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MATT BLUNT

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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at <http://www.sos.state.mo.us/adrules/pubsched.asp>

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HOW TO CITE RULES AND RSMo

RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 26, *Missouri Register*, page 27. The approved short form of citation is 26 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation, i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—Cite material in the RSMo by date of legislative action. The note in parentheses gives the original and amended legislative history. The Office of the Revisor of Statutes recognizes that this practice gives users a concise legislative history.

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbolology under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety (90)-day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

2. LPN—[Prior to January 1, 2003 \$ 92.00]
Effective January 1, 2003 \$ 72.00

3. License renewal for a professional nurse shall be biennial; occurring on odd-numbered years and the license shall expire on April 30 of each odd-numbered year [beginning with the 1997–1999 renewal period]. License renewal for a practical nurse shall be biennial; occurring on even-numbered years and the license shall expire on May 31 of each even-numbered year [beginning with the 1998–2000 renewal period]. Renewal shall be for a twenty-four (24)-month period except in instances when renewal for a greater or lesser number of months is caused by acts or policies of the Missouri State Board of Nursing. Renewal applications (see 4 CSR 200-4.020) shall be mailed every even-numbered year by the Missouri State Board of Nursing to all LPNs currently licensed and every odd-numbered year to all RNs currently licensed;

4. Renewal fees for each biennial renewal period as outlined in this subparagraph shall be accepted by the Missouri State Board of Nursing only if accompanied by an appropriately completed renewal application:

A. RNs (odd-numbered years):

[(I) Prior to January 1, 2003, one hundred dollars (\$100); and

[(III) (I) Effective January 1, 2003, eighty dollars (\$80).

B. LPNs (even-numbered years):

[(I) Prior to January 1, 2003, ninety-two dollars (\$92); and

[(III) (I) Effective January 1, 2003, seventy-two dollars (\$72);

5. All fees established for licensure or licensure renewal of nurses incorporate an educational surcharge in the amount of one dollar (\$1) per year for practical nurses and five dollars (\$5) per year for professional nurses. These funds are deposited in the professional and practical nursing student loan and nurse repayment fund;

(P) Bound Copy of the Nursing Practice Act (statutes and rules) \$5.00

AUTHORITY: sections 335.036 and 335.046, RSMo 2000. Emergency rule filed Aug. 13, 1981, effective Aug. 23, 1981, expired Dec. 11, 1981. Original rule filed Aug. 13, 1981, effective Nov. 12, 1981. For intervening history, please consult the Code of State Regulations. Amended: Filed Feb. 18, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities approximately fifteen thousand dollars (\$15,000) annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Proposed Amendment Text Reminder:
Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 200—State Board of Nursing
Chapter 4—General Rules**

PROPOSED AMENDMENT

4 CSR 200-4.010 Fees. The board is proposing to amend subsection (1)(J) and add a new subsection (1)(P).

PURPOSE: This amendment establishes the Nurse Practice Act fee and deletes obsolete information.

- (1) The following fees are established by the State Board of Nursing:
- (J) Biennial Renewal Fee—
 - 1. RN—[Prior to January 1, 2003 \$ 100.00]
Effective January 1, 2003 \$ 80.00

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 4 – Department of Economic Development

Division: 200 – State Board of Nursing

Chapter: Chapter 4 – General Rules

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 4 CSR 200-4.010 Fees

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate annual cost of compliance with the rule by the affected entities:
3000	Nursing Practice Act (\$5.00)	\$15,000
Total annual cost for the life of the rule		\$15,000

III. WORKSHEET

Per Nursing Practice Act

- \$2.05 - Spiral Bound Printing
- \$.05 - Envelope Cost
- \$1.75 - Postage
- \$1.25 - Staff Time

IV. ASSUMPTIONS

1. The board anticipates mailing approximately 3000 Nursing Practice Acts (NPAs) annually. The board plans to include a statement in all relevant correspondence that the NPA is available on their website or include a printed copy of the pertinent part of the statute and/or rule an attachment to the correspondence. Individuals who view the NPA on the board's website will be able to print the document in its entirety at no cost.
2. It is estimated that it will take 5 minutes for the Licensing Technician I to process the initial telephone, email or faxed request, type a label and mail the NPA. Staff time was calculated using an annual salary of \$31,090 including fringe benefit for an hourly salary of \$14.95 (\$14.95 divided by 60 minutes, for a cost per minute of \$.25). Based on the board's estimate of 5 minutes for processing, \$1.25 has been estimated for staff time cost.
3. It is anticipated that the total annual cost will recur for the life, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 220—State Board of Pharmacy
Chapter 2—General Rules**

PROPOSED AMENDMENT

4 CSR 220-2.010 Pharmacy Standards of Operation. The board is proposing to amend subsections (1)(A) and (1)(B) and subsections (8)(A) and (8)(D).

PURPOSE: This rule is being amended to clarify PIC responsibilities in a site that is licensed as a Class J Pharmacy that utilizes automated dispensing and storage systems. This rule is also being amended to include the drug alteplase as a product that hospice or home-health nurses may possess for patient care purposes.

(1) The word medicine or medicines is a word similar or of like import to the words pharmacist, pharmacy, apothecary shop, chemist shop, drug store, druggist and drugs, and no person shall carry on, conduct or transact a business under a name which contains, as part of the name, the word medicine or medicines, unless the place of business is supervised by a licensed pharmacist.

(A) At all times when [physicians'] prescriptions are compounded in a pharmacy or other establishments holding a Missouri pharmacy permit, there shall be on duty and present in that place of business a pharmacist licensed in Missouri as provided by law. **In any Class J: Shared Service pharmacy where a permit is maintained at a location for the purpose of remote dispensing as defined in 4 CSR 220-2.900 the pharmacist may be considered on duty and present as long as all required electronic connection requirements are maintained and the pharmacist is accessible at all times to respond to patient's or other health professionals' inquiries or requests pertaining to drugs dispensed through the use of the automated pharmacy system.** When there is no pharmacist on duty, no prescription will be compounded, dispensed or otherwise provided and the public will be advised that no pharmacist is on duty by means of signs stating this fact. The signs will be displayed prominently on the doors of all entrances and the prescription counter of the pharmacy and the signs will be composed of letters of a minimum height of two inches (2").

(B) Whenever, in a pharmacy or other establishment holding a Missouri pharmacy permit, a person other than a licensed pharmacist does compound, dispense or in any way provide any drug, medicine or poison pursuant to a lawful prescription, a licensed pharmacist must be physically present within the confines of the dispensing area, able to render immediate assistance and able to determine and correct any errors in the compounding, preparation or labeling of that drug, medicine or poison before the drug, medicine or poison is dispensed or sold. **In any Class J: Shared Service pharmacy where a permit is maintained at a location for the purpose of remote dispensing as defined in 4 CSR 220-2.900 the pharmacist may be considered on duty and present as long as all required electronic connection requirements are maintained and the pharmacist is accessible at all times to respond to patient's or other health professionals' inquiries or requests pertaining to drugs dispensed through the use of the automated pharmacy system.** The pharmacist personally shall inspect and verify the accuracy of the contents of, and the label after it is affixed to, any prescribed drug medicine or poison compounded or dispensed by a person other than a licensed pharmacist.

(8) A home health or hospice agency licensed or certified according to Chapter 197, RSMo, or any licensed nurses of such agency, may possess drugs in the usual course of business of such agency without being licensed as a pharmacist or a pharmacy.

(A) The list of drugs that may be possessed by a home health or hospice agency without a license or permit, as defined in section (8), is as follows:

1. Injectable dosage forms of sodium chloride[,]; and water [and heparin; heparin shall be possessed only in concentrations for maintaining venous access devices];

2. Irrigation dosage forms of sodium chloride and water that carry a federal prescription only restriction;

3. Injectable dosage forms of heparin and alteplase in concentrations that are indicated for maintenance of venous access devices;

[3.] **4.** Injectable dosage forms of diphenhydramine and epinephrine;

[4.] **5.** Vaccines indicated for public health needs, such as influenza, pneumonia, hepatitis A and hepatitis B; and

[5.] **6.** Tuberculin test material.

(D) When the patient or the patient's representative has been instructed, verbally and in writing, in the performance of routine care procedures, up to a two (2)-week supply of [drugs listed in paragraphs (8)(A)1. and (8)(A)2.] **sodium chloride, water and heparin**, may be left with the patient for these procedures. Drugs left with the patient shall be labeled with instructions for use. A record shall be made of all drugs left with the patient in the patient's medical record. Drugs left with the patient may not be returned to the agency.

AUTHORITY: sections 338.010, 338.140, 338.240 and 338.280, RSMo 2000 and 338.210, RSMo Supp. 2001. Original rule filed July 18, 1962, effective July 28, 1962. For intervening history, please consult the Code of State Regulations. Amended: Filed Feb. 18, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Pharmacy, Kevin Kinkade, Executive Director, PO Box 625, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 220—State Board of Pharmacy
Chapter 2—General Rules**

PROPOSED AMENDMENT

4 CSR 220-2.900 Automated Dispensing and Storage Systems. The board is proposing to amend sections (1) and subsections (2)(A) and (2)(B), and adding new language in sections (5) and (6).

PURPOSE: This rule establishes guidelines for the use of automated dispensing and storage systems.

(1) Automated dispensing and storage systems (hereafter referred to as automated system or system) are hereby defined to include, but are not limited to, mechanical systems that perform operations or activities, relative to the storage, packaging or dispensing of medications, and which collect, control, and maintain all transaction information. Such systems may be used in pharmacies and where a pharmacy permit exists, for maintaining patient care unit medication inventories or for a patient profile dispensing system, provided the utilization of

such devices is under the supervision of a pharmacist. A pharmacist is not required to be physically present at the site of the automated pharmacy system if the system is supervised electronically by a pharmacist. In order to supervise the system, the pharmacist must maintain constant visual and auditory communication with the site and full control of the automated system must be maintained by the pharmacist and shall not be delegated to any other person or entity.

(B) Automated systems that are used within licensed health care facilities shall be used only in settings that ensure medication orders are reviewed by a pharmacist in accordance with established policies and procedures and laws governing the practice of pharmacy. A pharmacist shall control all operations of the automated system and approve the release of the initial dose of a prescription drug order. Subsequent doses from an approved prescription drug order may be removed from the automated system after this initial approval. Any change made in the prescription drug order shall require a new approval by a pharmacist to release the drug.

(C) In ambulatory care settings, a pharmacist must input all information from a prescription or prescription drug order into the electronic data system utilized for the initiation of the dispensing of a drug at a remote site and maintain proper oversight over the entire dispensing process. A pharmacist shall be accessible at all times to respond to patient's or other health professionals' inquiries or requests pertaining to drugs dispensed through the use of the automated pharmacy system. No prescription shall be prepared or dispensed from a remote automated system unless it is from a prescriber providing clinical services at the same location. Labeling of drug containers must be in accordance with section 338.059, RSMo, and application of labels to containers must occur prior to release of the prepared prescription drug from the automated system. Labels shall contain both the name, address and phone number of the supervising pharmacy and the remote dispensing site.

(D) When automated systems are located at remote sites the central pharmacy responsible for the operation and supervision of a remote site must maintain separate and readily retrievable records of all transactions and prescriptions processed by each remote automated system. Remote automated sites must provide the name, address and toll free telephone number of the supervising pharmacy displayed on the automated dispensing system in a prominent location.

[(C)] (E) Automated systems shall maintain adequate security systems and procedures to prevent unauthorized access or use and shall at all times maintain compliance with all state and federal drug laws including all controlled substance requirements and patient confidentiality laws.

