

## **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 ANIMAL SERVICES DIVISION**

- 1. Title and its heading:** 3, Agriculture  
**Chapter and its heading:** 2, Department of Agriculture - Animal Services Division  
**Article and its heading:** 1, General Provisions  
**Section numbers:** Table 1. Time-frames
- 2. The subject matter of the proposed rule:**  
This rulemaking conforms the Department's licensing activities regarding slaughter of ratites to the newly enacted federal regulations placing these activities under poultry regulations. The time-frames for ratite "Slaughterhouse and Wholesale Processing Establishment Registration" will be deleted from the table.
- 3. A citation to all published notices relating to the proceeding:**  
Notice of Rulemaking Docket Opening: 7 A.A.R. 2774, June 29, 2001
- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**  
Name: Sherry D. Blatner  
Address: Arizona Department of Agriculture  
1688 W. Adams Street  
Phoenix, AZ 85007  
Telephone: (602) 542-0962  
Fax: (602) 542-5420  
E-mail: sherryblatner@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. - 5:00 p.m., Monday through Friday  
Oral comments: 8:00 a.m. - 4:00 p.m., Monday through Friday  
Arizona Department of Agriculture  
1688 W. Adams Street  
Phoenix, AZ 85007
- 6. A timetable for agency decisions or other action on the proceeding, if known:**  
Unknown

### **NOTICE OF RULEMAKING DOCKET OPENING**

#### **ALLOPATHIC BOARD OF MEDICAL EXAMINERS**

- 1. Title and its heading:** 4, Professions and Occupations  
**Chapter and its heading:** 16, Allopathic Board of Medical Examiners  
**Article and its heading:** 2, Dispensing of Drugs.  
**Section numbers:** R4-16-201 through R4-16-205
- 2. Subject matter of the proposed rules:**  
These rules cover the dispensing of drugs by physicians. Specifically, the rules address registration and renewal of drug dispensing registration, packaging and inventory, prescribing and dispensing requirements, recordkeeping and shortage reporting, and inspections. The Board is amending these rules to be consistent with current rulewriting

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standards, to reflect statutory changes, and to comply with the October 2001 G.R.R.C. deadline for the five-year review.

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

None published

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

Name: Dominick Spatafora, Legislation and Regulatory Liaison

Address: 9545 East Doubletree Ranch Road  
Scottsdale, AZ. 85258

Telephone: (480) 551-2712

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

Submissions may be made to the Legislative and Regulatory Liaison at the above designated address until the close of the record, which is unknown at this time. The specific date for the close of record will be set forth in the Notice of Proposed Rulemaking to be filed with the Secretary of State and published in the *Register*.

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

Unknown at this time

**NOTICE OF RULEMAKING DOCKET OPENING**

**COMMISSION FOR POSTSECONDARY EDUCATION**

**1. Title and its heading:** 7, Education

**Chapter and its heading:** 3, Commission for Postsecondary Education

**Article and its heading:** 5, Arizona Family College Savings Program

**Section numbers:** R7-3-505

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

Pertains to account balance limitations in the Arizona Family college Savings Program

**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: Verna L. Allen, Executive Director

Address: 2020 N. Central Avenue, Suite 275  
Phoenix, AZ 85004

Telephone: (602) 229-2595

Fax: (602) 229-2599

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

Written comments accepted:

8:00 a.m. - 5:00 p.m., Monday through Friday  
Arizona Commission for Postsecondary Education  
2020 N. Central Avenue, Suite 275  
Phoenix, AZ 85004

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

No deadline has been set at this time.

**NOTICE OF RULEMAKING DOCKET OPENING**

**DEPARTMENT OF HEALTH SERVICES  
HEALTH CARE INSTITUTIONS: LICENSURE**

**1. Title and its heading:** 9, Health Services

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**Chapter and its heading:** 10, Department of Health Services - Health Care Institutions: Licensure  
**Article and its heading:** 10, Urgent Care Centers (The Department may add, delete, or modify additional Articles as necessary.)  
**Section numbers:** R9-10-1001 through R9-10-1030  
(The Department may add, delete, or modify additional Sections as necessary.)

