

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order or rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

**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**

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

10 CSR 10-5.480 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 2, 2010 (35 MoReg 1080-1091). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program received eleven (11) comments from the U.S. Environmental Protection Agency (EPA).

COMMENT #1: EPA recommended that the language mentioning East-West Gateway Council of Governments (EWGCOG) as the St. Louis Metropolitan Planning Organization (MPO) be removed from the applicability section because the rule is intended to cover all transportation-related criteria pollutant maintenance and nonattainment areas within the St. Louis metropolitan area. These areas are not necessarily dependent on the area of jurisdiction of the MPO.

RESPONSE AND EXPLANATION OF CHANGE: As EPA noted, the applicability section is not the appropriate place to mention the assignment of EWGCOG as the region's MPO. As a result of this comment, subsection (1)(A) is being revised to remove the phrase as suggested. Also, during review of this comment, an incorrect reference to a rule subsection was noted and deleted from subparagraph (3)(B)2.C.

COMMENT #2: EPA commented that there may be other provisions that are inconsistent with the geographic scope of this rule. For example, part (3)(B)3.A.(II) specifies that state transportation agencies will be responsible for initiating conformity determination for plans, programs, or projects external to an MPO boundary including isolated rural nonattainment and maintenance areas. EPA suggested that Missouri consider tailoring such language to meet the geographic scope of this rule.

RESPONSE: This rule is intended to be an outline of the transportation conformity process, particularly for the St. Louis metropolitan area. Subsection (1)(C) states that conformity determinations are governed by the criteria and procedures outlined in this rule as well as any applicable portions of the federal conformity regulations not addressed by the rule. For convenience, the rule lists the roles and duties for participating agencies as required by federal Code. The rule discusses the roles and responsibilities of federal air and transportation agencies, as well as Illinois agencies, which are obviously outside the jurisdiction of this chapter but are clearly necessary to outline the transportation conformity interagency consultation process. In addition to the language noted in part (3)(B)3.A.(II), subparagraph (3)(B)2.D. lists the responsibilities of the state transportation agencies, which include conformity determinations for areas outside the MPO boundary. The unamended rule had similar language. These reference statements in no way intend to overturn the geographic scope of the rule. If Missouri were to have an isolated rural nonattainment area for a transportation-related pollutant in the future, the rule would be reviewed to determine if amendments to this rule or a replacement statewide rule would be necessary. No changes have been made to the rule text as a result of this comment.

COMMENT #3: EPA commented that Missouri should review the list of participating agencies in subsection (2)(B) to ensure the list is current and reflects the process in place. If the participant list is updated, references to the list and the number of participants may also need to be changed, such as language in paragraph (2)(D)2.

RESPONSE AND EXPLANATION OF CHANGE: The list of interagency consultation participants has been reviewed by the interagency consultation group and determined to be current. The list reflects the process in place. As a result of this comment, subsection (2)(D) of the proposed rule is being revised to clarify how additional agencies might be added to the interagency consultation group in the future; remove references to a particular number of public agencies; and remove the word "quality" from the term "local air quality agency" to create consistency with the term's usage throughout the rest of the rule. Also, the list of participating agencies in subsection (2)(B) is being revised to more clearly identify which member agency name corresponds to which agency type. Necessary corresponding changes are also being made to references to the list in subsection (2)(C).

COMMENT #4: EPA suggested that the incorporation by reference of 40 CFR 93 Subpart A in subsection (2)(A) of the proposed rule be revised to include the March 2010 amendment to the transportation conformity regulations found in 75 FR 14260.

RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, the most current amendment to the federal transportation conformity regulations, which was published in the *Federal Register* on March 24, 2010, and took effect on April 23, 2010, will

be cited by revising the incorporated-by-reference language in subsection (2)(A).

COMMENT #5: In part (3)(B)2.E.(I), EPA suggested replacing a thirty (30)-day deadline phrase with — after receiving a final. The specific time frames for reviewing and commenting on conformity determinations are better suited to paragraph (3)(B)3.

RESPONSE AND EXPLANATION OF CHANGE: In part (3)(B)2.E.(I), it is confusing as to which thirty (30)-day period is being referred without further qualification. The thirty (30)-day period in question is described in greater detail in part (3)(B)5.D.(I) and therefore it is appropriate to leave the list of responsibilities with the term — in a timely fashion. EPA's comment #9 below addresses greater specificity for this thirty (30)-day period in part (3)(B)5.D.(I) EPA mentioned that reference to this time frame is better suited for paragraph (3)(B)3. but offered no suggested changes to this paragraph. Part (3)(B)2.E.(I) is being revised to replace the phrase as suggested. In addition, during review of this comment, it was noticed that the rule text was missing subparagraph (3)(B)5.J. so subparagraphs (3)(B)5.K. and (3)(B)5.L. were renumbered correctly.

COMMENT #6: EPA recommended that a change to the language in subparagraph (3)(B)3.C. be considered to clarify that all conformity determinations with all supporting documentation and data will be provided in a readily-accessible manner.

RESPONSE AND EXPLANATION OF CHANGE: For clarity, subparagraph (3)(B)3.C. is being revised to include the suggested phrase.

COMMENT #7: EPA suggested that subparagraph (3)(B)3.D. be amended to clarify that public participation procedures are followed when conformity determinations are made available to the public.

RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, subparagraph (3)(B)3.D. is being revised to include the suggested phrase.

COMMENT #8: EPA requested that a change to part (3)(B)5.D.(I) be considered to require the submission of the conformity determination documents to the participating public agencies be in hard copy and electronic format.

RESPONSE: Not all the participating public agencies require, or desire, that the often-voluminous conformity documents be in a hard or paper medium. Requiring a paper copy be sent to each agency is burdensome in terms of both time and resources. The interagency consultation process outlined in this rule allows for the cooperation necessary to determine the format or medium preferred by each individual agency without the need for it to be prescribed by rule. Therefore, no changes to the proposed amendment were made as a result of this comment.

COMMENT #9: EPA also recommended that part (3)(B)5.D.(I) be revised to clarify exactly when the EPA's thirty (30)-day review clock starts.

RESPONSE AND EXPLANATION OF CHANGE: To more clearly define this thirty (30)-day clock and to ensure a more timely and efficient review process, the proposed amendment is being amended with the language suggested. This language will clarify that this thirty (30)-day period starts only after the request with the final conformity determination and all relevant documents, including data and the supporting documentation, are received.

COMMENT #10: EPA commented that clarification may be needed to the conflict resolution provisions. Subparagraphs (3)(B)6.B. and (3)(B)6.C. are confusing because a fourteen (14)-day calendar window in subparagraph (3)(B)6.C. is described without previous reference in subparagraph (3)(B)6.B. Conflict resolution and the fourteen (14)-day calendar window are explained further in 40 CFR 93.105.

RESPONSE AND EXPLANATION OF CHANGE: It is stated in 40

CFR 93.105(d) that the state air agency has fourteen (14) calendar days to appeal to the governor after the state department of transportation or MPO has notified the state air agency head of the resolution of the comments. The intent of the rule amendment is to make this paragraph consistent with the federal Code. Therefore, clarification language is being added to subparagraph (3)(B)6.B. to introduce the concept of this fourteen (14)-day calendar window prior to its description in the subsequent subparagraph.

COMMENT #11: EPA recommended that the first sentence of subparagraph (3)(B)7.B. be removed and replaced with language that states that the existing public participation procedures may be used to meet the participation requirements as long as the minimum requirements of subparagraph (3)(B)7.A. are met. The proposed amendment, as written, is not clear as to how an existing public process would be equivalent to the rule public participation requirements. The rule should clarify that the minimum requirements in the rule must be met regardless of whether there is a previous existing process.

RESPONSE AND EXPLANATION OF CHANGE: The language in the first sentence of subparagraph (3)(B)7.B. of the proposed amendment is not clear which standards are referred to. However, EPA's suggested language would have removed a reference to the Missouri Sunshine Law. Alternatively, to clarify our intent that any other public participation process must meet the required transportation conformity public participation process standards, the phrase at the end of this sentence — which already meets or exceeds these standards — is being revised to read — which meets or exceeds the requirements of subparagraph (3)(B)7.A. of this rule.

10 CSR 10-5.480 St. Louis Area Transportation Conformity Requirements

(1) Applicability.

(A) This rule applies to all Environmental Protection Agency (EPA) designated nonattainment and maintenance areas for transportation-related criteria pollutants.

(2) Definitions.

(A) Definitions for key words and phrases used in this rule may be found in subsection 40 CFR 93.101 of 40 CFR 93 Subpart A, promulgated as of July 1, 2009, including the revision published at 75 FR 14283 (effective April 23, 2010) and hereby incorporated by reference in this rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, DC 20408. This rule does not incorporate any subsequent amendments or additions.

(B) Participants in the interagency consultation process will be comprised of management and technical staff members from the following public agencies:

1. City of St. Louis Department of Health Air Pollution Control Program—a local air agency;
2. East-West Gateway Council of Governments—the metropolitan planning organization;
3. Federal Highway Administration, Illinois Division—a federal transportation agency;
4. Federal Highway Administration, Missouri Division—a federal transportation agency;
5. Federal Transit Administration, Region 7—a federal transportation agency;
6. Illinois Department of Transportation—a state transportation agency;
7. Illinois Environmental Protection Agency's Bureau of Air—a state air agency;
8. Madison County Highway Department—a local transportation agency;
9. Madison County Transit District—a local mass-transit agency;

10. Metro (Bi-State Development Agency)—a local mass-transit agency;

11. Missouri Department of Natural Resources' Air Pollution Control Program—a state air agency;

12. Missouri Department of Transportation—a state transportation agency;

13. St. Clair County Department of Roads and Bridges—a local transportation agency;

14. St. Clair County Transit District—a local mass-transit agency;

15. St. Louis County Department of Health—a local air agency;

16. St. Louis County Department of Highways—a local transportation agency;

17. U.S. Environmental Protection Agency, Region 5—a federal air agency; and

18. U.S. Environmental Protection Agency, Region 7—a federal air agency.

(C) When a reference is made in this rule to the state air agencies, the local air agencies, the state transportation agencies, the local transportation agencies, the MPO, the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), and the EPA, this means the corresponding public agencies as indicated in subsection (2)(B) of this rule that are participants in the interagency consultation process.

(D) The process for additional agency participation is as follows:

1. For local transportation agencies, the MPO and the Illinois Department of Transportation will jointly appoint Illinois representatives, and the MPO and the Missouri Department of Transportation will jointly appoint Missouri representatives;

2. For local air agencies, the MPO and the Missouri Department of Natural Resources will jointly appoint Missouri representatives, and the MPO and the Illinois Environmental Protection Agency's Bureau of Air will jointly appoint Illinois representatives;

3. For local mass-transit agencies, the MPO and the Illinois Department of Transportation will jointly appoint Illinois representatives, and the MPO and the Missouri Department of Transportation will jointly appoint Missouri representatives;

4. Nothing in this paragraph will preclude the authority of the lead agencies listed in subparagraphs (3)(B)1.A., B., and C. of this rule to involve additional agencies in the consultation process which are directly impacted by any project or action subject to this rule; and

5. Representatives appointed under paragraphs (2)(D)1., 2., 3., and 4. of this rule will not come from an agency already represented as a consulting agency under subsection (2)(B) of this rule.

(3) General Provisions.

(B) Interagency Consultation Procedures. This section of the rule provides the specific aspects of the transportation conformity interagency consultation process.

1. General factors.

A. Representatives of the MPO and the public agencies listed in subsection (2)(B) of this rule will undertake an interagency consultation process in accordance with this section with each other and with the EPA, the FHWA, and the FTA on the development of the transportation conformity state implementation plan (SIP), the transportation plan, the transportation improvement plan (TIP), any revisions to the preceding documents, and all conformity determinations required by this rule.

B. The state air agencies will be the lead agencies responsible for preparing the final document or decision and for assuring the adequacy of the interagency consultation process with respect to the development of applicable transportation-related implementation and control strategy SIP revisions for their respective areas of jurisdiction.