1. Any remote automated system that stocks controlled substances must maintain a perpetual inventory from each site.

2. Automated systems in ambulatory care settings must be located in an area that will provide adequate space for private consultations to occur and must only be installed within the same area utilized by the prescriber for the provision of clinical services.

[(D)] (F) Restocking of automated systems shall be done by registered technicians under the supervision of a pharmacist or by a pharmacist.

[(E)] (G) All events involving access to the contents of the automated system must be recorded electronically.

[(F)] (H) No medication or device shall be returned directly to the system for reissue or reuse by a person not licensed or registered by the board of pharmacy.

[(G)] (I) Quality assurance documentation for the use and performance of the automated systems shall be maintained for a minimum period of two (2) years and shall include at a minimum the following:

1. Breach of security of the automated system;

2. Failure of the system to operate correctly along with the frequency of any failures and the necessary repairs completed;

3. Tests completed to measure the effectiveness and accuracy of the system every six (6) months and whenever any upgrade or change is made to the system.

(J) Drugs that are repackaged for use in automated systems must comply with 4 CSR 220-2.130 Drug Repackaging requirements.

(K) If an automated system uses removable cartridges or containers to hold drugs, the prepackaging of the cartridges or containers must occur at the pharmacy where the original inventory is maintained unless provided by a Federal Drug Administration (FDA) approved repackager and who is licensed as a drug distributor. The prepackaged cartridges or containers may be sent to the automated system to be loaded into the machine by registered technicians under the supervision of a pharmacist or by a pharmacist provided that—

1. A pharmacist has verified the container has been properly filled and labeled;

2. The individual containers are transported to the automated system in a secure, tamper-evident container; and

3. The automated system utilizes technologies to ensure that the containers are accurately loaded in the automated system.

(L) Any pharmacy that maintains an automated system for remote dispensing to ambulatory patients must maintain a video camera and audio system to provide for effective communication between pharmacy personnel and consumers. It must be a system that will allow for the appropriate exchange of oral as well as written communications to facilitate patient counseling as provided in 4 CSR 220-2.190 and other matters involved in the correct transaction or provision of drugs.

1. Video monitors used for the proper identification and communication with persons receiving prescription drugs shall be a minimum of twelve inches (12") wide and provided at both the pharmacy and remote location for direct visual contact between pharmacist and patient.

2. Both the video monitor and the audio system must be in good working order or operations utilizing the automated system shall cease until appropriate corrections or repairs are made to the system(s).

3. Backlighting or other factors that may inhibit video or audio performance must be taken into account when using such systems to identify recipients of prescription drugs. Positive identification of recipients must be made before any drug is delivered.

(2) Each automated system shall maintain a manual of policies and procedures that, at a minimum, shall include the following:

(A) System operations that include specific and measurable accountability for safety, security, accuracy, patient confidentiality, access, data retention and retrieval, downtime procedures, emergency or first dose procedures, inspection of systems by pharmacy personnel, installation requirements, maintenance, medication security, quality assurance, inventory levels and control, staff education and training and system set-up and malfunction.

(B) Documentation by the automated system for on-site patient administration and remote dispensing of medications that includes specific identification of patients, medications used along with dates and times the system is utilized.

(5) Pharmacies that maintain automated sites for dispensing drugs to ambulatory patients shall maintain a Class J: Shared Service classification on each pharmacy permit involved in such activity.

(6) The supervising pharmacy shall have sufficient pharmacists on duty such that each pharmacist may supervise no more than three (3) remote sites that are simultaneously open to provide

services. An exception to the supervision limit may be granted by the board in situations where the provider has documented a need for a pharmacist to supervise additional remote sites and has demonstrated that appropriate safeguards are in place to assure proper supervision of each remote site.

AUTHORITY: sections 338.210 and 338.220, RSMo Supp. 2001 and 338.280, RSMo 2000. Original rule filed Nov. 1, 2000, effective June 30, 2001. Amended: Filed Feb. 18, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Pharmacy, Kevin Kinkade, Executive Director, PO Box 625, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

AUTHORITY: sections 337.030.4 and 337.050, RSMo 2000. Emergency rule filed Dec. 9, 1981, effective Jan. 11, 1982, expired April 4, 1982. Original rule filed Dec. 9, 1981, effective April 4, 1982. For intervening history, please consult the Code of State Regulations. Amended: Filed Feb. 18, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment is estimated to save private entities an estimated two thousand seven hundred fifty dollars (\$2,750) annually and seventy-seven thousand five hundred dollars (\$77,500) biennially for the life of the rule. It is anticipated that the total savings will recur, may vary with inflation and are expected to decrease at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the savings of compliance with this rule, has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri State Committee of Psychologists, PO Box 1335, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 235—State Committee of Psychologists
Chapter 1—General Rules**

PROPOSED AMENDMENT

4 CSR 235-1.020 Fees. The board is proposing to amend section (1).

PURPOSE: This amendment requires examination fees be submitted directly to the testing service. This rule is also being amended pursuant to section 337.085, RSMo, which states the committee shall by rule and regulation set the amount of fees authorized by Chapter 337, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of Chapter 337, RSMo.

(1) The following fees are established for the State Committee of Psychologists and are payable to the State Committee of Psychologists:

[(B)] EPPP Fee	\$450.00]
[(C)] (B) Oral Examination Fee	[\$100.00] \$50.00
[(D)] (C) Jurisprudence Examination Fee	\$50.00
[(E)] (D) Reexamination Fees—	
[1.] EPPP Fee	\$450.00]
[2.] 1. Oral Examination Fee	[\$100.00] \$50.00
[3.] 2. Jurisprudence Examination Fee	\$ 50.00
[(F)] (E) Biennial Renewal Fee	[\$300.00] \$275.00
[(G)] (F) Delinquency Fee (effective February 1	
after each renewal period, in addition to	
the Renewal Fee)	\$150.00
[(H)] (G) Licensure Verification/Transfer of Score	
to Other States Fee	\$ 25.00
[(I)] (H) Replacement of Wall-Hanging License Fee	\$ 25.00
[(J)] (I) Insufficient Funds Check Service	
Charge	[\$50.00] \$25.00
[(K)] (J) Prior Review Fee (educational	
experience)	[\$100.00] \$50.00
[(L)] (K) Prior Review Fee (postdegree	
supervision)	[\$100.00] \$50.00
[(M)] (L) Health Service Provider Application Fee	\$100.00
[(N)] (M) Health Service Provider Biennial	
Renewal Fee	[\$100.00.] \$50.00[.]

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 4 – Department of Economic Development

Division: Division 235—State Committee of Psychologists

Chapter: Chapter 1 – General Rules

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 4 CSR 235-1.020

Prepared December 12, 2002 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Annual Cost Savings Beginning in FY03

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate annual cost of compliance with the rule by the affected entities:
50	Oral Examination Fee (\$50 decrease)	\$2,500
3	Prior Review of Supervision (\$50 decrease)	\$150
2	Prior Review of Education (\$50 decrease)	\$100
Total annual cost savings for the life of the rule		\$2,750

Biennial Cost Savings Beginning in FY04

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate annual cost of compliance with the rule by the affected entities:
1700	Renewal Fee – Psychologist License (\$25 decrease)	\$42,500
700	Renewal Fee – Health Service Provider Certification (\$50 decrease)	\$35,000
Total biennial cost saving for the life of the rule		\$77,500

III. WORKSHEET

See worksheet above.

IV. ASSUMPTIONS

- The above figures were based on FY02 actuals and FY03 projections.
- It is anticipated that the total savings will recur for the life, may vary with inflation and is expected to decrease at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 120—New Manufactured Homes**

PROPOSED RULE

**4 CSR 240-120.140 New Manufactured Home Manufacturer's
Inspection Fee**

PURPOSE: This rule provides for payment of an inspection fee by manufacturers of new manufactured homes for each home delivered to dealers in the state of Missouri pursuant to section 700.040, RSMo.

(1) The commission establishes an inspection fee to be assessed on all new manufactured homes delivered or sold to dealers in the state of Missouri which shall be paid by the manufacturer of each home. Said inspection fee shall be thirty dollars (\$30) for each home each manufacturer delivers or sells to a dealer in the state of Missouri.

(2) Manufacturers of new manufactured homes shall remit to the director on a monthly basis an amount that equals the number of new manufactured homes delivered or sold to dealers in the state of Missouri, multiplied by thirty dollars (\$30). Each manufacturer shall submit said fee with any monthly delivery reports, or other filing, or documentation as may be required by the commission. Said fee shall be received no later than the tenth day following the month in which new manufactured homes were delivered or sold to dealers in the state of Missouri.

(3) The following situations shall constitute grounds for the denial, suspension, revocation, or placing on probation of a manufacturer's certificate of registration:

(A) Failure to pay the inspection fee within thirty (30) days of their prescribed due date;

(B) Failure to pay the inspection fee by the prescribed due date for two (2) consecutive months; or

(C) Failure to pay the inspection fee by the prescribed due date for any four (4) of the preceding twelve (12) months.

(4) The director shall deliver copies of the commission's order establishing the new manufactured home manufacturer's inspection fee to all existing registered manufacturers. The director shall also deliver a copy of the commission's order establishing the fee with each approved certificate of manufacturer registration.

AUTHORITY: sections 700.040 and 700.115, RSMo 2000. Emergency rule filed Jan. 24, 2003, effective Feb. 3, 2003, expires Aug. 1, 2003. Original rule filed Feb. 27, 2003.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will cost private entities approximately one hundred twenty thousand dollars (\$120,000) annually in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before April 17, 2003, and should include a reference to Commission Case No. MX-2003-0187. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and infor-

mation system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for April 23, 2003, at 9:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: _____ 4 _____

Division: _____ 240 Public Service Commission _____

Chapter: _____ 120 New Manufactured Homes _____

Type of Rulemaking: _____ Proposed Rule _____

Rule Number and Name: 4 CSR 240.120.140 New Manufactured Home Manufacturer's Inspection Fee**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classifications by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities
There are approximately 90 active manufacturers	Manufactured Housing Manufacturers	\$120,000 in the first year and a similar amount in succeeding years.

III. WORKSHEET

1. Fiscal Year 2002 dollars were used to estimate costs. No adjustment for inflation has been applied.
2. 4,000 homes @ \$30 per home = \$120,000.

IV. ASSUMPTIONS

1. The Missouri Public Service Commission (MoPSC) will inspect manufactured homes to assure compliance with this rule.
2. This estimate is made for this rule on a stand-alone basis.
3. Affected entities are assumed to be in compliance with all other MoPSC rules and regulations.
4. Approximately 4,000 homes were shipped or delivered to Missouri Dealers during FY 2002.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 123—Modular Units**

PROPOSED AMENDMENT

4 CSR 240-123.030 Seals. The commission proposes to amend subsections (3)(A) and (B) and section (9).

PURPOSE: This proposed amendment increases the fees for seals and replacement seals for modular units.

(3) To be complete, an application for seals to be affixed to modular units manufactured or to be manufactured under an approved manufacturing program shall be executed by the manufacturer (or the manufacturer's authorized representative if the manufacturer is a corporation) of the modular unit to which the requested seals will be affixed and shall include:

(A) An affidavit of the applicant or the applicant's authorized representative if the applicant is a corporation, certifying that each requested seal will be a affixed only to modular units manufactured under an approved manufacturing program and that each modular unit to which a requested seal will be affixed will comply with the code at the time it is rented, leased, sold or offered for rent, lease, or sale by the applicant. **Each new modular unit sold or placed in the state must contain the applicable seal as specified in this section;** and

(B) A nonrefundable fee of *[eighty dollars (\$80)]* **one hundred ten dollars (\$110)** for each seal requested.