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

The purpose of this rulemaking is to clarify requirements and establish minimum standards specific to urgent care centers, a subclassification of health care institution. The Department may add, delete, or modify additional Articles and Sections as necessary.

**The agency docket number, if applicable:**

RE-017-01

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

None published

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

Name: Vicki A. Conditt  
Address: Department of Health Services  
Assurance and Licensure Services  
1647 E. Morten Avenue, Suite 230  
Phoenix, AZ 85020

Telephone: (602) 674-4255

Fax: (602) 861-0674

or

Name: Kathleen Phillips  
Address: Department of Health Services  
1740 W. Adams, Suite 102  
Phoenix, AZ 85007

Telephone: (602) 542-1264

Fax: (602) 542-1090

**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 until the close of record, which has not yet been determined. If a public hearing is scheduled for these rules, oral public comments may be presented at that time.

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

To be determined

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**DEPARTMENT OF HEALTH SERVICES  
HEALTH CARE INSTITUTIONS: LICENSURE**

**1. Title and its heading:** 9, Health Services  
**Chapter and its heading:** 10, Department of Health Services - Health Care Institutions: Licensure  
**Article and its heading:** 9, Nursing Care Institutions  
(The Department may add, delete, or modify additional Articles as necessary.)  
**Section numbers:** R9-10-901 through R9-10-917  
(The Department may add, delete, or modify additional Sections as necessary.)

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

The purpose of this rulemaking is to make new rules updating requirements for Nursing Care Institutions. The current rules do not conform to rulemaking format and style requirements, reflect incorrect statutory references, and

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contain duplicative requirements. The Department proposes to repeal Article 9 and make a new Article 9 that incorporates minimum standards and current industry practice. The Department may add, delete, or modify additional Articles and Sections as necessary.

**The agency docket number, if applicable:**

RE-011-01

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

None published

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

Name: Judy Sgrillo, Program Manager  
Address: Assurance and Licensure Services  
1647 E. Morten Avenue, Suite 130  
Phoenix, AZ 85020

Telephone: (602) 674-9705

Fax: (602) 395-8910

or

Name: Kathleen Phillips, Rules Administrator  
Address: Department of Health Services  
1740 W. Adams, Suite 102  
Phoenix, AZ 85007

Telephone: (602) 542-1264

Fax: (602) 542-1090

**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 until the close of record, which has not yet been determined. If a public hearing is scheduled for these rules, oral public comments may be presented at that time.

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

To be determined

**NOTICE OF RULEMAKING DOCKET OPENING**

**ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM - ADMINISTRATION**

**1. Title and its heading:** 9, Health Services

**Chapter and its heading:** 22, Arizona Health Care Cost Containment System - Administration

**Article and its heading:** 19, Ticket to Work

**Section numbers:** 9 A.A.C. 22, Article 19. The Article will be divided into Sections, as necessary.

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

The Administration will develop rules for Laws 2001, Chapter 385 (House Bill 2585), which added A.R.S. § 36-2950 to expand coverage to:

1. Individuals age 16 through 64 years of age who meet SSI eligibility criteria and have earned income below 250% FPL, and

2. Employed individuals with a medically improved disability with earned income under 250% FPL.

**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: Cheri Tomlinson

Address: AHCCCS Administration  
Office of Policy Analysis and Coordination

Notices of Rulemaking Docket Opening

801 East Jefferson Street, Mail Drop 4200  
Phoenix, AZ 85034

Telephone: (602) 417-4198

Fax: (602) 256-6756

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

The Administration will accept written comments Monday through Friday, 8:00 a.m. to 5:00 p.m., at the address indicated in item #4. Public hearings will be scheduled later to provide a forum for interactive discussion with interested parties.

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

The Administration will hold a public hearing at a time to be determined.

