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SALUS POPULI SUPREMA LEX ESTO

"The welfare of the people shall be the supreme law."



JASON KANDER
SECRETARY OF STATE

MISSOURI
REGISTER

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

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RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 28, *Missouri Register*, page 27. The approved short form of citation is 28 MoReg 27.

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

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

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

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

RSMo—The most recent version of the statute containing the section number and the date.

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety, or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons, and findings which support its conclusion that there is an immediate danger to the public health, safety, or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

appropriation for the 2016 fiscal year. This would allow redeemable tax credits from 2015 to be claimed against appropriations for the current fiscal year. This emergency amendment will align the processing rules for wood energy tax credits with the budgetary language of House Bill 2007 and allow the division to process applicants' 2016 applications before the tax season begins in January 2017. The applicants can then use such credits against taxes for this tax year.

This emergency amendment is necessary to provide a clear procedure for the processing of tax credit applications in accordance with the appropriations provided for each fiscal year. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended by the *Missouri* and *United States Constitutions*. The Division of Energy considers this emergency amendment just and reasonable to all interested persons and parties in accordance with the statutory modifications. A proposed amendment covering this same material is published in this issue of the *Missouri Register*. This emergency amendment was filed November 14, 2016, becomes effective November 24, 2016, and expires May 22, 2017.

(8) For tax credits authorized or issued after July 1, 2015, in no event shall the aggregate tax credit amount authorized, issued, and redeemable and issued in a given fiscal year exceed appropriations for that fiscal year.

AUTHORITY: sections 135.300–135.311, RSMo 2000 and RSMo Supp. 2014, and sections 536.010 and 536.023.3, RSMo Supp. 2013. This rule originally filed as 10 CSR 140-4.010. Original rule filed Dec. 31, 1991, effective May 14, 1992. For intervening history, please consult the Code of State Regulations. Emergency amendment filed Nov. 14, 2016, effective Nov. 24, 2016, expires May 22, 2017.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 340—Division of Energy
Chapter 4—Wood Energy Credit**

EMERGENCY AMENDMENT

4 CSR 340-4.010 Wood Energy Credit. The division is amending section (8).

PURPOSE: This amendment clarifies the processing rules for the Wood Energy Tax Credit to accommodate the budgetary language contained in House Bill 2007 (2016).

EMERGENCY STATEMENT: The Department of Economic Development, Division of Energy, determined that this emergency amendment is necessary to preserve a compelling governmental interest in ensuring that applicants receive proper and timely authorization and issuance of the Wood Energy Tax Credit (tax credit) for the period beginning July 1, 2016, due to the revised budgetary language in House Bill 2007. This will allow applicants to use such credits on tax returns filed beginning January 1, 2017.

The language contained in House Bill 2007 provides for the appropriation of funds for the redemption of wood energy tax credits beginning on or after July 1, 2016 against the current fiscal year appropriation. This language conflicts with the current language of 4 CSR 340-4.010 which would allow tax credits authorized, issued, and redeemable after July 1, 2015, to be claimed but not exceed the

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

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

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

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

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

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

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission Chapter 40—Gas Utilities and Gas Safety Standards

PROPOSED AMENDMENT

4 CSR 240-40.020 Incident, Annual, and Safety-Related Condition Reporting Requirements. The commission is amending sections (5), (6), (7), (9), (10), (11) and (13); and adding a new section (14).

PURPOSE: This amendment proposes to amend the rule to address the 2015 amendment of 49 CFR part 191 and to incorporate by reference current versions of report forms.

(5) Report Submission Requirements. (191.7)

(A) Reports to PHMSA.

1. An operator must submit each report required by sections (6)–(11) electronically to the Pipeline and Hazardous Materials Safety Administration at [<http://opsweb.phmsa.dot.gov>] <http://portal.phmsa.dot.gov/pipeline> unless an alternative reporting method is authorized in accordance with subsection (5)(D).

2. A copy of each online submission to PHMSA must also be submitted concurrently to designated commission personnel. The copy submitted to designated commission personnel must be clearly marked to indicate the date of the online submission to PHMSA.

(B) Missouri Incident Reports.

1. This subsection applies to events that meet the criteria in subsection (4)(A) but are not a federal incident reported under subsection (5)(A). Within thirty (30) days of a telephone notification made under subsection (4)(A), each gas operator must submit U.S. Department of Transportation Form PHMSA F 7100.1 or PHMSA F 7100.2, as applicable, to designated commission personnel. Additional information required in subsections (6)(B) and (9)(B) for federal incidents is also required for these events.

2. The incident report forms for gas distribution systems (PHMSA F 7100.1, revised [*June 2011*] **October 2014**) and gas transmission and gathering pipeline systems (PHMSA F 7100.2, revised [*June 2011*] **October 2014**) are incorporated by reference. The forms are published by the U.S. Department of Transportation Office of Pipeline Safety, PHP-10, 1200 New Jersey Avenue SE, Washington DC 20590-0001. The forms are available at www.phmsa.dot.gov/pipeline/library/forms or upon request from the pipeline safety program manager at the address given in subsection (5)(E). The PHMSA F 7100.1 form does not include any amendments or additions to the [*June 2011*] **October 2014** version. The PHMSA F 7100.2 form does not include any amendments or additions to the [*June 2011*] **October 2014** version.

(C) Safety-related Conditions. An operator must submit concurrently to PHMSA and designated commission personnel a safety-related condition report required by section (12) (191.23). A safety-related condition report can be submitted [*to the addresses provided in subsections (5)(D)–(E) or*] by **electronic mail or telefacsimile (fax)** as provided for in section (13).

