

# 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 HEALTH SERVICES FOOD, RECREATIONAL AND INSTITUTIONAL SANITATION

*Editor's Note: The following Notice of Rulemaking Docket Opening was reviewed per Executive Order 2011-05 as issued by Governor Brewer. (See the text of the executive order on page 1641.) The Governor's Office authorized the notice to proceed through the rulemaking process on July 28, 2011.*

[R11-108]

- 1. Title and its heading:** 9, Health Services  
**Chapter and its heading:** 8, Department of Health Services – Food, Recreational, and Institutional Sanitation  
**Article and their headings:** 1, Food and Drink  
**Section numbers:** R9-8-101, R9-8-102 (Sections may be added, deleted, or modified as necessary.)

- 2. The subject matter of the proposed rules:**  
Since the rules in *Arizona Administrative Code* (A.A.C.) Title 9, Chapter 8, Article 1, were last revised, several statutory changes have been made to Arizona Revised Statutes (A.R.S.) § 36-136 that affect these rules. Laws 2006, Ch. 272, § 1 requires the Department to adopt rules that provide an exemption from the requirements in 9 A.A.C. 8, Article 1 for food and drink that is served at a noncommercial social event that takes place at a workplace, is prepared at a cooking school that is conducted in an owner-occupied home, is not potentially hazardous, or is prepared or served at an employee-conducted function that lasts less than four hours and is not regularly scheduled. Laws 2008, Ch. 149, §1 requires the Department to adopt rules that clarify that food and drink that is not potentially hazardous and is prepared in a kitchen of a private home for occasional sale or distribution for noncommercial purposes is not subject to 9 A.A.C. 8, Article 1. Laws 2008, Ch. 149, § 1 adds to the food and drink that is to be exempted by rule “commercially prepackaged food that is not potentially hazardous and whole fruits and vegetables that are washed and cut on site for immediate consumption” offered at a child care facility and “commercially prepackaged food and drink that is not potentially hazardous and that is displayed in an area of less than ten lineal feet.” Laws 2011, Ch. 84, § 1 requires the Department to add baked and confectionary goods “that are not potentially hazardous and that are prepared in a kitchen of a private home for commercial purposes” to the list of food or drink to be exempted from the requirements in 9 A.A.C. 8, Article 1 if specific conditions are met. The Department received an exception from the Governor’s rulemaking moratorium, established by Executive Order 2011-05, and is proposing to amend the rules in 9 A.A.C. 8, Article 1, to implement these statutory changes. The proposed amendments will conform to rulemaking format and style requirements of the Governor’s Regulatory Review Council and the Office of the Secretary of State.

**The agency docket number:**  
RE-004-11

- 3. A citation to all published notices relating to the proceeding:**  
Notice of Proposed Rulemaking: 17 A.A.R. 1606, August 19, 2011 (*in this issue*)

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

Name: Diane Eckles, Office Chief  
Address: Department of Health Services  
Office of Environmental Health  
150 N. 18th Ave., Suite 140  
Phoenix, AZ 85007

Telephone: (602) 364-3142

Fax: (602) 364-3146

E-mail: Diane.Eckles@azdhs.gov

or

Name: Thomas Salow, Manager

Address: Department of Health Services  
Office of Administrative Counsel and Rules

Notices of Rulemaking Docket Opening

1740 W. Adams St., Suite 203  
Phoenix, AZ 85007

Telephone: (602) 542-1020  
Fax: (602) 364-1150  
E-mail: salowt@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 Proposed Rulemaking: 17 A.A.R. 1606, August 19, 2011 (*in this issue*)

**NOTICE OF RULEMAKING DOCKET OPENING  
CORPORATION COMMISSION  
TRANSPORTATION**

*Editor's Note: The following Notice of Rulemaking Docket Opening was exempt from Executive Order 2011-05 as issued by Governor Brewer. (See the text of the executive order on page 1641.)*

[R11-106]

- 1. Title and its heading:** 14, Public Service Corporations; Corporations and Associations; Securities Regulation  
**Chapter and its heading:** 5, Corporation Commission – Transportation  
**Article and its heading:** 2, Pipeline Safety  
**Section numbers:** R14-5-202, R14-5-203, R14-5-204, R14-5-205

- 2. The subject matter of the proposed rule:**  
The proposed rules will conform to the most recent amendments of the Federal Pipeline Safety Regulations, which is required by the Commission's Agreement with the United States Department of Transportation, Office of Pipeline Safety, and required for the Commission's Pipeline Safety Group to receive federal funds for Pipeline Safety Programs.

**The agency docket number, if applicable:**  
RG-00000A-11-0161

- 3. A citation to all published notices relating to the proceeding:**  
Notice of Proposed Rulemaking: 17 A.A.R. 1610, August 19, 2011 (*in this issue*)

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

Name: Charles Hains, Commission Counsel, Legal Division  
Address: Arizona Corporation Commission  
1200 W. Washington St.  
Phoenix, AZ 85007  
Telephone: (602) 542-3402  
Fax: (602) 542-4870  
E-mail: Chains@azcc.gov

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

Public comment will be held on September 19, 2011, beginning at 2:00 p.m. or as soon as practicable thereafter in Hearing Room 1 at the Commission's Phoenix offices of the Arizona Corporation Commission located at 1200 W. Washington St., Phoenix, AZ 85007. Written comments can be submitted on or before September 19, 2011. Comments should be submitted to Docket Control at the above address. Please reference docket number RG-00000A-11-0161 on all documents. Oral comments may be provided at the proceeding to be held on September 19, 2011.

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

The Commission will likely bring this to Open Meeting for final approval in October 2011.  
Notice of Proposed Rulemaking: 17 A.A.R. 1610, August 19, 2011 (*in this issue*)