

NOTICE OF PUBLIC HEARING TO REPEAL AND REPLACE 20.3.20 NMAC OF THE RADIATION PROTECTION REGULATIONS

The New Mexico Environmental Improvement Board (“EIB”) will hold a public hearing beginning at 9:30 a.m. on Friday, August 24, 2018 at the State Capitol Building, Room 307, 490 Old Santa Fe Trail, Santa Fe, New Mexico, 87501. The hearing location may change prior to the hearing date, and those interested in attending should visit the EIB website: <http://www.env.nm.gov/eib> prior to the hearing.

The purpose of the hearing is to consider repealing and replacing 20.3.20 NMAC. The New Mexico Environment Department (“NMED”) Radiation Control Bureau is the proponent of the proposed repeal and replace.

The repeal and replacement would bring the rules into compliance with recent changes to the Medical Imaging and Radiation Therapy Health and Safety Act, NMSA 1978, Sections 61-14E-1 to -12 (1990) (“Act”), formerly known as the Medical Radiation Health and Safety Act. The Act was amended to include licensing and certification requirements for persons operating medical equipment emitting both ionizing and non-ionizing radiation. Previously, the Act only regulated persons engaged in the practice of radiologic technology in the application of ionizing radiation. NMED proposes the EIB repeal and replace 20.3.20 NMAC of the Radiation Protection Regulations pursuant to its authority under Section 61-14E-5, NMSA 1978 and Section 74-1-8(A)(5). Please note that formatting and minor technical changes in the rules other than those proposed by NMED may be proposed at the hearing. Additionally, the EIB may make other changes as necessary in response to public comments and evidence presented at the hearing.

The proposed new rules may be reviewed during regular business hours at the NMED Hearing Office located in the Harold Runnels Building, 1190 South St. Francis Drive, Room S-2102 Santa Fe, NM, 87505. The full text of the proposed amendments is also available online at <https://www.env.nm.gov/21691-2/>.

The hearing will be conducted in accordance with the EIB Rulemaking Procedures (20.1.1 NMAC); the Environmental Improvement Act, Section 74-1-9 NMSA 1978, the State Rules Act, Section 14-4-5.3 NMSA 1978, and other applicable procedures.

All interested persons will be given reasonable opportunity at the hearing to submit relevant evidence, data, views, and arguments, orally or in writing; to introduce exhibits; and to examine witnesses. Any person wishing to submit a non-technical written statement for the record in lieu of oral testimony must file such statement prior to the close of the hearing.

Pursuant to the EIB Rulemaking Procedures, those wishing to present technical testimony must file a written notice of intent to do so with the EIB on or before 5:00 p.m. on August 3, 2018. The notice of intent shall:

- identify the person or entity for whom the witness(es) will testify;
- identify each technical witness that the person intends to present and state the qualifications of the witness, including a description of his or her education and work background;
- include a copy of the direct testimony of each technical witness in narrative form, and state the estimated duration of the direct oral testimony of that witness;
- include the text of any recommended modifications to the proposed regulatory change; and
- list and attach all exhibits anticipated to be offered by that person at the hearing.

Notices of intent for the hearing must be received in the Hearing Office no later than 5:00 p.m. on August 3, 2018, and should reference the name of the regulation, the date of the hearing, and docket number EIB 18-01(R). Notices of intent to present technical testimony should be submitted to:

Pam Castaneda, Administrator of Boards and Commissions
Office of the Environmental Improvement Board
Harold Runnels Building
P.O. Box 5469
Santa Fe, NM 87502

Those wishing to do so may offer non-technical public comment at the hearing or submit a non-technical written statement in lieu of oral testimony at or before the hearing. Written comments regarding the proposed revisions may be addressed to Ms. Pam Castaneda, Administrator of Boards and Commissions, at the above address, and should reference docket number EIB 18-01(R).

If any person requires assistance, an interpreter or auxiliary aid to participate in this process, please contact Pam Castaneda, EIB Administrator by August 13, 2018, at P.O. Box 5469, 1190 St. Francis Drive, Santa Fe, New Mexico, 87502, telephone (505) 827-2425 or email pam.castaneda@state.nm.us. (TDD or TTY users please access the number via the New Mexico Relay Network, 1-800-659-1779 (voice); TTY users: 1-800-659-8331).

The EIB may make a decision on the proposed regulatory change at the conclusion of the hearing or may convene a meeting after the hearing to consider action on the proposal.

Notice of Non-Discrimination

The New Mexico Environment Department ("NMED") does not discriminate on the basis of race, color, national origin, disability, age or sex in the administration of its programs or activities, as required by applicable laws and regulations. NMED is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by 40 C.F.R. Part 7, including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972. If you have any questions about this notice or any of NMED's non-discrimination programs, policies or procedures, you may contact: Kristine Pintado, Non-Discrimination Coordinator New Mexico Environment Department, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855, nd.coordinator@state.nm.us. If you believe that you have been discriminated against with respect to a NMED program or activity, you may contact the Non-Discrimination Coordinator identified above or visit our website at <https://www.env.nm.gov/NMED/EJ/index.html> to learn how and where to file a complaint of discrimination.