(F) **National Pipeline Mapping System (NPMS).** An operator must provide the NPMS data to the address identified in the *NPMS Operator Standards manual* available at www.npms.phmsa.dot.gov or by contacting the PHMSA geographic information systems manager at (202) 366-4595.

(6) Distribution System—Federal Incident Report. (191.9)

(A) Except as provided in subsection (6)(C), each operator of a distribution pipeline system must submit U.S. Department of Transportation Form PHMSA F 7100.1 as soon as practicable but not more than thirty (30) days after detection of an incident required to be reported under section (3) (191.5). See the report submission requirements in subsection (5)(A). The incident report form (revised [*June 2011*] **October 2014**) is incorporated by reference and is published by U.S. Department of Transportation Office of Pipeline Safety, PHP-10, 1200 New Jersey Avenue SE, Washington DC 20590-0001. The form is available at www.phmsa.dot.gov/pipeline/library/forms or upon request from the pipeline safety program manager at the address given in subsection (5)(E). The form does not include any amendments or additions to the [*June 2011*] **October 2014** version.

(7) Distribution System—Annual Report and Mechanical Fitting Failure Reports.

(A) Annual Report. (191.11)

1. Except as provided in paragraph (7)(A)3., each operator of a distribution pipeline system must submit an annual report for that system on U.S. Department of Transportation Form PHMSA F 7100.1-1. This report must be submitted each year, not later than March 15, for the preceding calendar year. See the report submission

requirements in subsection (5)(A).

2. The annual report form (revised *[January 2011] May 2015*) is incorporated by reference and is published by U.S. Department of Transportation Office of Pipeline Safety, PHP-10, 1200 New Jersey Avenue SE, Washington DC 20590-0001. The form is available at www.phmsa.dot.gov/pipeline/library/forms or upon request from the pipeline safety program manager at the address given in subsection (5)(E). The form does not include any amendments or additions to the *[January 2011] May 2015* version.

3. The annual report requirement in this subsection does not apply to a master meter system or to a petroleum gas system which serves fewer than one hundred (100) customers from a single source.

(B) Mechanical Fitting Failure Reports. (191.12)

1. Each mechanical fitting failure, as required by 4 CSR 240-40.030(17)(E) (192.1009), must be submitted on a Mechanical Fitting Failure Report Form (U.S. Department of Transportation Form PHMSA F 7100.1-2). An operator must submit a mechanical fitting failure report for each mechanical fitting failure that occurs within a calendar year not later than March 15 of the following year (for example, all mechanical failure reports for calendar year 2012 must be submitted no later than March 15, 2013). Alternatively, an operator may elect to submit its reports throughout the year. In addition, an operator must also report this information to designated commission personnel.

2. The Mechanical Fitting Failure Report Form (*[January 2011] October 2014*) is incorporated by reference and is published by the U.S. Department of Transportation Office of Pipeline Safety, PHP-10, 1200 New Jersey Avenue SE, Washington DC 20590-0001. The form is available at www.phmsa.dot.gov/pipeline/library/forms or upon request from the pipeline safety program manager at the address given in subsection (5)(E). The form does not include any amendments or additions to the *[January 2011] October 2014* version.

(9) Transmission and Gathering Systems—Federal Incident Report. (191.15)

(A) Transmission and Gathering. Each operator of a transmission or a gathering pipeline system must submit U.S. Department of Transportation Form PHMSA F 7100.2 as soon as practicable but not more than thirty (30) days after detection of an incident required to be reported under section (3) (191.5). See the report submission requirements in subsection (5)(A). The incident report form (revised *[June 2011] October 2014*) is incorporated by reference and is published by U.S. Department of Transportation Office of Pipeline Safety, PHP-10, 1200 New Jersey Avenue SE, Washington DC 20590-0001. The form is available at www.phmsa.dot.gov/pipeline/library/forms or upon request from the pipeline safety program manager at the address given in subsection (5)(E). The form does not include any amendments or additions to the *[June 2011] October 2014* version.

(10) Transmission and Gathering Systems—Annual Report. (191.17)

(A) Transmission and [g]Gathering. Each operator of a transmission or a gathering pipeline system must submit an annual report for that system on U.S. Department of Transportation Form PHMSA F7100.2-1. This report must be submitted each year, not later than March 15, for the preceding calendar year. See the report submission requirements in subsection (5)(A). The annual report form (revised *[June 2011] October 2014*) is incorporated by reference and is published by U.S. Department of Transportation Office of Pipeline Safety, PHP-10, 1200 New Jersey Avenue SE, Washington DC 20590-0001. The form is available at www.phmsa.dot.gov/pipeline/library/forms or upon request from the pipeline safety program manager at the address given in subsection (5)(E). The form does not include any amendments or additions to the *[June 2011] October 2014* version.

(11) National Registry of Pipeline and LNG Operators (191.22)

(A) OPID Request.

1. Effective January 1, 2012, each operator of a gas pipeline or gas pipeline facility must obtain from PHMSA an Operator Identification Number (OPID). An OPID is assigned to an operator

for the pipeline or pipeline system for which the operator has primary responsibility. To obtain an OPID, an operator must complete an OPID Assignment Request (U.S. Department of Transportation Form PHMSA F 1000.1) through the National Registry of Pipeline and LNG Operators at *[http://opsweb.phmsa.dot.gov] http://portal.phmsa.dot.gov/pipeline* unless an alternative reporting method is authorized in accordance with subsection (5)(D). A copy of each submission to PHMSA must also be submitted concurrently to designated commission personnel—see addresses in subsection (5)(E).

