

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 VETERINARY MEDICAL EXAMINING BOARD

[R06-197]

1. **Title and its heading:** 3, Agriculture
Chapter and its heading: 11, Veterinary Medical Examining Board
Article and its heading: 1, General Provisions; 10, Animal Crematory Minimum Standards
Section numbers: R3-11-108, Table 1, and R3-11-1001 through R3-11-1012 (As part of this rulemaking, other Sections may be added.)
2. **The subject matter of the proposed rule:**
In 2004, the Legislature amended the Board's statutes to require that an animal crematory be licensed. The Board was authorized to make rules establishing qualifications and minimum standards for an animal crematory, prescribing a license application form, and establishing fees for a license. The Board is making the rules authorized.
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: Jenna Jones
Address: Veterinary Medical Examining Board
1400 W. Washington, Ste. 240
Phoenix, AZ 85007
Telephone: (602) 542-8150
Fax: (602) 364-1039
E-mail: Jenna.jones@vetbd.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:**
The Board will accept comments during business hours at the address listed in item #4. Information regarding an oral proceeding will be included in the Notice of Proposed Rulemaking.
6. **A timetable for agency decisions or other action on the proceeding, if known:**
To be determined

NOTICE OF RULEMAKING DOCKET OPENING ARIZONA EMERGENCY RESPONSE COMMISSION

[R06-196]

1. **Title and its heading:** 8, Emergency and Military Affairs
Chapter and its heading: 4, Arizona Emergency Response Commission
Article and its heading: 1, Emergency Planning and Community Right to Know
Section numbers: R8-4-101 through R8-4-110 (Other Sections may be added.)
2. **The subject matter of the proposed rule:**
The Commission is making rules regarding emergency planning and preparedness, hazardous chemical reporting, reportable release notification, and the community's right to know about hazardous chemicals or extremely hazardous substances in the community.
3. **A citation to all published notices relating to the proceeding:**
None

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

Name: Daniel Roe, Executive Director
Address: Arizona Emergency Response Commission
5636 E. McDowell Road
Phoenix, AZ 85008
Telephone: (602) 231-6346
Fax: (602) 392-7519
E-mail: Dan.roe@azdema.gov

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

The Commission will accept comments during business hours at the address listed in item #4. Information regarding an oral proceeding will be included in the Notice of Proposed Rulemaking.

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

To be decided

NOTICE OF RULEMAKING DOCKET OPENING

**DEPARTMENT OF HEALTH SERVICES
LABORATORIES**

[R06-195]

1. Title and its heading:

9, Health Services

Chapter and its heading:

14, Department of Health Services – Laboratories

Article and its heading:

7, Health Screening Services

Section numbers:

R9-14-701 (The Department may add, delete, or modify Sections as necessary.)

2. The subject matter of the proposed rule:

“Health screening services” are defined in A.R.S. § 36-401(A)(23) as “the acquisition, analysis and delivery of health-related data of individuals to aid in the determination of the need for medical services.” A.R.S. § 36-405.01, which was passed by the legislature in 1977, specifies the manner in which health screening services shall be conducted and authorizes the Arizona Department of Health Services (Department) to “adopt such ... regulations necessary or appropriate to carry out the purposes of this section.” *Arizona Administrative Code* Title 9, Chapter 14, Article 7, implements A.R.S. § 36-405.01 by providing definitions and requirements. This rulemaking will delete unnecessary definitions, clarify requirements, and make the rule conform to rulemaking format and style requirements of the Governor’s Regulatory Review Council and the Office of the Secretary of State. The Department may add, delete, or modify Sections as necessary.

The agency docket number, if applicable:

RE-016-06

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: Steve Baker, Office Chief
Address: Arizona Department of Health Services
Bureau of State Laboratory Services
250 N. 17th Ave.
Phoenix, AZ 85007
Telephone: (602) 364-0735
Fax: (602) 364-0759
E-mail: bakersd@azdhs.gov
or
Name: Kathleen Phillips, Rules Administrator
Address: Arizona Department of Health Services
Office of Administrative Rules
1740 W. Adams, Suite 202
Phoenix, AZ 85007

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Telephone: (602) 542-1264
Fax: (602) 364-1150
E-mail: phillik@azdhs.gov

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

Written comments will be accepted at the addresses listed in item #4 until the close of record, which has not yet been determined. The Department has not scheduled any oral proceedings at this time.