(9) Any person to whom a seal has been issued or who owns a modular unit to which a seal or approved insignia has been affixed may apply for the replacement of such seal or approved insignia if it becomes lost, mutilated or otherwise unserviceable. Applications for replacement seals shall be made on the same forms and in the same manner as applications for seals are made under this rule. A fee of *[twenty dollars (\$20)]* **forty dollars (\$40)** shall be charged for a replacement seal.

AUTHORITY: section 700.040, RSMo 2000. Original rule filed Aug. 16, 1979, effective Dec. 15, 1979. Amended: Filed Oct. 12, 1982, effective Jan. 13, 1983. Amended: Filed June 12, 2001, effective Jan. 30, 2002. Emergency amendment filed Jan. 24, 2003, effective Feb. 3, 2003, expires Aug. 1, 2003. Amended: Filed Feb. 27, 2003.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities approximately forty-eight thousand dollars (\$48,000) annually in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before April 17, 2003, and should include a reference to commission Case No. MX-2003-0187. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed amendment is scheduled for April 23, 2003, at 9:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at

this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: _____ 4 _____

Division: _____ 240 Public Service Commission _____

Chapter: _____ 123 Modular Units _____

Type of Rulemaking: _____ Proposed Amendment _____

Rule Number and Name: _____ 4 CSR 240.123.030 Seals _____

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classifications by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
There are approximately 92 active manufacturers.	Modular Unit Manufacturers	Estimate \$48,000 in the first year and a similar amount in succeeding years.

III. WORKSHEET

1. Fiscal Year 2002 dollars were used to estimate costs. No adjustment for inflation has been applied.
2. 1,600 seals (purchased in FY 2002) x \$30 (increase) = \$48,000.

IV. ASSUMPTIONS

1. Modular Unit Manufacturers are required to purchase and affix a seal to all homes shipped into the state.
2. The MoPSC will inspect modular units to assure compliance with this rule.
3. This estimate is made for this rule on a stand-alone basis.
4. Affected entities are assumed to be in compliance with all other MoPSC rules and regulations.
5. Fiscal Year 2002 dollars were used, 1,600 seals of compliance were purchased for all modular units.

**Title 8—DEPARTMENT OF LABOR
AND INDUSTRIAL RELATIONS
Division 10—Division of Employment Security
Chapter 3—Unemployment Insurance**

PROPOSED AMENDMENT

8 CSR 10-3.010 Registration and Claims in General. The division proposes to revise section (3), add a new section (5) and renumber the remaining sections accordingly.

PURPOSE: This amendment clarifies the participants in the Interstate Benefit Payment Plan and provides for ineligibility when it is determined that a claimant's failure to provide a correct Social Security number was a willful misrepresentation or a willful failure to disclose the correct number.

(3) A valid initial, renewed, reopened or weekly claim for benefits for purposes of section 288.040, RSMo, is one filed with the division in the prescribed manner from an originating point within the geographical area of a state or contiguous country participating under the Interstate Benefit Payment Plan. **The parties to this agreement, in addition to the fifty (50) States of the United States of America, are the District of Columbia, Puerto Rico, the Virgin Islands and the Dominion of Canada.**

(5) **If it is determined that a claimant knowingly provided the division with a Social Security number not assigned to that claimant by the Social Security Administration when filing an initial claim for benefits, the claimant shall be held ineligible to receive benefits for any week otherwise payable during that benefit year.**

[[5]] (6) A valid claim for benefits, for purposes of section 288.040, RSMo, may include electronic methods, properly completed, signed by the claimant if necessary, filed within twenty-eight (28) calendar days after the last day of the most recent week claimed or the last day of the week in which an initial, renewed or reopened claim was filed and for which all reporting requirements have been met.

[[6]] (7) In order to claim waiting week credit or benefits for a week the claimant must file an otherwise valid claim within twenty-eight (28) calendar days after the end of the week being claimed. The twenty-eight (28) calendar day period may be extended for good cause. If good cause is not found, the claimant's claim for that week shall not constitute a valid claim for benefits under section 288.040, RSMo.

[[7]] (8) If during a benefit year a claimant does not file a claim for benefits, within twenty-eight (28) calendar days after the end of the last week claimed (or the end of the last week in which an initial, renewed or reopened claim was filed), the claimant must file a renewed claim if the claimant has had intervening employment or a reopened claim if the claimant has not. The twenty-eight (28) calendar day period may be extended for good cause. If good cause is not found, the claimant's claims for benefits for the period from the most recent week claimed (prior to the renewing/reopening of the claim) through the week ending just prior to the renewing or reopening of the claim shall not constitute valid claims for benefits under section 288.040, RSMo.

[[8]] (9) A benefit week under this rule begins on Sunday and ends on Saturday, except that a claimant who has been filing claims under 8 CSR 10-3.020 or 8 CSR 10-3.040 shall use the same type of week-period for further claims in the same series.

[[9]] (10) A week of unemployment beginning in a benefit year shall be treated as having occurred wholly in that benefit year.

[[10]] (11) A claimant must report to an employment office as defined under section 288.030(16), RSMo, unless the claimant is ill or employed, or for good cause shown.

[[11]] (12) A claimant shall be held ineligible to receive benefits if the claimant fails to comply with this regulation and will remain ineligible until the noncompliance has ceased.

[[12]] (13) For the purpose of 8 CSR 10-3, good cause shall be only those circumstances which are beyond the reasonable control of the claimant and then only if the claimant acts as soon as practical.

AUTHORITY: sections 288.040, 288.070 and 288.220.5, RSMo 2000. Original rule filed Sept. 30, 1946, effective Oct. 10, 1946. For intervening history, please consult the Code of State Regulations. Amended: Filed Feb. 18, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Employment Security, Attn: Gracia Y. Backer, Director, PO Box 59, Jefferson City, MO 65104-0059. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 2—Air Quality Standards and Air Pollution
Control Rules Specific to the Kansas City
Metropolitan Area**

PROPOSED AMENDMENT

10 CSR 10-2.070 Restriction of Emission of Odors. The commission proposes to amend subsection (4)(C). If the commission adopts this rule action, it will be the department's intention not to submit this rule action to the U.S. Environmental Protection Agency for inclusion in the Missouri State Implementation Plan because there is no equivalent federal rule. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule.

PURPOSE: The odor detection threshold level in the concentrated animal feeding operation odor rules came under question by industry. This proposed amendment addresses this issue by revising the odor detection threshold level in the Kansas City area odor rule by incorporating new data on concentrated animal feeding operations. The odor detection threshold level in the rule would change from its current value of 7 to a value that correlates to a 7:1 scentometer level. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is industry information and monitoring data dated October 2, 2001 and the Missouri Air Conservation Commission December 6, 2001 and February 6, 2002 Meeting Minutes.

(4) Control of Odors from Class 1A Concentrated Animal Feeding Operations.

(C) After January 1, 2002, no Class 1A concentrated animal feeding operation may cause, permit or allow the emission of odorous matter—

1. In concentrations and frequencies or for durations that the odor can be perceived when one (1) volume of odorous air is diluted with five and four-tenths (5.4) volumes of odor-free air for two (2) separate trials not less than fifteen (15) minutes apart within the period of one (1) hour. This odor evaluation shall be taken at a site not at the installation and will be used as a screening evaluation. A positive screening evaluation for odor shall require an odor sample to be taken and evaluated by olfactometry as described in paragraph (4)(C)2. of this rule. These measurements may be made with a Scentometer as manufactured by the Barnebey & Sutcliffe Corporation or by a similar technique that will give equivalent results, as agreed to at the time by the source operator and the staff director; and

2. When one (1) of the following conditions is met:

A. In concentrations with a best estimate detection threshold, represented as $Z_{OL} \geq [7] 110$, as determined using American Society for Testing and Materials Standard E 679-91 (Reapproved 1997) at an olfactometer flow rate of twenty (20) liters per minute; or

B. At intensities greater than that of two hundred twenty-five (225) parts per million of n-butanol odorant in air, which serves as the reference scale, as determined by an olfactometry panel evaluation of a sample of the odorous air.

AUTHORITY: section 643.050, RSMo [Supp. 1997] 2000. Original rule filed Dec. 26, 1968, effective Jan. 5, 1969. Amended: Filed March 26, 1970, effective April 5, 1970. Amended: Filed Aug. 15, 1983, effective Jan. 13, 1984. Amended: Filed Nov. 2, 1998, effective July 30, 1999. Amended: Filed Feb. 14, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., April 24, 2003. The public hearing will be held at the Travelers Inn Bed & Breakfast, Ballroom, 301 W. Washington, Kirksville, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Director, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., May 1, 2003. Written comments shall be sent to Chief, Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 2—Air Quality Standards and Air Pollution
Control Rules Specific to the Kansas City Metropolitan
Area**

PROPOSED AMENDMENT

10 CSR 10-2.390 Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 U.S.C. or the Federal Transit Laws. The commission proposes to amend section (2) to add new subsection (2)(D), amend section (17), amend subsection (4)(E), and amend subsection (6)(C). If the commission adopts this rule action, it will be submitted to the U.S.

Environmental Protection Agency to replace the current rule in the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule.

PURPOSE: The amendment makes a minor revision to the 18-month requirement for initial state implementation plan submissions, adds a grace period for newly designated nonattainment areas, and a text correction. The evidence supporting the need for this proposed rule-making, per section 536.016, RSMo, is the August 6, 2002 Federal Register Notice.

(2) Applicability.

(D) Grace Period For New Nonattainment Areas. For areas or portions of areas which have been continuously designated attainment or not designated for any standard for ozone, CO, PM₁₀ or NO₂ since 1990 and are subsequently redesignated to nonattainment or designated nonattainment for any standard for any of these pollutants, the provisions of this rule shall not apply with respect to that standard for twelve (12) months following the effective date of final designation to nonattainment for each standard for such pollutant.

(4) Frequency of Conformity Determinations.

(E) Triggers for Transportation Plan and TIP Conformity Determinations. Conformity of existing transportation plans and TIPs must be redetermined within eighteen (18) months of the following, or the existing conformity determination will lapse, and no new project-level conformity determinations may be made until conformity of the transportation plan and TIP has been determined by the MPO and DOT—

1. November 24, 1993;

2. [The date of the state's initial submission to EPA of each control strategy implementation plan or maintenance plan establishing a motor vehicle emissions budget] **The effective date of EPA's finding that motor vehicle emissions budgets from an initially submitted control strategy implementation plan or maintenance plan are adequate pursuant to subsection (16)(E) and can be used for transportation conformity purposes;**

3. EPA approval of a control strategy implementation plan revision or maintenance plan which establishes or revises a motor vehicle emissions budget;

4. EPA approval of an implementation plan revision that adds, deletes, or changes TCMs; and

5. EPA promulgation of an implementation plan which establishes or revises a motor vehicle emissions budget or adds, deletes, or changes TCMs.

(6) Content of Transportation Plans.

(C) Transportation Plans for Other Areas. Transportation plans for other areas must meet the requirements of subsection (6)(A) of this rule at least to the extent it has been the previous practice of the MPO to prepare plans which meet those requirements. Otherwise, transportation plans must describe the transportation system envisioned for the future and must be sufficiently described within the transportation plans so that a conformity determination can be made according to the criteria and procedures of sections (9)–(17).

(17) Criteria and Procedures—Emission Reductions in Area without Motor Vehicle/s/ Emissions Budgets.

