

20.3.2.1 ISSUING AGENCY: Environmental Improvement Board.  
[Recompiled 11/27/01]

20.3.2.2 SCOPE: This subpart provides for the registration of:  
A. radiation machines; and  
B. persons providing radiation machine installation, servicing, or services as stipulated in 204 [Subsection 204 of 20.3.2.204 NMAC].  
C. In addition to the requirements of this subpart, all registrants are subject to the applicable provisions of other subparts of these regulations.  
[5-3-95; 20.3.2.2 NMAC – Rn, 20 NMAC 3.1.2.200, Recompiled 11/27/01]

20.3.2.3 STATUTORY AUTHORITY: [RESERVED]

20.3.2.4 DURATION: [RESERVED]

20.3.2.5 EFFECTIVE DATE: [RESERVED]

20.3.2.6 OBJECTIVE: [RESERVED]

20.3.2.7 DEFINITIONS: [RESERVED]

20.3.2.8 Through 20.3.2.200 [RESERVED]

20.3.2.201 EXEMPTIONS:  
A. Electronic equipment that produces radiation incidental to its operation for other purposes is exempt from the registration and notification requirements of this subpart, provided that the dose equivalent rate averaged over an area of 10 sq. cm does not exceed 0.5 mrem (5 mSv) per hour at 5 cm from an accessible surface of such equipment. The production, testing, or factory servicing of such equipment shall not be exempt.  
B. Radiation machines while in transit or storage incident thereto are exempt from the requirements of this subpart.  
C. Domestic television receivers are exempt from the requirements of this subpart.  
D. Microwave ovens in private homes are exempt from the requirements of this subpart.  
[5-3-95; 20.3.2.201 NMAC – Rn, 20 NMAC 3.1.2.201, Recompiled 11/27/01]

20.3.2.202 APPLICATION FOR REGISTRATION OF RADIATION MACHINES: Each person having a radiation machine shall:  
A. Apply for registration of such machine with the Department within 30 days following the effective date of these regulations or thereafter prior to the operation of a radiation machine on forms furnished by the Department and shall contain all the information required by the form and accompanying instructions; and  
B. Designate on the application form an individual to be responsible for radiation protection.  
[5-3-95; 20.3.2.202 NMAC – Rn, 20 NMAC 3.1.2.202, Recompiled 11/27/01]

20.3.2.203 PROHIBITED SERVICING OF RADIATION MACHINES: Each registrant shall prohibit any person from furnishing radiation machine servicing or services as described in 204.D [Subsection D. of 20.3.2.204 NMAC] to their radiation machine facility until the person provides evidence that they have been registered with the Department as a provider of services in accordance with 204 [Section 204 of 20.3.2.204 NMAC].  
[5-3-95; 20.3.2.203 NMAC – Rn, 20 NMAC 3.1.2.203, Recompiled 11/27/01]

20.3.2.204 APPLICATION FOR REGISTRATION OF SERVICING AND SERVICES:

A. Each person who is engaged in the business of installing or offering to install radiation machines or is engaged in the business of furnishing or offering to furnish radiation machine servicing or radiation safety related services in this State, shall apply for registration of such services with the Department prior to furnishing or offering to furnish any such services.

B. Application for registration shall be completed on a form furnished by the Department and shall contain all information required by the Department as indicated on the forms and accompanying instructions.

C. Each person applying for registration under this subpart shall specify:

- (1) that they have read and understand the requirements of these regulations; and
- (2) the services for which they are applying for registration; and
- (3) the training and experience that qualifies them to discharge the services for which they are

applying for registration.

D. For the purpose of 204 [Section 204 of 20.3.2.204 NMAC], services may include, but shall not be limited to:

- (1) installation or servicing of radiation machines and associated radiation machine components;
- (2) calibration of radiation machines or radiation measurement instruments or devices;
- (3) radiation protection or health physics consultations or surveys; and
- (4) personnel dosimetry services.

E. Personnel dosimetry services shall obligate themselves to report to the Department all exposures greater than 400 millirems (4000 mSv) in any one month within 10 days of the determination.

F. No individual shall perform services which are not specifically indicated by that individual on his application for registration.

[5-3-95; 20.3.2.204 NMAC – Rn, 20 NMAC 3.1.2.204, Recompiled 11/27/01]

20.3.2.205 ISSUANCE OF REGISTRATION CERTIFICATES:

A. Upon a determination that an applicant meets the requirements of these regulations, the Department shall issue a Registration Certificate.

