

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

STATE REAL ESTATE DEPARTMENT

1. **Title and its heading:** 4, Professions and Occupations
Chapter and its heading: 28, State Real Estate Department
Article and its heading: 11, Professional Conduct
Section number: R4-28-1103. Sections may be added, deleted, or modified as necessary.
2. **The subject matter of the proposed rule:**
The rulemaking is to include an exemption for very small brokerages from the requirement of having a written policy and procedure manual. As the rulemaking progresses, additional changes may be identified.
3. **A citation to all published notices relating to the proceeding:**
None
4. **The name and address of agency personnel to contact regarding the proposed rule:**
Name: Cindy Wilkinson, Rules Liaison
Address: Arizona Dept. of Real Estate
2910 N. 44th Street #100
Phoenix, AZ 85018
Telephone: (602) 468-1414, ext. 120
E-mail: cwilkinson@re.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: The Department will accept written comments directed to the person named in item #4 until 5 p.m. on February 3, 2005.
Oral Comments: No oral proceeding is scheduled at this time.
6. **A timetable for agency decisions or other action in the proceeding:**
The Department plans to conclude the rulemaking as quickly as possible.

NOTICE OF RULEMAKING DOCKET OPENING

RADIATION REGULATORY AGENCY

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
5, Industrial Radiographic Operations
7, Medical Uses of Radioactive Material
10, Notices, Instructions, and Reports to Ionizing Radiation Workers;
Inspections
13, License and Registration Fees
Section numbers: R12-1-102, R12-1-301, R12-1-304, R12-1-305, R12-1-306, R12-1-308, R12-1-309, R12-1-310, R12-1-311, R12-1-312, R12-1-313, R12-1-315, R12-1-318, R12-1-319, R12-1-320, R12-1-321, R12-1-323, R12-1-325, R12-1-405, R12-1-408, R12-1-412, R12-1-413, R12-1-415, R12-1-418, R12-1-419, R12-1-430, R12-1-433, R12-1-441, R12-1-445, R12-1-453, R12-1-501, R12-1-702, R12-1-708, R12-1-713, R12-1-715, R12-1-1003, R12-1-1302, 2-1-1306. Sections may be added, deleted, or modified as necessary.
2. **Subject matter of the proposed rules:**

Arizona Administrative Register / Secretary of State
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Four new terms are added to R12-1-102 to assist the regulated community understand the new Nuclear Regulatory Commission (NRC) regulatory standards that are being added to Chapter 1.

A number of changes are made to Article 3 as a result of a five-year review that was accepted by GRRC on October 7, 2003. Also, changes are made to keep Arizona's rules compatible with the NRC. Worthy changes include annual registration of the generally licensed gauging devices that the NRC believes to be hazardous to the public if not accounted for on a regular basis. In association with the registration a fee will be assessed. As part of this amendment, manufacturers will assist the Agency in holding gauging device users accountable for safe gauge operation and maintenance. Other changes to Article 3 include: language changes to the requirements affecting manufacture and distribution of radiopharmaceuticals and sealed sources used in the practice of medicine which are regulated in Article 7; Agency notification of bankruptcy proceedings by radioactive material licensees going out of business; determination of regulatory jurisdiction at temporary job sites at federal facilities before initiating any work with radioactive material; and the requirement to follow timely procedures when decommissioning a radioactive material use site.

Numerous clarifications are made in Article 4 to meet the regulatory standards placed on the Agency by the NRC. Included are: changes to R12-1-415 that will allow an additional 50 mRem exposure to a declared pregnant worker and the removal of the authority of a pregnant woman to undeclare herself pregnant; a change in R12-1-430 that permits a teletherapy licensee to be exempted from the posting requirements in R12-1-429, if the newly listed conditional controls are met; and a new rule, R12-1-453, is added that requires a licensee or registrant to report personnel exposures, that have been reported to the Agency, to the persons that were exposed to radiation in the report.

Three new definitions are added to Article 5 that will aid in understanding new regulatory standards that were added to Article 5. During the recent rulemaking activities involving Article 5, the NRC required the Agency to meet the federal radiography standards, including radiographer certification.

Article 7 is being amended to incorporate some of the new federal standards for regulating the use of radioactive material used in the practice of medicine. The definition of "medical event" will replace the term "misadministration." In conjunction with this change, definitions are added for "therapeutic dosage" and "therapeutic dose". With the definition changes, misadministration reporting to the Agency will be replaced with medical event reporting. Dose calibrators have become a significant issue since the NRC deregulated their use. The Agency has incorporated decay correction standards for those medical users that do not use a dose calibrator and maintenance standards for dose calibrators, so that affected licensees will have a common regulatory standard to meet. It is hoped that listing the requirements in rule will make them readily available to the regulated community. A new rule, R12-1-715, is added to establish a standard for calibrating the radiation emitted by certain brachytherapy sources used to treat human disease.

Instruction to workers in Article 10 is amended to comply with the standards of the NRC. There are no significant changes associated with this amendment.

A license category in Article 13 is amended to include a registration listing for the gauging devices that will be regulated with the amendment to Article 3 that is described in the preciously described rulemaking. A nominal fee is already assessed for the existing category that will apply to the generally licensed gauging devices that will be registered under it.

Agency docket number:

#0059

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: 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.

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

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

A timetable is not available at this time.