AUTHORITY: section 643.050, RSMo [Supp. 1997] 2000. Original rule filed Oct. 4, 1994, effective May 28, 1995. Amended: Filed May 1, 1996, effective Dec. 30, 1996. Amended: Filed June 15, 1998, effective Jan. 30, 1999. Amended: Filed Feb. 14, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., April 24, 2003. The public hearing will be held at the Travelers Inn Bed & Breakfast, Ballroom, 301 W. Washington, Kirksville, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Director, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., May 1, 2003. Written comments shall be sent to Chief, Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 3—Air Pollution Control Rules Specific to the
Outstate Missouri Area**

PROPOSED AMENDMENT

10 CSR 10-3.090 Restriction of Emission of Odors. The commission proposes to amend subsection (5)(C). If the commission adopts this rule action, it will be the department's intention not to submit this rule action to the U.S. Environmental Protection Agency for inclusion in the Missouri State Implementation Plan because there is no equivalent federal rule. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule.

PURPOSE: The odor detection threshold level in the concentrated animal feeding operation odor rules came under question by industry. This proposed amendment addresses this issue by revising the odor detection threshold level in the outstate Missouri area odor rule by incorporating new data on concentrated animal feeding operations. The odor detection threshold level in the rule would change from its current value of 7 to a value that correlates to a 7:1 scintometer level. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is industry information and monitoring data dated October 2, 2001 and the Missouri Air Conservation Commission December 6, 2001 and February 6, 2002 Meeting Minutes.

(5) Control of Odors from Class 1A Concentrated Animal Feeding Operations.

(C) After January 1, 2002, no Class 1A concentrated animal feeding operation may cause, permit or allow the emission of odorous matter—

1. In concentrations and frequencies or for durations that the odor can be perceived when one (1) volume of odorous air is diluted with five and four-tenths (5.4) volumes of odor-free air for two (2) separate trials not less than fifteen (15) minutes apart within the period of one (1) hour. This odor evaluation shall be taken at a site not at the installation and will be used as a screening evaluation. A positive screening evaluation for odor shall require an odor sample

to be taken and evaluated by olfactometry as described in paragraph (5)(C)2. of this rule. These measurements may be made with a Scintometer as manufactured by the Barnebey & Sutcliffe Corporation or by a similar technique that will give equivalent results, as agreed to at the time by the source operator and the staff director; and

2. When one (1) of the following conditions is met:

A. In concentrations with a best estimate detection threshold, represented as $Z_{OL} \geq [7] 110$, as determined using American Society for Testing and Materials Standard E 679-91 (Reapproved 1997) at an olfactometer flow rate of twenty (20) liters per minute; or

B. At intensities greater than that of two hundred twenty-five (225) parts per million of n-butanol odorant in air, which serves as the reference scale, as determined by an olfactometry panel evaluation of a sample of the odorous air.

AUTHORITY: section 643.050, RSMo [Supp. 1997] 2000. Original rule filed July 13, 1971, effective July 23, 1971. Amended: Filed Jan. 31, 1972, effective Feb. 10, 1972. Amended: Filed Aug. 15, 1983, effective Jan. 13, 1984. Amended: Filed Nov. 2, 1998, effective July 30, 1999. Amended: Filed Feb. 14, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., April 24, 2003. The public hearing will be held at the Travelers Inn Bed & Breakfast, Ballroom, 301 W. Washington, Kirksville, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Director, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., May 1, 2003. Written comments shall be sent to Chief, Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 4—Air Quality Standards and Air Pollution
Control Regulations for the Springfield-Greene County
Area**

PROPOSED AMENDMENT

10 CSR 10-4.070 Restriction of Emission of Odors. The commission proposes to amend subsection (4)(C). If the commission adopts this rule action, it will be the department's intention not to submit this rule action to the U.S. Environmental Protection Agency for inclusion in the Missouri State Implementation Plan because there is no equivalent federal rule. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule.

PURPOSE: The odor detection threshold level in the concentrated animal feeding operation odor rules came under question by industry.

This proposed amendment addresses this issue by revising the odor detection threshold level in the Springfield-Greene County area odor rule by incorporating new data on concentrated animal feeding operations. The odor detection threshold level in the rule would change from its current value of 7 to a value that correlates to a 7:1 scentometer level. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is industry information and monitoring data dated October 2, 2001 and the Missouri Air Conservation Commission December 6, 2001 and February 6, 2002 Meeting Minutes.

(4) Control of Odors from Class 1A Concentrated Animal Feeding Operations.

(C) After January 1, 2002, no Class 1A concentrated animal feeding operation may cause, permit or allow the emission of odorous matter—

1. In concentrations and frequencies or for durations that the odor can be perceived when one (1) volume of odorous air is diluted with five and four-tenths (5.4) volumes of odor-free air for two (2) separate trials not less than fifteen (15) minutes apart within the period of one (1) hour. This odor evaluation shall be taken at a site not at the installation and will be used as a screening evaluation. A positive screening evaluation for odor shall require an odor sample to be taken and evaluated by olfactometry as described in paragraph (4)(C)2. of this rule. These measurements may be made with a Scentometer as manufactured by the Barnebey & Sutcliffe Corporation or by a similar technique that will give equivalent results, as agreed to at the time by the source operator and the staff director; and

2. When one (1) of the following conditions is met:

A. In concentrations with a best estimate detection threshold, represented as $Z_{OL} \geq [7] \mathbf{110}$, as determined using American Society for Testing and Materials Standard E 679-91 (Reapproved 1997) at an olfactometer flow rate of twenty (20) liters per minute; or

B. At intensities greater than that of two hundred twenty-five (225) parts per million of n-butanol odorant in air, which serves as the reference scale, as determined by an olfactometry panel evaluation of a sample of the odorous air.

AUTHORITY: section 643.050, RSMo [Supp. 1997] 2000. Original rule filed Dec. 5, 1969, effective Dec. 15, 1969. Amended: Filed Aug. 15, 1983, effective Jan. 13, 1984. Amended: Filed Nov. 2, 1998, effective July 30, 1999. Amended: Filed Feb. 14, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: *A public hearing on this proposed amendment will begin at 9:00 a.m., April 24, 2003. The public hearing will be held at the Travelers Inn Bed & Breakfast, Ballroom, 301 W. Washington, Kirksville, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Director, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., May 1, 2003. Written comments shall be sent to Chief, Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176.*

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 5—Air Quality Standards and Air Pollution
Control Rules Specific to the St. Louis Metropolitan
Area

PROPOSED AMENDMENT

10 CSR 10-5.160 Control of Odors in the Ambient Air. The commission proposes to amend subsection (3)(C). If the commission adopts this rule action, it will be the department's intention not to submit this rule action to the U.S. Environmental Protection Agency for inclusion in the Missouri State Implementation Plan because there is no equivalent federal rule. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule.

PURPOSE: The odor detection threshold level in the concentrated animal feeding operation odor rules came under question by industry. This proposed amendment addresses this issue by revising the odor detection threshold level in the St. Louis area odor rule by incorporating new data on concentrated animal feeding operations. The odor detection threshold level in the rule would change from its current value of 7 to a value that correlates to a 7:1 scentometer level. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is industry information and monitoring data dated October 2, 2001 and the Missouri Air Conservation Commission December 6, 2001 and February 6, 2002 Meeting Minutes.

(3) Control of Odors from Class 1A Concentrated Animal Feeding Operations.

(C) After January 1, 2002, no Class 1A concentrated animal feeding operation may cause, permit or allow the emission of odorous matter, beyond the property boundary of the facility or beyond the property boundary of a remote spreading location—

1. In concentrations and frequencies or for durations that the odor can be perceived when one (1) volume of odorous air is diluted with five and four-tenths (5.4) volumes of odor-free air for two (2) separate trials not less than fifteen (15) minutes apart within the period of one (1) hour. This odor evaluation shall be taken at a site not at the installation and will be used as a screening evaluation. A positive screening evaluation for odor shall require an odor sample to be taken and evaluated by olfactometry as described in paragraph (3)(C)2. of this rule. These measurements may be made with a Scentometer as manufactured by the Barnebey & Sutcliffe Corporation or by a similar technique that will give equivalent results, as agreed to at the time by the source operator and the staff director; and

2. When one (1) of the following conditions is met:

A. In concentrations with a best estimate detection threshold, represented as $Z_{OL} \geq [7] \mathbf{110}$, as determined using American Society for Testing and Materials Standard E 679-91 (Reapproved 1997) at an olfactometer flow rate of twenty (20) liters per minute; or

B. At intensities greater than that of two hundred twenty-five (225) parts per million of n-butanol odorant in air, which serves as the reference scale, as determined by an olfactometry panel evaluation of a sample of the odorous air.

AUTHORITY: section 643.050, RSMo [Supp. 1997] 2000. Original rule filed March 14, 1967, effective March 24, 1967. Amended: Filed Aug. 15, 1983, effective Jan. 13, 1984. Amended: Filed Nov. 2, 1998, effective July 30, 1999. Amended: Filed Feb. 14, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., April 24, 2003. The public hearing will be held at the Travelers Inn Bed & Breakfast, Ballroom, 301 W. Washington, Kirksville, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Director, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., May 1, 2003. Written comments shall be sent to Chief, Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 5—Air Quality Standards and Air Pollution
Control Rules Specific to the St. Louis Metropolitan
Area**

PROPOSED AMENDMENT

10 CSR 10-5.480 Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 U.S.C. or the Federal Transit Laws. The commission proposes to amend section (2) to add new subsection (2)(D), amend subsection (4)(E), and amend subsection (6)(C). If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency to replace the current rule in the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule.

PURPOSE: The amendment makes a minor revision to the 18-month requirement for initial state implementation plan submissions, adds a grace period for newly designated nonattainment areas, and a text correction. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is the August 6, 2002 Federal Register Notice.

(2) Applicability.

(D) Grace period for new nonattainment areas. For areas or portions of areas which have been continuously designated attainment or not designated for any standard for ozone, CO, PM₁₀ or NO₂ since 1990 and are subsequently redesignated to nonattainment or designated nonattainment for any standard for any of these pollutants, the provisions of this rule shall not apply with respect to that standard for twelve (12) months following the effective date of final designation to nonattainment for each standard for such pollutant.

(4) Frequency of Conformity Determinations.

(E) Triggers for Transportation Plan and TIP Conformity Determinations. Conformity of existing transportation plans and TIPs must be redetermined within eighteen (18) months of the following, or the existing conformity determination will lapse, and no new project-level conformity determinations may be made until con-

formity of the transportation plan and TIP has been determined by the MPO and DOT—

1. November 24, 1993;

2. [The date of the state's initial submission to EPA of each control strategy implementation plan or maintenance plan establishing a motor vehicle emissions budget] The effective date of EPA's finding that motor vehicle emissions budgets from an initially submitted control strategy implementation plan or maintenance plan are adequate pursuant to subsection (17)(E) and can be used for transportation conformity purposes;

3. EPA approval of a control strategy implementation plan revision or maintenance plan which establishes or revises a motor vehicle emissions budget;

4. EPA approval of an implementation plan revision that adds, deletes, or changes TCMs; and

5. EPA promulgation of an implementation plan which establishes or revises a motor vehicle budget or adds, deletes, or changes TCMs.

(6) Content of Transportation Plans.

(C) Transportation Plans for Other Areas. Transportation plans for other areas must meet the requirements of subsection (6)(A) of this rule at least to the extent it has been the previous practice of the MPO to prepare plans which meet those requirements. Otherwise, transportation plans must describe the transportation system envisioned for the future and must be sufficiently described within the transportation plans so that a conformity determination can be made according to the criteria and procedures of sections (9)–(18).