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**ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM - ADMINISTRATION**

**1. Title and its heading:** 9, Health Services

**Chapter and its heading:** 22, Arizona Health Care Cost Containment System - Administration

**Article and its heading:** 4, Contracts, Administration, and Standards;

6, Request for Proposals (RFP);

7, Standards for Payments; and

Other Articles may be added, deleted, or modified as necessary.

**Section numbers:** R9-22-401 through R9-22-406, R9-22-601 through R9-22-606, R9-22-701, R9-22-709  
R9-22-714, R9-22-716, R9-22-719

Other Sections may be added, deleted, or modified as necessary.

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

These rules define the contracts/RFP process for AHCCCS' acute care programs. The Administration is amending these rules to make the rules more clear, concise, and understandable and comply with the January 2002 G.R.R.C. deadline for the five-year review.

**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: Cheri Tomlinson

Address: AHCCCS Administration  
Office of Policy Analysis and Coordination  
801 East Jefferson Street, Mail Drop 4200  
Phoenix, AZ 85034

Telephone: (602) 417-4198

Fax: (602) 256-6756

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

The Administration will accept written comments Monday through Friday, 8:00 a.m. to 5:00 p.m., at the address indicated in item #4. Public hearings will be scheduled later to provide a forum for interactive discussion with interested parties.

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

The Administration anticipates filing a Notice of Proposed Rulemaking in August 2001 and holding a public hearing in October 2001.

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**NOTICE OF RULEMAKING DOCKET OPENING**

**ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM  
ARIZONA LONG-TERM CARE SYSTEM**

- 1. Title and its heading:** 9, Health Services  
**Chapter and its heading:** 28, Arizona Health Care Cost Containment System - Arizona Long-term Care System  
**Article and its heading:** 6, Request for Proposals and Contract Process;  
7, Standards for Payments; and  
Other Articles may be added, deleted, or modified as necessary.  
**Section numbers:** R9-28-601 through R9-28-608, R9-28-701, R9-28-707, R9-28-710  
Other Sections may be added, deleted, or modified as necessary.
- 2. The subject matter of the proposed rule:**  
These rules define the contracts/RFP process for AHCCCS' Long-term Care System. The Administration is amending these rules to make the rules more clear, concise, and understandable and comply with the January 2002 G.R.R.C. deadline for the five-year review.
- 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: Cheri Tomlinson  
Address: AHCCCS Administration  
Office of Policy Analysis and Coordination  
801 East Jefferson Street, Mail Drop 4200  
Phoenix, AZ 85034  
Telephone: (602) 417-4198  
Fax: (602) 256-6756
- 5. The time which the agency will accept written comments and the time and place where oral comments may be made:**  
The Administration will accept written comments Monday through Friday, 8:00 a.m. to 5:00 p.m., at the address indicated in item #4. Public hearings will be scheduled later to provide a forum for interactive discussion with interested parties.
- 6. A timetable for agency decisions or other action on the proceeding, if known:**  
The Administration anticipates filing a Notice of Proposed Rulemaking in August 2001 and holding a public hearing in October 2001.

**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 it heading:** 1, General Provisions  
15, Transportation  
**Section numbers:** R12-1-101, R12-1-102, R12-1-103, R12-1-104, R12-1-105, R12-1-106, R12-1-1501,  
R12-1-1504, R12-1-1505, R12-1-1506, R12-1-1507, R12-1-1508
- 2. Subject matter of the proposed rules:**  
The rules contained in Article 1 and 15 underwent a Five-Year Review in June 2001. The following is a listing of needed amendments:  
The following lists inconsistencies noted during the review:
  - The language in R12-1-1504 should be amended to make the rule consistent with Conference of Radiation Control Program Directors (CRCPD) suggested state regulations.
  - Additionally, there are many incorporated references throughout these two Sections that need to be updated.