C. The East-West Gateway Council of Governments (St. Louis's metropolitan planning agency (MPO)) will be the lead agency responsible for preparing the final document or decision and for assuring the adequacy of the interagency consultation process with

respect to the development of the long-range transportation plan, the TIP, any amendments or revisions thereto, and for providing assistance for technical analyses by employing travel-demand modeling techniques and acquiring all necessary data in the metropolitan area under its jurisdiction.

D. In addition to the lead agencies identified in subparagraphs (3)(B)1.A., B., and C. of this rule, other agencies entitled to actively participate in the interagency consultation process under this rule are listed in subsection (2)(B) of this rule.

E. It will be the role and responsibility of each lead agency in an interagency consultation process, as specified in subparagraphs (3)(B)1.A., B., and C. of this rule, to confer with all other agencies identified in subparagraphs (3)(B)1.A., B., C., and D. of this rule, to provide all appropriate information to those agencies needed for meaningful input, to solicit early and continuing input from those agencies, to conduct the consultation process described in 40 CFR 93.105, to assure policy-level contact with those agencies, to consider the views of each such agency and respond to those views in a period not to exceed thirty (30) days from the date received prior to any final decision on such document, and to assure that such views and written response are made part of the record of any decision or action. Each lead agency will provide all necessary documentation for review at the initiation of, or prior to, the review and comment period. Information for scheduled meetings will be distributed to participants at least seven (7) days before the scheduled meeting. It will be the role and responsibility of each agency specified in subparagraphs (3)(B)1.A., B., C., and D. of this rule, when not fulfilling the role and responsibilities of a lead agency, to confer with the lead agency and other participants in the consultation process, to review and comment as appropriate (including comments in writing) on all proposed documents and decisions in a period not to exceed thirty (30) days, to attend consultation and decision meetings, to assure policy-level contact with other participants, to provide input on any area of substantive expertise or responsibility, and to provide technical assistance to the lead agency or consultation process in accordance with this rule when requested.

F. Consultation on specific transportation conformity issues, other than the continual process of keeping all the agencies informed on all conformity and SIP actions, may be initiated at any time during the document development process by any of the agencies specified in subparagraphs (3)(B)1.A., B., C., and D. of this rule. It will be the responsibility of the initiate to ensure that all other agencies identified in subparagraphs (3)(B)1.A., B., C., and D. of this rule are notified of any such action. All agencies so notified must respond to the issue(s) raised within fourteen (14) days unless an alternate schedule is agreed upon by all participants.

G. It will be the responsibility of the MPO and the state transportation agencies to provide the state and local air agencies with the latest version of the TIP, the statewide transportation improvement plan (STIP), and the transportation plan.

H. It shall be the responsibility of the state air agencies to provide the MPO, state transportation agencies, the FHWA, the FTA, and the EPA with the latest version of the SIP.

I. It will also be the responsibility of each of the agencies specified in subparagraphs (3)(B)1.A., B., C., and D. of this rule to keep their own superiors and constituents properly informed of conformity determinations.

J. The agencies specified in subparagraphs (3)(B)1.A., B., C., and D. of this rule may employ consultant services at their own discretion.

2. Specific roles and responsibilities of various participants in the interagency consultation process will be—

A. The state air agencies listed in subsection (2)(B) of this rule will be responsible in relation to SIP development for—

- (I) Developing emissions inventories;
- (II) Developing emissions budgets;
- (III) Conducting air quality modeling;

(IV) Developing attainment and maintenance demonstrations;

(V) Revising control strategy implementation plans;

(VI) Regulatory Transportation Control Measures (TCMs) intended to provide enforceable emission reductions;

(VII) Compiling motor vehicle emissions factors;

(VIII) Meeting all the EPA reporting requirements related to air quality; and

(IX) Responding to all comments concerning the SIP;

B. The local air agencies will be responsible for their areas of jurisdiction, with the state air agencies being responsible for all remaining counties, as well as being responsible for ensuring that the local air agencies fulfill these tasks. Local air agencies may request assistance from the state air agencies in any of the responsibilities listed here;

C. The MPO will be responsible in their area of jurisdiction for—

(I) Developing and monitoring transportation plans and TIPs;

(II) Evaluating the transportation impacts and feasibility of TCMs;

(III) Developing transportation and socioeconomic data and latest planning assumptions and providing such data and planning assumptions to the state air agencies for use in air quality analysis;

(IV) Developing system- or facility-based or other programmatic (non-regulatory) TCMs;

(V) Providing technical and policy input on emissions budgets;

(VI) Performing transportation modeling including:

(a) Selecting and evaluating such models;

(b) Documenting their use in conformity determinations;

and

(c) Alerting, for comment, the agencies identified in subparagraphs (3)(B)1.A., B., C., and D. of this rule, when any new model is being tested or employed;

(VII) Developing draft and final conformity determination documents for all transportation plans, TIPs, and projects;

(VIII) Monitoring and coding regionally-significant projects into the transportation networks;

(IX) Developing statistical information such as vehicle miles traveled, vehicle mix, and vehicle speeds for use in on-road mobile emissions analysis;

(X) Making elections regarding the time frame of the conformity determination under 40 CFR 93.106(d);

(XI) Identifying planning assumptions and evaluating those assumptions for consistency with SIP assumptions;

(XII) Developing draft documents, record notes, and distribute agendas prior to meetings (in person or by conference calls or other practical electronic means);

(XIII) Providing all appropriate information to those agencies needed for meaningful input and provide all draft and supportive documentation (hard copy or electronic format) in a timely manner to participating agencies; and

(XIV) Preparing the final document subject to interagency consultation will assure that all relevant documents and information are supplied to all participants in the consultation process prior to the release for public review;

D. The state transportation agencies listed in subsection (2)(B) of this rule will be responsible for—

(I) Developing the Statewide Transportation Plan and the STIP;

(II) Providing technical input on new and proposed revisions to motor vehicle emission budgets;

(III) Distributing draft and final environmental documents to other agencies;

(IV) Providing the transportation-related information needed for mobile emissions analysis;

(V) Developing the statistical information, such as vehicle miles traveled, vehicle mix, and vehicle speeds, for use in on-road mobile emission analysis for areas outside the MPO boundary;

(VI) Developing the draft document(s) related to the National Environmental Policy Act (NEPA) process, providing it for review, responding to comments, and preparing the final document(s);

(VII) Performing transportation modeling, including:

(a) Selecting and evaluating such models;

(b) Documenting their use in conformity determinations;

and

(c) Alerting, for comment, the agencies identified in subparagraphs (3)(B)1.A., B., C., and D. of this rule, when any new model is being tested or employed;

(VIII) Making conformity determinations for areas outside of the MPO boundary;

(IX) Convening consultation to cooperatively choose the appropriate conformity test(s) and methodologies for use in isolated rural nonattainment and maintenance areas, as required by 40 CFR 93.109(n)(2)(iii); and

(X) Convening air quality technical review meetings on specific projects when requested by other agencies or as needed;

E. The FHWA and the FTA will be responsible for—

(I) Ensuring timely action on final determinations of conformity after receiving a final conformity determination after consultation with other agencies as provided in this rule and 40 CFR 93.105;

(II) Providing guidance on conformity and the transportation planning process to participating agencies in interagency consultation; and

(III) Reviewing and commenting on conformity determinations; and

F. The EPA will be responsible for—

(I) Reviewing motor vehicle emissions budgets in submitted SIPs and finding them adequate or inadequate based on adequacy criteria and procedures;

(II) Providing guidance on conformity criteria and procedures to agencies in interagency consultation;

(III) Approving or disapproving submitted SIP revisions (including TCMs);

(IV) Providing modeling and emissions inventory development assistance to the state air agencies, the state transportation agencies, and the MPO; and

(V) Providing comments on the regional emissions analyses and conformity determination of transportation plans, TIPs, and projects.

3. Conformity determinations.

A. All conformity determinations will be initiated by the sponsor of the transportation plan, program, or project subject to the conformity rule.

(I) The MPO will be responsible for initiating conformity determinations for plans, programs, or projects within the specific MPO boundary.

(II) The state transportation agencies will be responsible for initiating conformity determination for plans, programs, or projects external to an MPO boundary including isolated rural nonattainment and maintenance areas as required by 40 CFR 93.109(n)(2)(iii).

(III) The MPO and state transportation agencies will employ interagency consultation procedures to ensure compatibility of conformity determinations for the same or overlapping nonattainment or maintenance area(s).

B. It will be the responsibility of the MPO and the state transportation agencies to submit any conformity determinations to the FHWA and the FTA in consultation with the EPA, state air agencies, and local transportation agencies for review and approval before the plan, program, or project subject to the conformity rule may be found to conform or project found to be exempt.

C. All conformity determinations with all supporting documentation and data will be made available for review and comment in a readily-accessible manner to the state air agencies and local air agencies, and the FHWA and FTA in consultation with the EPA no less than thirty (30) days prior to presentation to a policy-making body (electronic copy acceptable). Shorter review periods may be allowed occasionally in emergency situations with participant concurrence.

D. It is the responsibility of the MPO to make all conformity determinations available to the general public by following public participation procedures.

E. Conformity determinations, at a minimum, should include written documentation for:

(I) All the input run streams for the latest mobile emissions model and latest planning assumptions on the date that the conformity analysis began (with the beginning date and the criteria used to identify this date specified) and attestation that the latest mobile emissions model is being used;

(II) Transportation-related information and assumptions used for input into the mobile model, such as vehicle miles traveled, vehicle speeds, and vehicle mix, along with a brief description of the source of this information, including documentation of any transportation-related models used; and

(III) A description of the project, plan, or program that is the subject of the conformity or exemption status determination(s).

F. State air agencies and/or local air agencies, where applicable, will review and provide written comment on final conformity determinations within fourteen (14) days of the date received. This process will consist of—

(I) Review of mobile emissions model inputs and outputs;

(II) Verification that the latest mobile emissions model and planning assumptions are being used;

(III) Review of the reasonableness of transportation-related data; and

(IV) Ensuring consistency with the emissions budget and/or the interim emission tests, as applicable.

G. It will be the responsibility of the MPO, or the state transportation agencies where applicable, making a conformity determination, to provide the state air agencies and the applicable local air agencies, the FHWA, the FTA, and the EPA with documentation of the conformity determination.

H. It will be the responsibility of the state air agencies to provide the affected MPO, the FHWA, the FTA, the EPA, the local air agencies, and the state transportation agencies with appropriate information regarding any SIP changes that could impact the conformity process.

I. It will be the responsibility of the EPA to provide the state air agencies, the local air agencies, the FHWA, the FTA, the state transportation agencies, and the MPO information regarding changes to the conformity rule that could impact conformity determinations.

J. Emissions reduction credit from control measures that are not included in the transportation plan and TIP and that do not require a regulatory action in order to be implemented may not be included in the emissions analysis unless written commitments to implementation are obtained by the MPO (or the state transportation agencies where applicable) prior to the conformity determination and such commitments must be fulfilled by the implementing entities. This rule satisfies the requirement of 40 CFR 93.122(a)(4)(ii).

K. Written commitments to mitigation measures for project-level mitigation and control measures must be provided by the project sponsors to the FHWA (or the FTA for transit-related projects) prior to a positive project-level conformity determination and the project sponsors must comply with such commitments. This rule satisfies the requirement of 40 CFR 93.125(c).

L. In order to assure the most recent planning assumptions are in place at the time the conformity analysis begins, the “time the conformity analysis begins” is to be determined by interagency consultation and documented. This point in time should occur at the

point at which the MPO begins to model the impact of the transportation plan or TIP on travel and/or emissions. New data that becomes available after an analysis begins is required to be used in the conformity determination only if a significant delay in the analysis has occurred as determined through interagency consultation and documented in writing and included in publicly available documentation of conformity analysis.

M. Consultation will be undertaken and conducted in accordance with this rule to evaluate events which will trigger new conformity determinations in addition to those triggering events established in 40 CFR 93.104, including any changes in planning assumptions that may trigger a new conformity determination. The consultation process pursuant to this rule will be initiated by the FHWA, the EPA, the state air agencies, state transportation agencies, or the MPO.

