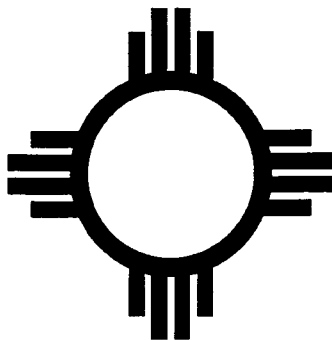


NEW MEXICO REGISTER

Volume VI, Issue No. 17
September 15, 1995



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

THE MICHIE COMPANY
CHARLOTTESVILLE, VIRGINIA
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NEW MEXICO REGISTER

Volume VI, No. 17
September 15, 1995

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ADOPTED RULES & REGULATIONS

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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phone number 827-8440 or by writing to the Children, Youth and Families Department, Policy and Procedures Bureau, Protective Services Division, P.O. Drawer 5160, Santa Fe, New Mexico 87502-5160.

Interested persons may testify at the hearing or submit written comments at the above address no later than 5:00 P.M. on the date of this public hearing. Written comments will be given the same weight as oral testimony given at the public hearing.

The facility is accessible for persons with disabilities. If you need further accommodations to attend the public hearing please contact the Policy and Procedures Bureau no later than 10 days before the scheduled date.

NEW MEXICO OFFICE OF CULTURAL AFFAIRS

MUSEUM OF NEW MEXICO

NOTICE OF PUBLIC HEARING

Notice is hereby given of a PUBLIC HEARING OF THE BOARD OF REGENTS OF THE MUSEUM OF NEW MEXICO to be held on September 22, 1995, at 9:00 a.m., in the Auditorium at the Museum of International Folk Art, 706 Camino Lejo, Santa Fe, New Mexico.

Comments may be provided by statement in person at the hearing, submitted in writing at the hearing, or submitted to the Board in writing prior to the hearing. If you have questions, please contact this office at 827-6451.

NEW MEXICO DEVELOPMENTAL DISABILITIES PLANNING COUNCIL

REQUEST FOR PUBLIC COMMENT

The New Mexico Developmental Disabilities Planning Council (DDPC) is seeking public comment on its proposed three year state plan covering federal fiscal years 1995-1998.

Copies of the DDPC's proposed three year plan can be obtained from Council staff, either by calling (505) 827-7590 or by writing to the New Mexico Developmental Disabilities Planning Council at:

435 St. Michael's Drive
Building D
Santa Fe, New Mexico 87505

NEW MEXICO ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT

OIL CONSERVATION DIVISION

NOTICE OF PUBLIC HEARING

The State of New Mexico by its Oil Conservation Commission hereby gives notice pursuant to law and Rules and Regulations of said Commission promulgated thereunder of the following public hearing to be held at 9:00 A.M. on **THURSDAY, September 28, 1995**, 2040 South Pacheco, Oil Conservation Division Hearing Room, Santa Fe, New Mexico. If you are an individual with a disability who is in need of 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 Florene Davidson at 505-827-7132 or through the New Mexico Relay Network, 1-800-659-1779 by September 18, 1995. Public documents, including the agenda and minutes, can be provided in various accessible forms. Please contact Florene Davidson if a summary or other type of accessible form is needed.

STATE OF NEW MEXICO TO:

All named parties and persons having any right, title, interest or claim in the following cases and notice to the public.

(NOTE: All land descriptions herein refer to the New Mexico Principal Meridian whether or not so stated.)

CASES NOS. 11143 and 11216: (Reopened)

In the matter of the hearing called by the New Mexico Oil & Gas Association and Controlled Recovery, Incorporated to have the Oil Conservation Commission reconsider its Order Nos. R-10417 and R-10411 (amending Rule 711 and repealing Rule 312) concerning the regulation of surface waste management facilities to protect fresh water, public health and the environment. The evidence and testimony will be limited to new evidence and testimony not already presented at the May 11, 1995, Oil Conservation Commission public hearing.