2. The OPID Assignment Request form (*[December 2011] May 2015*) is incorporated by reference and is published by U.S. Department of Transportation Office of Pipeline Safety, PHP-10, 1200 New Jersey Avenue SE, Washington DC 20590-0001. The form is available at www.phmsa.dot.gov/pipeline/library/forms or upon request from the pipeline safety program manager at the address given in subsection (5)(E). The form does not include any amendments or additions to the *[December 2011] May 2015* version.

(C) Changes. Each operator of a gas pipeline or gas pipeline facility must notify PHMSA electronically through the National Registry of Pipeline and LNG Operators at *[http://opsweb.phmsa.dot.gov] http://portal.phmsa.dot.gov/pipeline* of certain events. A copy of each online notification must also be submitted concurrently to designated commission personnel—see addresses in subsection (5)(E).

1. An operator must notify PHMSA of any of the following events not later than sixty (60) days before the event occurs:

A. Construction or any planned rehabilitation, replacement, modification, upgrade, uprate, or update of a facility, other than a section of line pipe, that costs ten (10) million dollars or more. If sixty- (60-) day notice is not feasible because of an emergency, an operator must notify PHMSA as soon as practicable; or

B. Construction of ten (10) or more miles of a new pipeline.

2. An operator must notify PHMSA of any of the following events not later than sixty (60) days after the event occurs:

A. A change in the primary entity responsible (i.e., with an assigned OPID) for managing or administering a safety program required by this rule covering pipeline facilities operated under multiple OPIDs;

B. A change in the name of the operator;

C. A change in the entity (e.g., company, municipality) responsible for an existing pipeline, pipeline segment, or pipeline facility; or

D. The acquisition or divestiture of fifty (50) or more miles of a pipeline or pipeline system subject to 4 CSR 240-40.030.

(13) Filing Safety-Related Condition Reports. (191.25)

(A) Each report of a safety-related condition under subsection (12)(A) must be filed (received by the *[Associate Administrator,] Office of Pipeline Safety at PHMSA and designated commission personnel [in writing]* within five (5) working days (not including Saturday, Sunday, or federal holidays) after the day a representative of the operator first determines that the condition exists, but not later than ten (10) working days after the day a representative of the operator discovers the possibility of a condition. Separate conditions may be described in a single report if they are closely related. See the report submission requirements in subsection (5)(C). **Reports may be transmitted by electronic mail to InformationResourceManager@dot.gov and PipelineSafetyProgramManager@psc.mo.gov.** To file a report by telefacsimile (fax), dial (202) 366-7128 for the *[Associate Administrator,] Office of Pipeline Safety and (573) 522-1946* for designated commission personnel.

(14) National Pipeline Mapping System. (191.29)

(A) Each operator of a gas transmission pipeline or liquefied natural gas facility must provide the following geospatial data to PHMSA for that pipeline or facility:

1. Geospatial data, attributes, metadata, and transmittal letter appropriate for use in the National Pipeline Mapping System.

Acceptable formats and additional information are specified in the NPMS *Operator Standards Manual* available at www.npms.phmsa.dot.gov or by contacting the PHMSA geographic information systems manager at (202) 366-4595;

2. The name of and address for the operator; and

3. The name and contact information of a pipeline company employee, to be displayed on a public website, who will serve as a contact for questions from the general public about the operator's NPMS data.

(B) The information required in subsection (14)(A) must be submitted each year, on or before March 15, representing assets as of December 31 of the previous year. If no changes have occurred since the previous year's submission, the operator must comply with the guidance provided in the NPMS *Operator Standards manual* available at www.npms.phmsa.dot.gov or contact the PHMSA geographic information systems manager at (202) 366-4595.

AUTHORITY: sections 386.250, 386.310, and 393.140, RSMo [2000] 2016. Original rule filed Feb. 5, 1970, effective Feb. 26, 1970. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Nov. 14, 2016.

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

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

NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Morris L. Woodruff, 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 17, 2017, and should include reference to Commission Case No. GX-2016-0263. 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, 2017, at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.

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 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission

Chapter 40—Gas Utilities and Gas Safety Standards

PROPOSED AMENDMENT

4 CSR 240-40.030 Safety Standards—Transportation of Gas by Pipeline. The commission is amending sections (1), (2), (4), (5), (6), (9), (10), (13), (16) and amending Appendices B and E.

PURPOSE: This amendment modifies the rule to address amendments of 49 CFR part 192 promulgated between September 2013 and January 2016, and makes clarification and editorial changes.

(1) General.

(B) Definitions. (192.3) As used in this rule—

1. Abandoned means permanently removed from service;

2. Active corrosion means continuing corrosion that, unless controlled, could result in a condition that is detrimental to public safety;

3. Administrator means the Administrator of the Pipeline and Hazardous Materials Safety Administration of the United States Department of Transportation to whom authority in the matters of pipeline safety have been delegated by the Secretary of the United States Department of Transportation, or his or her delegate;

4. Alarm means an audible or visible means of indicating to the controller that equipment or processes are outside operator-defined, safety-related parameters;

[4.]5. Building means any structure that is regularly or periodically occupied by people;

[5.]6. Commission means the Missouri Public Service Commission;

7. Control room means an operations center staffed by personnel charged with the responsibility for remotely monitoring and controlling a pipeline facility;

8. Controller means a qualified individual who remotely monitors and controls the safety-related operations of a pipeline facility via a supervisory control and data acquisition (SCADA) system from a control room, and who has operational authority and accountability for the remote operational functions of the pipeline facility;

