

Oil Conservation Division  
2040 South Pacheco  
Santa Fe, New Mexico 87505

August 10, 1995

W. Thomas Kellahin, Esquire  
Kellahin & Kellahin  
117 North Guadalupe  
P. O. Box 2265  
Santa Fe, New Mexico 87504-2265

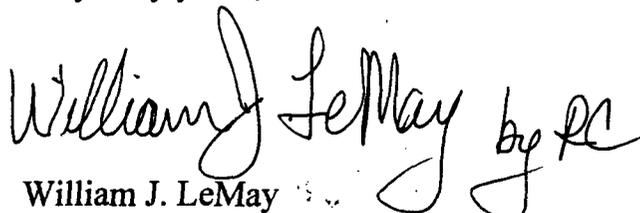
*Attorneys for New Mexico Oil & Gas Association and Controlled Recovery, Inc.*

**RE: *Application for Rehearing***  
***NMOCD Case No. 11216 (Order R-10417) and***  
***NMOCD Case No. 11143 (Order R-10411)***

Dear Mr. Kellahin:

The New Mexico Oil Conservation Division hereby grants your Application for Rehearing filed July 31, 1995, solely for the purpose of receiving additional evidence to that heard at the May 11, 1995 hearing. The records from the above-referenced cases will be incorporated into the record for the rehearing which will be placed on the Oil Conservation Commission September 28, 1995 docket.

Very truly yours,

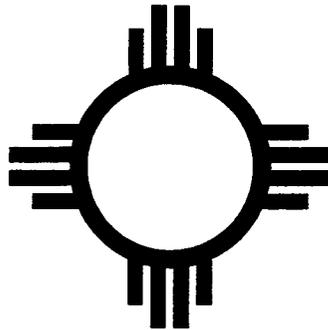


William J. LeMay  
Director

WJL/RC/sm

# NEW MEXICO REGISTER

Volume VI, Issue No. 15  
August 15, 1995



The Official Publication for All Notices  
of Rule Making and Filings of Adopted,  
Proposed and Emergency Rules  
in New Mexico

MICHIE BUTTERWORTH  
CHARLOTTESVILLE, VIRGINIA  
1995

# NEW MEXICO REGISTER

Volume VI, No. 15  
August 15, 1995

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#### *Effective Date and Validity of Rule Filings*

Rules published in this issue of the **New Mexico Register** are effective on the publication date of this issue unless otherwise specified.

"No rule shall be valid or enforceable until it is filed with the records center and published in the New Mexico register as provided by the State Rules Act. Unless a later date is otherwise provided by law, the effective date of a rule shall be the date of publication in the New Mexico register." 14-4-5 NMSA 1978.

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**CORRECTION**

In the July 31, 1995 *New Mexico Register* (Volume VI, No. 14), on page 928, the *New Mexico State Department of Education's* new rule **SBE Regulation No. 95-8, Distribution of Money in the Adult Basic Education Fund**, was incorrectly identified as a product of the *Department's* School Transportation and Support Services Division.

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**NEW MEXICO ENERGY,  
MINERALS AND NATURAL  
RESOURCES DEPARTMENT**

MINING AND MINERALS DIVISION

**NOTICE OF PUBLIC HEARING**

The Mining and Minerals Division of the New Mexico Energy, Minerals and Natural Resources Department will hold a public hearing on Wednesday, August 23, 1995, beginning at 1:30 pm in the Oil Conservation Division Conference Room (Room 420) at 2040 S. Pacheco in Santa Fe, N.M., to consider proposed amendments to Rule EMNRD MMD 89-1. This rule provides for the registration, annual reporting and safeguarding of mines, mills and smelters in New Mexico. All interested persons may participate in the meeting. A copy of the proposed rule changes may be obtained by contacting Kay Hatton at (505) 827-1171, TDD 827-5970.

Interested persons may present their views in writing to Mine Registration and Geological Services, Mining and Minerals Division (MMD), 2040 S. Pacheco, Santa Fe, NM 87505. Notices of intent to present verbal comments at the hearing and written comments must be received by MMD not later than Monday, August 21, and should reference the name of the rule and the date of the hearing. Please include the anticipated duration of the testimony.

If you need a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing, please contact Kay Hatton at 827-1171, TDD 827-5970 at least 48 hours prior to the hearing.

**NEW MEXICO  
ENVIRONMENTAL  
IMPROVEMENT BOARD**

**NOTICE OF PUBLIC MEETINGS  
and  
NOTICE OF PUBLIC HEARINGS**

**PUBLIC MEETING — AUGUST 25, 1995**

The Board will hold a public meeting on August 25, 1995 beginning at 9:30 a.m. at the New Mexico State Capitol Building, Room 303, corner of Old Santa Fe Trail and Paseo de Peralta, Santa Fe, New Mexico. A copy of the proposed agenda will be available after August 11, 1995, at the Environmental Improvement Board's office, Room N-4084, 1190 St. Francis Drive, Santa Fe, New Mexico 87502.