AUTHORITY: section 643.050, RSMo [Supp. 1997] 2000. Original rule filed Oct. 4, 1994, effective May 28, 1995. Amended: Filed May 1, 1996, effective Dec. 30, 1996. Amended: Filed June 15, 1998, effective Jan. 30, 1999. Amended: Filed Feb. 14, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., April 24, 2003. The public hearing will be held at the Travelers Inn Bed & Breakfast, Ballroom, 301 W. Washington, Kirksville, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Director, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., May 1, 2003. Written comments shall be sent to Chief, Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling
and Reference Methods and Air Pollution Control
Regulations for the Entire State of Missouri**

PROPOSED AMENDMENT

10 CSR 10-6.070 New Source Performance Regulations. The commission proposes to amend original sections (1), (2), and (7) and reformat the rule text from seven into five sections. If the commission adopts this rule action, it will be submitted to the U.S.

Environmental Protection Agency, for delegation of enforcement authority. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule.

PURPOSE: This amendment adopts by reference updates to previously adopted 40 CFR part 60 subparts finalized between January 1, 2001 and June 30, 2002. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo is: elements of the State/EPA work plan and Title V Operating Permit Program requirements.

(1) *[General] Applicability.*

(A) The provisions of 40 CFR part 60, as of *[December 31, 2000] June 30, 2002*, shall apply and are adopted by reference as part of this rule.

(B) Exceptions to the adoption are as follows:

1. Sections 60.4, 60.9 and 60.10 of subpart A;
2. Subpart B in its entirety; *[and]*

3. Those provisions which are not delegable by United States Environmental Protection Agency (EPA). Examples of these are listed as follows:

A. Innovative Technology Waivers (for example, sections 60.47, 60.286 and 60.398);

B. Commercial Demonstration Permits (for example, section 60.45a);

C. Alternative or Equivalent Methods (for example, sections 60.8(b)(2), 60.8(b)(3), 60.11(e), 60.114(a), 60.195(b), 60.302(d)(3), 60.482-1(c)(2), 60.484, 60.493(b)(2)(i)(A), 60.496(a)(1), 60.592(c) and 60.623); and

D. National Consistency (for example, sections 60.332(a)(3) and 60.335(f)(1)).; **and**

4. Incinerators which are subject to Hazardous Waste Management Commission rule 40 CFR 264, subpart O as incorporated in 10 CSR 25-7.264 shall not be subjected to the requirements of this rule. The exemptions granted under 40 CFR 264.340(b) as incorporated in 10 CSR 25-7.264 are subject to this rule. All other applicable requirements of this chapter shall remain in effect as to the incinerators.

(C) Where emission limitations, test procedure or other requirements found in both subsection (1)(A) of this rule and in another rule under Title 10 Division 10 of the *Code of State Regulations* are applicable to an emission source, the more restrictive of each emission limitation, the more accurate test procedure or the more restrictive requirement shall be applied.

(2) *[Term Substitutions] Definitions.* Certain terms used in 40 CFR part 60 refer to federal officers, agencies and publications. The following terms applicable to Missouri shall be substituted where appropriate for the delegable federal counterparts:

[[3] More Restrictive Limitations to Apply. Where emission limitations, test procedure or other requirements found in both subsection (1)(A) of this rule and in another rule under Title 10 Division 10 of the CSR are applicable to an emission source, the more restrictive of each emission limitation, the more accurate test procedure or the more restrictive requirement shall be applied.

(4) *Exceptions. Incinerators which are subject to Hazardous Waste Management Commission rule 40 CFR 264, subpart O as incorporated in 10 CSR 25-7.264 shall not be subjected to the requirements of this rule. The exemptions granted under 40 CFR 264.340(b) as incorporated in 10 CSR 25-7.264 are subject to this rule. All other applicable require-*

ments of this chapter shall remain in effect as to the incinerators.

(5) Relation to 10 CSR 10-6.030 Sampling Methods for Air Pollution Sources. The sampling methods given in 40 CFR part 60, Appendix A and specified in 10 CSR 10-6.030 shall be effective as of the date in section (1) of this rule.

(6) Relation to 10 CSR 10-6.040 Reference Methods. The reference methods given in 40 CFR parts 50 and 53 and specified in 10 CSR 10-6.040(4) shall be effective as of the date in section (1) of this rule.]

[[7]] (3) General Provisions. The following are the New Source Performance Standards (NSPS) 40 CFR part 60 subparts that are adopted by reference in this rule. Individual source operations or installations in these categories are subject to this rule based on date of commencement of construction and other category specific parameters, as specified in the applicable subpart:

Subpart Title

- (D) Fossil-Fuel Fired Steam Generators
 (Da) Electric Utility Steam Generating Units
 (Db) Industrial-Commercial-Institutional Steam Generating Units
 (Dc) Small Industrial-Commercial-Institutional Steam Generating Units
 (E) Incinerators
 (Ea) Municipal Waste Combustors constructed after December 20, 1989, and on or before September 20, 1994
 (Eb) Municipal Waste Combustors constructed after September 20, 1994
 (Ec) Hospital/Medical/Infectious Waste Incinerators constructed after June 20, 1996
 (F) Portland Cement Plants
 (G) Nitric Acid Plants
 (H) Sulfuric Acid Plants
 (I) Asphalt Concrete Plants
 (J) Petroleum Refineries
 (K) Storage Vessels for Petroleum Liquids after June 11, 1973
 (Ka) Storage Vessels for Petroleum Liquids
 (Kb) Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) after July 23, 1984
 (L) Secondary Lead Smelters
 (M) Secondary Brass and Bronze Production Plants
 (N) Primary Emissions from Basic Oxygen Process Furnaces
 (Na) Secondary Emissions from Basic Oxygen Process Steelmaking Facilities
 (O) Sewage Treatment Plants
 (P) Primary Copper Smelters
 (Q) Primary Zinc Smelters
 (R) Primary Lead Smelters
 (S) Primary Aluminum Reduction Plants
 (T) Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants
 (U) Phosphate Fertilizer Industry: Superphosphoric Acid Plants
 (V) Phosphate Fertilizer Industry: Diammonium Phosphate Plants
 (W) Phosphate Fertilizer Industry: Triple Superphosphate Plants
 (X) Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities
 (Y) Coal Preparation Plants
 (Z) Ferroalloy Production Facilities
 (AA) Steel Plants: Electric Arc Furnaces
 (AAa) Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels
 (BB) Kraft Pulp Mills
 (CC) Glass Manufacturing Plants
 (DD) Grain Elevators
 (EE) Surface Coating of Metal Furniture
 (GG) Stationary Gas Turbines

(HH) Lime Manufacturing Plants
(KK) Lead-Acid Battery Manufacturing Plants
(LL) Metallic Mineral Processing Plants
(MM) Automobile and Light-Duty Truck Surface Coating Operations
(NN) Phosphate Rock Plants
(PP) Ammonium Sulfate Manufacture
(QQ) Graphic Arts Industry: Publication Rotogravure Printing
(RR) Pressure Sensitive Tape and Label Surface Coating Operations
(SS) Industrial Surface Coating: Large Appliances
(TT) Metal Coil Surface Coating
(UU) Asphalt Processing and Asphalt Roofing Manufacture
(VV) Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry
(WW) Beverage Can Surface Coating Industry
(XX) Bulk Gasoline Terminal
(AAA) New Residential Wood Heaters
(BBB) Rubber Tire Manufacturing Industry
(DDD) Polymer Manufacturing Industry
(FFF) Flexible Vinyl and Urethane Coating and Printing
(GGG) Equipment Leaks of VOC in Petroleum Refineries
(HHH) Synthetic Fiber Production Facilities
(III) VOC Emissions from SOCOMI Air Oxidation Unit Processes
(JJJ) Petroleum Dry Cleaners
(KKK) Equipment Leaks of VOC From Onshore Natural Gas Processing Plants
(LLL) Onshore Natural Gas Processing—SO₂ Emissions
(NNN) VOC Emissions from SOCOMI Distillation Operations
(OOO) Nonmetallic Mineral Processing Plants
(PPP) Wool Fiberglass Insulation Manufacturing Plants
(QQQ) VOC Emissions From Petroleum Refinery Wastewater Systems
(RRR) Synthetic Organic Chemical Manufacturing Reactor Processes
(SSS) Magnetic Tape Coating Facilities
(TTT) Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines
(UUU) Calciners and Dryers in Mineral Industries
(VVV) Polymeric Coating of Supporting Substrates Facilities
(WWW) Municipal Solid Waste Landfills
(AAAA) Small Municipal Waste Combustion Units for Which Construction is Commenced After August 30, 1999 or for Which Modification or Reconstruction is Commenced After June 6, 2001
(CCCC) Commercial and Industrial Solid Waste Incineration Units for Which Construction Is Commenced After November 30, 1999 or for Which Modification or Reconstruction Is Commenced on or After June 1, 2001./

(4) Reporting. Reporting requirements are specified in each federal regulation adopted by reference.

(5) Test Methods.

(A) **Relation to 10 CSR 10-6.030 Sampling Methods for Air Pollution Sources.** The sampling methods given in 40 CFR part 60, Appendix A and specified in 10 CSR 10-6.030 shall be effective as of the date in section (1) of this rule.

(B) **Relation to 10 CSR 10-6.040 Reference Methods.** The reference methods given in 40 CFR parts 50 and 53 and specified in 10 CSR 10-6.040(4) shall be effective as of the date in section (1) of this rule.

AUTHORITY: section 643.050, RSMo 2000. Original rule filed Dec. 10, 1979, effective April 11, 1980. For intervening history, please consult the Code of State Regulations. Amended: Filed Feb. 14, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., May 29, 2003. The public hearing will be held at the Harry S Truman State Office Building, Room 400, 301 W. High Street, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Director, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., June 5, 2003. Written comments shall be sent to Chief, Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling
and Reference Methods and Air Pollution Control
Regulations for the Entire State of Missouri**

PROPOSED AMENDMENT

10 CSR 10-6.075 Maximum Achievable Control Technology Regulations. The commission proposes to amend original sections (1), (2) and (4), delete section (3), and add new sections (4) and (5). If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency, for delegation of enforcement authority. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule.

PURPOSE: This amendment adopts by reference new 40 CFR part 63 subparts finalized between January 1, 2001 and June 30, 2002. Additionally, this amendment updates previously adopted subparts. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is: elements of the State/EPA work plan and Title V Operating Permit Program requirements.

(1) [General] Applicability.

(A) The provisions of 40 CFR part 63 as of [December 31, 2000] **June 30, 2002**, with the exception of those provisions which are not delegable by the United States Environmental Protection Agency (EPA) shall apply and are adopted by reference as part of this rule.

(C) Where emission limitations, test procedures or other requirements found in both subsection (1)(A) of this rule and in another rule under Title 10 Division 10 of the Code of State Regulations are applicable to an emission source, the more restrictive emission limitation, the more accurate test procedure or the more restrictive requirement shall be applied.

(2) [Term Substitutions] Definitions. Certain terms used in 40 CFR part 63 refer to federal officers, agencies and publications. The following terms applicable to Missouri shall be substituted where appropriate for the delegable federal counterparts:

(A) Director shall be substituted for /a/Administrator;

(B) Missouri Department of Natural Resources shall be substituted for EPA, EPA [r/Regional o/Office or Environmental Protection Agency; and

[(3) More Restrictive Limitations to Apply. Where emission limitations, test procedures or other requirements found in both subsection (1)(A) of this rule and in another rule under Title 10 Division 10 of the CSR are applicable to an emission source, the more restrictive emission limitation, the more accurate test procedure or the more restrictive requirement shall be applied.]

