
STATEMENT OF REASONS

1. Pursuant to the Radiation Protection Act, NMSA 1978, Section 74-3-15 (1977), the State of New Mexico administers the Radiation Protection Program through an Agreement between the Nuclear Regulatory Commission (“NRC”) and the State of New Mexico titled “Agreement Between the United States Atomic Energy Commission and the State of New Mexico for Discontinuance of Certain Commission Regulatory Authority and Responsibility within the State Pursuant to Section 274 of the Atomic Energy Act of 1954, As Amended” executed on April 3, 1974 (“Agreement”).

2. The Agreement provides for discontinuance of the regulatory authority of the NRC and acceptance of that authority by the Environmental Improvement Board (“Board”) and Environmental Protection Division of the New Mexico Environment Department (“Department”). NMSA 1978, § 74-3-15 (1977).

3. As an agreement state under 42 U.S.C. § 2021 and Section 74-3-15, the State’s regulations must be compatible with the NRC’s regulations. 42 U.S.C. § 2021(d)(2)(2005).

4. The compatibility requirement is met through the promulgation of state regulations when necessary.

5. The State must maintain a compatible and adequately staffed Radiation Protection Program to keep its agreement status.

6. The NRC provides review summary sheets for the regulation amendments called the Regulation Amendment Tracking System Identification Numbers (“RATS IDs”). The RATS IDs

are divided into several columns, such as the “NRC Regulation Section”, “State Section”, and “Compatibility Category”.

7. The Bureau proposes one minor revision to 20.3.3 NMAC at 20.3.3.315(J)(1)(b)(i) NMAC so it is compatible with RATS ID: 2023-1 and aligns with the current federal regulations. Specifically, the proposed revision is to correct a citation reference to 21 C.F.R. 207, “Requirements for Foreign and Domestic Establishment Registration for Human Drugs, Including Drugs that are Regulated Under a Biologics License, and Animal Drugs, and the National Drug Code.”

8. Failure to maintain compatibility with the NRC regulations jeopardizes the Agreement between the State and the NRC and potentially endangers the authority of the State to regulate certain uses of radioactive materials within the State and to collect radioactive materials license fees.

9. For the duration of the Agreement, the Board shall have the authority to regulate the radioactive materials covered by the Agreement for the protection of the public health and safety and the environment from radiation hazards. *Id.*

10. The Bureau also proposes several revisions to 20.3.1 NMAC, 20.3.2 NMAC, 20.3.4 NMAC, and 20.3.6 NMAC which consist of general updates to align with the Bureau’s current business practices, revisions to the definitions, and clarifications of certain requirements. Specifically:

a. 20.3.1 NMAC-The proposed revisions are to clarify the Bureau’s current business practice with regard to enforcement for persons who are out of compliance with 20.3 NMAC.

b. 20.3.2 NMAC-The proposed revisions are to update the definitions, clarify the scope, update requirements for the application for registration of radiation services and qualifications for certain practitioners, insert additional requirements for a radiation safety officer

and their responsibilities, reorganize appendices for shielding designs by removing them from 20.3.6 NMAC and inserting them into 20.3.2 NMAC, and clarify certain requirements to align with the Bureau's current business practices.

c. 20.3.4 NMAC-The proposed revision is to correct an incorrect citation in 20.3.4.453(A)(1)(a) NMAC. In this subsection, the regulation references 20.3.4.452 NMAC but it should reference 20.3.4.405 NMAC.

d. 20.3.6 NMAC- The proposed revisions are to update the definitions, clarify the scope, clarify the general requirements for operating x-ray systems, update requirements for the quality assurance program, update the list of facilities that are exempt from the requirements of 20.3.6 NMAC, reorganize the appendices by removing them from 20.3.6 NMAC and inserting them into 20.3.2 NMAC, and incorporate regulatory requirements from the U.S. Food and Drug Administration for diagnostic x-ray equipment, fluoroscopic x-ray systems, computed tomography equipment, and cabinet x-ray systems.

11. The Department is authorized by NMSA 1978, Section 74-1-7(A)(5)(2024) to revise New Mexico's radiation control regulations.

12. The Board has the authority to adopt the proposed revisions pursuant to NMSA 1978, Section 74-1-8(A)(5)(2024), NMSA 1978, Section 74-1-9 (1985), and NMSA 1978, Section 74-3-5(A)(2000).

13. The Board shall, pursuant to the advice and recommendations of the Radiation Technical Advisory Council ("RTAC"), adopt and promulgate such rules, regulations, and licensure standards as may be necessary to effectuate the provisions of the Radiation Protection Act, NMSA 1978, Sections 74-3-1 through 74-3-16 (1953, as amended). NMSA 1978, § 74-3-5(A)(2000).

14. Pursuant to Section 74-3-5(A), the proposed amendments to 20.3.2 NMAC, 20.3.3 NMAC, 20.3.4 NMAC, and 20.3.6 NMAC, were provided to the RTAC at its June 2, 2026 meeting. The RTAC consented to the proposed amendments for 20.3.2 NMAC, 20.3.3 NMAC, 20.3.4 NMAC, and 20.3.6 NMAC as proposed.

15. Additionally, the Bureau requires a medical imaging license for persons operating medical equipment emitting ionizing and non-ionizing radiation pursuant to the Radiation Protection Regulations governing Radiologic Technology Certification (20.3.20 NMAC).

16. In 2009, 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, 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.

17. The Act was also amended to create the Medical Imaging and Radiation Therapy Advisory Council (“MIRTAC”), consisting of six medical imaging professionals licensed by the Department, representing each medical imaging modality defined under the Act, NMSA 1978, Section 61-14E-5.1 (2009).

18. The administration and enforcement of the Act is vested in the Department. NMSA 1978, §61-14E-3 (2009).

19. The purpose of the Act is to maximize the protection practicable for the citizens of New Mexico from ionizing and non-ionizing radiation in the practice of medical imaging. The Act establishes requirements for appropriate education and training of persons operating medical equipment emitting ionizing and non-ionizing radiation, establishes standards of education and

training for the persons who administer medical imaging and radiation therapy procedures, and provides the appropriate examination and licensure to those persons. NMSA 1978, §61-14E-2.

20. The Bureau is proposing to revise 20.3.20 NMAC in order to clarify the definition of supervision and to add Nuclear Medical Technicians that are Computed Tomography (“CT”) certified to the list of personnel that are allowed to operate CT x-ray systems.

21. Pursuant to Section 61-14E-5, the proposed revisions to 20.3.20 NMAC were provided to the MIRTAC at its March 20, 2026 meeting. The MIRTAC approved of the proposed amendments to 20.3.20 NMAC with some modifications to the definitions. The Bureau made the modifications to the definitions.

22. Pursuant to 20.1.1.300(A) NMAC, any person may petition the Board for an amendment of regulations within the jurisdiction of the Board.

23. The Board must adopt rules and regulations establishing continuing education requirements as a condition of licensure renewal for the purpose of protecting the health and well-being of the citizens of New Mexico, and promoting knowledge and practice as verified by credentialing organizations for medical imaging and radiation therapy. NMSA 1978, §61-14E-5.

24. The Board shall, pursuant to the advice and recommendation of the MIRTAC, adopt and promulgate such rules, regulations, and licensure standards as may be necessary to effectuate the provisions of the Act and to maintain high standards of practice as verified by credentialing organizations for medical imaging and radiation therapy. NMSA 1978, § 61-14E-5.