

NOTICE OF PROPOSED CHANGES ON MEASUREMENT STANDARDS  
IN THE REGULATIONS OF THE DEPARTMENT OF TRANSPORTATION AND PUBLIC  
FACILITIES

BRIEF DESCRIPTION

The Department of Transportation and Public Facilities proposes to change Title 17, Chapter 90 Measurement Standards Regulations in order to adopt current editions of technical manuals relating to operations of the State Metrology Laboratory and the Package Inspection Program and discontinue the registered service provider program.

The Department of Transportation and Public Facilities proposes to amend and repeal regulations in Title 17 of the Alaska Administrative Code, dealing with measurement standards, including the following:

- (1) Article 1, Testing Equipment, is proposed to be changed as follows:

17 AAC 90.047, Annual verification. Adopt the 2010 editions of National Institute of Standards & Technology (NIST) Handbooks 105-3 and 105-4, relating to operations of the State Metrology Laboratory.

- (2) Article 2, Disposition of Incorrect Apparatus, is proposed to be changed as follows:

17 AAC 90.100, Not-sealed tags. Clarify the conditions in which a weighing or measuring device will be considered not sealed at a business where a sealed device would normally be required.

- (3) Article 4, Commodities, is proposed to be changed as follows:

17 AAC 90.615 - 17 AAC 90.617 will be amended to adopt the 2015 edition of NIST Handbook 133, *Checking the Net Contents of Packaged Goods*, and the 2015 edition of specific sections of Handbook 130, *Uniform Regulation for the Method of Sale of Commodities* and *Uniform Packaging and Labeling Regulation*.

- (4) Article 5, Registered Service Providers, is proposed to be repealed in its entirety. The intended effect of this repeal is to discontinue the registered service provider program.

- (5) Article 6, National Type Evaluation Program (NTEP), is proposed to be amended to the description of the National Type Evaluation Program (NTEP) Certificate of Conformance in the 2015 edition of NIST Handbook 130, *Uniform Laws and Regulations in the Areas of Legal Metrology and Engine Fuel Quality*.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Doug Deiman at 12050 Industry Way, Building O, Anchorage, Alaska 99515. Additionally, the Department of Transportation and Public Facilities will accept comments by facsimile at (907) 345-7818 and by electronic mail at [doug.deiman@alaska.gov](mailto:doug.deiman@alaska.gov). The comments must be received no later than 5:00 p.m. on January 19, 2015.

You may submit written questions relevant to the proposed action to Doug Deiman at 12050 Industry Way, Building O, Anchorage, Alaska 99515, or [doug.deiman@alaska.gov](mailto:doug.deiman@alaska.gov). The questions must be received at least 10 days before the end of the public comment period. The Department of Transportation and Public Facilities will aggregate its response to substantially similar questions and make the questions and response available on <http://dot.alaska.gov/mscve/>. The Department of Transportation and Public Facilities may, but is not required to, answer written questions received after the 10-day cut-off date and before the end of the comment period.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Doug Deiman at (907) 365-1222 no later than January 9, 2014 to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System (and/or through the electronic link to the complete text on the Alaska Online Public Notice System) or by contacting Doug Deiman at 12050 Industry Way, Building O, Anchorage, Alaska 99515 or by electronic mail at [doug.deiman@alaska.gov](mailto:doug.deiman@alaska.gov).

Copies of material proposed for adoption by reference are available on National Institute of Standards and Technology website as follows:

- *Specifications and Tolerances for Reference Standards and Field Standards Weights and Measures:*
  - Handbook 105.3: <http://www.nist.gov/pml/wmd/upload/hb-105-3-2010.pdf>
  - Handbook 105.4: <http://www.nist.gov/pml/wmd/upload/hb-105-4-2010.pdf>
- *Uniform Laws and Regulations in the Areas of Legal Metrology and Engine Fuel Quality:*
  - Handbook 130: <http://www.nist.gov/pml/wmd/pubs/hb130.cfm>
- *Checking the Net Contents of Packaged Goods:*
  - Handbook 133: <http://www.nist.gov/pml/wmd/pubs/hb133.cfm>

After the public comment period ends, the Department of Transportation and Public Facilities will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulations may be different from that of the proposed regulations. **You should comment during the time allowed if your interests could be affected.**

**Statutory Authority:** AS 45.75.010; AS 45.75.020; AS 45.75.040; AS 45.75.050; AS 45.75.070; AS 45.75.080; AS 45.75.120

**Statutes Being Implemented, Interpreted, or Made Specific:** AS 45.75.040; AS 45.75.050; AS 45.75.070; AS 45.75.080; AS 45.75.100; AS 45.75.110; AS 45.75.120; AS 45.75.190; AS 45.75.200; AS 45.75.210; AS 45.75.220; AS 45.75.225; AS 45.75.230; AS 45.75.240; AS 45.75.282; AS 45.75.290; AS 45.75.300

**Fiscal Information:** The proposed regulation changes are not expected to require an increased appropriation.

DATE: 12/19/2014  
December 19, 2014



Daniel V. Smith, Director  
DOT&PF / MSCVE