4. Implementation plans.

A. Any proposed revisions to the SIP, which may have a direct or indirect effect upon the motor vehicle emissions budget for an area subject to conformity, will be made available to the MPO specified in this rule, as well as state transportation agencies, the FHWA, the FTA, and the EPA in written or electronic form for their review and comment at least thirty (30) days before presentation to the respective state air commissions.

B. The state air agencies will also provide the public a period from the date of announcement to comment on any proposed SIP revisions which may have a direct or indirect effect upon the motor vehicle emissions budget for an area subject to conformity as defined in subparagraph A. of this paragraph.

C. Any proposed revisions to the SIP will include documentation on methods of analysis, models employed, and purpose of the revision.

5. Other processes.

A. The state air agencies will be responsible for the process whereby the MPO, the local air agencies, the state transportation agencies, the FHWA, the FTA, and the EPA will study and develop supplementary consultation procedures to identify, evaluate, and address, as needed, specific issues. In the absence of supplementary consultation procedures, the state air agencies will include the following items for discussion during interagency consultation meetings in advance of a conformity determination:

(I) Hot-spot analysis methods, models, and assumptions;

(II) Determination of regionally-significant projects and projects considered to have a significant change in design concept and scope;

(III) Evaluating when exempt projects should be treated as non-exempt;

(IV) Timely implementation of TCMs and processing of TCM substitutions;

(V) Identifying conformity determination triggers other than those established in 40 CFR 93.104; and

(VI) Methods, models, and assumptions for regional emissions analysis.

B. These supplementary procedures in subparagraph A. of this paragraph may be specific for the metropolitan area or each nonattainment or maintenance area subject to the conformity rule.

C. The state air agencies will conduct meetings to discuss any supplementary consultation procedure as needed.

D. Final document distribution for conformity determinations associated with plans, TIPs, and STIPs (occasionally, alternate schedules may be used with concurrence by participants)—

(I) The final air quality conformity determination, necessary supporting documentation, and the plan and TIP will be submitted to the FHWA Division Office, the FTA Regional Office, the EPA Regional Office, the state transportation agencies, state air agencies, and any applicable local air agencies. The EPA will respond in writing to the FTA Regional Office and the FHWA Division Office as soon as possible, but not later than thirty (30) days after EPA receives a formal request from FHWA and FTA with all the relevant

documentation including the final conformity determination with supporting documentation and data;

(II) Comments will be resolved by the FHWA and the FTA, in concert with the EPA, the MPO, or the state transportation agencies, in their respective areas, as necessary;

(III) The FHWA and the FTA will jointly prepare correspondence to make the conformity finding. Joint conformity findings will be addressed to the MPO with a copy to the state transportation agencies, the EPA, the state air agencies, and any applicable local air agencies. The findings of the FHWA and the FTA together constitute the U.S. Department of Transportation (DOT) conformity findings;

(IV) In the event that the MPO or the state transportation agencies, in their respective areas, wishes to amend the TIP to add projects that are exempt from the conformity analysis requirement, the FHWA or the FTA, or both if necessary, will concur in the amendment and reaffirm the original DOT conformity finding by letter. This reaffirmation letter will reference the date(s) of the original FHWA and FTA findings. In cases where the amendment involves projects that are not exempt, a new conformity analysis and determination will be required, and will, in turn, require a new DOT conformity finding; and

(V) Within fifteen (15) days subsequent to approval of final documents including transportation plans, TIPs, conformity determinations, applicable implementation plans, and implementation plan revisions, the lead agency will provide copies (electronic copies acceptable) of such documents and supporting information to all affected agencies.

E. Generalized hot-spot determination process. Interagency consultation will be undertaken to evaluate and choose a model(s), associated methods, and planning assumptions to be used in hot-spot analyses. The generalized hot-spot determination process (occasionally, alternate schedules may be used with concurrence by participants) entails—

(I) The project sponsor (or the state transportation agencies or the MPO) will seek consensus if the project is believed to be exempt from hot-spot analysis. This can be accomplished through electronic transmittal, providing for a minimum of fourteen (14) days for review. If requested, an additional fourteen (14) days will be provided for review, as well as any additional information needed to make the determination;

(II) If the project is not exempt, the project sponsor (or the state transportation agencies or the MPO) will collect and organize and distribute specific data needed to determine whether nonexempt projects are or are not of air quality concern. This can be accomplished through electronic transmittal, providing for a minimum of fourteen (14) days for review. If requested, an additional fourteen (14) days will be provided for review, as well as any additional information needed to make the determination; and

(III) If it is determined the project is a project of air quality concern, the project sponsor (or the state transportation agencies or the MPO) will then engage and begin a consultation process to evaluate and choose a model (or models) and associated methods and assumptions to be used in hot-spot analysis. The project sponsor (or the state transportation agencies or the MPO) will make a PM_{2.5} hot-spot determination (i.e., project-level conformity determination) and request that other stakeholder agencies comment on the conclusions through formal interagency consultation as provided in this rule.

F. Regionally-significant projects. For purposes of regional emissions analysis, the MPO will actively consult with the affected agencies to determine which minor arterials and other transportation projects should be considered “regionally-significant” projects (in addition to those functionally classified as principal arterial or higher or fixed guideway systems or extensions that offer an alternative to regional highway travel) and which projects should be considered to have a significant change in design concept and scope from the transportation plan or TIP. Prior to initiating any final action on these issues, the MPO (or the state transportation agencies, if applicable)

will consider the views of each agency that comments and respond in writing.

G. Transportation control measures (TCMs).

(I) For each plan or TIP update, the agencies specified in subparagraphs (3)(A)2.A., B., C., and D. to participate in consultation will review whether past obstacles to implementation of TCMs which are behind the schedule established in the applicable implementation plan are being overcome and whether state and local agencies with influence over approval or funding for TCMs are giving maximum priority to approval or funding for TCMs. If necessary, consideration will be given as to whether delays in TCM implementation necessitate revisions to the applicable implementation plan to remove TCMs or substitute TCMs or other emission reduction measures.

(II) Where TCMs are to be included in an applicable implementation plan, a list of TCMs will be developed by the MPO or the state transportation agencies, or both.

H. Exempt projects which may be nonexempt. The MPO (or state transportation agencies where applicable) will commence consultation regarding potentially exempt projects to (occasionally, alternate schedules may be used with concurrence by participants)—

(I) Identify exempt projects as defined by 40 CFR 93.126 Table 2 and 40 CFR 93.127 Table 3;

(II) Identify exempt projects and categories of exempt projects which should be treated as nonexempt because they may have adverse air quality impacts and determine appropriate air quality analysis methodologies for analyzing such projects;

(III) Identify transportation plan, TIP, and STIP revisions which add or delete exempt projects, as defined in 40 CFR 93.126 Table 2 and 40 CFR 93.127 Table 3; and

(IV) The MPO (or the state transportation agencies where applicable) will seek consensus from the consultation participants if the project is believed to be exempt. This can be accomplished through electronic transmittal, providing for a minimum of fourteen (14) days for review. If requested, an additional fourteen (14) days will be provided for review, as well as any additional information needed to make the determination.

I. Project disclosure—

(I) The sponsor of any potentially regionally-significant project, and any agency that is responsible for taking action(s) on any such project, will disclose such project to the state transportation agencies and the MPO in a timely manner. Such disclosure will be made not later than the first occasion on which any of the following actions is sought: any policy board action necessary for the project to proceed; the issuance of administrative permits for the facility or for construction of the facility; the execution of a contract to design or construct the facility; the execution of any indebtedness for the facility; any final action of a board, commission, or administrator authorizing or directing employees to proceed with design, permitting, or construction of the project; the execution of any contract to design or construct; or any approval needed for any facility that is dependent on the completion of the regionally-significant project. To help assure timely disclosure, the sponsor of any potentially regionally-significant project will disclose to the state transportation agencies and the MPO on a schedule prescribed by the state transportation agencies and the MPO, but no less than annually, each project for which alternatives have been identified through the National Environmental Policy Act (NEPA) process and any preferred alternative that may be a regionally-significant project. The consultation process will include assuming the location, design concept, and scope of the project, where the sponsor has not yet decided these features, in sufficient detail to allow the MPO (or the state transportation agencies) to perform a regional emissions analysis. This consultation process pursuant to this rule will be initiated by the state transportation agencies and the MPO; and

(II) In the case of any such regionally-significant project that has not been disclosed to the MPO and the other interested agencies participating in the consultation process in a timely manner, such

regionally-significant project will not be considered to be included in the regional emissions analysis supporting the current conformity determination and not to be consistent with the motor vehicle emissions budget in the applicable implementation plan or interim budget.

J. Transportation model development. An interagency consultation process in accordance with the interagency consultation procedures outlined in this rule will be undertaken for the design, schedule, and funding of research and data collection efforts related to regional transportation model development (such as household travel transportation surveys), to be initiated by MPO.

K. Responding to significant comments. If the written response to a significant comment does not adequately address the commenting agency's concerns, further consultation is to be conducted. If a regularly-scheduled meeting is to be held within a reasonable time frame of the receipt of the significant comment, it should be made a part of that meeting's agenda and information on the issue will be forwarded to all involved agencies. If necessary, discussion and resolution of the significant comment will be considered a reason to convene a special meeting with the commenting agency as the requester and the agenda consisting of the significant comment.

6. Resolving conflicts. Any conflict among state agencies or between state agencies and the MPO will be escalated to the governor if the conflict cannot be resolved by the heads of the involved agencies. All agencies involved will make every effort to resolve any differences, including personal meetings between the heads of such agencies or their policy-level representatives, to the extent possible. The appeal process described herein will apply only to the MPO (or the state transportation agencies) approved conformity determinations on the transportation plan, TIP, or projects (including project-level determinations), including any documents directly related to determinations of conformity and conflicts between state agencies or between one (1) or more state agencies and the MPO. Conflicts regarding SIPs should be appealed to the respective state air commissions.

A. In the event that the MPO or the state transportation agencies determine that every effort has been made to address the state air agencies' concerns and no further progress is possible, the MPO or the state transportation agencies will notify the directors of the respective state air agencies in writing to this effect. The memorandum will delineate each unresolved issue to be appealed and will include, at a minimum:

(I) The legal basis of the issue/conflict and steps taken to resolve the conflict;

(II) Relevant reference material needed to facilitate review and mediation of the conflict, including all relevant portions of state and federal law and regulations, conformity requirements, and any other relevant documents;

(III) A description of all reasonable alternatives and supporting data and justification for each alternative. Quantify and document the need for the recommended alternative consistent with the Clean Air Act of 1990 et seq. and the applicable state and federal laws and regulations; and

(IV) An explanation of the consequences of not reaching a resolution.

B. If conflicts concerning conformity determinations cannot be resolved by the interagency consultation procedures, then the state air agencies will notify the agency or agencies involved in the conflict of its intent to escalate the conflict resolution to the office of the governor within fourteen (14) calendar days.

C. The fourteen (14)-calendar-day window will commence—

(I) On the date that the directors of the state air agencies and the head of the agency or agencies involved in the conflict officially agree that the conflict cannot be resolved; or

(II) One (1) or more agencies other than the state air agencies request the start of the fourteen (14)-day clock on a specified

date, after notifying all other agencies involved of their intent, and the state air agencies agree.

D. If the state air agencies do not contact the office of the governor within the fourteen (14)-calendar-day window, then the issue in conflict is considered to be resolved in favor of the agency in conflict with the state air agencies.

E. The governor may delegate his or her role but not to the head or staff of the state air agencies, the state transportation agencies, a state transportation commission or board, or an MPO.

F. The state air agencies will notify involved parties of the final decision by the office of the governor.

7. Public participation.

A. Each agency subject to conformity will provide the general public a window of opportunity no less than thirty (30) days to review and comment on new conformity determinations before formal action (approval or endorsement by an executive committee of the MPO for submission to the FHWA and the FTA for their finding) is taken on all transportation plans, TIPs, and STIPs, consistent with these requirements and those of 23 CFR 450.316(a). A comment period of no less than fourteen (14) days will be made available to the public on amendments to conformity determinations and associated documents. The state and local air agencies will offer the public the same opportunity to comment before final action on SIPs which may have a direct or indirect effect upon the motor vehicle emissions budget for an area subject to conformity. The notification process will include, at a minimum, public notices and submittals to public depositories. In addition, all public comments that specifically address known plans for a regionally-significant project which is not receiving FHWA or FTA funding or approval and has not been properly reflected in the emissions analysis supporting a proposed conformity determination for a transportation plan or TIP, must be responded to in writing within thirty (30) days of the end of the comment period.