**PUBLIC MEETING — SEPTEMBER 22, 1995**

The Board will hold a public meeting on September 22, 1995 beginning at 9:30 a.m.

at the New Mexico State Capitol Building, Room 303, corner of Old Santa Fe Trail and Paseo de Peralta, Santa Fe, New Mexico. A copy of the proposed agenda will be available after September 8, 1995, at the Environmental Improvement Board's office, Room N-4084, 1190 St. Francis Drive, Santa Fe, New Mexico.

**PUBLIC HEARINGS — SEPTEMBER 22, 1995**

The Board will hold public hearings on September 22, 1995 during the Board's regular meeting to consider the following actions:

Amendment of 20 NMAC 2.1, Air Quality — General Provisions, to incorporate the provisions of EIB/AQCR 110, Confidential Information Protection, and EIB/AQCR 701, Variances; and amendment of EIB/AQCR 100, Definitions, to recodify the regulation as 20 NMAC 2.2, Air Quality - Definitions, and to make additional changes to the text. The proponent of this action is the Air Quality Bureau of the New Mexico Environment Department.

Amendment of 20 NMAC 4.1, Hazardous Waste Management annual update to incorporate by reference the July 1, 1994, 40 CFR 260-270, plus other minor changes. The proponent of this action is the Hazardous and Radioactive Materials Bureau of the New Mexico Environment Department.

**PUBLIC MEETING — OCTOBER 20, 1995**

The Board will hold a public meeting on October 20, 1995 beginning at 9:30 a.m. at the New Mexico State Capitol Building, Room 317, corner of Old Santa Fe Trail and Paseo de Peralta, Santa Fe, New Mexico. A copy of the proposed agenda will be available after October 5, 1995, at the Environmental Improvement Board's office, Room N-4084, 1190 St. Francis Drive, Santa Fe, New Mexico 87502.

**PUBLIC HEARINGS — OCTOBER 20, 1995**

The Board will hold public hearings on October 20, 1995 at the State Capitol Building, Room 317, corner of Old Santa Fe Trail and Paseo de Peralta, Santa Fe, New Mexico, at the indicated times, to consider the following actions:

Amendment of 20 NMAC 5.14, Certification of Tank Installers (currently EIB/USTR-14, but to be converted to New Mexico Administrative Code format during previously scheduled hearing on August 14-15), to add an additional level of certification. The proponent of this action is the Underground Storage Tank Bureau of the New Mexico Environment Department. This hearing will be held during the Board's regular meeting commencing at 9:30 a.m.

Amendment of EIB 93-1, Rules of Procedure for Environmental Improvement Board

Hearings; EIB/HWFR-1, Hazardous Waste Fee Regulations; EIB/AHWFR-1, Annual Hazardous Waste Fee Regulations; EIB/SWP-1, Solid Waste Management Plan; EIB/SWMR-4, Solid Waste Management Regulations; EIB FQM 2, Food Service and Processor Regulations; EIB/LWDR 2, Liquid Waste Disposal Regulations; EIB 72-1, Regulations Governing Mosquito Abatement and Control; and EIB 76-1, Regulations Governing Public Swimming Pools and Public Baths, to recodify the regulations as part of the New Mexico Administrative Code and to make additional language changes consistent with that purpose. The proponent of this action is the Office of General Counsel of the New Mexico Environment Department. This hearing will be held during the Board's regular meeting commencing at 9:30 a.m.

Amendment of EIB/MRHA 1, Regulations on the Practice of Radiologic Technology to recodify the regulation as 20 NMAC 3.2, Radiologic Technology Certification, and to make a number of substantive changes to update the provisions. The proponent of this action is the Hazardous and Radioactive Materials Bureau of the New Mexico Environment Department. This hearing will commence at 1:30 p.m.

**HEARING PROCEDURES**

The regulation proposals may be reviewed during regular business hours at the office of the Board, Harold Runnels Building, 1190 St. Francis Drive, Room N-4084, Santa Fe, New Mexico, and copies may be obtained by contacting the following persons:

for 20 NMAC 2.1:  
(September 22, 1995)

Jim Nellesen, NMED-AQB  
2044 S. Galisteo  
P.O. Box 26110  
Santa Fe, NM 87502  
(505) 827-0031

for EIB/AQCR 100:  
(September 22, 1995)

David Wunker, NMED-AQB  
2044 S. Galisteo  
P.O. Box 26110  
Santa Fe, NM 87502  
(505) 827-0031

for 20 NMAC 4.1:  
(September 22, 1995)

Coby Muckelroy, NMED-HRMB  
525 Camino de Los Marquez, Suite 4  
P.O. Box 26110  
Santa Fe, NM 87502  
(505) 827-4308

for 20 NMAC 5.14:  
(October 20, 1995)

Teresa Griego, NMED-USTB  
1190 St. Francis Drive  
P.O. Box 26110  
Santa Fe, NM 87502  
(505) 827-0188

# NOTICES OF RULE MAKING AND PROPOSED RULES

## NEW MEXICO BOARD OF PUBLIC ACCOUNTANCY

### NOTICE OF RULE HEARING AND MEETING

The New Mexico Board of Accountancy will hold a hearing on proposed rules as required by Public Accountancy Act (61-28A-1 to 61-28A-28 NMSA 1978) in conjunction with a regular board meeting on Wednesday, September 20, 1995, at 9:00 a.m. in the Real Estate Board conference room, 4th floor, 1650 University, N.E., Albuquerque, NM.

