

NOTICES OF RULEMAKING DOCKET OPENING

The Administrative Procedure Act (APA) requires the publication of Notices of Rulemaking Docket Opening when an agency opens a rulemaking docket to consider rulemaking. Under the APA effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process.

NOTICE OF RULEMAKING DOCKET OPENING

**DEPARTMENT OF AGRICULTURE
ANIMAL SERVICES DIVISION**

- 1. Title and its heading:** 3, Agriculture
Chapter and its heading: 2, Animal Services Division
Article and its heading: 2, Meat and Poultry Inspection
11, Ratites
Section numbers: R3-2-202, R3-2-1101 through R3-2-1109
- 2. The subject matter of the proposed rule:**
This rulemaking conforms the Department's rules regarding slaughter of ratites and squab with newly enacted federal regulations placing these activities under poultry regulations.
- 3. A citation to all published notices relating to the proceeding:**
None
- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Sherry D. Blatner
Address: Arizona Department of Agriculture
1688 W. Adams Street
Phoenix, AZ 85007
Telephone: (602) 542-0962
Fax: (602) 542-5420
E-mail: sherryblatner@agric.state.az.us
- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**
Written comments: 8:00 a.m. to 5:00 p.m., Monday through Friday
Oral comments: 8:00 a.m. to 4:00 p.m., Monday through Friday
Arizona Department of Agriculture
1688 W. Adams Street
Phoenix, AZ 85007
- 6. A timetable for agency decisions or other action on the proceeding, if known:**
Unknown

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ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS) - ADMINISTRATION

- 1. Title and its heading:** 9, Health Services
Chapter and its heading: 22, Arizona Health Care Cost Containment System - Administration
Article and its heading: 18, Finger Imaging
Section numbers: Sections to be determined
- 2. The subject matter of the proposed rule:**
The Administration will develop rules to implement the AHCCCS Finger Imaging Program as a condition of AHCCCS eligibility under A.R.S. § 36-2905.06.

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3. A citation to all published notices relating to the proceeding:

None

4. The name and address of agency personnel with whom persons may communicate regarding the rule:

Name: Cheri Tomlinson
Address: AHCCCS Administration
Office of Policy Analysis and Coordination
801 East Jefferson Street, Mail Drop 4200
Phoenix, AZ 85034
Telephone: (602) 417-4198
Fax: (602) 256-6756

5. The time which the agency will accept written comments and the time and place where oral comments may be made:

The Administration will accept written comments Monday through Friday, 8:00 a.m. to 5:00 p.m., at the address indicated in item #4. Public hearings will be scheduled later to provide a forum for interactive discussion with interested parties.

6. A timetable for agency decisions or other action on the proceeding, if known:

The Administration will hold a public hearing at a time to be determined.

NOTICE OF RULEMAKING DOCKET OPENING

**RADIATION REGULATORY AGENCY
MEDICAL RADIOLOGIC TECHNOLOGY BOARD OF EXAMINERS**

- 1. Title and its heading:** 12, Natural Resources
Chapter and its heading: 2, Radiation Regulatory Agency - Medical Radiologic Technology Board of Examiners
Article and its heading: 4, Schools of Practical Radiologic Technology
Section numbers: R12-2-401

2. The subject matter of the proposed rule:

R12-2-401 is being amended to extend the maximum time-frame for the course of study from 9 to 24 months. There is no change to the minimum time-frame.

3. A citation to all published notices relating to the proceeding:

None

4. The name and address of agency personnel with whom persons may communicate regarding the rule:

Name: Aubrey Godwin or John Gray
Address: 4814 S. 40th Street
Phoenix, AZ 85040
Telephone: (602) 255-4845
E-mail: agodwin@arra.state.az.us or jgray@arra.state.az.us

5. The time which the agency will accept written comments and the time and place where oral comments may be made:

Written comments will be accepted Monday through Friday, 8:00 a.m. to 5:00 p.m.

Oral comments will be accepted Monday through Friday, 8:00 a.m. to 4:30 p.m., at the Radiation Regulatory Agency, 4814 S. 40th Street, Phoenix, AZ 85040.

6. A timetable for agency decisions or other action on the proceeding, if known:

The rule change is not likely to stir significant reaction. Therefore the standard timetable to complete this rule is anticipated.