B. The public participation procedure defined in subparagraph A. of this paragraph will not be construed as superseding public involvement procedures already in effect for agencies subject to the conformity consultation process, such as the MPO's citizen involvement process, the Missouri Sunshine Law (Chapter 610, RSMo), or any other established process which already meets or exceeds the requirements of subparagraph (3)(B)7.A. of this rule. In addition, this subparagraph does not apply to project-level conformity determinations subject to NEPA where a NEPA public participation process exists.

C. The public or any interested party may also inspect any of the documents related to the conformity process upon request. Any charges imposed on the public for inspection or copying documents related to the conformity process will be consistent with (or no greater than) the fee schedule contained in 49 CFR 7.43.

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

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

10 CSR 10-6.070 New Source Performance Regulations is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 2, 2010 (35 MoReg 1091-1092). No changes have been made in the text

of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No written or verbal comments were received concerning this proposed amendment during the public comment period.

**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**

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

10 CSR 10-6.075 Maximum Achievable Control Technology Regulations is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 2, 2010 (35 MoReg 1092–1094). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No written or verbal comments were received concerning this proposed amendment during the public comment period.

**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**

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

10 CSR 10-6.080 Emission Standards for Hazardous Air Pollutants is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 2, 2010 (35 MoReg 1094–1095). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No written or verbal comments were received concerning this proposed amendment during the public comment period.

**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**

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

10 CSR 10-6.400 Restriction of Emission of Particulate Matter from Industrial Processes is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 2, 2010 (35 MoReg 1095). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No written or verbal comments were received concerning this proposed amendment during the public comment period.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 1—Organization and Administration**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo Supp. 2010, the commission amends a rule as follows:

11 CSR 45-1.090 Definitions is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 1, 2010 (35 MoReg 1246–1247). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed amendment on October 6, 2010. No one commented at the public hearing, and no written comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 4—Licenses**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo Supp. 2010, the commission amends a rule as follows:

11 CSR 45-4.020 Licenses, Restrictions on Licenses, Licensing Authority of the Executive Director, and Other Definitions is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 1, 2010 (35 MoReg 1247–1249). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed amendment on October 6, 2010. No one commented at the public hearing, and no written comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 5—Conduct of Gaming**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo Supp. 2010, the commission amends a rule as follows:

11 CSR 45-5.051 Minimum Standards for Blackjack **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 1, 2010 (35 MoReg 1249). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed amendment on October 6, 2010. No one commented at the public hearing, and no written comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 5—Conduct of Gaming**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo Supp. 2010, the commission amends a rule as follows:

11 CSR 45-5.075 Payout Percentage for Table Games and Progressive Table Games **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 1, 2010 (35 MoReg 1250). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed amendment on October 6, 2010. No one commented at the public hearing, and no written comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 5—Conduct of Gaming**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo Supp. 2010, the commission amends a rule as follows:

11 CSR 45-5.200 Progressive Slot Machines **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 1, 2010 (35 MoReg 1250–1251). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed amendment on October 6, 2010. No one commented at the public hearing, and no written comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 5—Conduct of Gaming**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo Supp. 2010, the commission adopts a rule as follows:

11 CSR 45-5.300 Progressive Table Games **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 1, 2010 (35 MoReg 1251–1252). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed rule on October 6, 2010. No one commented at the public hearing, and no written comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo Supp. 2010, the director rescinds a rule as follows:

12 CSR 10-3.052 Sale of Ice **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on October 1, 2010 (35 MoReg 1405–1406). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo Supp. 2010, the director rescinds a rule as follows:

12 CSR 10-3.330 Realty **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 15, 2010 (35 MoReg 1314). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo Supp. 2010, the director rescinds a rule as follows:

12 CSR 10-3.333 Cities or Counties May Impose Sales Tax on Domestic Utilities **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 15, 2010 (35 MoReg 1314). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo Supp. 2010, the director rescinds a rule as follows:

12 CSR 10-3.350 Movies, Records and Soundtracks **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 15, 2010 (35 MoReg 1314-1315). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo Supp. 2010, the director rescinds a rule as follows:

12 CSR 10-3.352 Recording Devices **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 15, 2010 (35 MoReg 1315). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo Supp. 2010, the director rescinds a rule as follows:

12 CSR 10-3.354 Pipeline Pumping Equipment **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 15, 2010 (35 MoReg 1315). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo Supp. 2010, the director rescinds a rule as follows:

12 CSR 10-3.376 Rural Water Districts **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 15, 2010 (35 MoReg 1315). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo Supp. 2010, the director rescinds a rule as follows:

12 CSR 10-3.382 Sales Made to and by Exempt Organizations **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 15, 2010 (35 MoReg 1315-1316). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo Supp. 2010, the director rescinds a rule as follows:

12 CSR 10-3.388 Construction Materials **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 15, 2010 (35 MoReg 1316). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo Supp. 2010, the director rescinds a rule as follows:

12 CSR 10-3.406 Caterers or Concessionaires is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 15, 2010 (35 MoReg 1316). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo Supp. 2010, the director withdraws a proposed rescission as follows:

12 CSR 10-3.414 Yearbook Sales is withdrawn.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 15, 2010 (35 MoReg 1316). This proposed rescission is withdrawn.

SUMMARY OF COMMENTS: The Department of Revenue received a number of comments that addressed similar concerns about the rescission of the Yearbook Sales regulation. The writers were concerned that the department or a taxpayer may consider yearbook sales taxable and that the threat of tax liability on yearbook purchases or sales could have a serious impact on school district finances and yearbook programs. The writers suggested the department amend 12 CSR 10-110.400, Newspaper and Other Publications, to include the current statement regarding yearbook sales prior to the rescission of this regulation, 12 CSR 10-3.414. RESPONSE: As a result, the department is withdrawing this rulemaking.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo Supp. 2010, the director rescinds a rule as follows:

12 CSR 10-3.426 Sales of Aircraft is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on October 1, 2010 (35 MoReg 1406). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo Supp. 2010, the director rescinds a rule as follows:

**12 CSR 10-3.428 Cigarette and Other Tobacco Products Sales
is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on October 1, 2010 (35 MoReg 1406). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo Supp. 2010, the director rescinds a rule as follows:

**12 CSR 10-3.431 Handicraft Items Made by Senior Citizens
is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on October 1, 2010 (35 MoReg 1406). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo Supp. 2010, the director rescinds a rule as follows:

12 CSR 10-3.434 Motor Vehicle and Trailer Defined is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on October 1, 2010 (35 MoReg 1406-1407). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo Supp. 2010, the director rescinds a rule as follows:

12 CSR 10-3.436 Manufactured Homes is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on October 1, 2010 (35 MoReg 1407). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo Supp. 2010, the director rescinds a rule as follows:

12 CSR 10-3.438 Tangible Personal Property Mounted on Motor Vehicles is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on October 1, 2010 (35 MoReg 1407). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo Supp. 2010, the director rescinds a rule as follows:

12 CSR 10-3.443 Motor Vehicle Leasing Divisions is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on October 1, 2010 (35 MoReg 1407). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes

effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo Supp. 2010, the director rescinds a rule as follows:

12 CSR 10-3.444 Collection of Tax on Vehicles is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on October 1, 2010 (35 MoReg 1408). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo Supp. 2010, the director rescinds a rule as follows:

12 CSR 10-3.446 Motor Vehicle Leasing Companies is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on October 1, 2010 (35 MoReg 1408). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo Supp. 2010, the director rescinds a rule as follows:

12 CSR 10-3.490 Misuse of Sales Tax Data by Cities is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on October 1, 2010 (35 MoReg 1408). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo Supp. 2010, the director rescinds a rule as follows:

12 CSR 10-3.496 Seller Timely Payment Discount is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on October 1, 2010 (35 MoReg 1408). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 24—Driver License Bureau Rules**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 302.765, RSMo 2000 and section 302.775, RSMo Supp. 2010, the director amends a rule as follows:

12 CSR 10-24.305 Commercial Driver License Requirements/Exemptions is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 15, 2010 (35 MoReg 1316–1317). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 26—Dealer Licensure**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under sections 301.553 and 301.559, RSMo 2000, sections 301.550 and 301.560, RSMo Supp. 2010, and sections 407.810–407.838, RSMo 2000 and Supp. 2010, the director amends a rule as follows:

12 CSR 10-26.020 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 15, 2010 (35 MoReg 1317–1319). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Department of Revenue received two (2) comments on this proposed amendment.

COMMENT #1: Jeffrey Perry, with General Motors Company, requested that the mediator requirement be modified to allow a manufacturer to provide either a list of mediators or the name and address of the mediation service provider that it utilizes.

COMMENT #2: Amy Brink, with the Alliance of Automobile Manufacturers, requested that the mediator requirement be modified to allow a manufacturer to provide either a list of mediators or the name of the mediation service provider that it utilizes.

RESPONSE AND EXPLANATION OF CHANGE: The department concurs and has modified paragraph (9)(A)7. to include the option to submit the name and address of the mediation service provider.

12 CSR 10-26.020 License Requirements for Auctions, Dealers, Franchisors, and Manufacturers

(9) A “franchisor,” as defined in the MVFP Act, may meet the licensing requirements of the MVFP Act by obtaining a manufacturer’s license under this rule.

(A) Notwithstanding any other provision of this rule, an applicant for a manufacturer’s license, in order to comply with the franchisor licensing requirements of the MVFP Act, shall provide—

1. The street address for the franchisor location;
2. The telephone number for the franchisor location in paragraph (9)(A)1.;
3. A list of the names of the principal officers of the corporation;
4. A list of all other names it is doing business as, if applicable;
5. A list of all vehicle makes which the corporation authorizes franchise dealers to sell;
6. The state or province and the country of the franchisor’s location in paragraph (9)(A)1.;
7. The name and address of a mediation service provider or a list of mediators as prescribed in section 407.822, RSMo;
8. The motor vehicle or trailer manufacturer’s license fee as authorized by 12 CSR 10-26.040; and
9. A certified statement attesting that—
 - A. The franchisor’s place of business identified in paragraph (9)(A)1. is occupied and is used, in part, to facilitate the franchising of motor vehicle dealers who operate within the state of Missouri;
 - B. The franchisor maintains regular business hours during which the department is able to contact the franchisor; and
 - C. The franchisor will notify the department not less than ten (10) days prior to moving its place of business or changing its telephone number.

**Title 18—PUBLIC DEFENDER COMMISSION
Division 10—Office of State Public Defender
Chapter 2—Definition of Eligible Cases**

ORDER OF RULEMAKING

By the authority vested in the Missouri State Public Defender Commission under sections 600.017(10) and 600.043, RSMo 2000 and sections 600.042.1(8) and 600.042.3, RSMo Supp. 2010, the commission amends a rule as follows:

18 CSR 10-2.010 Definition of Eligible Cases is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 16, 2010 (35 MoReg 1180–1181). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2263—State Committee for Social Workers
Chapter 2—Licensure Requirements**

amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

ORDER OF RULEMAKING

By the authority vested in the State Committee for Social Workers under sections 337.600, 337.612, 337.627, and 337.665, RSMo Supp. 2010, the board amends a rule as follows:

20 CSR 2263-2.031 Acceptable Supervisors and Supervisor Responsibilities **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 15, 2010 (35 MoReg 1320). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2263—State Committee for Social Workers
Chapter 2—Licensure Requirements**

ORDER OF RULEMAKING

By the authority vested in the State Committee for Social Workers under sections 337.600, 337.612, 337.615, 337.627, and 337.630, RSMo Supp. 2010, the board amends a rule as follows:

20 CSR 2263-2.045 Provisional Licenses **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 15, 2010 (35 MoReg 1320–1322). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2263—State Committee for Social Workers
Chapter 2—Licensure Requirements**

ORDER OF RULEMAKING

By the authority vested in the State Committee for Social Workers under sections 337.600, 337.612, 337.615, 337.627, and 337.630, RSMo Supp. 2010, the board amends a rule as follows:

20 CSR 2263-2.050 Application for Licensure as a Social Worker **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 15, 2010 (35 MoReg 1323). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs, and other items required to be published in the *Missouri Register* by law.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 32—Telecommunications Service**

IN ADDITION

**4 CSR 240-32.190 Standards for Providing Caller Identification
Blocking Service**

A notice of proposed rulemaking for 4 CSR 240-32.190 was published in the December 15, 2010, issue of the *Missouri Register* (35 MoReg 1848-1849). In the Notice of Public Hearing and Notice to Submit Comments, there were two (2) typographical errors; the date for the end of comments was listed as January 15, 2010, when it should have been listed as January 15, 2011, and the date for the hearing was listed as January 20, 2010, when it should have been listed as January 20, 2011. The correct notice appears below. We apologize for any inconvenience this may have caused.