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

To be announced in the Notice of Proposed Rulemaking

NOTICE OF RULEMAKING DOCKET OPENING

RADIATION REGULATORY AGENCY

[R06-199]

1. Title and its heading:

12, Natural Resources

Chapter and its heading:

1, Radiation Regulatory Agency

Article and its heading:

1, General Provisions

3, Radioactive Material Licensing

4, Standards for Protection Against Ionizing Radiation

7, Medical Uses of Radioactive Material

9, Particle Accelerators

Section numbers:

R12-1-102, R12-1-103, R12-1-311, R12-1-415, R12-1-434, R12-1-438, R12-1-455, R12-1-701, R12-1-702, R12-1-703, R12-1-704, R12-1-705, R12-1-706, R12-1-707, R12-1-708, R12-1-709, R12-1-710, R12-1-711, R12-1-712, R12-1-713, R12-1-714, R12-1-715, R12-1-716, R12-1-717, R12-1-718, R12-1-719, R12-1-720, R12-1-721, R12-1-722, R12-1-723, R12-1-724, R12-1-725, R12-1-726, R12-1-727, R12-1-728, R12-1-729, R12-1-730, R12-1-731, R12-1-732, R12-1-733, R12-1-734, R12-1-735, R12-1-736, R12-1-737, R12-1-738, R12-1-739, R12-1-740, R12-1-741, R12-1-742, R12-1-743, R12-1-744, R12-1-745, R12-1-746, Exhibit A, R12-1-901, and R12-1-913. (The agency may add, delete, or modify Sections as necessary.)

2. The subject matter of the proposed rule:

Most of the proposed changes will update the rules affecting the use of radioactive material in the practice of medicine. However, there are a few changes affecting those licensees that store for decay, radioactive waste and those licensees that use portable gauges that contain radioactive material. Also, there are two changes that will affect particle accelerator users.

Many of the changes are imposed on Arizona through an Agreement with the Nuclear Regulatory Commission (NRC). The first proposed rule change will remove the authorization to dispose of radioactive waste after holding it for 10 half-lives. A second change will require all portable gauge licensees to have and maintain two levels of security to prevent unauthorized removal of the portable gauge. The Nuclear Regulatory Commission is requiring all Agreement States adopt similar rules. A minor change to R12-1-103 and two minor changes to Article 9 are made to clarify existing rules.

The largest group of changes are to the Article 7 rules that affect medical users of radioactive material. One of these changes, an exception to the Agreement State required changes, is the change to the definition of "qualified expert" that is being amended to interface with "authorized medical physicist" which is defined in Article 7. The other changes being made offer new standards for medical users of radioactive material and are directly associated with the federal regulations located in 10 CFR 35. A thorough understanding of the new rules proposed for Article 7 can be obtained by reviewing NRC--NUREG-1556, Vol. 9, *Program-Specific Guidance About Medical Use Licenses*.

It should be noted that not all of the new NRC standards are being incorporated into Arizona rule. The incorporations made are based on the Agreement State compatibility requirement of the NRC regulation. Credentialing standards for authorized users, authorized medical physicists, and authorized nuclear pharmacists will be adopted, as required by the NRC. However, the practice of nuclear cardiology by cardiologist authorized users will be limited to nuclear cardiology unless the cardiologist can demonstrate broader training and experience in the field of nuclear medicine.

The agency docket number, if applicable: RMP-0057

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

None

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

Name: Aubrey Godwin
Address: Arizona Radiation Regulatory Agency
4814 S. 40th St.
Phoenix, AZ 85040

5. The time during which written comment can be made:

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

The time and place where oral comment can be made:

Oral comments will be accepted at the Arizona Radiation Regulatory Agency, 4814 S. 40th St., Phoenix, AZ 85040, during a public hearing that will be noticed with the proposed rules in the *Register*.

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

A timetable is not available at this time.

NOTICE OF RULEMAKING DOCKET OPENING

**DEPARTMENT OF ENVIRONMENTAL QUALITY
REMEDIAL ACTION**

[R06-194]

1. Title and its heading:

18, Environmental Quality

Chapter and its heading:

7, Department of Environmental Quality – Remedial Action

Article and its heading:

5, Voluntary Remediation Program

Section numbers:

To be determined

2. The subject matter of the proposed rule:

The proposed rule will set out fees to be charged by the Department under the Voluntary Remediation Program established in A.R.S. Title 49, Chapter 1, Article 5. This is the permanent rulemaking authorized in Laws 2000, Ch. 225, § 13. The interim fee rule language in Article 5 will be replaced with a permanent fee rule.

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

Notice of Rulemaking Docket Opening: 7 A.A.R. 2051, May 11, 2001

Notice of Rulemaking Docket Opening: 8 A.A.R. 1738, April 5, 2002

Notice of Rulemaking Docket Opening: 9 A.A.R. 1875, June 13, 2003

Notice of Rulemaking Docket Opening: 10 A.A.R. 2608, June 25, 2004

Notice of Rulemaking Docket Opening: 11 A.A.R. 2321, June 17, 2005

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

Name: Peggy J. Guichard-Watters
Address: Department of Environmental Quality
1110 W. Washington St.
Phoenix, AZ 85007
Telephone: (602) 771-4117
Fax: (602) 771-4138
E-mail: guichard-watters.peggy@azdeq.gov

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

To be published in the Notice of Proposed Rulemaking

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

To be published in the Notice of Proposed Rulemaking