CASE 11391: (Reopened)

In the matter of the hearing called by the Oil Conservation Commission to enact a new rule [Rule 712. Oilfield NORMs Disposal.] establishing radiation protection standards for the disposal and transfer for disposal of naturally occurring radioactive materials (NORM) associated with the oil and gas industry, and which are not subject to regulation under the Atomic Energy Act of 1954, as amended.

Given under the Seal of the State of New Mexico Oil Conservation Commission at

Santa Fe, New Mexico on this 31st day of August, 1995.

STATE OF NEW MEXICO

WILLIAM J. LEMAY
Director

S E A L

NEW MEXICO ENVIRONMENT DEPARTMENT and WATER QUALITY CONTROL COMMISSION

NOTICE OF PUBLIC HEARING

The New Mexico Water Quality Control Commission and the Environment Department will hold public hearings during the Commission's regular meeting which begins at 9:00 a.m. on October 10, 1995, at the State Capital Building, corner of Old Santa Fe Trail and Paseo de Peralta, Santa Fe, New Mexico, to consider amendments to the Utility Operator Certification, Wastewater Facility Construction Loans, Colonias Priority Rating System, Wastewater Facility Construction Loan Policies and Guidelines, and Review Procedures for Wastewater Construction Loans and Colonias Wastewater Grant Policies 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 the regulatory change is the Office of General Counsel of the Environment Department. Copies may be obtained by contacting Linda Romero at 827-1612, 1190 St. Francis Drive, Santa Fe, New Mexico.

The Commission and the Environment Department will also consider the adoption of a regulation to implement the Parental Responsibility Act, NMSA 1978, Section 40-5A-1.

The proposals may be reviewed during regular business hours at the office of the Commission, Harold Runnels Building, 1190 St. Francis Drive, Room N-4084, Santa Fe, New Mexico.

The hearing will be held in accordance with the Water Quality Act, NMSA 1978, Section 74-6-6, the Utility Operator Certification Act, Section 61-33-4, the Wastewater Facility Construction Loan Act, Section 74-6A-9 and the Commission's Guidelines for Water Quality Control Commission Regulation Hearings. The Commission may convene a meeting after the hearing to consider action on the proposal.

All interested persons will be given a reasonable opportunity at the hearing to submit relevant evidence, data, views, and

NOTICES OF RULE MAKING AND PROPOSED RULES

NEW MEXICO DEPARTMENT OF AGRICULTURE

NOTICE OF HEARING

Notice is hereby given that pursuant to the New Mexico Weights and Measures Law, Chapter 57, Article 17, Sections 1 through 19, New Mexico Statutes Annotated 1978 Compilation, there will be a hearing on proposed Rules 95-5, 95-6, 95-7, 95-8, 95-9, and RR73-1.

The New Mexico Department of Agriculture (NMDA) is holding a public hearing on proposed Rule 95-5, Specifications, Tolerances, and Other Technical Requirements for Commercial Weighing and Measuring Devices (supersedes NMDA Rule 59-1); Rule 95-6, Not Sealed Not Legal For Trade (supersedes NMDA Rule 74-3); Rule 95-7, Method of Sale of Commodities (supersedes NMDA Rule 73-5 and NMDA Rule 73-5, Amendment No. 1); Rule 95-8, Bonding and Registration of Service Technicians and Service Establishments for Commercial Weighing and Measuring Devices (supersedes NMDA Rule 74-2); Rule 95-9, Price Representations (supersedes NMDA Rule 73-5, Amendment No. 1); and Rule RR73-1, Specifications, Tolerances and Other Technical Requirements for Non-Commercial Weighing and Measuring Devices (repealing NMDA Rule 73-1).

The hearing will be held in the New Mexico Department of Agriculture's conference room, corner of South Espina and Gregg Streets, New Mexico State University campus, at 9:00 a.m. on October 10, 1995. Written statements in support or opposition, signed by the submitting person, will be accepted if received prior to 5:00 p.m., October 10, 1995. Statements may be sent to the New Mexico Department of Agriculture, Division of Standards and Consumer Services, Dept. 3170, P.O. Box 30005, Las Cruces, New Mexico 88003-8005.