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, Steven C. Reed, 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 January 15, 2011, and should include a reference to Commission Case No. TX-2011-0071. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed amendment is scheduled for January 20, 2011, at 9:00 a.m. in the commission's offices in the Governor Office Building, 200 Madison Street, Jefferson City, Missouri, Room 305. 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.*

SPECIAL NEEDS: *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 (voice) or Relay Missouri at 711.*

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and
Transportation Commission
Chapter 25—Motor Carrier Operations**

IN ADDITION

**7 CSR 10-25.010 Skill Performance Evaluation Certificates for
Commercial Drivers**

PUBLIC NOTICE

Public Notice and Request for Comments on Applications for Issuance of Skill Performance Evaluation Certificates to Intrastate Commercial Drivers with Diabetes Mellitus or Impaired Vision

SUMMARY: This notice publishes MoDOT's receipt of applications for the issuance of Skill Performance Evaluation (SPE) Certificates from individuals who do not meet the physical qualification requirements in the Federal Motor Carrier Safety Regulations for drivers of commercial motor vehicles in Missouri intrastate commerce, because of impaired vision or an established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control. If granted, the SPE Certificates will authorize these individuals to qualify as drivers of commercial motor vehicles (CMVs), in intrastate commerce only, without meeting the vision standard prescribed in 49 CFR 391.41(b)(10), if applicable, or the diabetes standard prescribed in 49 CFR 391.41(b)(3).

DATES: Comments must be received at the address stated below on or before February 1, 2011.

ADDRESSES: You may submit comments concerning an applicant, identified by the Application Number stated below, by any of the following methods:

- **Email:** Kathy.Hatfield@modot.mo.gov
- **Mail:** PO Box 893, Jefferson City, MO 65102-0893
- **Hand Delivery:** 1320 Creek Trail Drive, Jefferson City, MO 65109
- **Instructions:** All comments submitted must include the agency name and Application Number for this public notice. For detailed instructions on submitting comments, see the Public Participation heading of the Supplementary Information section of this notice. All comments received will be open and available for public inspection, and MoDOT may publish those comments by any available means.

**COMMENTS RECEIVED
BECOME MoDOT PUBLIC RECORD**

- By submitting any comments to MoDOT, the person authorizes MoDOT to publish those comments by any available means.
- **Docket:** For access to the department's file, to read background documents or comments received, 1320 Creek Trail Drive, Jefferson City, MO 65109, between 7:30 a.m. and 4:00 p.m., CT, Monday through Friday, except state holidays.

FOR FURTHER INFORMATION, CONTACT: Ms. Kathy Hatfield, Motor Carrier Specialist, (573) 522-9001, MoDOT Motor Carrier Services Division, PO Box 893, Jefferson City, MO 65102-0893. Office hours are from 7:30 a.m. to 4:00 p.m., CT, Monday through Friday, except state holidays.

SUPPLEMENTARY INFORMATION

Public Participation

If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard.

Background

The individuals listed in this notice have recently filed applications requesting MoDOT to issue SPE Certificates to exempt them from the physical qualification requirements relating to vision in 49 CFR 391.41(b)(10) or to diabetes in 49 CFR 391.41(b)(3), which otherwise apply to drivers of CMVs in Missouri intrastate commerce.

Under section 622.555, RSMo Supp. 2010, MoDOT may issue a Skill Performance Evaluation Certificate, for not more than a two (2)-year period, if it finds that the applicant has the ability, while operating CMVs, to maintain a level of safety that is equivalent to or greater than the driver qualification standards of 49 CFR 391.41. Upon application, MoDOT may renew an exemption upon expiration.

Accordingly, the agency will evaluate the qualifications of each applicant to determine whether issuing an SPE Certificate will comply with the statutory requirements and will achieve the required level of safety. If granted, the SPE Certificate is only applicable to intrastate transportation wholly within Missouri.

Qualifications of Applicants

Application #MP101124084

Applicant's Name & Age: Theodore E. Barrow, 52

Relevant Physical Condition: Mr. Barrow's best uncorrected visual acuity in his right eye is 20/25 Snellen, and he is blind in his left eye due to an accident when he was two (2) years old.

Relevant Driving Experience: Mr. Barrow has no commercial driving experience and intends to attend truck driving school. Previous employment has been in positions of tooling at various businesses since 1997. Drives personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in November 2010, his optometrist certified, "In my medical opinion, Mr. Barrow's visual deficiency is stable and has sufficient vision to perform the driving tasks required to operate a commercial motor vehicle and that his condition will not adversely affect his ability to operate a commercial motor vehicle safely."

Traffic Accidents and Violations: No accidents or violations within the past three (3) years.

Application #MP101004076

Applicant's Name & Age: Patrick Flanagan, 47

Relevant Physical Condition: Mr. Flanagan's best uncorrected visual acuity in both eyes is 20/20 Snellen, and he was diagnosed with insulin-treated diabetes mellitus in 2000.

Relevant Driving Experience: He is currently retired; however, he drove passenger vehicles that require a Class E license in 2009. Drives personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in November 2010, his endocrinologist certified, "In my medical opinion, Mr. Flanagan's diabetes deficiency is stable, and he is capable of performing the driving tasks required to operate a commercial motor vehicle and that his condition will not adversely affect his ability to operate a commercial motor vehicle safely."

Traffic Accidents and Violations: No accidents and one (1) speeding ticket, not in a commercial motor vehicle, within the past three (3) years.

Application #MP080721037

Renewal Applicant's Name & Age: Jeremy Leon Igert, 34

Relevant Physical Condition: Mr. Igert's best uncorrected visual acuity in both eyes is 20/20 Snellen. He has insulin-treated diabetes mellitus and has been using insulin for control since January 2008.

Relevant Driving Experience: Mr. Igert has driven approximately eleven (11) years for a Pepsi and related-product company in Springfield, Missouri. Drives personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in June 2010, his endocrinologist certified, "In my medical opinion, Mr. Igert's diabetes deficiency is stable, and he is capable of performing the dri-

ving tasks required to operate a commercial motor vehicle and that the applicant's condition will not adversely affect his ability to operate a commercial motor vehicle safely."

Traffic Accidents and Violations: One (1) accident, not in a commercial motor vehicle, and no violations within the past three (3) years.

Application #MP101124085

Applicant's Name & Age: Anthony S. Tettaton, 53

Relevant Physical Condition: Mr. Tettaton's best uncorrected visual acuity in both eyes is 20/20 Snellen. He has insulin-treated diabetes mellitus and has been using insulin for control since August 2007.

Relevant Driving Experience: Mr. Tettaton has driven commercial motor vehicles approximately sixteen (16) years, including, but not limited to, concrete mixing trucks. Drives personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in May 2010, his endocrinologist certified, "In my medical opinion, Mr. Tettaton's diabetes deficiency is stable, and he is capable of performing the driving tasks required to operate a commercial motor vehicle and that the applicant's condition will not adversely affect his ability to operate a commercial motor vehicle safely."

Traffic Accidents and Violations: No accidents and one (1) violation, not in a commercial motor vehicle, within the past three (3) years.

Application #MP060814035

Renewal Applicant's Name & Age: Daniel A. Trejo, 38

Relevant Physical Condition: Mr. Trejo's best corrected visual acuity in his left eye is 20/20 Snellen and his best uncorrected visual acuity in his right eye is 20/200 Snellen. He has been diagnosed with amblyopia in his right eye. This impairment occurred at infancy.

Relevant Driving Experience: Mr. Trejo has been driving a commercial motor vehicle for the past four (4) years. He has been employed with a medical equipment company since 1998. Previous employment has not been related to driving a commercial motor vehicle. He currently has a Class E license. Drives personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in July 2010, his optometrist certified, "In my medical opinion, Mr. Trejo's visual deficiency is stable, and he is capable of performing the driving tasks required to operate a commercial motor vehicle and that his condition will not adversely affect his ability to operate a commercial motor vehicle safely."

Traffic Accidents and Violations: No traffic accidents or violations in the past three (3) years.

Request for Comments

The Missouri Department of Transportation, Motor Carrier Services Division, pursuant to section 622.555, RSMo, and rule 7 CSR 10-25.010, requests public comment from all interested persons on the applications for issuance of Skill Performance Evaluation Certificates described in this notice. We will consider all comments received before the close of business on the closing date indicated earlier in this notice.

Issued on: December 1, 2010

Jan Skouby, Motor Carrier Services Director, Missouri Department of Transportation

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 60—Missouri Health Facilities Review
Committee
Chapter 50—Certificate of Need Program**

**NOTIFICATION OF REVIEW:
APPLICATION REVIEW SCHEDULE**

The Missouri Health Facilities Review Committee has initiated review of the expedited applications listed below. A decision is tentatively scheduled for January 21, 2011. These applications are available for public inspection at the address shown below:

Date Filed

Project Number: Project Name
City (County)
Cost, Description

12/07/10

#4593 RP: Blue Hills Rest Home
Independence (Jackson County)
\$7,200, Long-term care expansion through the purchase of 4 assisted living facility beds from Superior Park, Excelsior Springs (Clay County)

12/08/10

#4566 HT: Freeman Health System
Joplin (Newton County)
\$2,222,864, Replace positron emission tomography unit

12/10/10

#4601 NT: Life Care Center of Cape Girardeau
Cape Girardeau (Cape Girardeau County)
\$18,861,129, Replace 120-bed skilled nursing facility

Any person wishing to request a public hearing for the purpose of commenting on these applications must submit a written request to this effect, which must be received by January 12, 2011. All written requests and comments should be sent to—

Chairman
Missouri Health Facilities Review Committee
c/o Certificate of Need Program
3418 Knipp Drive, Suite F
Post Office Box 570
Jefferson City, MO 65102

For additional information, contact
Donna Schuessler, (573) 751-6403.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

IN ADDITION

Pursuant to section 226.096, RSMo, regarding the Construction Claims Binding Arbitration Cap for the Missouri Department of Transportation, the Director of Insurance, Financial Institutions and Professional Registration is required to calculate the new limit.

Using Implicit Price Deflator (IPD) for Personal Consumption Expenditures (PCE), as required by section 226.096, RSMo, the Construction Claims Binding Arbitration Cap for the Missouri Department of Transportation effective January 1, 2011, was established by the following calculation:

Index Based on 2005 Dollars
Third Quarter 2009 IPD Index 109.596
Third Quarter 2010 IPD Index 111.163

New 2011 Limit = 2010 Limit × (2010 Index/2009 Index)

389,582 = 384,090 × (111.163/109.596)

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

IN ADDITION

Pursuant to section 105.711, RSMo, regarding the State Legal Expense Fund, the Director of Insurance, Financial Institutions and Professional Registration is required to calculate the new limit.

Using Implicit Price Deflator (IPD) for Personal Consumption Expenditures (PCE), as required by section 105.711, RSMo, the State Legal Expense Fund Limit effective January 1, 2011, was established by the following calculation:

Index Based on 2005 Dollars
Third Quarter 2009 IPD Index 109.596
Third Quarter 2010 IPD Index 111.163

New 2011 Limit = 2010 Limit × (2010 Index/2009 Index)

398,521 = 392,903 × (111.163/109.596)

The Secretary of State is required by sections 347.141 and 359.481, RSMo 2000, to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript by email to dissolutions@sos.mo.gov.