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The following minor deficiencies associated with conciseness, clarity, and understandability are noted:

- Unnecessary language is found in R12-1-101, R12-1-105(B) and R12-1-106. It should be removed to improve conciseness of the rules.
- The language in R12-1-1504 should be updated to include CRCPD suggested agreement state language. It is believed this change would improve the clarity and understandability of this rule.
- The language in R12-1-104 and R12-1-1505(A) should be amended to improve the clarity and understandability.
- R12-1-1507 should be amended to improve its clarity and understanding. Also, a time-frame is not listed for package quality assurance record retention.

**Agency docket number:** #0054

**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 South 40th Street  
Phoenix, AZ 85040

**5. The time during which written comment can be made:**

Written will be accepted 8:00 a.m. to 5:00 p.m., Monday through Friday

The time and place where oral comment can be made:

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

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

A timetable is not available at this time.

**NOTICE OF RULEMAKING DOCKET OPENING**

**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:** 7, Assured and Adequate Water Supply  
**Section number:** R12-15-705

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

Rulemaking undertaken pursuant to this docket opening will amend R12-15-705 to incorporate changes mandated by 1998 Ariz. Laws, Ch. 86, and 2000 Ariz. Laws, Ch. 391. The amendments will also repeal a number of out-of-date provisions regarding the Prescott Active Management Area.

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

None published

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

Name: Steve Rossi, Manager  
Office of Assured Water Supply  
Address: Arizona Department of Water Resources  
500 N. Third Street  
Phoenix, AZ 85004  
Telephone: (602) 417-2460  
Fax: (602) 417-2423

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Name: Charles L. Cahoy  
Deputy Counsel

Address: Arizona Department of Water Resources  
500 N. Third Street  
Phoenix, AZ 85004

Telephone: (602) 417-2420

Fax: (602) 417-2415

**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. The Department will schedule an oral proceeding, within the statutorily mandated time-frame, to be noticed in the *Register*.

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

After the rules are distributed and workshops held with interested persons, the Department will publish the Notice of Proposed Rulemaking which will include notice of the date, time and location of an oral proceeding.

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**DEPARTMENT OF TRANSPORTATION  
ADMINISTRATIVE SERVICES DIVISION**

- 1. Title and its heading:** 17, Transportation  
**Chapter and its heading:** 1, Department of Transportation - Administrative Services Division  
**Article and its heading:** 1, General Provisions  
**Section numbers:** R17-1-103

**2. Subject matter of the proposed rule:**

The agency makes this rule to adequately inform the public of formal procedure required to request rulemaking or review of agency policy or practice.

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

None

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

Name: George R. Pavia, Department Rules Supervisor

Address: Arizona Department of Transportation  
Administrative Rules Unit, Mail Drop 507M  
3737 N. 7th Street, Suite 160  
Phoenix, AZ 85014-5017

Telephone: (602) 712-8446

Fax: (602) 241-1624

E-mail: gpavia@dot.state.az.us

Please visit the ADOT web site to track progress of this rule and any other agency rulemaking matters:  
[www.dot.state.az.us/about/rules](http://www.dot.state.az.us/about/rules).

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

Comments written or oral may be made to the officer listed in item #4 from 8:00 a.m. to 4:30 p.m., Monday through Friday (except legal holidays).

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

To be determined

**NOTICE OF RULEMAKING DOCKET OPENING**

**BANKING DEPARTMENT**

- 1. Title and its heading:** 20, Commerce, Banking, and Insurance  
**Chapter and its heading:** 4, Banking Department  
**Article and its heading:** 8, Trust Companies  
**Section numbers:** R20-4-801, R20-4-805, R20-4-806, R20-4-807

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

These Sections govern the conduct of the business of bank trust departments and private trust companies in Arizona. They are being amended for several reasons. The first reason is to correct inadvertent drafting errors in the recent revision of Article 8.

One error is that parts of three of these Sections (R20-4-805, R20-4-806, and R20-4-807) are written so that they apply both to bank trust departments and to private trust companies. This is an error for one of two reasons. First, A.R.S. § 6-381 establishes that bank trust departments are not subject to the statutes implemented in Article 8 except in the administration of trust accounts. So, because Sections R20-4-805(B) and (C), and R20-4-807(A) do not regulate the administration of trust accounts, this rulemaking amends each subsection to remove the implication of their applicability to bank trust departments from the language of each one.