[6.]9. Customer meter means the meter that measures the transfer of gas from an operator to a consumer;

[7.]10. Designated commission personnel means the pipeline safety program manager at the address contained in 4 CSR 240-40.020(5)(E) for required correspondence;

[8.]11. Distribution line means a pipeline other than a gathering or transmission line;

[9.]12. Electrical survey means a series of closely spaced pipe-to-soil readings over pipelines which are subsequently analyzed to identify locations where a corrosive current is leaving the pipeline, except that other indirect examination tools/methods can be used for an electrical survey included in the federal regulations in 49 CFR part 192, subpart O and appendix E (incorporated by reference in section (16));

[10.]13. Feeder line means a distribution line that has a maximum allowable operating pressure (MAOP) greater than 100 psi (689 kPa) gauge that produces hoop stresses less than twenty percent (20%) of specified minimum yield strength (SMYS);

[11.]14. Follow-up inspection means an inspection performed after a repair procedure has been completed in order to determine the effectiveness of the repair and to ensure that all hazardous leaks in the area are corrected;

[12.]15. Fuel line means the customer-owned gas piping downstream from the outlet of the customer meter or operator-owned pipeline, whichever is farther downstream;

[13.]16. Gas means natural gas, flammable gas, manufactured gas, or gas which is toxic or corrosive;

[14.]17. Gathering line means a pipeline that transports gas from a current production facility to a transmission line or main;

[15.]18. High-pressure distribution system means a distribution system in which the gas pressure in the main is higher than an equivalent to fourteen inches (14") water column;

[16.]19. Hoop stress means the stress in a pipe wall acting circumferentially in a plane perpendicular to the longitudinal axis of the pipe produced by the pressure in the pipe;

[17.]20. Listed specification means a specification listed in subsection I. of Appendix B, which is included herein (at the end of this rule);

[18.]21. Low-pressure distribution system means a distribution system in which the gas pressure in the main is less than or equal to an equivalent of fourteen inches (14") water column;

[19.]22. Main means a distribution line that serves as a common source of supply for more than one (1) service line;

[20.]23. Maximum actual operating pressure means the maximum pressure that occurs during normal operations over a period of one (1) year;

[21.]24. Maximum allowable operating pressure (MAOP) means the maximum pressure at which a pipeline or segment of a pipeline may be operated under this rule;

[22.]25. Municipality means a city, village, or town;

[23.]26. Operator means a person who engages in the transportation of gas;

[24.]27. Person means any individual, firm, joint venture, partnership, corporation, association, county, state, municipality, political subdivision, cooperative association, or joint stock association, and including any trustee, receiver, assignee, or personal representative of them;

[25.]28. Petroleum gas means propane, propylene, butane (normal butane or isobutanes), and butylene (including isomers), or mixtures composed predominantly of these gases, having a vapor pressure not exceeding 208 psi (1434 kPa) gauge at 100°F (38°C);

[26.]29. PHMSA means the Pipeline and Hazardous Materials Safety Administration of the United States Department of Transportation;

[27.]30. Pipe means any pipe or tubing used in the transportation of gas, including pipe-type holders;

[28.]31. Pipeline means all parts of those physical facilities through which gas moves in transportation, including pipe, valves, and other appurtenances attached to pipe, compressor units, metering stations, regulator stations, delivery stations, holders, and fabricated assemblies;

[29.]32. Pipeline environment includes soil resistivity (high or low), soil moisture (wet or dry), soil contaminants that may promote corrosive activity, and other known conditions that could affect the probability of active corrosion;

[30.]33. Pipeline facility means new and existing pipelines, rights-of-way, and any equipment, facility, or building used in the transportation of gas or in the treatment of gas during the course of transportation;

[31.]34. Reading means the highest sustained reading when testing in a bar hole or opening without induced ventilation;

[32.]35. Service line means a distribution line that transports gas from a common source of supply to an individual customer, to two (2) adjacent or adjoining residential or small commercial customers, or to multiple residential or small commercial customers served through a meter header or manifold. A service line ends at the outlet of the customer meter or at the connection to a customer's piping, whichever is further downstream, or at the connection to customer piping if there is no meter;

[33.]36. Service regulator means the device on a service line that controls the pressure of gas delivered from a higher pressure to the pressure provided to the customer. A service regulator may serve one (1) customer or multiple customers through a meter header or manifold;

[34.]37. SMYS means specified minimum yield strength is—

A. For steel pipe manufactured in accordance with a listed specification, the yield strength specified as a minimum in that specification; or

B. For steel pipe manufactured in accordance with an unknown or unlisted specification, the yield strength determined in accordance with paragraph (3)(D)2. (192.107[b]);

38. Supervisory control and data acquisition (SCADA) system means a computer-based system or systems used by a controller in a control room that collects and displays information about a pipeline facility and may have the ability to send commands back to the pipeline facility;

[35.]39. Sustained reading means the reading taken on a combustible gas indicator unit after adequately venting the test hole or opening;

[36.]40. Transmission line means a pipeline, other than a gathering line, that—

A. Transports gas from a gathering line or storage facility to a distribution center, storage facility, or large volume customer that is not downstream from a distribution center (A large volume customer may receive similar volumes of gas as a distribution center, and includes factories, power plants, and institutional users of gas.);

B. Operates at a hoop stress of twenty percent (20%) or more of SMYS; or

C. Transports gas within a storage field;

[37.]41. Transportation of gas means the gathering, transmission, or distribution of gas by pipeline or the storage of gas in Missouri;

[38.]42. Tunnel means a subsurface passageway large enough for a man to enter;

[39.]43. Vault or manhole means a subsurface structure that a man can enter; [and]

44. Welder means a person who performs manual or semi-automatic welding;

45. Welding operator means a person who operates machine or automatic welding equipment; and

[40.]46. Yard line means an underground fuel line that transports gas from the service line to the customer's building. If multiple buildings are being served, building shall mean the building nearest to the connection to the service line. For purposes of this definition, if aboveground fuel line piping at the meter location is located within five feet (5') of a building being served by that meter, it shall be considered to the customer's building and no yard line exists. At meter locations where aboveground fuel line piping is located greater than five feet (5') from the building(s) being served, the underground fuel line from the meter to the entrance into the nearest building served by that meter shall be considered the yard line and any other lines are not considered yard lines.