NOTICE OF WINDING UP

PLEASE TAKE NOTICE THAT **Ballas Cancer Center, L.L.C.**, a limited liability company, organized April, 30, 1998 in the State of Missouri (the "Company") has been dissolved in the State of Missouri effective November 17, 2010 and is winding up its business in Missouri.

Persons with claims against the Company should present them by furnishing to the Company (1) the amount of the claim, (2) the basis for the claim and (3) documentation of the claim.

Claims must be mailed to:

Diane Radford, M.D., Executive Manager

c/o Shannon Veltrop

Ballas Cancer Center, L.L.C.

15945 Clayton Road, Suite 120

Ballwin, MO 63011

A claim against the limited liability company will be barred unless a proceeding to enforce the claim is commenced within 3 years after publication of this notice.

BALLAS CANCER CENTER, L.L.C.

NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY

To all creditors of and claimants against

DREAM POOLS, LLC

A Missouri Limited Liability Company

On November 30, 2010, Dream Pools, LLC ("Company") filed its Notice of Winding Up with the Missouri Secretary of State. Effective on the filing date, claims against the Company should be sent to Company c/o James & Anita Vonallmen, P.O. Box 104, Clever, Missouri 65631.

Claims must include claimant's name, address, phone number, amount of the claim, basis for the claim, and documentation of the claim. A claim against the Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

Notice of Corporate Dissolution
To All Creditors of and Claimants Against
CEband, L.L.C.

On November 19, 2010, CEband, L.L.C., a Missouri corporation, filed its Articles of Dissolution with the Missouri Secretary of State. Dissolution will be effective on December 31, 2010.

Said corporation requests that all persons and organizations who have claims against it present them immediately by letter to the corporation at:

CEband, LLC
4200 Somerset, Suite 209
Prairie Village, KS 66208

All claims must include the name and address of the claimant; the amount claimed; the basis for the claim; and the date(s) on which the event(s) on which the claim is based occurred.

NOTICE: Because of the dissolution of CEband, LLC, any claims against it will be barred unless a proceeding to enforce the claim is commenced within two years after the publication date of the two notices authorized by statute, whichever is published last.

Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—30 (2005) and 31 (2006). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RAN indicates a rule action notice, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
OFFICE OF ADMINISTRATION					
1 CSR 10	State Officials' Salary Compensation Schedule				30 MoReg 2435 35 MoReg 1815
1 CSR 15-3.290	Administrative Hearing Commission		35 MoReg 1381		
1 CSR 15-3.350	Administrative Hearing Commission	35 MoReg 1367	35 MoReg 1381		
1 CSR 15-3.380	Administrative Hearing Commission	35 MoReg 1367	35 MoReg 1382		
1 CSR 15-3.431	Administrative Hearing Commission		35 MoReg 1382		
1 CSR 15-3.436	Administrative Hearing Commission	35 MoReg 1368	35 MoReg 1383		
1 CSR 15-3.446	Administrative Hearing Commission	35 MoReg 1368	35 MoReg 1383		
1 CSR 15-3.480	Administrative Hearing Commission		35 MoReg 1384		
1 CSR 15-3.490	Administrative Hearing Commission	35 MoReg 1369	35 MoReg 1384		
1 CSR 15-3.500	Administrative Hearing Commission		35 MoReg 1384		
1 CSR 15-3.560	Administrative Hearing Commission		35 MoReg 1385		
1 CSR 20-1.010	Personnel Advisory Board and Division of Personnel	35 MoReg 1369	35 MoReg 1385		
1 CSR 20-1.030	Personnel Advisory Board and Division of Personnel	35 MoReg 1370	35 MoReg 1386		
1 CSR 20-2.015	Personnel Advisory Board and Division of Personnel	35 MoReg 1370	35 MoReg 1386		
1 CSR 20-3.010	Personnel Advisory Board and Division of Personnel	35 MoReg 1371	35 MoReg 1387		
1 CSR 20-3.020	Personnel Advisory Board and Division of Personnel	35 MoReg 1372	35 MoReg 1387		
1 CSR 20-3.030	Personnel Advisory Board and Division of Personnel	35 MoReg 1372	35 MoReg 1388		
1 CSR 20-3.070	Personnel Advisory Board and Division of Personnel	35 MoReg 1373	35 MoReg 1388		
1 CSR 20-3.080	Personnel Advisory Board and Division of Personnel	35 MoReg 1374	35 MoReg 1390		
1 CSR 20-4.010	Personnel Advisory Board and Division of Personnel	35 MoReg 1375	35 MoReg 1390		
1 CSR 20-4.020	Personnel Advisory Board and Division of Personnel	35 MoReg 1379	35 MoReg 1394		
1 CSR 50-3.010	Missouri Ethics Commission	35 MoReg 1379	35 MoReg 1400		
DEPARTMENT OF AGRICULTURE					
2 CSR 30-1.010	Animal Health		35 MoReg 1845		
2 CSR 30-2.010	Animal Health		35 MoReg 1845		
2 CSR 30-2.020	Animal Health		35 MoReg 1846		
2 CSR 70-11.060	Plant Industries	35 MoReg 721	35 MoReg 756 35 MoReg 1453	35 MoReg 1852	
2 CSR 90	Weights and Measures				35 MoReg 1284
2 CSR 110-3.010	Office of the Director		35 MoReg 1848		
DEPARTMENT OF CONSERVATION					
3 CSR 10-4.117	Conservation Commission		35 MoReg 1533		
3 CSR 10-5.225	Conservation Commission		35 MoReg 1533		
3 CSR 10-5.436	Conservation Commission		35 MoReg 1534		
3 CSR 10-5.567	Conservation Commission		35 MoReg 1534		
3 CSR 10-6.410	Conservation Commission		35 MoReg 1534		
3 CSR 10-6.505	Conservation Commission		35 MoReg 1400	35 MoReg 1802	
3 CSR 10-6.525	Conservation Commission		35 MoReg 1535		
3 CSR 10-6.535	Conservation Commission		35 MoReg 1401	35 MoReg 1802	
3 CSR 10-6.605	Conservation Commission		35 MoReg 1535		
3 CSR 10-7.410	Conservation Commission		35 MoReg 1535		
3 CSR 10-7.431	Conservation Commission		35 MoReg 1536		
3 CSR 10-7.432	Conservation Commission		35 MoReg 1536		
3 CSR 10-7.438	Conservation Commission		35 MoReg 1537		
3 CSR 10-7.445	Conservation Commission		35 MoReg 1537		
3 CSR 10-7.455	Conservation Commission		35 MoReg 1537		35 MoReg 316
3 CSR 10-8.510	Conservation Commission		35 MoReg 1538		
3 CSR 10-9.105	Conservation Commission		35 MoReg 1538		
3 CSR 10-9.110	Conservation Commission		35 MoReg 1541		
3 CSR 10-9.430	Conservation Commission		35 MoReg 1542		
3 CSR 10-9.440	Conservation Commission		35 MoReg 1542		
3 CSR 10-9.442	Conservation Commission		35 MoReg 1542		

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3 CSR 10-11.130	Conservation Commission		35 MoReg 1246	35 MoReg 1694	
3 CSR 10-11.155	Conservation Commission		35 MoReg 1545		
3 CSR 10-11.160	Conservation Commission		35 MoReg 1545		
3 CSR 10-11.180	Conservation Commission		35 MoReg 1545		
3 CSR 10-11.181	Conservation Commission		35 MoReg 1546		
3 CSR 10-11.182	Conservation Commission		35 MoReg 1547		
3 CSR 10-11.205	Conservation Commission		35 MoReg 1547		
3 CSR 10-11.210	Conservation Commission		35 MoReg 1547		
3 CSR 10-11.215	Conservation Commission		35 MoReg 1548		
3 CSR 10-12.110	Conservation Commission		35 MoReg 1401	35 MoReg 1802	
3 CSR 10-12.115	Conservation Commission		35 MoReg 1402	35 MoReg 1802	
3 CSR 10-12.125	Conservation Commission		35 MoReg 1402	35 MoReg 1803	
3 CSR 10-12.140	Conservation Commission		35 MoReg 1403	35 MoReg 1803	
3 CSR 10-12.145	Conservation Commission		35 MoReg 1404	35 MoReg 1803	
3 CSR 10-12.155	Conservation Commission		35 MoReg 1405	35 MoReg 1803	
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4 CSR 170-2.010	Missouri Housing Development Commission		35 MoReg 963R	35 MoReg 1803R	
4 CSR 170-2.100	Missouri Housing Development Commission		35 MoReg 963	35 MoReg 1803	
4 CSR 170-3.010	Missouri Housing Development Commission		35 MoReg 964R	35 MoReg 1804R	
4 CSR 170-3.100	Missouri Housing Development Commission		35 MoReg 964	35 MoReg 1804	
4 CSR 170-3.200	Missouri Housing Development Commission		35 MoReg 964	35 MoReg 1804	
4 CSR 170-4.010	Missouri Housing Development Commission		35 MoReg 965R	35 MoReg 1804R	
4 CSR 170-4.100	Missouri Housing Development Commission		35 MoReg 965	35 MoReg 1804	
4 CSR 170-4.200	Missouri Housing Development Commission		35 MoReg 966	35 MoReg 1804	
4 CSR 170-4.300	Missouri Housing Development Commission		35 MoReg 966	35 MoReg 1805	
4 CSR 170-5.010	Missouri Housing Development Commission		35 MoReg 967R	35 MoReg 1805R	
4 CSR 170-5.020	Missouri Housing Development Commission		35 MoReg 968R	35 MoReg 1805R	
4 CSR 170-5.030	Missouri Housing Development Commission		35 MoReg 968R	35 MoReg 1805R	
4 CSR 170-5.040	Missouri Housing Development Commission		35 MoReg 968R	35 MoReg 1805R	
4 CSR 170-5.050	Missouri Housing Development Commission		35 MoReg 969R	35 MoReg 1805R	
4 CSR 170-5.100	Missouri Housing Development Commission		35 MoReg 969	35 MoReg 1806	
4 CSR 170-5.200	Missouri Housing Development Commission		35 MoReg 970	35 MoReg 1806	
4 CSR 170-5.300	Missouri Housing Development Commission		35 MoReg 971	35 MoReg 1806	
4 CSR 170-5.400	Missouri Housing Development Commission		35 MoReg 971	35 MoReg 1806	
4 CSR 170-5.500	Missouri Housing Development Commission		35 MoReg 973	35 MoReg 1806	
4 CSR 170-6.010	Missouri Housing Development Commission		35 MoReg 973R	35 MoReg 1806R	
4 CSR 170-6.100	Missouri Housing Development Commission		35 MoReg 974	35 MoReg 1807	
4 CSR 170-6.200	Missouri Housing Development Commission		35 MoReg 975	35 MoReg 1807	
4 CSR 240-3.163	Public Service Commission		35 MoReg 1610		
4 CSR 240-3.164	Public Service Commission		35 MoReg 1629		
4 CSR 240-3.510	Public Service Commission		35 MoReg 1736		
4 CSR 240-20.093	Public Service Commission		35 MoReg 1647		
4 CSR 240-20.094	Public Service Commission		35 MoReg 1667		
4 CSR 240-22.010	Public Service Commission		35 MoReg 1737		
4 CSR 240-22.020	Public Service Commission		35 MoReg 1738		
4 CSR 240-22.030	Public Service Commission		35 MoReg 1741		
4 CSR 240-22.040	Public Service Commission		35 MoReg 1746		
4 CSR 240-22.045	Public Service Commission		35 MoReg 1749		
4 CSR 240-22.050	Public Service Commission		35 MoReg 1753		
4 CSR 240-22.060	Public Service Commission		35 MoReg 1761		
4 CSR 240-22.070	Public Service Commission		35 MoReg 1766		
4 CSR 240-22.080	Public Service Commission		35 MoReg 1769		
4 CSR 240-32.190	Public Service Commission		35 MoReg 1848		This Issue
4 CSR 240-123.080	Public Service Commission		35 MoReg 1686		
4 CSR 240-125.090	Public Service Commission		35 MoReg 1686		
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5 CSR 50-270.010	Division of School Improvement		35 MoReg 210	35 MoReg 1694	
5 CSR 50-321.010	Division of School Improvement		35 MoReg 857R		
5 CSR 50-350.040	Division of School Improvement		35 MoReg 1080R		
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7 CSR 10-16.010	Missouri Highways and Transportation Commission		35 MoReg 1173R		
7 CSR 10-16.020	Missouri Highways and Transportation Commission		35 MoReg 1173R		
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7 CSR 10-16.030	Missouri Highways and Transportation Commission		35 MoReg 1174R		
7 CSR 10-16.035	Missouri Highways and Transportation Commission		35 MoReg 1175		
7 CSR 10-16.040	Missouri Highways and Transportation Commission		35 MoReg 1178R		
7 CSR 10-16.045	Missouri Highways and Transportation Commission		35 MoReg 1178		
7 CSR 10-16.050	Missouri Highways and Transportation Commission		35 MoReg 1180		
7 CSR 10-25.010	Missouri Highways and Transportation Commission				35 MoReg 1818 This Issue
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8 CSR 30-3.060	Division of Labor Standards		35 MoReg 1405		