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**DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR POLLUTION CONTROL**

- 1. Title and its heading:** 18, Environmental Quality
Chapter and its heading: 2, Department of Environmental Quality - Air Pollution Control
Article and its heading: 7, Existing Stationary Source Performance Standards
Section numbers: R18-2-715
- 2. The subject matter of the proposed rule:**
The Arizona Department of Environmental Quality will propose source-requested reductions in emission limits applicable to a copper smelter that has been shut down and is considering resuming operation.
- 3. A citation to all published notices relating to the proceeding:**
None
- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Mark Lewandowski
Address: 3033 N. Central Ave., T5109B
Phoenix, AZ 85012
Telephone: (602) 207-2230
Fax: (602) 207-2366
- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**
To be announced in the Notice of Proposed Rulemaking
- 6. A timetable for agency decisions or other action on the proceeding:**
To be announced in the Notice of Proposed Rulemaking

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**DEPARTMENT OF ENVIRONMENTAL QUALITY
ENVIRONMENTAL REVIEWS AND CERTIFICATIONS**

- 1. Title and its heading:** 18, Environmental Quality
Chapter and its heading: 5, Department of Environmental Quality - Environmental Reviews and Certifications
Article and its heading: 1, Classification of Treatment Plants and Certification of Operators
Section numbers: R18-5-101, R18-5-102, R18-5-104, R18-5-105, R18-5-106, R18-5-112, R18-5-115 and other possible Articles and Sections yet to be determined
- 2. The subject matter of the proposed rule:**
The purpose of this rulemaking is to make a few minor amendments to the operator certification rules, which were recently amended effective February 16, 2001. The changes are being implemented primarily in order to satisfy primacy requirements of the U.S. Environmental Protection Agency, which interprets several of the recent changes to be less stringent than the previous rules. By making the changes, Arizona's continued primacy of the operator certification program will be ensured. The Department is also taking advantage of the opportunity to clarify the language in several other Sections of Article 1.
- 3. A citation to all published notices relating to the proceeding:**
None
- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Anthony Bode, Manager, Program Development and Outreach
Drinking Water Section
Address: Department of Environmental Quality
3033 N. Central Ave., M0248A
Phoenix, AZ 85012-2809

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Telephone: (602) 207-4648
(In Arizona: 800-234-5677, and ask for the four-digit extension)

Fax: (602) 207-4634

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

The Department will publish a Notice of Proposed Rulemaking in the *Register*, at which time it will accept comments until the close of record date. All comments should be in writing and submitted to the attention of the agency personnel referenced above or in the Notice of Proposed Rulemaking, which will also contain information on the time and place of any proceedings scheduled by the Department at which oral comments may be made.

6. A timetable for agency decisions or other action on the proceeding:

It is anticipated that a Notice of Proposed Rulemaking will be filed with the Office of the Secretary of State for publication in the *Register* simultaneously with this Notice of Rulemaking Docket Opening, but in no case later than July 2001. The Department plans to submit a Notice of Final Rulemaking for publication by November 2001. Contact the agency personnel named above for the current status of the rulemaking. The personnel can also arrange for interested parties to inspect the proposed rule, written submissions on the proposed rule, the economic, small business, and consumer impact statement, if applicable, and the minutes of any pertinent council meeting.

Editor's Note: The following Notice of Rulemaking Docket Opening supersedes the Notice of Rulemaking Docket Opening that was published in the Register at 7 A.A.R. 2663, June 22, 2001.

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF ENVIRONMENTAL QUALITY

WATER POLLUTION CONTROL

- 1. Title and its heading:** 18, Environmental Quality
Chapter and its heading: 9, Department of Environmental Quality - Water Pollution Control
Article and its heading: 9, Arizona Pollution Discharge Elimination System
10, Land Application of Biosolids
Section numbers: R18-9-1001 through R18-9-1014, Appendix A, and other Sections in Article 9, which are unknown at this time
- 2. The subject matter of the proposed rule:**
This rulemaking establishes a state program, authorized by the legislature under HB 2426 in the 2001 legislative session, that governs all facilities that discharge pollutants from a point source into navigable waters (waters of the United States). The AZPDES program incorporates by reference certain Code of Federal Regulations (CFRs) relating to the federal NPDES program, and revises certain CFRs for clarity and to reflect conditions in the arid South-west environment.
- 3. A citation to all published notices relating to the proceeding:**
Notice of Recodification: 7 A.A.R. 2522, June 15, 2001
- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Shirley J. Conard
Address: Department of Environmental Quality
3033 N. Central Ave., M0401A-422
Phoenix, AZ 85012-2809
Telephone: (602) 207-4632 (Metro Phoenix area) or
1-800-234-5677, ext. 4632 (other areas)
Fax: (602) 207-4674
E-mail: conard.shirley@ev.state.az.us
- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**

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Written comments will be accepted at the location in item #4 between 8:00 and 5:00 p.m., Monday through Friday. Oral comments will be accepted at the location in item #4 between 8:00 and 4:00 p.m., Monday through Friday. Comments will be accepted until the close of record, which has not yet been determined.