(D) Incorporation By Reference of the Federal Regulation at 49 CFR 192.7. (192.7)

1. As set forth in the *Code of Federal Regulations* (CFR) dated October 1, [2011] 2015, the federal regulation at 49 CFR 192.7 is incorporated by reference and made a part of this rule. This rule does not incorporate any subsequent amendments to 49 CFR 192.7.

2. The *Code of Federal Regulations* and the *Federal Register* are published by the Office of the Federal Register, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001. The October 1, [2011] 2015 version of 49 CFR part 192 is available at www.gpo.gov/fdsys/search/showcitation.action.

3. The regulation at 49 CFR 192.7 provides a listing of the documents that are incorporated by reference partly or wholly in 49 CFR part 192, which is the federal counterpart and foundation for this rule. All incorporated materials are available for inspection [in the] from several sources, including the following sources:

A. The Office of Pipeline Safety, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE, Washington, DC [20590-0001, or at the] 20590. For more information, contact 202-366-4046 or go to the PHMSA website at www.phmsa.dot.gov/pipeline/regs;

B. The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, go to the NARA website at www.archives.gov/federal-register/cfr/ibr-locations.html or call 202-741-6030 or 866-272-6272[.]; and

C. [In addition, the incorporated materials are] Copies of standards incorporated by reference can also be purchased or are otherwise made available from the respective standards-developing organizations listed in 49 CFR 192.7.

4. Federal amendment 192-94 (published in *Federal Register* on June 14, 2004, page 69 FR 32886) moved the listing of incorporated documents to 49 CFR 192.7 from 49 CFR part 192—Appendix A, which is now “Reserved”. This listing of documents was in Appendix A to this rule prior to the 2008 amendment of this rule.

As of the 2008 amendment, Appendix A to this rule is also “Reserved” and included herein.

(E) Gathering Lines. (192.8 and 192.9)

1. As set forth in the *Code of Federal Regulations* (CFR) dated October 1, [2006] 2015, the federal regulations at 49 CFR 192.8 and 192.9 are incorporated by reference and made a part of this rule. This rule does not incorporate any subsequent amendments to 49 CFR 192.8 and 192.9.

2. The *Code of Federal Regulations* is published by the Office of the Federal Register, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001. The October 1, [2006] 2015 version of 49 CFR part 192 is available at [www.access.gpo.gov/nara/cfr/cfr-table-search.html] www.gpo.gov/fdsys/search/showcitation.action.

3. The regulations at 49 CFR 192.8 and 192.9 provide the requirements for gathering lines. The requirements for offshore lines are not applicable to Missouri.

(F) Petroleum Gas Systems. (192.11)

1. Each plant that supplies petroleum gas by pipeline to a natural gas distribution system must meet the requirements of this rule and of [ANSI/NFPA] NFPA 58 and 59 (**incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)**).

2. Each pipeline system subject to this rule that transports only petroleum gas or petroleum gas/air mixtures must meet the requirements of this rule and of [ANSI/NFPA] NFPA 58 and 59 (**incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)**).

3. In the event of a conflict between this rule and [ANSI/NFPA] NFPA 58 and 59 (**incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)**), [ANSI/NFPA] NFPA 58 and 59 prevail.

(2) Materials.

(C) Steel Pipe. (192.55)

1. New steel pipe is qualified for use under this rule if—
A. It was manufactured in accordance with a listed specification;

B. It meets the requirements of—

(I) Subsection II of Appendix B to this rule; or

(II) If it was manufactured before November 12, 1970, either subsection II or III of Appendix B to this rule; or

C. It is used in accordance with paragraph (2)(C)3. or 4.

2. Used steel pipe is qualified for use under this rule if—

A. It was manufactured in accordance with a listed specification and it meets the requirements of paragraph II-C of Appendix B to this rule;

B. It meets the requirements of—

(I) Subsection II of Appendix B to this rule; or

(II) If it was manufactured before November 12, 1970, either subsection II or III of Appendix B to this rule;

C. It has been used in an existing line of the same or higher pressure and meets the requirements of paragraph II-C of Appendix B to this rule; or

D. It is used in accordance with paragraph (2)(C)3.

3. New or used steel pipe may be used at a pressure resulting in a hoop stress of less than six thousand (6000) pounds per square inch (psi) (41 MPa) where no close coiling or close bending is to be done, if visual examination indicates that the pipe is in good condition and that it is free of split seams and other defects that would cause leakage. If it is to be welded, steel pipe that has not been manufactured to a listed specification must also pass the weldability tests prescribed in paragraph II-B of Appendix B to this rule.

4. Steel pipe that has not been previously used may be used as replacement pipe in a segment of pipeline if it has been manufactured prior to November 12, 1970, in accordance with the same specification as the pipe used in constructing that segment of pipeline.