[(4)] (3) General Provisions. The following are the Maximum Achievable Control Technology (MACT) 40 CFR part 63 subparts that are adopted by reference in this rule. Individual source operations or installations in these categories are subject to this rule based on category specific parameters, as specified in the applicable subpart:

Subpart Title

(F) National Emission Standards for Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry

(G) National Emission Standards for Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater

(H) National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks

(I) National Emission Standards for Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks

(L) National Emission Standards for Coke Oven Batteries

(M) National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities

(N) National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks

(O) Ethylene Oxide Emissions Standards for Sterilization Facilities

(Q) National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers

(R) National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations)

(S) National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry

(T) National Emission Standards for Halogenated Solvent Cleaning

(U) National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins

(W) National Emission Standards for Hazardous Air Pollutants for Epoxy Resins Production and Non-Nylon Polyamides Production

(X) National Emission Standards for Hazardous Air Pollutants From Secondary Lead Smelting

(Y) National Emission Standards for Marine Tank Vessel Loading Operations

(AA) National Emission Standards for Hazardous Air Pollutants From Phosphoric Acid Manufacturing Plants

(BB) National Emission Standards for Hazardous Air Pollutants From Phosphate Fertilizers Production Plants

(CC) National Emission Standards for Hazardous Air Pollutants from Petroleum Refineries

(DD) National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations

(EE) National Emission Standards for Magnetic Tape Manufacturing Operations

(GG) National Emission Standards for Aerospace Manufacturing and Rework Facilities

(HH) National Emission Standards for Hazardous Air Pollutants From Oil and Natural Gas Production Facilities

(II) National Emission Standards for Shipbuilding & Ship Repair (Surface Coating)

(JJ) National Emission Standards for Wood Furniture Manufacturing Operations

(KK) National Emission Standards for the Printing and Publishing Industry

(LL) National Emission Standards for Hazardous Air Pollutants for Primary Aluminum Reduction Plants

(MM) National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semicheical Pulp Mills

(OO) National Emission Standards for Tanks—Level 1

(PP) National Emission Standards for Containers

(QQ) National Emission Standards for Surface Impoundments

(RR) National Emission Standards for Individual Drain Systems

(SS) National Emission Standards for Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process

(TT) National Emission Standards for Equipment Leaks—Control Level 1

(UU) National Emission Standards for Equipment Leaks—Control Level 2 Standards

(VV) National Emission Standards for Oil-Water Separators and Organic-Water Separators

(WW) National Emission Standards for Storage Vessels (Tanks)—Control Level 2

(YY) National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Available Control Technology Standards

(CCC) National Emission Standards for Hazardous Air Pollutants for Steel Pickling-HCl Process Facilities and Hydrochloric Acid Regeneration Plants

(DDD) National Emission Standards for Hazardous Air Pollutants for Mineral Wool Production

(EEE) National Emission Standards for Hazardous Air Pollutants From Hazardous Waste Combustors

(GGG) National Emission Standards for Pharmaceuticals Production

(HHH) National Emission Standards for Hazardous Air Pollutants From Natural Gas Transmission and Storage Facilities

(III) National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production;

(JJJ) National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins

(LLL) National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry

(MMM) National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production

(NNN) National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing

(OOO) National Emission Standards for Hazardous Air Pollutant Emissions: Manufacture of Amino/Phenolic Resins

(PPP) National Emission Standards for Hazardous Air Pollutant Emissions for Polyether Polyols Production

(QQQ) National Emission Standards for Hazardous Air Pollutant Emissions for Primary Copper Smelting

(RRR) National Emission Standards for Hazardous Air Pollutants: Secondary Aluminum Production/s/

(TTT) National Emission Standards for Hazardous Air Pollutants for Primary Lead Smelting

(UUU) National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units

(VVV) National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works

(XXX) National Emission Standards for Hazardous Air Pollutants for Ferroalloys Production: Ferromanganese and Silicomanganese

(CCCC) National Emission Standards for Hazardous Air Pollutants: Manufacturing of Nutritional Yeast
(GGGG) National Emission Standards for Hazardous Air Pollutants: Solvent Extraction for Vegetable Oil Production
(HHHH) National Emission Standards for Hazardous Air Pollutants for Wet-Formed Fiberglass Mat Production
(SSSS) National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Coil
(TTTT) National Emission Standards for Hazardous Air Pollutants for Leather Finishing Operations
(UUUU) National Emission Standards for Hazardous Air Pollutants for Cellulose Products Manufacturing
(VVVV) National Emission Standards for Hazardous Air Pollutants for Boat Manufacturing

(4) **Reporting.** Reporting requirements are specified in each federal regulation adopted by reference.

(5) **Test Methods.** Test methods are specified in each federal regulation adopted by reference.

AUTHORITY: section 643.050, RSMo 2000. Original rule filed May 1, 1996, effective Dec. 30, 1996. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Feb. 14, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., May 29, 2003. The public hearing will be held at the Harry S Truman State Office Building, Room 400, 301 W. High Street, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Director, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., June 5, 2003. Written comments shall be sent to Chief, Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling
and Reference Methods and Air Pollution Control
Regulations for the Entire State of Missouri**

PROPOSED AMENDMENT

10 CSR 10-6.080 Emission Standards for Hazardous Air Pollutants. The commission proposes to amend original sections (1), (2) and (4), delete section (3), and add new sections (4) and (5). If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency, for delegation of enforcement authority. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule.

PURPOSE: This amendment adopts by reference updates to previously adopted 40 CFR part 61 subparts finalized between January 1, 2001 and June 30, 2002. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is: elements of the State/EPA work plan and Title V Operating Permit Program requirements.

(1) *[General]* **Applicability.**

(A) The provisions of 40 CFR part 61, as of *[December 31, 2000]* **June 30, 2002**, shall apply and are adopted by reference as part of this rule.

(C) Where emission limitations, test procedures or other requirements found in subsection (1)(A) of this rule and in another rule under Title 10 Division 10 of the *Code of State Regulations* are applicable to an emission source, the more restrictive emission limitation, the more accurate test procedure or the more restrictive requirements shall be applied.

(2) *[Term Substitutions]* **Definitions.** Certain terms used in 40 CFR part 61 refer to federal officers, agencies and publications. The following terms applicable to Missouri shall be substituted where appropriate for the delegable federal counterparts:

[[3] More Restrictive Limitations to Apply. Where emission limitations, test procedures or other requirements found in subsection (1)(A) of this rule and in another rule under Title 10 Division 10 of the CSR are applicable to an emission source, the more restrictive emission limitation, the more accurate test procedure or the more restrictive requirements shall be applied.]

[[4]] (3) The following are the National Emission Standards for Hazardous Air Pollutants (NESHAPs) 40 CFR part 61 subparts that are adopted by reference in this rule. Individual sources, operations or installations in these categories are subject to this rule based on date of commencement of construction and other category specific parameters, as specified in the applicable subpart:

Subpart	Title
(C)	National Emission Standard for Beryllium
(D)	National Emission Standard for Beryllium Rocket Motor Firing
(E)	National Emission Standard for Mercury
(F)	National Emission Standard for Vinyl Chloride
(J)	National Emission Standard for Equipment Leaks (Fugitive Emission Sources) of Benzene
(L)	National Emission Standard for Benzene Emissions from Coke By-Product Recovery Plants
(M)	National Emission Standard for Asbestos
(N)	National Emission Standard for Inorganic Arsenic Emissions From Glass Manufacturing Plants
(O)	National Emission Standard for Inorganic Arsenic Emissions From Primary Copper Smelters
(P)	National Emission Standard for Inorganic Arsenic Emissions From Arsenic Trioxide and Metallic Arsenic Production Facilities
(V)	National Emission Standard for Equipment Leaks (Fugitive Emission Sources)
(Y)	National Emission Standards for Benzene Emissions From Benzene Storage Vessels
(BB)	National Emission Standards for Benzene Emissions From Benzene Transfer Operations
(FF)	National Emission Standard for Benzene Waste Operations

(4) **Reporting.** Reporting requirements are specified in each federal regulation adopted by reference.

(5) **Test Methods.** Test methods are specified in each federal regulation adopted by reference.

AUTHORITY: section 643.050, RSMo 2000. Original rule filed Dec. 10, 1979, effective April 11, 1980. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Feb. 14, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., May 29, 2003. The public hearing will be held at the Harry S Truman State Office Building, Room 400, 301 W. High Street, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Director, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., June 5, 2003. Written comments shall be sent to Chief, Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 15—Hospital Program**

PROPOSED AMENDMENT

13 CSR 70-15.010 Inpatient Hospital Services Reimbursement Plan; Outpatient Hospital Services Reimbursement Methodology. The Division of Medical Services is amending subsections (2)(N), (6)(D) and (7)(A) in the *Code of State Regulations*.

PURPOSE: The proposed amendment will include a definition of specialty pediatric hospital and exclude the specialty pediatric hospital from receiving disproportionate share payments and outlier payments.

(2) Definitions.

(N) Specialty pediatric hospital. An inpatient pediatric acute care facility which:

1. Is licensed as a hospital by the Missouri Department of Health and Senior Services under Chapter 197 of the *Missouri Revised Statutes*;

2. Has been granted substantive waivers by the Missouri Department of Health and Senior Services from compliance with material hospital licensure requirements governing a) the establishment and operation of an emergency department, and b) the provision of pathology, radiology, laboratory and central services; and

3. Is not licensed to operate more than sixty (60) inpatient beds.

[(N)] (O) Trend factor. The trend factor is a measure of the change in costs of goods and services purchased by a hospital during the course of one (1) year.

[(O)] (P) Children's hospital. An acute care hospital operated primarily for the care and treatment of children under the age of eighteen (18) and which has designated in its licensure application at least sixty-five percent (65%) of its total licensed beds as a pediatric unit as defined in 19 CSR 30-20.021(4)(F).

[[P]] (Q) FRA. The Federal Reimbursement Allowance (FRA) is identified in 13 CSR 70-15.110. Effective January 1, 1999, the assessment shall be an allowable cost.

[[Q]] (R) Incorporates by Reference. This rule incorporates by reference the following:

1. *Institutional Provider Manual*; and

2. Worksheet E-3 Part IV from the Medicare cost report (HCFA 2552-96).

(6) Disproportionate Share.

(D) Specialty pediatric hospitals shall not qualify for disproportionate share payments by meeting the state defined requirements. However, they will qualify for disproportionate share payments if they meet the federal requirements as defined in (6)(A)1. and (6)(A)2.

[[D]] (E) Hospitals shall not send amended cost reports or other data necessary for qualification for disproportionate share classification for purposes of rate reconsideration unless the reports or other necessary data are received within sixty (60) days of the date of the division's notification of the final determination of the rate.

(7) Outlier Adjustment.

(A) Effective for admissions beginning on or after July 1, 1991, outlier adjustments for medically necessary inpatient services involving exceptionally high cost or exceptionally long lengths of stay for Missouri Medicaid-eligible children under the age of six (6) will be made to hospitals meeting the disproportionate share requirements in subsection (6)(A) and, for Missouri Medicaid-eligible infants under the age of one (1), will be made to any other Missouri Medicaid hospital **except for specialty pediatric hospitals.**

1. The following criteria must be met for the services to be eligible for outlier review:

A. The patient must be a Missouri Medicaid-eligible infant under the age of one (1) year, or for disproportionate share hospitals a Missouri Medicaid-eligible child under the age of six (6) years, for all dates of service presented for review;

B. Hospitals requesting outlier review for children one (1) year of age to children under six (6) years of age, must have qualified for disproportionate share status under section (6) of this plan for the state fiscal year corresponding with the fiscal year end of the cost report referred to in paragraph (7)(A)5.; and

C. One (1) of the following conditions must be satisfied:

(I) The total reimbursable charges for dates of service as described in paragraph (7)(A)3. must be at least one hundred fifty percent (150%) of the sum of total third-party liabilities and Medicaid inpatient claim payments for that claim; or

(II) The dates of service must exceed sixty (60) days and less than seventy-five percent (75%) of the total service days was reimbursed by Medicaid.