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9 CSR 30-4.045	Certification Standards	35 MoReg 1017	35 MoReg 1022	35 MoReg 1807	
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10 CSR 10-5.330	Air Conservation Commission		This Issue		
10 CSR 10-5.340	Air Conservation Commission		This Issue		
10 CSR 10-5.442	Air Conservation Commission		This Issue		
10 CSR 10-5.455	Air Conservation Commission		This Issue		
10 CSR 10-5.480	Air Conservation Commission		35 MoReg 1080	This Issue	
10 CSR 10-6.020	Air Conservation Commission		35 MoReg 858	35 MoReg 1575	
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10 CSR 10-6.060	Air Conservation Commission		This Issue		
10 CSR 10-6.065	Air Conservation Commission		This Issue		
10 CSR 10-6.070	Air Conservation Commission		35 MoReg 1091	This Issue	
10 CSR 10-6.075	Air Conservation Commission		35 MoReg 1092	This Issue	
10 CSR 10-6.080	Air Conservation Commission		35 MoReg 1094	This Issue	
10 CSR 10-6.200	Air Conservation Commission		This Issue		
10 CSR 10-6.400	Air Conservation Commission		35 MoReg 1095	This Issue	
10 CSR 20-8.110	Clean Water Commission		35 MoReg 1454		
10 CSR 23-4.010	Division of Geology and Land Survey		This Issue		
10 CSR 23-4.020	Division of Geology and Land Survey		This Issue		
10 CSR 23-4.030	Division of Geology and Land Survey		This Issue		
10 CSR 23-4.040	Division of Geology and Land Survey		This IssueR		
10 CSR 23-4.050	Division of Geology and Land Survey		This Issue		
10 CSR 23-4.060	Division of Geology and Land Survey		This Issue		
10 CSR 23-4.070	Division of Geology and Land Survey		This IssueR		
10 CSR 23-4.080	Division of Geology and Land Survey		This Issue		
10 CSR 60-4.025	Safe Drinking Water Commission		35 MoReg 769	35 MoReg 1575	
10 CSR 60-5.010	Safe Drinking Water Commission		35 MoReg 778	35 MoReg 1578	
10 CSR 60-7.010	Safe Drinking Water Commission		35 MoReg 778	35 MoReg 1578	
10 CSR 60-8.010	Safe Drinking Water Commission		35 MoReg 781	35 MoReg 1579	
10 CSR 60-8.030	Safe Drinking Water Commission		35 MoReg 785	35 MoReg 1579	
10 CSR 60-9.010	Safe Drinking Water Commission		35 MoReg 793	35 MoReg 1579	
10 CSR 70-4.010	Soil and Water Districts Commission		35 MoReg 214R		
			35 MoReg 214		
10 CSR 70-5.010	Soil and Water Districts Commission	34 MoReg 1779	35 MoReg 216R		
			35 MoReg 216		
10 CSR 70-5.040	Soil and Water Districts Commission	34 MoReg 1783	35 MoReg 217R		
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10 CSR 70-5.050	Soil and Water Districts Commission	34 MoReg 1785	35 MoReg 217R		
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10 CSR 140-2.020	Division of Energy	35 MoReg 1525	35 MoReg 1550		
10 CSR 140-2.030	Division of Energy	35 MoReg 1527R	35 MoReg 1554R		
10 CSR 140-8.010	Division of Energy		35 MoReg 1022	35 MoReg 1807	
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11 CSR 45-1.010	Missouri Gaming Commission		35 MoReg 1095	35 MoReg 1811	
11 CSR 45-1.090	Missouri Gaming Commission		35 MoReg 1246	This Issue	
11 CSR 45-4.020	Missouri Gaming Commission		35 MoReg 1247	This Issue	
11 CSR 45-5.051	Missouri Gaming Commission		35 MoReg 1249	This Issue	
11 CSR 45-5.075	Missouri Gaming Commission		35 MoReg 1250	This Issue	
11 CSR 45-5.130	Missouri Gaming Commission		35 MoReg 1780		
11 CSR 45-5.200	Missouri Gaming Commission		35 MoReg 1250	This Issue	
11 CSR 45-5.300	Missouri Gaming Commission		35 MoReg 1251	This Issue	
11 CSR 45-7.070	Missouri Gaming Commission		35 MoReg 1780		
11 CSR 45-9.102	Missouri Gaming Commission		35 MoReg 1781		
11 CSR 45-9.105	Missouri Gaming Commission		35 MoReg 1781		
11 CSR 45-9.113	Missouri Gaming Commission		35 MoReg 1096	35 MoReg 1812	
11 CSR 45-9.114	Missouri Gaming Commission		35 MoReg 1098	35 MoReg 1812	
11 CSR 45-9.115	Missouri Gaming Commission		35 MoReg 975	35 MoReg 1579	
11 CSR 45-9.118	Missouri Gaming Commission		35 MoReg 1098	35 MoReg 1812	
11 CSR 45-9.119	Missouri Gaming Commission		35 MoReg 1781		
11 CSR 45-9.121	Missouri Gaming Commission		35 MoReg 1787		
11 CSR 45-9.122	Missouri Gaming Commission		35 MoReg 1787		
11 CSR 45-12.090	Missouri Gaming Commission		This Issue		
11 CSR 45-30.020	Missouri Gaming Commission		35 MoReg 1252	35 MoReg 1852	
11 CSR 45-30.025	Missouri Gaming Commission		35 MoReg 1252	35 MoReg 1852	
11 CSR 45-30.030	Missouri Gaming Commission		35 MoReg 1253R	35 MoReg 1852R	
11 CSR 45-30.035	Missouri Gaming Commission		35 MoReg 1253	35 MoReg 1853	
11 CSR 45-30.070	Missouri Gaming Commission		35 MoReg 1254	35 MoReg 1853	
11 CSR 45-30.175	Missouri Gaming Commission		35 MoReg 1254	35 MoReg 1853	
11 CSR 45-30.190	Missouri Gaming Commission	35 MoReg 1241	35 MoReg 1254	35 MoReg 1853	
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11 CSR 45-30.535	Missouri Gaming Commission		35 MoReg 1256	35 MoReg 1854	
11 CSR 45-30.540	Missouri Gaming Commission		35 MoReg 1257	35 MoReg 1854	
11 CSR 45-30.600	Missouri Gaming Commission		35 MoReg 1257	35 MoReg 1854	

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12 CSR 10-2.250	Director of Revenue		35 MoReg 1029	35 MoReg 1579	
12 CSR 10-3.052	Director of Revenue		35 MoReg 1405R	This IssueR	
12 CSR 10-3.112	Director of Revenue		35 MoReg 1257R	35 MoReg 1855R	
12 CSR 10-3.118	Director of Revenue		35 MoReg 1258R	35 MoReg 1855R	
12 CSR 10-3.126	Director of Revenue		35 MoReg 1258R	35 MoReg 1855R	
12 CSR 10-3.130	Director of Revenue		35 MoReg 1258R	35 MoReg 1855R	
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12 CSR 10-3.192	Director of Revenue		35 MoReg 1259R	35 MoReg 1856R	
12 CSR 10-3.194	Director of Revenue		35 MoReg 1259R	35 MoReg 1856R	
12 CSR 10-3.196	Director of Revenue		35 MoReg 1260R	35 MoReg 1856R	
12 CSR 10-3.198	Director of Revenue		35 MoReg 1260R	35 MoReg 1856R	
12 CSR 10-3.204	Director of Revenue		35 MoReg 1260R	35 MoReg 1856R	
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12 CSR 10-3.266	Director of Revenue		35 MoReg 1261R	35 MoReg 1857R	
12 CSR 10-3.288	Director of Revenue		35 MoReg 1261R	35 MoReg 1857R	
12 CSR 10-3.330	Director of Revenue		35 MoReg 1314R	This IssueR	
12 CSR 10-3.333	Director of Revenue		35 MoReg 1314R	This IssueR	
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12 CSR 10-3.354	Director of Revenue		35 MoReg 1315R	This IssueR	
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12 CSR 10-3.428	Director of Revenue		35 MoReg 1406R	This IssueR	
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12 CSR 10-3.438	Director of Revenue		35 MoReg 1407R	This IssueR	
12 CSR 10-3.443	Director of Revenue		35 MoReg 1407R	This IssueR	
12 CSR 10-3.444	Director of Revenue		35 MoReg 1408R	This IssueR	
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12 CSR 10-3.886	Director of Revenue		35 MoReg 1687R		
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12 CSR 10-24.430	Director of Revenue	35 MoReg 1065	35 MoReg 1100	35 MoReg 1696	
12 CSR 10-24.480	Director of Revenue	35 MoReg 1066	35 MoReg 1103	35 MoReg 1696	
12 CSR 10-24.485	Director of Revenue	35 MoReg 1066	35 MoReg 1106	35 MoReg 1696	
12 CSR 10-26.020	Director of Revenue	35 MoReg 1309	35 MoReg 1317	This Issue	
12 CSR 10-41.010	Director of Revenue	35 MoReg 1735	35 MoReg 1787		
12 CSR 10-44.100	Director of Revenue		35 MoReg 1554		
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13 CSR 30-2.010	Child Support Enforcement		35 MoReg 1688		
13 CSR 40-2.370	Family Support Division		35 MoReg 1556		
13 CSR 40-91.040	Family Support Division <i>(Changed from 19 CSR 40-11.010)</i>		35 MoReg 1482		
13 CSR 70-3.020	MO HealthNet Division		35 MoReg 977	35 MoReg 1580	
13 CSR 70-3.110	MO HealthNet Division		This IssueR		
13 CSR 70-3.130	MO HealthNet Division		35 MoReg 1261		
13 CSR 70-3.140	MO HealthNet Division		35 MoReg 980	35 MoReg 1580	
13 CSR 70-3.160	MO HealthNet Division		35 MoReg 980	35 MoReg 1580	
13 CSR 70-15.010	MO HealthNet Division	35 MoReg 1067	35 MoReg 1108	35 MoReg 1813	
13 CSR 70-15.110	MO HealthNet Division	35 MoReg 1070	35 MoReg 1111	35 MoReg 1813	