5. New steel pipe that has been cold expanded must comply with the mandatory provisions of API Specification 5L (**incorporat-**

ed by reference in 49 CFR 192.7 and adopted in subsection (1)(D)).

(D) Plastic Pipe. (192.59)

1. New polyethylene pipe is qualified for use under this rule if—
A. It is manufactured in accordance with a listed specification; and

B. It is resistant to chemicals with which contact may be anticipated.

2. Used plastic pipe is qualified for use under this rule if—

A. It was manufactured in accordance with a listed specification;

B. It is resistant to chemicals with which contact may be anticipated;

C. It has been used only in natural gas service;

D. Its dimensions are still within the tolerances of the specification to which it was manufactured; and

E. It is free of visible defects.

3. For the purpose of subparagraphs (2)(D)1.A. and 2.A., where pipe of a diameter included in a listed specification is impractical to use, pipe of a diameter between the sizes included in a listed specification may be used if it—

A. Meets the strength and design criteria required of pipe included in that listed specification; and

B. Is manufactured from plastic compounds which meet the criteria for material required of pipe included in that listed specification.

4. Rework and/or regrind material is not allowed in plastic pipe produced after March 6, 2015 used under this rule.

(E) Marking of Materials. (192.63)

1. Except as provided in paragraph (2)(E)4., each valve, fitting, length of pipe, and other component must be marked—

A. As prescribed in the specification or standard to which it was manufactured; *however*, **except that thermoplastic pipe and fittings made of plastic materials other than polyethylene must be marked in accordance with ASTM D 2513-87** (incorporated by reference in 49 CFR 192.7 and adopted in **subsection (1)(D)**); or

B. To indicate size, material, manufacturer, pressure rating, temperature rating and, as appropriate, type, grade, and model.

2. Surfaces of pipe and components that are subject to stress from internal pressure may not be field die stamped.

3. If any item is marked by die stamping, the die must have blunt or rounded edges that will minimize stress concentrations.

4. Paragraph (2)(E)1. does not apply to items manufactured before November 12, 1970, that meet all of the following:

A. The item is identifiable as to type, manufacturer, and model; and

B. Specifications or standards giving pressure, temperature, and other appropriate criteria for the use of items are readily available.

(F) Transportation of Pipe. (192.65)

1. Railroad. In a pipeline to be operated at a hoop stress of twenty percent (20%) or more of SMYS, an operator may not use pipe having an outer diameter to wall thickness ratio of seventy to one (70:1) or more that is transported by railroad unless/—

A. T/the transportation is performed in accordance with API [*Recommended Practice*] **RP 5L1** (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)); *and*.

[B. In the case of pipe transported before November 12, 1970, the pipe is tested in accordance with section (10) to at least one and one-fourth (1.25) times the maximum allowable operating pressure if it is to be installed in a Class 1 location and to at least one and one-half (1.5) times the maximum allowable operating pressure if it is to be installed in a Class 2, 3, or 4 location. Notwithstanding any shorter time period permitted under section (10), the test pressure must be maintained for at least eight (8) hours.]

2. Ship or barge. In a pipeline to be operated at a hoop stress of twenty percent (20%) or more of SMYS, an operator may not use

pipe having an outer diameter to wall thickness ratio of seventy to one (70:1) or more that is transported by ship or barge on both inland and marine waterways unless the transportation is performed in accordance with API [Recommended Practice] RP 5LW (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)).

3. Truck. In a pipeline to be operated at a hoop stress of twenty percent (20%) or more of SMYS, an operator may not use pipe having an outer diameter to wall thickness ratio of seventy to one (70:1) or more that is transported by truck unless the transportation is performed in accordance with API RP 5LT (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)).

(4) Design of Pipeline Components.

(D) Valves. (192.145)

1. Except for cast iron and plastic valves, each valve must meet the minimum requirements of [API] ANSI/API Specification 6D (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)), or to a national or international standard that provides an equivalent performance level. A valve may not be used under operating conditions that exceed the applicable pressure-temperature ratings contained in those requirements.

2. Each cast iron and plastic valve must comply with the following:

A. The valve must have a maximum service pressure rating for temperatures that equal or exceed the maximum service temperature; and

B. The valve must be tested as part of the manufacturing, as follows:

(I) With the valve in the fully open position, the shell must be tested with no leakage to a pressure at least one and one-half (1.5) times the maximum service rating;

(II) After the shell test, the seat must be tested to a pressure not less than one and one-half (1.5) times the maximum service pressure rating. Except for swing check valves, test pressure during the seat test must be applied successively on each side of the closed valve with the opposite side open. No visible leakage is permitted; and

(III) After the last pressure test is completed, the valve must be operated through its full travel to demonstrate freedom from interference.

3. Each valve must be able to meet the anticipated operating conditions.

4. No valve having shell (body, bonnet, cover, and/or end flange) components made of ductile iron may be used at pressures exceeding eighty percent (80%) of the pressure ratings for comparable steel valves at their listed temperature. However, a valve having shell components made of ductile iron may be used at pressures up to eighty percent (80%) of the pressure ratings for comparable steel valves at their listed temperature, if —

A. The temperature-adjusted service pressure does not exceed 1,000 psi (7 MPa) gauge; and

B. Welding is not used on any ductile iron component in the fabrication of the valve shells or their assembly.

5. No valve having shell (body, bonnet, cover, and/or end flange) components made of cast iron, malleable iron, or ductile iron may be used in the gas pipe components of compressor stations.

(E) Flanges and Flange Accessories. (192.147)

1. Each flange or flange accessory (other than cast iron) must meet the minimum requirements of [ASME/ANSI 6.5, MSS SP-44] ASME/ANSI B16.5 and MSS SP-44 (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)), or the equivalent.