Second, in the case of R20-4-806(A), the Section's implied applicability to bank trust departments is an error because it is redundant. The Section grants trust departments and trust companies authority to use electronic recordkeeping. But, bank trust departments already have electronic recordkeeping authority by virtue of the recently revised text of R20-4-214(A). To remove the redundancy, this rulemaking amends R20-4-806(A) to remove implied references to bank trust departments.

The second underlying reason for these amendments is to revise some definitions peculiar to Article 8. The definitional effects of this rulemaking will be three. First, it removes the numbers from the definitions in R20-4-801. Second, it removes the definition of "Bank" in R20-4-801, recasting it as a definition of "Trust department." Third, it removes the definition of the term "Licensee" from Article 8. This last change is made because neither bank trust departments or private trust departments are, strictly speaking, "licensees." Neither one receives a license to conduct its business. Instead, trust departments operate under banking permits that grant trust powers to banks. And, trust companies operate under certificates granted by the Superintendent. For these reasons, the use of the term "licensee" is confusing and unnecessary.

The rationale for the amendments discussed in the preceding paragraphs, clarifying the distinction between trust companies and bank trust departments, is that the duties presently imposed by these Sections on bank trust departments are echoed in other provisions of state law. As a result, while it is fair to impose the duties on private trust companies, it is not necessary to restate duties imposed on banks by statute. Also A.R.S. § 6-381 establishes that bank trust departments are not subject to the statutes implemented in these Sections except in the administration of trust accounts. These amended Sections do not regulate the administration of trust accounts and do not, under state law, apply to bank trust departments.

Finally, the remaining Sections in Article 8 are amended to remove the confusing and unnecessary use of the term "licensee" from each Section.

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

There are no previous published notices relating to this proceeding.

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

Name: John P. Hudock  
Address: 2910 North 44th Street, Suite 310  
Phoenix, AZ 85018  
Telephone: (602) 255-4421, ext. 167  
Fax number: (602) 381-1225  
E-mail: jhudock@azbanking.com

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

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The Department accepts written comments during business hours at the address above. Comments are welcome at any time until the close of the record in this proceeding. The date for closure of the record depends on the publication date of the actual proposed rules, which has not yet occurred. Notice of any opportunity to make public oral comment will be published as required by law.

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

No timetable has been projected or established. In November 2001 the Department expects to submit the text of proposed rules for publication.

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**DEPARTMENT OF INSURANCE**

- 1. Title and its heading:** 20, Commerce, Banking, and Insurance  
**Chapter and its heading:** 6, Department of Insurance  
**Article and its heading:** 2, Transaction of Insurance  
**Section number:** R20-6-218
- 2. Subject matter of the proposed rule:**  
R20-6-218 regulates exemption standards for life and disability forms. The Arizona Department of Insurance (DOI) intends to initiate a rulemaking to repeal R20-6-218. The director will establish exemption standards for life and disability forms in administrative orders, as provided for in A.R.S. § 20-1110(F).
- 3. A citation to all published notices relating to the proceeding:**  
Notice of Proposed Rulemaking: 7 A.A.R. 3033, July 13, 2001
- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**  
Name: Margaret L. McClelland  
Address: Arizona Department of Insurance  
2910 N. 44th Street, Suite 210  
Phoenix, Arizona 85018  
Telephone: (602) 912-8456  
Fax: (602) 912-8452
- 5. The time during which written submission may be made and the time and place where oral comments may be made:**  
A Notice of Proposed Rulemaking will be published in the Arizona Administrative Register and a person may submit written comments to DOI within 30 days from the date of publication. The Department does not intend to schedule an oral proceeding on this rulemaking.
- 6. A timetable for agency decisions or other action in the proceeding:**  
The Department expects to file a Notice of Proposed Rulemaking by June 22, 2001. (*See page 3033 of this Register.*)