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13 CSR 70-15.160	MO HealthNet Division	35 MoReg 1527	35 MoReg 1556		
13 CSR 70-20.320	MO HealthNet Division	35 MoReg 1072	35 MoReg 1114		
13 CSR 70-91.030	MO HealthNet Division		35 MoReg 1029R	35 MoReg 1580R	
13 CSR 70-97.010	MO HealthNet Division		This Issue		
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15 CSR 30-50.010	Secretary of State		35 MoReg 1479		
15 CSR 30-51.020	Secretary of State		35 MoReg 1480		
15 CSR 30-51.030	Secretary of State		35 MoReg 1481		
15 CSR 30-51.173	Secretary of State		35 MoReg 1482		
15 CSR 30-54.210	Secretary of State		This Issue		
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16 CSR 10-4.010	The Public School Retirement System of Missouri		35 MoReg 1262	35 MoReg 1857	
16 CSR 10-5.010	The Public School Retirement System of Missouri		35 MoReg 1263	35 MoReg 1857	
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16 CSR 50-2.110	The County Employees' Retirement Fund		35 MoReg 1031	35 MoReg 1581	
16 CSR 50-3.010	The County Employees' Retirement Fund		35 MoReg 1031	35 MoReg 1581	
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19 CSR 40-11.010	Division of Maternal, Child and Family Health <i>(Changed to 13 CSR 40-91.040)</i>		35 MoReg 1482		
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19 CSR 60-50.200	Missouri Health Facilities Review Committee		35 MoReg 1562		
19 CSR 60-50.300	Missouri Health Facilities Review Committee		35 MoReg 1562		
19 CSR 60-50.400	Missouri Health Facilities Review Committee		35 MoReg 1563		
19 CSR 60-50.410	Missouri Health Facilities Review Committee		35 MoReg 1564		
19 CSR 60-50.420	Missouri Health Facilities Review Committee		35 MoReg 1565		
19 CSR 60-50.430	Missouri Health Facilities Review Committee		35 MoReg 1566		
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19 CSR 60-50.470	Missouri Health Facilities Review Committee		35 MoReg 1571		
19 CSR 60-50.500	Missouri Health Facilities Review Committee		35 MoReg 1571		
19 CSR 60-50.600	Missouri Health Facilities Review Committee		35 MoReg 1572		
19 CSR 60-50.700	Missouri Health Facilities Review Committee		35 MoReg 1572		
19 CSR 60-50.800	Missouri Health Facilities Review Committee		35 MoReg 1573		
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20 CSR	Construction Claims Binding Arbitration Cap				33 MoReg 150 33 MoReg 2446 35 MoReg 654 This Issue
20 CSR	Medical Malpractice				31 MoReg 616 32 MoReg 545
20 CSR	Sovereign Immunity Limits				33 MoReg 150 33 MoReg 2446 35 MoReg 318
20 CSR	State Legal Expense Fund Cap				33 MoReg 150 33 MoReg 2446 35 MoReg 654 This Issue
20 CSR 400-2.180	Life, Annuities and Health		35 MoReg 1485		
20 CSR 500-10.200	Property and Casualty		35 MoReg 793	35 MoReg 1581	
20 CSR 1140-30.010	Division of Finance	35 MoReg 725R	35 MoReg 794R	35 MoReg 1490R	
20 CSR 1140-30.030	Division of Finance	35 MoReg 727R	35 MoReg 794R	35 MoReg 1490R	
20 CSR 1140-30.040	Division of Finance	35 MoReg 728R	35 MoReg 794R	35 MoReg 1490R	
20 CSR 1140-30.050	Division of Finance	35 MoReg 729R	35 MoReg 795R	35 MoReg 1490R	
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20 CSR 1140-30.110	Division of Finance	35 MoReg 734R	35 MoReg 797R	35 MoReg 1491R	
20 CSR 1140-30.120	Division of Finance	35 MoReg 736R	35 MoReg 797R	35 MoReg 1491R	
20 CSR 1140-30.200	Division of Finance	35 MoReg 737	35 MoReg 797	35 MoReg 1492	
20 CSR 1140-30.210	Division of Finance	35 MoReg 738	35 MoReg 798	35 MoReg 1492	
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20 CSR 1140-30.230	Division of Finance	35 MoReg 741	35 MoReg 800	35 MoReg 1492	
20 CSR 1140-30.240	Division of Finance	35 MoReg 742	35 MoReg 800	35 MoReg 1492	
20 CSR 1140-30.250	Division of Finance	35 MoReg 743	35 MoReg 803	35 MoReg 1492	
20 CSR 1140-30.260	Division of Finance	35 MoReg 744	35 MoReg 803	35 MoReg 1493	

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20 CSR 2263-2.050	Application for Licensure as a Social Worker35 MoReg 1312	Aug. 28, 2010 Feb. 24, 2011

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Emergency Declaration	Proclaims an emergency declaration concerning the damage and structural integrity of the State Route A bridge over the Weldon Fork of the Thompson River	Sept. 28, 2010	35 MoReg 1531
10-26	Designates members of the governor's staff to have supervisory authority over certain departments, divisions, and agencies	Sept. 24, 2010	35 MoReg 1529
10-25	Extends the declaration of emergency contained in Executive Order 10-22 for the purpose of protecting the safety and welfare of our fellow Missourians	July 20, 2010	35 MoReg 1244
10-24	Creates the Code of Fair Practices for the Executive Branch of State Government and supersedes paragraph one of Executive Order 05-30	July 9, 2010	35 MoReg 1167
Emergency Declaration	Proclaims that an emergency exists concerning the damage and structural integrity of the U.S. Route 24 bridge over the Grand River	July 2, 2010	35 MoReg 1165
10-23	Activates the state militia in response to severe weather that began on June 12	June 23, 2010	35 MoReg 1078
10-22	Declares a state of emergency and directs the Missouri State Emergency Operations Plan be activated due to severe weather that began on June 12	June 21, 2010	35 MoReg 1076
10-21	Activates the Missouri State Emergency Operations Center	June 15, 2010	35 MoReg 1018
10-20	Establishes the Missouri Civil War Sesquicentennial Commission	April 2, 2010	35 MoReg 754
10-19	Amends Executive Order 09-17 to give the commissioner of the Office of Administration supervisory authority over the Transform Missouri Project	March 2, 2010	35 MoReg 637
10-18	Establishes the Children in Nature Challenge to challenge Missouri communities to take action to enhance children's education about nature, and to increase children's opportunities to personally experience nature and the outdoors	Feb. 26, 2010	35 MoReg 573
10-17	Establishes a Missouri Emancipation Day Commission to promote, consider, and recommend appropriate activities for the annual recognition and celebration of Emancipation Day	Feb. 2, 2010	35 MoReg 525
10-16	Transfers the scholarship portion of the A+ Schools Program from the Missouri Department of Elementary and Secondary Education to the Missouri Department of Higher Education	Jan. 29, 2010	35 MoReg 447
10-15	Transfers the Breath Alcohol Program from the Missouri Department of Transportation to the Missouri Department of Health and Senior Services	Jan. 29, 2010	35 MoReg 445
10-14	Designates members of the governor's staff to have supervisory authority over certain departments, divisions, and agencies	Jan. 29, 2010	35 MoReg 443
10-13	Directs the Department of Social Services to disband the Missouri Task Force on Youth Aging Out of Foster Care	Jan. 15, 2010	35 MoReg 364
10-12	Rescinds Executive Orders 98-14, 95-21, 95-17, and 94-19 and terminates the Governor's Commission on Driving While Intoxicated and Impaired Driving	Jan. 15, 2010	35 MoReg 363
10-11	Rescinds Executive Order 05-41 and terminates the Governor's Advisory Council for Veterans Affairs and assigns its duties to the Missouri Veterans Commission	Jan. 15, 2010	35 MoReg 362
10-10	Rescinds Executive Order 01-08 and terminates the Personal Independence Commission and assigns its duties to the Governor's Council on Disability	Jan. 15, 2010	35 MoReg 361
10-09	Rescinds Executive Orders 95-10, 96-11, and 98-13 and terminates the Governor's Council on AIDS and transfers their duties to the Statewide HIV/STD Prevention Community Planning Group within the Department of Health and Senior Services	Jan. 15, 2010	35 MoReg 360
10-08	Rescinds Executive Order 04-07 and terminates the Missouri Commission on Patient Safety	Jan. 15, 2010	35 MoReg 358
10-07	Rescinds Executive Order 01-16 and terminates the Missouri Commission on Intergovernmental Cooperation	Jan. 15, 2010	35 MoReg 357
10-06	Rescinds Executive Order 05-13 and terminates the Governor's Advisory Council on Plant Biotechnology and assigns its duties to the Missouri Technology Corporation	Jan. 15, 2010	35 MoReg 356
10-05	Rescinds Executive Order 95-28 and terminates the Missouri Board of Geographic Names	Jan. 15, 2010	35 MoReg 355
10-04	Rescinds Executive Order 03-10 and terminates the Missouri Energy Policy Council	Jan. 15, 2010	35 MoReg 354
10-03	Rescinds Executive Order 03-01 and terminates the Missouri Lewis and Clark Bicentennial Commission	Jan. 15, 2010	35 MoReg 353

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10-01	Rescinds Executive Order 01-15 and terminates the Missouri Commission on Total Compensation	Jan. 15, 2010	35 MoReg 351

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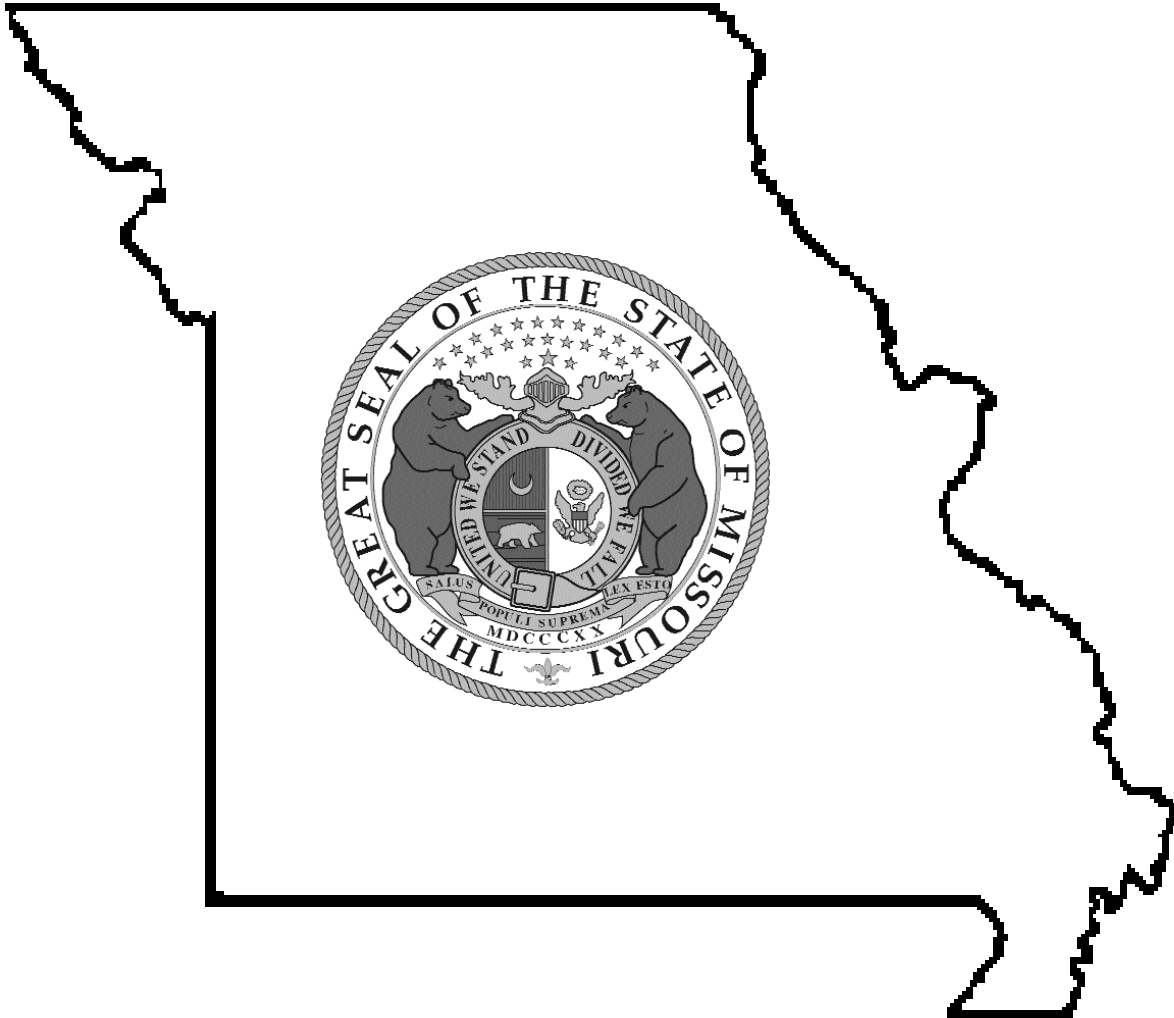
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