2. Each flange assembly must be able to withstand the maximum pressure at which the pipeline is to be operated and to maintain its physical and chemical properties at any temperature to which it is anticipated that it might be subjected in service.

3. Each flange on a flanged joint in cast iron pipe must conform

in dimensions, drilling, face, and gasket design to ASME/ANSI B16.1 (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)) and be cast integrally with the pipe, valve, or fitting.

(H) Components Fabricated by Welding. (192.153)

1. Except for branch connections and assemblies of standard pipe and fittings joined by circumferential welds, the design pressure of each component fabricated by welding, whose strength cannot be determined, must be established in accordance with paragraph UG-101 [of section VIII-Division 1,] of the ASME Boiler and Pressure Vessel Code (Section VIII, Division 1) (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)).

2. Each prefabricated unit that uses plate and longitudinal seams must be designated, constructed, and tested in accordance with [section I, section VIII-Division 1, or section VIII-Division 2] section 1 of the ASME Boiler and Pressure Vessel Code (Section VIII, Division 1 or 2) (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)), except for the following:

A. Regularly manufactured butt-welding fittings;

B. Pipe that has been produced and tested under a specification listed in Appendix B to this rule;

C. Partial assemblies such as split rings or collars; and

D. Prefabricated units that the manufacturer certifies have been tested to at least twice the maximum pressure to which they will be subjected under the anticipated operating conditions.

3. Orange-peel bull plugs and orange-peel swages may not be used on pipelines that are to operate at a hoop stress of twenty percent (20%) or more of the SMYS of the pipe.

4. Except for flat closures designed in accordance with [section VIII of] the ASME Boiler and Pressure Vessel Code (Section VIII, Division 1 or 2) (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)), flat closures and fish tails may not be used on pipe that either operates at 100 psi (689 kPa) gauge or more, or is more than three inches (3") (76 millimeters) nominal diameter.

5. A component having a design pressure established in accordance with paragraph (4)(H)1. or 2. and subject to the strength testing requirements of paragraph (10)(C)2. must be tested to at least one and one-half (1.5) times the MAOP.

(M) Compressor Stations—Design and Construction. (192.163)

1. Location of compressor building. Except for a compressor building on a platform located in inland navigable waters, each main compressor building of a compressor station must be located on property under the control of the operator. It must be far enough away from adjacent property not under control of the operator to minimize the possibility of fire being communicated to the compressor building from structures on adjacent property. There must be enough open space around the main compressor building to allow the free movement of firefighting equipment.

2. Building construction. Each building on a compressor station site must be made of noncombustible materials if it contains either—

A. Pipe more than two inches (2") (51 millimeters) in diameter that is carrying gas under pressure; or

B. Gas handling equipment other than gas utilization equipment used for domestic purposes.

3. Exits. Each operating floor of a main compressor building must have at least two (2) separated and unobstructed exits located so as to provide a convenient possibility of escape and an unobstructed passage to a place of safety. Each door latch on an exit must be of a type which can be readily opened from the inside without a key. Each swinging door located in an exterior wall must be mounted to swing outward.

4. Fenced areas. Each fence around a compressor station must have at least two (2) gates located so as to provide a convenient opportunity for escape to a place of safety or have other facilities affording a similarly convenient exit from the area. Each gate located within two hundred feet (200') (61 meters) of any compressor plant building must open outward and, when occupied, must be openable

from the inside without a key.

5. Electrical facilities. Electrical equipment and wiring installed in compressor stations must conform to *[the National Electrical Code, ANSI/NFPA 70] NFPA-70 (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D))*, so far as that code is applicable.

(N) Compressor Stations—Liquid Removal. (192.165)

1. Where entrained vapors in gas may liquefy under the anticipated pressure and temperature conditions, the compressor must be protected against the introduction of liquids in quantities that could cause damage.

2. Each liquid separator used to remove entrained liquids at a compressor station must—

A. Have a manually operable means of removing these liquids;

B. Where slugs of liquid could be carried into the compressors, have either automatic liquid removal facilities, an automatic compressor shutdown device, or a high liquid level alarm; and

C. Be manufactured in accordance with section VIII of the *ASME Boiler and Pressure Vessel Code (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D))* and the additional requirements of paragraph (4)(H)5., except that liquid separators constructed of pipe and fittings without internal welding must be fabricated with a design factor of 0.4 or less.

(T) Additional Provisions for Bottle-Type Holders. (192.177)

1. Each bottle-type holder must be—

A. Located on a site entirely surrounded by fencing that prevents access by unauthorized persons and with minimum clearance from the fence as follows:

| Maximum Allowable Operating Pressure | Minimum Clearance feet (meters) |
|--------------------------------------|---------------------------------|
| Less than 1000 psi (7 MPa) gauge | 25 (7.6) |
| 1000 psi (7 MPa) gauge or more | 100 (31) |

B. Designed using the design factors set forth in subsection (3)(F) (192.111); and

C. Buried with a minimum cover in accordance with subsection (7)(N). (192.327)

2. Each bottle-type holder manufactured from steel that is not weldable under field conditions must comply with the following:

A. A bottle-type holder made from alloy steel must meet the chemical and tensile requirements for the various grades of steel in ASTM *[A 372/A 372M] A372/A372M (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D))*;

B. The actual yield-tensile ratio of the steel may not exceed 0.85;

C. Welding may not be performed on the holder after it has been heat-treated or stress-relieved, except that copper wires may be attached to the small diameter portion of the bottle end closure for cathodic protection if a localized Thermit welding process is used;

D. The holder must be given a mill hydrostatic test at a pressure that produces a hoop stress at least equal to eighty-five percent (85%) of the SMYS; and

E. The holder, connection pipe, and components must be leak tested after installation as required by section (10).

(Z) Vaults—Drainage and Waterproofing. (192.189)

1. Each vault must be designed so as to minimize the entrance of water.

2. A vault containing gas piping may not be connected by means of a drain connection to any other underground structure.

3. All electrical equipment in vaults must conform to the applicable requirements of Class 1, Group D, of the *National Electrical Code, [ANSI/NFPA 70] NFPA-70 (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D))*.

