

## 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 - PLANT SERVICES DIVISION

- 1. Title and its heading:** 3, Agriculture  
**Chapter and its heading:** 4, Plant Services Division  
**Article and its heading:** 4, Seeds  
**Section numbers:** R3-4-406  
As a part of this rulemaking, the Department may add, delete or modify additional Sections as necessary.
- 2. The subject matter of the proposed rule:**  
This rulemaking will update documents incorporated by reference to the current editions and amend Department procedures as necessary. Language usage will be conformed to the current publication standards of the Office of the Secretary of State.
- 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, Rules Specialist  
Address: Arizona Department of Agriculture  
1688 W. Adams, Room 235  
Phoenix, AZ 85007  
Telephone: (602) 542-0962  
Fax: (602) 542-5420  
E-mail: sherry.blatner@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, Room 235  
Phoenix, AZ 85007
- 6. A timetable for agency decisions or other action on the proceeding, if known:**  
Unknown

### NOTICE OF RULEMAKING DOCKET OPENING

#### DEPARTMENT OF HEALTH SERVICES FOOD, RECREATIONAL, AND INSTITUTIONAL SANITATION

- 1. Title and its heading:** 9, Health Services  
**Chapter and its heading:** 8, Department of Health Services - Food, Recreational, and Institutional Sanitation  
**Article and its heading:** 2, Bottled Water  
**Section numbers:** R9-8-201 through R9-8-209  
(The Department may add, delete, or modify additional Sections as necessary.)
- 2. The subject matter of the proposed rule:**  
A.R.S. § 36-136(H)(6) requires the Director to promulgate rules for the inspection and certification of bottled drinking

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water sources, plants, processes and transportation. The rules for the inspection and certification of bottled water sources, plants, processes and transportation are in R9-8-201 through R9-8-209. The Department will amend the rules to be consistent with current industry standards and to comply with statutory authority, current rulemaking style and format requirements, and Department policy.

**The agency docket number:**

RE-012-02

**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 this rule:**

Name: Will Humble, Office Chief  
Address: Arizona Department of Health Services  
Office of Environmental Health  
3815 N. Black Canyon Highway  
Phoenix, AZ 85015  
Telephone: (602) 230-5941  
Fax: (602) 230-5933  
E-mail: whumble@hs.state.az.us

or

Name: Kathleen Phillips, Rules Administrator  
Address: Arizona Department of Health Services  
1740 W. Adams, Suite 102  
Phoenix, AZ 85007  
Telephone: (602) 542-1264  
Fax: (602) 364-1150  
E-mail: kphilli@hs.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 Department will accept written comments until 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:**

None

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**RADIATION REGULATORY AGENCY**

**1. Title and its heading:**

**Chapter and its heading:**

**Article and its heading:**

12, Natural Resources  
1, Radiation Regulatory Agency  
1, General Provisions  
4, Standards for Protection Against Ionizing Radiation  
5, Industrial Radiography Operations  
17, Radiation Safety Requirements for Wireline Service Operations and Subsurface Tracer Studies  
**Section numbers:**  
R12-1-102, R12-1-107, R12-1-403, R12-1-407, R12-1-413, R12-1-416, R12-1-418, R12-1-419, R12-1-430, R12-1-439, R12-1-444, R12-1-445, R12-1-451, R12-1-452, R12-1-502, R12-1-503, R12-1-504, R12-1-505, R12-1-506, R12-1-507, R12-1-508, R12-1-509, R12-1-510, R12-1-511, R12-1-512, R12-1-513, R12-1-515, R12-1-516, R12-1-517, R12-1-521, R12-1-522, R12-1-523, R12-1-524, R12-1-533, R12-1-534, R12-1-539, R12-1-540, R12-1-543, Appendix A., R12-1-1701, R12-1-1702, R12-1-1715, R12-1-1718, R12-1-1723,

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R12-1-1724, R12-1-1725, R12-1-1726, R12-1-1727, R12-1-1728,  
R12-1-1751

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

The description of the subject matter is kept brief because of the Agency has little control over the proposed changes. The changes are being made as a result of an Agreement that Arizona has with the Nuclear Regulatory Commission (NRC), to keep certain Arizona rules compatible with federal standards.

In Article 1 definitions are added to aid in the understanding of the proposed changes imposed by the NRC. R12-1-107 is being added to aid the Agency in taking action against persons that are involved in deliberate misconduct involving radiation sources. Article 4 is being revised to amend existing general standards for radiation protection, and introduce two new rules containing procedures that must be followed when terminating a radioactive material license and associated radiation protection program. Article 5 regulates the use of radiation in the practice of industrial radiography. Many new changes are being made that will require Arizona licensees to follow equivalent federal standards. The proposed changes should not result in any significant cost increase for radiography licensees. Also, because of the current radiographer certification program requires a radiographer to be familiar with federal standards, the licensees in Arizona are already informed of the federal standards being adopted. Article 17 is also being changed to impose current federal standards. The main impetus for these changes is the need to address concerns associated with new well logging technology, protection of aquifers from contamination associated with damaged well logging sources, and abandonment of well sites after a source is lodged downhole.

**The agency docket number:**

RMP-0056

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

None

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

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

**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 8:00 a.m. to 5:00 p.m., Monday through Friday.

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

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

A timetable is not available at this time.

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**DEPARTMENT OF WATER RESOURCES**

**1. Title and its heading:**

12, Natural Resources

**Chapter and its heading:**

15, Department of Water Resources

**Article and its heading:**

8, Well Construction and Licensing of Well Drillers

**Section numbers:**

R12-15-830, R12-15-840

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

Rulemaking undertaken pursuant to this docket opening will amend temporary rules R12-15-830 and R12-15-840 and make them permanent rules. Amended R12-15-830 governs the location of new wells and replacement wells in new locations in active management areas (A.R.S. § 45-598), recovery wells (A.R.S. § 45-834.01), and wells proposed as part of a water exchange (A.R.S. §§ 45-1041, 45-1052) to prevent unreasonably increasing damage to surrounding land or other water users. Amended rule R12-15-840 defines "replacement well at approximately the same location" as used in A.R.S. §§ 45-544, 45-596 and 45-597. The permanent rules will replace rules R12-15-830 and R12-15-840, which were adopted by the Department on March 11, 1983 as temporary rules pursuant to the authority granted by A.R.S. § 45-592(B). The temporary rules, which are still in effect, will be repealed at the time the permanent rules become effective.

**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: Ken Slowinski, Legal Division  
Address: Arizona Department of Water Resources  
500 N. 3rd St.  
Phoenix, AZ 85004  
Telephone: (602) 417-2420  
Fax: (602) 417-2415  
E-mail: kcslowinski@adwr.state.az.us

or

Name: Michele L. Lorenzen  
Address: Arizona Department of Water Resources  
500 N. 3rd St.  
Phoenix, AZ 85004  
Telephone: (602) 417-2420  
Fax: (602) 417-2415  
E-mail: wrmll@adwr.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 Department will accept written comments Monday through Friday between 8:00 a.m. and 5:00 p.m. until further notice is provided. Notice of an oral proceeding will be provided in a later edition of the *Arizona Administrative Register*.

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

The Department intends to adopt rules under this rulemaking proceeding by December 31, 2002. The Department will publish a Notice of Proposed Rulemaking in the *Arizona Administrative Register* which will include the exact wording of the proposed rule and the date, time, and location of an oral proceeding.