2. Claims for all dates of service eligible for outlier review must—

A. Have been submitted to the Division of Medical Services fiscal agent or the MC+ health plan in their entirety for routine claims processing, and claim payment must have been made before the claims are submitted to the division for outlier review; and

B. Be submitted for outlier review with all documentation as required by the Division of Medical Services no later than ninety (90) days from the last payment made by the fiscal agent or the MC+ health plan through the normal claims processing system for those dates of service.

3. Claim charges and Medicaid payment data will be determined from claims data, submitted to the Division of Medical Services fiscal agent or MC+ health plan, by the hospital through normal claims processing.

4. The claims may be reviewed for—

A. Medical necessity at an inpatient hospital level-of-care;

B. Appropriateness of services provided in connection with the diagnosis; and

C. Charges that are not permissible per the Division of Medical Services; policies established in the institutional manual and hospital bulletins.

5. After the review, reimbursable costs for each claim will be determined using the following data from the most recent Medicaid hospital cost report filed by June 1 of each year:

A. Average routine (room and board) costs for the general and special care units for all days of the stay eligible per the outlier review;

B. Ancillary cost-to-charge ratios applied to claim ancillary charges determined eligible for reimbursement per the outlier review; and

C. No cost will be calculated for items such as malpractice insurance premiums, interns and residents, professional services or return on equity.

6. Each state fiscal year, outlier adjustment payments for each hospital will be made for all claims submitted before March 1 of the preceding state fiscal year which satisfy all conditions in paragraphs (7)(A)1.-4. The payments will be determined for each hospital as follows:

A. Sum all reimbursable costs per paragraph (7)(A)5. for all applicable outlier claims to equal total reimbursable costs;

B. Subtract third-party payments and Medicaid payments for those claims from total reimbursable costs to equal excess cost; and

C. Multiply excess costs by fifty percent (50%).

AUTHORITY: sections 208.152, 208.153 and 208.201, RSMo 2000 and 208.471, RSMo Supp. 2001. This rule was previously filed as 13 CSR 40-81.050. Original rule filed Feb. 13, 1969, effective Feb. 23, 1969. For intervening history, please consult the Code of State Regulations. Amended: Filed Feb. 18, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of the Director, Division of Medical Services, PO Box 6500, Jefferson City, MO 65102-6500. To be considered, comments must be received within thirty (30) days after publication in the Missouri Register. If to be hand-delivered, comments must be brought to the Division of Medical Services at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 51—Broker-Dealers, Agents, Investment
Advisers, and Investment Adviser Representatives**

PROPOSED AMENDMENT

15 CSR 30-51.020 Applications for Registration or Notice Filings. The commissioner is amending section (5).

PURPOSE: The commissioner proposes to correct a typographical error.

(5) Investment Adviser Representative Application. The application for registration as an investment adviser representative shall contain the information outlined in section 409.202(a), RSMo and in this rule. All applicants must file applications with the commissioner [or] in accordance with the guidelines of the CRD System, unless the commissioner has granted a hardship exemption under section (6).

AUTHORITY: sections 409.202 and 409.413(a), RSMo 2000. Original rule filed June 25, 1968, effective Aug. 1, 1968. For intervening history, please consult the Code of State Regulations. Amended: Filed Feb. 13, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 54—Exemptions [Under] and Federal Covered
Securities [Act]**

PROPOSED AMENDMENT

15 CSR 30-54.010 General. The commissioner is amending the chapter title, amending sections (1) and (2) and deleting section (4).

PURPOSE: The commissioner is amending this rule to correct citations.

(1) The commissioner may render interpretative opinions upon the request of applicants with respect to the availability of any exemption (section 409.414(e) of the Missouri Uniform Securities Act (the Act)). For fees, see 15 CSR 30-50.030. The opinions of the commissioner do not constitute any approval of the securities or transactions concerned and it is unlawful for an applicant to represent to any prospective purchaser, customer or client that the commissioner has announced approval (section 409.405, [of the Act] RSMo).

(2) The burden of proof that the offer and sale of large blocks of securities by any person or of any securities by controlling persons (15 CSR 30-50.010(1)(G)(H)) is not directly or indirectly for the benefit of the issuer and therefore eligible for the nonissuer exemptions of section 409.402(b)(1), (2) (13), [or] (14) or (15) of the Act, is upon the person claiming the exemption (section 409.402(d)(f), RSMo). For purposes of this rule, sales of securities in accordance with rule 144 or any similar rule promulgated under the Securities Act of 1933 are deemed to be not directly or indirectly for the benefit of the issuer.

[(4) For the purposes of 15 CSR 30-54.070(1)(B)6., 15 CSR 30-54.090(1)(E), 15 CSR 30-54.140(3)(F) and 15 CSR 30-54.160(2), an assurance in writing that a Consent to Service of Process form (Form S-B or U-2 and U-2A)) executed by the issuer will be filed shall be accepted in lieu of the filing of the form as a part of the notice or notification concerned.]

AUTHORITY: sections 409.307, 409.413(a) and 409.414(e), RSMo [1986] 2000 and 409.402, RSMo Supp. 2002. Original rule filed June 25, 1968, effective Aug. 1, 1968. For intervening history please consult the Code of State Regulations. Amended: Filed Feb. 18, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 54—Exemptions and Federal Covered Securities

PROPOSED RULE

15 CSR 30-54.015 Notice Filings for Investment Companies

PURPOSE: This rule prescribes the notice to be filed for investment companies as federal covered securities.

(1) The initial notice required under section 409.307(a), RSMo to be filed for an open-end or closed-end investment company, unit investment trust or face amount certificate company, as those persons are classified in the Investment Company Act of 1940 shall consist of the following:

- (A) The Uniform Investment Company Notice Filing Form (Form NF) and accompanying documents;
- (B) Form U-2, Consent to Service of Process; and
- (C) The fee described in 15 CSR 30-50.030.

(2) No documents filed by investment companies with the Securities and Exchange Commission (SEC) need to be filed with the notice described in section (1) above.

(3) Annual Sales Report or Termination. For open-end investment companies or face amount certificate companies, the following notice shall be filed with the division when applicable:

- (A) An annual sales report on the Form NF and the fee described in 15 CSR 30-50.030 within sixty (60) days of the company's fiscal year end; or
- (B) A termination notice on the Form NF and the fee described in 15 CSR 30-50.030.

(4) Final Sales Report for Unit Investment Trusts. The final sales report for unit investment trusts shall be on the Form NF and include the fee described in 15 CSR 30-50.030. This notice needs to be filed with the division on the completion of the offering in Missouri.

(5) Renewals. The annual renewal for closed-end investment companies shall consist of the Form NF and a one hundred dollar (\$100) filing fee. This notice needs to be filed with the division within thirty (30) days of the anniversary of the company's effective date in Missouri.

(6) Amendments. During the period of the offering, the investment company shall take steps necessary to insure that all material information contained in the notice remains current and accurate.

AUTHORITY: sections 409.307 and 409.413(a), RSMo 2000. Original rule filed Feb. 18, 2003.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 54—Exemptions [Under] and Federal Covered Securities [Act]

PROPOSED AMENDMENT

15 CSR 30-54.060 Stock Exchange Listed Securities. The commissioner is amending the chapter title and sections (1) and (2).

PURPOSE: The commissioner is amending sections (1) of this rule to correct name changes of certain exchanges, to exclude federal covered securities and to state more specifically tiers of certain exchanges, and to correct citations.

(1) Stock exchanges specified by or approved under section 409.402(a)(8) of the Missouri Uniform Securities Act (the Act) are as follows:

- (A) *[American Stock Exchange]* **The Chicago Stock Exchange;**
- (B) *[Midwest Stock Exchange, Inc.]* **The Chicago Board Options Exchange;**
- (C) *[New York Stock Exchange, Inc.]* **Tier I or II of the Pacific Stock Exchange; and**
- (D) *[Pacific Coast Stock Exchange, Inc.;* **Tier I of the Philadelphia Stock Exchange, Inc.**
-](E) Chicago Board Options Exchange, Inc.; and*
- (F) Tier I of the Philadelphia Stock Exchange, Inc.]*

(2) Any individual who represents an issuer of a security exempted by section 409.402(a)(8), *[of the Act]* RSMo in effecting transactions listed in that section, other than in transactions exempted by section 409.402(b), *[of the Act,]* RSMo or in transactions with existing employees, partners or directors of the issuer with no commission or other remuneration being paid or given directly or indirectly for soliciting any person in Missouri, is an agent (section 409.401(b), *[of the Act]* RSMo) and is required to be registered as an agent (section 409.201(a), RSMo).

AUTHORITY: sections 409.402(a)(8), RSMo Supp. 2002 and 409.413(a), RSMo [1994] 2000. Original rule filed June 25, 1968, effective Aug. 1, 1968. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Feb. 18, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 54—Exemptions Under Securities Act**

PROPOSED RESCISSION

15 CSR 30-54.070 Not-for-Private Profit Securities. This rule prescribed the policies and procedures for the notice filing for not-for-profit securities under the exemption of section 409.402(a)(9), RSMo.

PURPOSE: The commissioner of securities is proposing to rescind this rule and adopt a new rule that more clearly prescribes the policies and procedure for the notice filing for not-for-profit securities and promotes uniformity with other states by adopting the most recent NASAA Statements of Policy Regarding Church Bonds and Regarding Guidelines for General Obligations Financing by Religious Denominations.

AUTHORITY: sections 409.402(a)(9) and 409.413(a), RSMo 1986. Original rule filed June 25, 1968, effective Aug. 1, 1968. For intervening history, please consult the Code of State Regulations. Rescinded: Filed Feb. 18, 2003.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 54—Exemptions and Federal Covered Securities**

PROPOSED RULE

15 CSR 30-54.070 NASAA Statements of Policy (Exemptions)

PURPOSE: This rule promotes uniformity with other states and prescribes the guidelines to be applied to notice filings for securities or transactions that are exempt from registration.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. Therefore, the material which is so incorporated is on file with the agency who filed this rule, and with the Office of the Secretary of State. Any interested person may view this material at either agency's headquarters or the same will be made available at the Office of the Secretary of State at a cost not to exceed actual cost of copy reproduction. The entire text of the rule is printed here. This note refers only to the incorporated by reference material.

(1) The Securities Division will apply the applicable statement of policy adopted by the North American Securities Administrators Association, Inc. (NASAA) when reviewing notice filings for securities or transactions that are exempt from registration.

(2) The following statements of policy are hereby adopted by reference:

- (A) Church Bonds as adopted by NASAA on April 14, 2002; and
- (B) Guidelines for General Obligations Financing by Religious Denominations as adopted by NASAA on April 17, 1994.

(3) The division will apply the applicable NASAA statement of policy specified in section (2) above when reviewing notification filings for securities exempt under section 409.402(a)(9), RSMo.

(4) Cross-Reference Sheet. If requested by the Securities Division, a notice filing shall include a cross-reference table to indicate compliance with, or deviation from, the various sections of the applicable statement of policy.