6. A timetable for agency decisions or other action on the proceeding:

It is anticipated that the rulemaking will be filed with the Office of the Secretary of State on or about the first week in July for publication in the *Register*. The Department expects that the final rulemaking will be heard by the Governor's Regulatory Review Council in November or December.

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF INSURANCE

- 1. Title and its heading:** 20, Commerce, Banking, and Insurance
Chapter and its heading: 6, Department of Insurance
Articles and their headings: 6, Types of Insurance Contracts
Section numbers: R20-6-604 through R20-6-604.10
- 2. Subject matter of the proposed rule:**

The director has conducted a review of the credit insurance experience and prima facie rates as provided in R20-6-604(H)(3) to determine whether an insurer, using the prima facie rate, is providing reasonable benefits for the premium charged. The director will repeal the current rules and adopt new rules that are more closely aligned with the National Association of Insurance Commissioners model rules, on which the rules are based. The rules will also be revised to reflect current rule writing standards and to revise the process for establishing the prima facie rates.
- 3. A citation to all published notices relating to the proceeding:**

No previous publications
- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**

Name: Margaret L. McClelland
Address: Arizona Department of Insurance
2910 N. 44th Street, Suite 210
Phoenix, AZ 85018
Telephone: (602) 912-8456
Fax: (602) 912-8452
- 5. The time during which written submission may be made and the time and place where oral comments may be made:**

The Department will accept written comments during a public comment period that will be noticed in the publication of the proposed rulemaking. The Department will schedule oral proceedings, within the statutorily mandated time-frame, to be noticed in the *Register*.
- 6. A timetable for agency decisions or other action in the proceeding:**

The Department expects to file a Notice of Proposed Rulemaking by the fourth quarter of 2001.

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DEPARTMENT OF INSURANCE

- 1. Title and its heading:** 20, Commerce, Banking, and Insurance
Chapter and its heading: 6, Department of Insurance
Articles and their headings: 19, Health Care Services Organizations Oversight
Section numbers: To be determined
- 2. Subject matter of the proposed rule:**

In 2000, the Arizona legislature passed SB 1330. Under SB 1330, effective July 1, 2001, regulatory authority over health care services organizations (HCSOs), previously bifurcated between the Arizona Department of Health Services and the Arizona Department of Insurance (ADOI), will be consolidated under ADOI. The principal effect of the consolidated regulatory structure will be to bring new responsibilities to ADOI. ADOI will define basic health

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services and maintain, make determinations under, and enforce rules that establish whether an HCSO provides for basic health care services and whether it constitutes an effective mechanism to achieve an effective health care plan. ADOI retains authority to review, approve, suspend, or revoke certificates of authority for HCSOs.

Under Laws 2000, Chapter 356, § 26, ADOI filed exempt temporary rules for oversight of HCSOs with the Secretary of State on June 7, 2001. These temporary exempt rules become effective July 1, 2001. At the same time that the Department filed that exempt rulemaking, it also filed this Notice of Rulemaking Docket Opening for a permanent rulemaking regulating HCSOs to comply with Title 41, Chapter 6, Arizona Revised Statutes.

3. A citation to all published notices relating to the proceeding:

Notice of Exempt Rulemaking: 7 A.A.R. 2769, June 29, 2001

4. The name and address of agency personnel with whom persons may communicate regarding the rule:

Name: Margaret L. McClelland
Address: Arizona Department of Insurance
2910 N. 44th Street, Suite 210
Phoenix, AZ 85018
Telephone: (602) 912-8456
Fax: (602) 912-8452

5. The time during which written submission may be made and the time and place where oral comments may be made:

The Department will accept written comments during a public comment period that will be noticed in the publication of the proposed rulemaking. The Department will schedule oral proceedings, within the statutorily mandated time-frame, to be noticed in the *Register*.

6. A timetable for agency decisions or other action in the proceeding:

The Department expects to file a Notice of Proposed Rulemaking in 2002.