B. The Department may incorporate in the Registration Certificate at the time of issuance or thereafter by appropriate rule or order, such additional requirements and conditions with respect to the registrant's receipt, possession, use and transfer of radiation machines as it deems appropriate or necessary to protect the health of the people of this State.

[5-3-95; 20.3.2.205 NMAC – Rn, 20 NMAC 3.1.2.205, Recompiled 11/27/01]

20.3.2.206 EXPIRATION OF REGISTRATION CERTIFICATES: Except as provided by 207 [20.3.2.207 NMAC], each Registration Certificate shall expire at the end of the day on the date stated therein.

[5-3-95; 20.3.2.206 NMAC – Rn, 20 NMAC 3.1.2.206, Recompiled 11/27/01]

20.3.2.207 RENEWAL OF NOTICE OF REGISTRATION:

A. Application for renewal of registration shall be filed in accordance with 202 or 204 [20.3.2.202 or 204 NMAC].

B. In any case in which a registrant not less than 30 days prior to the expiration of his existing Registration Certificate has filed an application in proper form for renewal, such existing Registration Certificate shall not expire until the application status has been finally determined by the Department.

[5-3-95; 20.3.2.207 NMAC – Rn, 20 NMAC 3.1.2.207, Recompiled 11/27/01]

20.3.2.208 REPORT OF CHANGES: The registrant shall notify the Department in writing before making any change which would render the information contained in the Application for Registration or the Registration Certificate no longer accurate.

[5-3-95; 20.3.2.208 NMAC – Rn, 20 NMAC 3.1.2.208, Recompiled 11/27/01]

20.3.2.209 APPROVAL NOT IMPLIED: No person, in any advertisement, shall refer to the fact that they or their facility is registered with the Department pursuant to the provisions of 202 or 204 [Sections 202 or 204 of 20.3.2.202 or 204 NMAC] and no person shall state or imply that any activity under such registration has been approved by the Department.

[5-3-95; 20.3.2.209 NMAC – Rn, 20 NMAC 3.1.2.209, Recompiled 11/27/01]

20.3.2.210 ASSEMBLER OR TRANSFER OBLIGATION:

A. Any person who sells, leases, transfers, lends, disposes, assembles, or installs radiation machines in this State shall notify the Department within 15 days of:

- (1) the name and address of persons who have received these machines;
- (2) the manufacturer, model, and serial number of each radiation machine transferred; and
- (3) the date of transfer of each radiation machine.

B. No person shall make, sell, lease, transfer, lend, assemble, or install radiation machines or the supplies used in connection with such machines unless such supplies and equipment when properly placed in operation and used shall meet the requirements of these regulations.

[5-3-95; 20.3.2.210 NMAC – Rn, 20 NMAC 3.1.2.210, Recompiled 11/27/01]

20.3.2.211 OUT-OF-STATE RADIATION MACHINES:

A. Whenever any radiation machine is to be brought into the State, for any temporary use, the person proposing to bring such machine into the State shall give written notice to the Department at least two working days before such machine is to be used in the state. The notice shall include the type of radiation machines; the nature, duration, and scope of use; and the exact location(s) where the radiation, machine is to be used. If for a specific case the two-working-day period would impose an undue hardship on the person, they may, upon application to the Department, obtain permission to proceed sooner.

B. In addition, the out-of-state person shall:

- (1) comply with all applicable regulations;
- (2) supply the Department with such other information as the Department may reasonably request;

and

- (3) not operate within this state on a temporary basis, in excess of 180 calendar days per year.

[5-3-95; 20.3.2.211 NMAC – Rn, 20 NMAC 3.1.2.211, Recompiled 11/27/01]

20.3.2.121 through 20.3.2.299 [RESERVED]

HISTORY OF 20.3.2 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: [Reserved]

Other History: EIB RPR 1, Radiation Protection Regulations, filed 03-10-1989 renumbered and reformatted to 20 NMAC 3.1, Radiation Materials And Radiation Machines, filed 04-03-1995. 20 NMAC 3.1, Radiation Materials And Radiation Machines, filed 06-17-1999 internally renumbered and reformatted replaced 20 NMAC 3.1, filed 04-03-1995. The material in this Part was derived from that previously filed as: 20 NMAC 3.1.Subpart 2, Registration of Radiation Machines and Services, filed 06-17-99 recompiled as 20.3.2 NMAC, effective 11/27/01.