AUTHORITY: sections 409.402(a)(9), RSMo Supp. 2002 and 409.413(a), RSMo 2000. Original rule filed June 25, 1968, effective Aug. 1, 1968. For intervening history, please consult the Code of State Regulations. Rescinded and readopted: Filed Feb. 18, 2003.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 54—Exemptions Under Securities Act**

PROPOSED RESCISSION

15 CSR 30-54.210 Exemption for Certain Transactions Pursuant to Regulation D Under the Securities Act of 1933. This rule exempted transactions pursuant to Regulation D, Rules 505 and 506 from registration in Missouri and prescribed the policies and procedures for the notice filing in Missouri for these securities.

PURPOSE: The commissioner of securities is proposing to rescind this rule and adopt a new rule that more clearly prescribes the policies and procedure for the notice filing in Missouri for securities and transactions exempt under Regulation D, Rules 505 and 506.

AUTHORITY: section 409.402(c), RSMo 1986. Emergency rule filed Aug. 12, 1982, effective Aug. 22, 1982, expired Dec. 10, 1982. Original rule filed Aug. 11, 1982, effective Dec. 11, 1982. For intervening history, please consult the Code of State Regulations. Rescinded: Filed Feb. 18, 2003.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of

Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 54—Exemptions and Federal Covered Securities

PROPOSED RULE

15 CSR 30-54.210 Notice Filings for Transactions under Regulation D, Rules 505 and 506

PURPOSE: This rule prescribes the policies and procedures applicable to transactions in Missouri under Regulation D, Rules 505 and 506.

(1) Rule 505.

(A) Pursuant to section 409.402(c), RSMo securities exempt under 17 CFR 230.505 are exempt from section 409.301, RSMo. As a condition of this exemption, the issuer shall comply with the requirements in section (3) below.

(B) Disqualification. The exemption under subsection (1)(A) is not available to an issuer if the issuer, any of the issuer's predecessors, any affiliated issuer, any of the issuer's directors, officers, general partners, beneficial owners of ten percent (10%) or more of any class of its equity securities, any of the issuer's promoters presently connected with the issuer in any capacity, any underwriter of the securities to be offered, or any partner, director or officer of such underwriter:

1. Within the last five (5) years, has filed a registration statement which is the subject of a currently effective registration stop order entered by any state securities administrator or the U.S. Securities and Exchange Commission;

2. Within the last five (5) years, has been convicted of any criminal offense in connection with the offer, purchase or sale of any security, or involving fraud or deceit;

3. Is currently subject to any state or federal administrative enforcement order or judgment, entered within the last five (5) years, finding fraud or deceit in connection with the purchase or sale of any security; or

4. Is currently subject to any order, judgment or decree of any court of competent jurisdiction, entered within the last five (5) years, temporarily, preliminary or permanently restraining or enjoining such party from engaging in or continuing to engage in any conduct or practice involving fraud or deceit in connection with the purchase or sale of any security.

(C) Subsection (1)(B) shall not apply if:

1. The party subject to the disqualification is licensed or registered to conduct securities related business in the state in which the order, judgment or decree creating the disqualification was entered against such party;

2. Before the first offer under this exemption, the state securities administrator, or the court or regulatory authority that entered the order, judgment, or decree, waives the disqualification; or

3. The issuer establishes that it did not know and in the exercise of reasonable care, based on a factual inquiry, could not have known that a disqualification existed under this subsection.

(2) Rule 506. The issuer shall file a notice under section 409.307(b), RSMo as stated in section (3) below.

(3) Notice Filings for Rules 505 and 506. The notice filing required for transactions in Missouri under 17 CFR 230.505 and 17 CFR 230.506 shall consist of the following:

(A) One (1) manually signed copy of the Form D;

(B) A Form U-2, Consent to Service of Process;

(C) The filing fee of one hundred dollars (\$100) as described in 15 CSR 30-50.030; and

(D) Each notice shall be filed with the division no later than fifteen (15) calendar days after the first sale of the securities in Missouri.

(4) Amendments. During the period of the offering, the issuer shall take steps necessary to insure that all material information contained in the notice filing remains current and accurate.

(5) Agents. Pursuant to section 409.401(b), RSMo, and only for the purposes of effecting transactions under this rule, agent does not include those officers, directors, general partners or other bona fide employees of the issuer whose primary employment function is other than the sale of securities.

AUTHORITY: sections 409.307 and 409.413(a), RSMo 2000 and 409.402(c), RSMo Supp. 2002. Emergency rule filed Aug. 12, 1982, effective Aug. 22, 1982, expired Dec. 10, 1982. Original rule filed Aug. 11, 1982, effective Dec. 11, 1982. For intervening history, please consult the Code of State Regulations. Rescinded and readopted: Filed Feb. 18, 2003.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 54—Exemptions Under Securities Act

PROPOSED RESCISSION

15 CSR 30-54.220 Transaction Exemption for Securities Listed on Certain Quotation Systems. This rule prescribed the circumstances under which transactions in securities listed on the National Association of Securities Dealers, Inc. Automated Quotation System were exempt from section 409.301, RSMo.

PURPOSE: The commissioner of securities is proposing to rescind this rule for the transactions exempted under this rule are federal covered securities.

AUTHORITY: sections 409.402(c) and 409.413, RSMo 1986. This rule was previously filed as 15 CSR 30-54.200. Original rule filed Aug. 7, 1981, effective Nov. 12, 1981. Emergency rescission filed Aug. 1, 1984, effective Aug. 11, 1984, expired Nov. 11, 1984. Rescinded and readopted: Filed Aug. 1, 1984, effective Nov. 11, 1984. Amended: Filed March 27, 1989, effective June 12, 1989. Amended: Filed Jan. 3, 1990, effective March 11, 1990. Rescinded: Filed Feb. 18, 2003.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 59—Registration and Operations of Commodity
Broker-Dealers and Sales Representatives**

PROPOSED AMENDMENT

15 CSR 30-59.020 General Instructions. The commissioner is deleting the forms that follow this rule in the *Code of State Regulations*.

PURPOSE: The commissioner proposes to delete the form (form U-4) that follows this rule in the *Code of State Regulations*.

AUTHORITY: section 409.836, RSMo [1986] 2000. This rule was previously filed as 15 CSR 30-60.010. Emergency rule filed Oct. 2, 1985, effective Oct. 12, 1985, expired Feb. 9, 1986. Original rule filed Aug. 22, 1986, effective Jan. 30, 1987. Amended: Filed Feb. 13, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 59—Registration and Operations of Commodity
Broker-Dealers and Sales Representatives**

PROPOSED RESCISSION

15 CSR 30-59.050 Broker-Dealer, Sales Representative Statutory Bond. This rule published the form C-4 in the *Code of State Regulations*.

PURPOSE: The commissioner of securities is proposing to rescind this rule for the form can be obtained from the Securities Division.

AUTHORITY: section 409.836, RSMo 1986. Emergency rule filed Oct. 2, 1985, effective Oct. 12, 1985, expired Feb. 9, 1986. Original rule filed Aug. 22, 1986, effective Jan. 30, 1987. Rescinded: Filed March 12, 2003.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 59—Registration and Operations of Commodity
Broker-Dealers and Sales Representatives**

PROPOSED RESCISSION

15 CSR 30-59.060 Application for Renewal Registration as Sales Representative. This rule published the form C-16 in the *Code of State Regulations*.

PURPOSE: The commissioner of securities is proposing to rescind this rule for the form can be obtained from the Securities Division.

AUTHORITY: section 409.836, RSMo 1986. Emergency rule filed Oct. 2, 1985, effective Oct. 12, 1985, expired Feb. 9, 1986. Original rule filed Aug. 22, 1986, effective Jan. 30, 1987. Rescinded: Filed March 12, 2003.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 59—Registration and Operations of Commodity
Broker-Dealers and Sales Representatives**

PROPOSED AMENDMENT

15 CSR 30-59.170 Effectiveness and Post-Effective Requirements. The commissioner is amending section (9) and deleting the form that follows this rule in the *Code of State Regulations*.

PURPOSE: The commissioner proposes to delete the form (form U-5) that follows this rule in the *Code of State Regulations* and to delete inaccurate citations.

(9) In the event of a merger, consolidation or reorganization of an existing registered broker-dealer—

(A) The following documents must be filed:

1. The broker-dealer who will dissolve upon consummation of the merger or who will become a part of an existing broker-dealer upon reorganization or consolidation must file at least ten (10) days prior to a merger, consolidation or reorganization—

A. A termination of its broker-dealer registration on Form BDW;

B. A termination of all sales representative registrations; and

C. A complete explanation of the proposed merger, consolidation or reorganization accompanied by the agreement effecting the merger, consolidation or reorganization; and

2. The broker-dealer who will be the surviving corporation upon consummation of the merger or who will be the named broker-dealer after the reorganization or consolidation must file the following documents at least ten (10) days prior to the merger, consolidation or reorganization:

A. A complete explanation of the proposed merger;

B. Form U-4 applications plus supporting [(see 15 CSR 30-59.020)] documents of all registered sales representatives of the dissolving broker-dealer to be transferred to the surviving, consolidated or reorganized broker-dealer in accordance with 15 CSR 30-59.070 and section (7) of this rule; and

C. If the name of the surviving, consolidated or reorganized broker-dealer will change, an amended Form BD [(see 15 CSR 30-51.020)], as appropriate and all other properly amended documents required by 15 CSR 30-59.020 and this rule.

AUTHORITY: sections 409.836 and 409.850–409.856 RSMo [1986] 2000. This rule was previously filed as 15 CSR 30-60.120. Emergency rule filed Oct. 2, 1985, effective Oct. 12, 1985, expired Feb. 9, 1986. Original rule filed Aug. 22, 1986, effective Jan. 30, 1987. Amended: Filed Feb. 13, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 16—RETIREMENT SYSTEMS
Division 10—The Public School
Retirement System of Missouri
Chapter 1—Organization and Operation
of Board of Trustees

PROPOSED AMENDMENT

16 CSR 10-1.010 General Organization. The board is amending section (1).

PURPOSE: This amendment requires the board of trustees to hold regular meetings at the office of the executive director during the months of February, April, June, August, October and December of each year unless the board of trustees agrees to hold the meetings on another day, in another location, or by different means.

(1) The board of trustees of The Public School Retirement System of Missouri shall hold regular meetings in the office of the executive director [on the second Tuesday] during the months of February, April, June, August, October and December of each calendar year

[and] on one (1) or more days voted upon by the board of trustees; provided that the board of trustees may vote to hold a regular meeting in a different location or by telephone or other electronic means. The chairman or four (4) board members acting jointly may call special meetings at times and locations and by means as may be necessary[, on call of the chairman or by four (4) members acting jointly, upon due and reasonable notice]. The executive director shall [publicize through appropriate channels] provide notice of the time and place of [the] all meetings of the board in accordance with the applicable provisions of sections 610.010 through 610.035, RSMo. All meetings of the board of trustees shall comply with the applicable provisions of sections [610.020] 610.010 through 610.035, RSMo. Information concerning meetings, rules or any operations of the system may be obtained by writing or calling the Executive Director, [P.O.] PO Box 268, Jefferson City, MO 65102.

AUTHORITY: section 169.020, RSMo [1994] 2000. Original rule filed Dec. 19, 1975, effective Jan. 1, 1976. Amended: Filed Jan. 5, 1977, effective May 1, 1977. Emergency amendment filed Sept. 25, 1991, effective Oct. 5, 1991, expired Feb. 1, 1992. Amended: Filed Sept. 25, 1991, effective March 9, 1992. Amended: Filed July 31, 1995, effective Feb. 25, 1996. Amended: Filed April 24, 1996, effective Nov. 30, 1996. Amended: Filed Feb. 14, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Public School and Non-Teacher School Employee Retirement Systems of Missouri, M. Steve Yoakum, Executive Director, PO Box 268, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.