

# 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 ENVIRONMENTAL SERVICES DIVISION

*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 857.) The Governor's Office authorized the notice to proceed through the rulemaking process on March 1, 2012.*

[R12-32]

1. **Title and its heading:** 3, Agriculture  
**Chapter and its heading:** 3, Department of Agriculture – Environmental Services Division  
**Article and its heading:** 2, Permits, Licenses, and Certification  
**Section numbers:** R3-3-208 (Sections may be added, deleted, or modified as necessary.)
2. **The subject matter of the proposed rule:**  
The Department proposes to revise rule 208 to eliminate the requirement of having at least one unit of continuing education related to the use of fumigants for a raw agricultural commodity or on-farm burrowing rodent problem in order to renew fumigation certification and to clarify the rule in several respects.
3. **A citation to all published notices relating to the proceeding:**  
Notice of Proposed Rulemaking: 18 A.A.R. 828 April 6, 2012 (*in this issue*)
4. **The name and address of agency personnel with whom persons may communicate regarding the rule:**  
Name: Jack Peterson  
Address: Arizona Department of Agriculture  
1688 W. Adams St.  
Phoenix, AZ 85007  
Telephone: (602) 542-3575  
Fax: (602) 542-0466  
E-mail: jpeterson@azda.gov  
or  
Name: Casey Cullings  
Address: Arizona Department of Agriculture  
1688 W. Adams St.  
Phoenix, AZ 85007  
Telephone: (602) 542-0962  
Fax: (602) 542-5420  
E-mail: casey.cullings@azag.gov
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 accept written comments at the address listed in item 4 for at least 30 days following publication of this notice. The Department has not scheduled an oral proceeding at this time.
6. **A timetable for agency decisions or other action on the proceeding, if known:**  
Notice of Proposed Rulemaking: 18 A.A.R. 828, April 6, 2012 (*in this issue*)

NOTICE OF RULEMAKING DOCKET OPENING

NATUROPATHIC PHYSICIANS BOARD OF MEDICAL EXAMINERS

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 857.)

[M12-34]

1. **Title and its heading:** 4, Professions and Occupations  
**Chapter and its heading:** 18, Naturopathic Physicians Medical Board  
**Article and its heading:** 8, Experimental Medicine; 9, Minerals and Nutrients  
**Section numbers:** R4-18-801, R4-18-901, R4-18-902, R4-18-903, R4-18-904  
(Sections may be added, deleted, or modified as necessary.)
2. **The subject matter of the proposed rules:**  
The Board is adding a provision that specifies when the Board considers a procedure, medication, or device experimental. The Board is also adding an Article 9 that contains rules for prescribing or dispensing drugs, including minerals or nutrients. The rules include requirements for qualifications, applications for dispensing certificates, renewal of certificates, and prescribing or dispensing minerals or nutrients.
3. **A citation to all published notices related to the proceeding:**  
Notice of Proposed Rulemaking: 18 A.A.R. 832, April 6, 2012 (*in this issue*)
4. **The name and address of agency personnel with whom persons may communicate regarding the rules:**  
Name: Dr. Craig Runbeck, Executive Director  
Address: 1400 W. Washington St., Suite 300  
Phoenix, AZ 85007  
Telephone: (602) 542-8242  
Fax: (602) 542- 8804  
E-mail: craig.runbeck@aznd.gov
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 continue to accept written comments at the location listed above until the close of record. The Board will schedule oral proceedings within the statutory mandated time-frame, which will be noticed by publication in the *Arizona Administrative Register*.
6. **A timetable for agency decisions or other action on the proceeding, if known:**  
Notice of Proposed Rulemaking: 18 A.A.R. 832, April 6, 2012 (*in this issue*)

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF EMERGENCY AND MILITARY AFFAIRS  
DIVISION OF MILITARY AFFAIRS

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 857.) The Governor's Office authorized the notice to proceed through the rulemaking process on May 25, 2010.

[R12-37]

1. **Title and its heading:** 8, Emergency and Military Affairs  
**Chapter and its heading:** 3, Department of Emergency and Military Affairs – Division of Military Affairs  
**Article and its heading:** 1, Military Installation Fund  
**Section numbers:** R8-3-101 through R8-3-114 (Sections may be added, deleted, or modified as necessary.)
2. **The subject matter of the proposed rule:**  
During the 49th Legislative Session in 2010, Legislature amended Title 26, by passing Senate Bill 1350, transferring the Military Installation Fund from the Department of Commerce to the Department of Emergency and Military Affairs (DEMA). This docket opening is being filed to amend the Military Installation Fund rules to address terminology and procedural changes.
3. **A citation to all published notices relating to the proceeding:**  
Notice of Recodification: 18 A.A.R. 848, April 6, 2012 (*in this issue*)
4. **The name and address of agency personnel with whom persons may communicate regarding the rule:**  
Name: John E. Burk, Ph.D., Senior Executive Officer

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Address: Arizona Department of Emergency and Military Affairs  
5636 E. McDowell Road, Building 101  
Phoenix, AZ 85008

Telephone: (602) 267-2732

Fax: (602) 267-2549

E-mail: john.burk@azdema.gov

or

Name: Andrew Larsen, Admin. Asst.  
Address: Arizona Department of Emergency and Military Affairs  
5636 E. McDowell Road, Building 101  
Phoenix, AZ 85008

Telephone: (602) 267-2351

Fax: (602) 267-2549

E-mail: Andrew.larsen@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 Department 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

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**INDUSTRIAL COMMISSION OF ARIZONA**

*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 857.)*

[R12-38]

- 1. Title and its heading:** 20, Commerce, Financial Institutions, and Insurance  
**Chapter and its heading:** 5, Industrial Commission of Arizona  
**Article and its heading:** 6, Occupational Safety and Health  
**Section numbers:** R20-5-602

**2. The subject matter of the proposed rule:**

In order to conform to the Federal Occupational Safety and Health Standards as required by Section 18(c) of the Federal Occupational Safety and Health Act of 1970, requiring state administered occupational safety and health programs to adopt standards that are at least as effective as those adopted by the U.S. Department of Labor, The Industrial Commission is amending R20-5-602, by incorporating by reference, amendments from 29 CFR 1910, as published in *Federal Register* 76 FR 75782-75786, December 5, 2011 and became a final rule effective March 5, 2012.

This direct final rule revises the Acetylene Standard, by updating a reference in the standard, published by the Compressed Gas Association, a standards developing organization. This rule adopts the Compressed Gas Association most current references, CGA G-1, 2009, replacing CGA G-1 2003 reference.

Copy of the incorporated by reference material is available for inspection or reproduction at the Arizona Division of Occupational Safety and Health, 800 W. Washington St., Room 203, Phoenix, AZ 85007, or can be downloaded from the Federal OSHA web site [www.osha.gov](http://www.osha.gov).

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

Rule has not been published.

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

Name: William Wright, Assistant Director

Address: Division of Occupational Safety and Health  
Industrial Commission of Arizona  
800 W. Washington St., Suite 203  
Phoenix, AZ 85007

Telephone: (602) 542-1695

Fax: (602) 542-1614

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E-mail: wright.william.m@dol.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 Notice of Proposed Rulemaking

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

Not yet known