Copies of the proposed Rules 95-5, 95-6, 95-7, 95-8, 95-9, and RR73-1 may be requested by calling the Division of Standards and Consumer Services at 505/646-1616. Proposed Rules 95-5, 95-6, 95-7, 95-8, 95-9, and RR73-1 may be viewed during normal business hours at the New Mexico Department of Agriculture, 3190 South Espina, Las Cruces, New Mexico.

If you have a disability requiring special assistance to participate in this hearing, notify the division at 505/646-1616 at least five (5) business days prior to the hearing. If you fail to notify the division, special assistance may not be available to assist you.

/s/ Frank A. DuBois
Director/Secretary
New Mexico Department of Agriculture

FOR: Board of Regents
New Mexico State University

ALBUQUERQUE/BERNALILLO COUNTY AIR QUALITY CONTROL BOARD

NOTICE OF HEARING

Albuquerque/Bernalillo County Air Quality Control Board: 5:00 PM, Sept. 13, 1995, Council/Commission Chambers, City/County Government Building, One Civic Plaza, NW, Albuquerque, to: hear testimony on proposed revisions to Air Quality Control Regulation No. 5 Visible Air Contaminants. The Board may act upon the proposed revisions following the hearing.

To receive a copy or to comment on the proposed regulation, contact the Air Pollution Control Division at (505) 768-2600 for more information.

If you have a disability and you require special assistance to participate in this hearing you should notify the Division at least two (2) days prior to the hearing at 768-2600 (voice) or 768-2482 (TTY). If you fail to notify the Division, special assistance may not be available to assist you.

NEW MEXICO ATHLETIC TRAINERS PRACTICE BOARD

NOTICE OF REGULAR MEETING AND CANCELLATION OF RULE HEARING

Notice is hereby given that the New Mexico Athletic Trainers Practice Board will convene a Regular Board Meeting on October 16, 1995 scheduled to begin at 9:00 a.m. as previously noticed, however, the Rule Hearing to consider the Parental Responsibility Act Compliance has been CANCELLED.

NOTE: Regulation and Licensing Department will hold a public hearing on September 29, 1995 to consider adoption of a regulation implementing said Act. (For further information contact the Board office).

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.

A copy of the agenda will be available at the Board office twenty four (24) hours before the meeting. Board office location: 1599 St. Francis 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 CHILDREN, YOUTH AND FAMILIES DEPARTMENT

PROTECTIVE SERVICES DIVISION

NOTICE OF PUBLIC HEARING

POLICIES GOVERNING THE PROVISION OF ADOPTION SERVICES, MATCHING TO SUBSTITUTE CARE, AND RECRUITMENT OF FOSTER CARE PROVIDERS

The Protective Services Division of the Children, Youth and Families Department will hold a public meeting on October 16, 1995, beginning at 9:00 o'clock a.m. in the Apodaca Conference Hall, 2nd floor PERA Building, 1120 Paseo De Peralta, Santa Fe, New Mexico, to consider its proposed amendments to policies governing the Division's provision of adoption services, matching to substitute care, and recruitment of foster care providers. This conference room is handicap accessible through entry on the East side of the building.

The purpose of these policies is to delineate the Department's role and responsibility in providing adoption services to children in the Department's custody, prevent discrimination in the placement of children in foster care or adoptive homes on the basis of race, color, or national origin, and facilitate the diligent recruitment of foster and adoptive parents. These proposed policy amendments: clarify the purpose, goal, eligibility, Department responsibilities, service provision and related regulations for the provision of adoption services; specifies factors the Department shall consider in selecting a substitute care placement; and, states the Department's policy on the recruitment of foster parents.

The proposed policy amendments may be reviewed during regular business hours at the office of the Policy and Planning Bureau, Protective Services Division, Room 225, on the second floor of the PERA Building, or copies may be obtained by contacting the Policy and Procedures Bureau, tele-