Copies of proposed rules and meeting agendas will be available at the Board of Accountancy Office, 1650 University, N.E., Suite 400-A, Albuquerque, NM 87102 - or copies may be obtained by calling the Board office at (505) 841-9108.

Interested persons may testify at this hearing or may submit written comments (please provide twenty (20) copies of written comments) no later than 5:00 p.m. on September 19, 1995, to g. Trudy Beverley, 1650 University, N.E., Suite 400-A, Albuquerque, NM 87102.

If you need special accommodations, please notify the Board Office five (5) days prior to the hearing — in writing.

## NEW MEXICO ATHLETIC TRAINERS PRACTICE BOARD

### NOTICE OF RULE HEARING AND MEETING

Notice is hereby given that the New Mexico Athletic Trainers Practice Board will convene a Rule Hearing on October 16, 1995 scheduled to begin at 9:00 a.m. and a Regular Board Meeting following the rule hearing. The meetings will be held at La Cueva High School Conference Room, 7801 Wilshire N.E., Albuquerque, New Mexico. In addition to the open meeting, the Board may go into closed session to consider matters pertaining to licensing.

The proposed rule for consideration is Parental Responsibility Act Compliance. Copies of the proposed rule may be secured from the Board office at 1599 St. Francis Dr., in Santa Fe. Persons desiring to present their views on the proposed rules may appear in person at the time and place indicated above or send their written comments to the Board office at P.O. Box 25101, Santa

Fe, NM, 87504. Written comments must be received in the Board office by August 29, 1995. A copy of the agenda will be available at the Board office twenty four (24) hours before the meeting, (1599 St. Francis Drive, Santa Fe, New Mexico and also at the Regulation and Licensing Dept., 725 St. Michael's Drive, Santa Fe, New Mexico).

Disabled members of the public who wish to attend the meeting and are in need of reasonable accommodation for their disabilities should contact the Board Administrator no later than one week prior to the meeting. (505)827-7554

## NEW MEXICO BOARD OF CHIROPRACTIC EXAMINERS

### NOTICE OF RULE HEARING AND MEETING

Notice is hereby given that the New Mexico Board of Chiropractic Examiners will convene a Rule Hearing and Regular Business Meeting on September 15, 1995 at 9:00 A.M. in Room 318 of the State Capitol Building, Santa Fe, New Mexico. The Rule Hearing will convene to consider promulgating a new rule pertaining to Parental Responsibility Act Compliance. Copies of the proposed rules may be secured from the Board office at the address listed below. Persons desiring to present their views on the proposed rule may appear in person at said time and place or send their written comments to the Board Office, P.O. Box 25101, Santa Fe, New Mexico 87504, ten days prior to the hearing. In addition to the open meeting, the Board will be going into closed session to consider matters pertaining to licensing.

Individuals with disabilities who wish to attend the meeting, but need a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to participate, must communicate with Michelle McGinnis at (505) 827-7171 no later than five days prior to the meeting.

## NEW MEXICO STATE BOARD OF EDUCATION

### NOTICE OF PROPOSED RULEMAKING

The New Mexico State Board of Education ["Board"] will convene on Thursday,

August 24, 1995 at 8:30 a.m. in Las Cruces Public Schools Administration Building, Board Room, Loretto Town Center, 505 South Main, Las Cruces, New Mexico for the purpose of conducting a regularly scheduled meeting.

The New Mexico State Department of Public Education will recommend that the Board take action on the following Rules at the meeting:

Agenda Item	Agenda Item Number
Regulation: Transportation Boundary Agreements	13
Regulation: Students' Rights & Responsibilities of the Public School and Public Students (Long-term Suspension or Expulsion of Students with Disabilities)	20.a
Regulation: Official Handbook, New Mexico Activities Association (Sport Physicals by Chiropractors)	20.b
Regulation: Vocational Rehabilitation; General Policies, Purpose, and Definitions	20.c

Copies of the Agenda have been disseminated in accordance with the Board's Open Meetings Policy.

Individuals with disabilities who require this information in an alternative format or need any form of auxiliary aid to attend or participate in this meeting, please contact the State Board of Education Office at 827-6571 by August 11, 1995. Upon request, public documents will be provided in the accessible form necessary to the individual so requesting. Written comments will be accepted until Friday, August 17, 1995 at 5:00 p.m. and may be submitted to the Office of General Counsel, State Department of Education, Education Building, 300 Don Gaspar, Santa Fe, New Mexico 87501-2786. However, the submission of written comments as soon as possible is encouraged.

The Board attempts to follow the order and date of items as listed on the Agenda. However, the order and date of specific items are tentative and may vary from the printed Agenda.

Comments, questions, or requests for copies of the Agenda should be directed to Margaret Rodriguez, Administrative Secretary, Office of General Counsel, State Department of Education, Education Building, 300 Don Gaspar, Santa Fe, New Mexico 87501-2786, or (505) 827-6641.