

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 TRANSPORTATION COMMERCIAL PROGRAMS

Editor's Note: The following Notice of Rulemaking Docket Opening was reviewed per Laws 2009, 3rd Special Session, Ch. 7, § 28. (See the text of § 28 on page 537.) The Governor's Office authorized the notice to proceed through the rulemaking process on February 9, 2010.

[R10-36]

- 1. Title and its heading:** 17, Transportation
Chapter and its heading: 1, Department of Transportation – Commercial Programs
- 1. Article and its heading:** 2, Motor Carriers
Section numbers: R17-5-201, R17-5-202, R17-5-203, R17-5-204, R17-5-205, R17-5-206, and R17-5-209 (Sections may be added, deleted, or modified as necessary.)
- 2. The subject matter of the proposed rule:**
The Arizona Department of Transportation (ADOT), Motor Vehicle Division in partnership with the Arizona Department of Public Safety (DPS) engage in this rulemaking to incorporate sections of the 2009 edition of the Code of Federal Regulations (CFR). The United States Department of Transportation (USDOT) requires that states adopt Federal Motor Carrier Safety Regulations to ensure eligibility for federal enforcement grants. Both ADOT and DPS rely on these federal monies to fund numerous enforcement positions especially at Arizona's southern ports of entry.
- 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 rules:**
Name: Dora L. Vasquez, Administrative Rules Supervisor
Address: Administrative Rules Unit
Department of Transportation, Motor Vehicle Division
1801 W. Jefferson St., Mail Drop 517M
Phoenix, AZ 85007
Telephone: (602) 712-8159
Fax: (602) 712-3373
E-mail: dvasquez@azdot.gov
Please visit the ADOT web site to track the progress of this rule and any other agency rulemaking matters at <http://www.azdot.gov/MVD/MVDrules/rules.asp>.
- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**
The Division will accept written and oral comments on this rulemaking Monday through Friday, 8:00 a.m. to 5:00 p.m., with the exception of state holidays. Interested parties may provide comments to the analyst listed in item 4. Public hearings may be scheduled to provide a forum for interactive discussion with interested parties.
- 6. A timetable for agency decisions or other action on the proceeding, if known:**
To be determined

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DEPARTMENT OF WEIGHTS AND MEASURES

Editor's Note: The following Notice of Rulemaking Docket Opening was reviewed per Laws 2009, 3rd Special Session, Ch. 7, § 28. (See the text of § 28 on page 537.) The Governor's Office authorized the notice to proceed through the rulemaking process on February 9, 2010.

[R10-33]

1. **Title and its heading:** 20, Commerce, Financial Institutions, and Insurance
Chapter and its heading: 2, Department of Weights and Measures
Article and its heading: 1, Administration and Procedures; 6, Registered Service Agencies and Representatives; and 9, Gasoline Vapor Control
Section numbers: R20-2-101, R20-2-102, R20-2-104, R20-2-601, and R20-2-901
(Sections may be added, deleted, or modified as necessary.)
2. **The subject matter of the proposed rule:**
In Article 1, the Department will increase metrology laboratory fees and update materials incorporated by reference. In Article 6, the Department will establish qualifications and duties for two classifications of vapor recovery registered service representatives. In Article 9, the Department will incorporate by reference additional vapor recovery test procedures.
3. **A citation to all published notices relating to the proceeding:**
None
4. **Name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Duane Yantorno
Address: Department of Weights and Measures
4425 W. Olive Ave., Suite 134
Glendale, AZ 85302
Telephone: (602) 771-4933
Fax: (623) 939-7825
E-mail: Dyantorno@azdwm.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 decided

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF WEIGHTS AND MEASURES

Editor's Note: The following Notice of Rulemaking Docket Opening was reviewed per Laws 2009, 3rd Special Session, Ch. 7, § 28. (See the text of § 28 on page 537.) The Governor's Office authorized the notice to proceed through the rulemaking process on February 9, 2010.

[R10-34]

1. **Title and its heading:** 20, Commerce, Financial Institutions, and Insurance
Chapter and its heading: 2, Department of Weights and Measures
Article and its heading: 7, Motor Fuels and Petroleum Products
Section numbers: R20-2-701, R20-2-702, R20-2-704, R20-2-707, R20-2-708, R20-2-709, R20-2-713, R20-2-714, R20-2-715, R20-2-718, R20-2-719, R20-2-751, R20-2-752, R20-2-755, R20-2-757, R20-2-759, Table A, R20-2-760, Table 1, and Table 2 (Sections may be added, deleted, or modified as necessary.)
2. **The subject matter of the proposed rule:**
In a rulemaking that was effective in September 2006, the effect of several subsections was contingent upon the State's Implementation Plan regarding CARB 3 and shortening the winter season to November 1 through January 31 being approved by the U.S. Environmental Protection Agency. Because EPA cannot approve the SIP regarding CARB 3 and the shorter winter season, in this rulemaking the Department is:

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- Deleting reference to a winter season that runs from November 1 through January 31. This will make the winter season run from November 1 through March 31; and
- Removing CARB (California Air Resources Board) phase 3 reformulated gasoline as an alternative standard for motor fuel in the CBG-covered area.

In this rulemaking, the Department is also:

- Responding to amendments made in 2007 to A.R.S. § 41-2083 regarding product transfer document requirements for a final destination and labeling requirements for dispensers at motor fuel dispensing sites;
- Responding to HB 2621, enacted in 2008, regarding biofuel standards and requirements;
- Modifying motor fuel standards for ethanol blending; and
- Updating materials incorporated by reference.

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

None

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

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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 decided