(AA) Design Pressure of Plastic Fittings. (192.191) Thermoplastic fittings for plastic pipe must conform to ASTM D2513-99 (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)) for plastic materials other than polyethylene or ASTM D2513-09A (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)) for polyethylene plastic materials.

(5) Welding of Steel in Pipelines.

(C) Welding Procedures. (192.225)

1. Welding must be performed by a qualified welder in accordance with welding procedures qualified under section 5, **section 12, or Appendix A** of API Standard 1104 (incorporated by reference in 49 CFR 192.7 and adopted in **subsection (1)(D)**) or section IX of the *ASME Boiler and Pressure Vessel Code [“Welding and Brazing Qualifications”]* (incorporated by reference in 49 CFR 192.7 and adopted in **subsection (1)(D)**) to produce welds meeting the requirements of section (5) of this rule. *[A welding procedure qualified under an earlier edition of a standard listed in 49 CFR 192.7 (see (1)(D)) may continue to be used, but may not be requalified under the earlier edition.]* The quality of the test welds used to qualify welding procedures *[shall] must* be determined by destructive testing in accordance with the *[applicable welding standard] referenced welding standard(s)*.

2. Each welding procedure must be recorded in detail, including the results of the qualifying tests. This record must be retained and followed whenever the procedure is used.

(D) Qualification of Welders and Welding Operators. (192.227)

1. Except as provided in paragraph (5)(D)2., each welder or welding operator must be qualified in accordance with section 6, **section 12, or Appendix A** of API Standard 1104 (incorporated by reference in 49 CFR 192.7 and adopted in **subsection (1)(D)**) or section IX of the *ASME Boiler and Pressure Vessel Code* (incorporated by reference in 49 CFR 192.7 and adopted in **subsection (1)(D)**). However, a welder qualified under an earlier edition of a standard than listed in 49 CFR 192.7 (see **subsection (1)(D)**) may weld but may not requalify under that earlier edition.

2. A welder may qualify to perform welding on pipe to be operated at a pressure that produces a hoop stress of less than twenty percent (20%) of SMYS by performing an acceptable test weld, for the process to be used, *[meeting at a minimum] under* the test set forth in subsection I. of Appendix C, which is included herein (at the end of this rule). Each welder who is to make a welded service line connection to a main must first perform an acceptable test weld under subsection II. of Appendix C as a requirement of the qualifying test.

(E) Limitations on Welders and Welding Operators. (192.229)

1. No welder or welding operator whose qualification is based on nondestructive testing may weld compressor station pipe and components.

2. *[No welder may] A welder or welding operator may not* weld with a particular welding process unless, within the preceding six (6) calendar months, *[s/he has welded] the welder or welding operator was engaged in welding* with that process.

3. A welder or welding operator qualified under paragraph (5)(D)1. (192.227[a])—

A. May not weld on pipe to be operated at a pressure that produces a hoop stress of twenty percent (20%) or more of SMYS unless within the preceding six (6) calendar months the welder or welding operator has had one (1) weld tested and found acceptable under *[the sections 6 or 9] section 6, section 9, section 12, or Appendix A* of API Standard 1104 (incorporated by reference in 49 CFR 192.7 and adopted in **subsection (1)(D)**). Alternatively, welders or welding operators may maintain an ongoing qualification status by performing welds tested and found acceptable under the above acceptance criteria at least twice each calendar year, but at intervals not exceeding seven and one-half (7 1/2) months. A welder or welding operator qualified under an earlier edition of a standard listed in 49 CFR 192.7 (see **subsection (1)(D)**) may weld, but may

not requalify under that earlier edition; and

B. May not weld on pipe to be operated at a pressure that produces a hoop stress of less than twenty percent (20%) of SMYS unless the welder **or welding operator** is tested in accordance with subparagraph (5)(E)3.A. or requalifies under subparagraph (5)(E)4.A. or B.

4. A welder **or welding operator** qualified under paragraph (5)(D)2. may not weld unless—

A. Within the preceding fifteen (15) calendar months, but at least once each calendar year, the welder **or welding operator** has requalified under paragraph (5)(D)2.; or

B. Within the preceding seven and one-half (7 1/2) calendar months, but at least twice each calendar year, the welder **or welding operator** has had—

(I) A production weld cut out, tested, and found acceptable in accordance with the qualifying test; or

(II) For *[welders who work]* a welder who works only on service lines two inches (2") (51 millimeters) or smaller in diameter, two (2) sample welds tested and found acceptable in accordance with the test in subsection III. of Appendix C to this rule.

(I) Inspection and Test of Welds. (192.241)

1. Visual inspection of welding must be conducted by an individual qualified by appropriate training and experience to ensure that—

A. The welding is performed in accordance with the welding procedure; and

B. The weld is acceptable under paragraph (5)(I)3.

2. The welds on a pipeline to be operated at a pressure that produces a hoop stress of twenty percent (20%) or more of SMYS must be nondestructively tested in accordance with subsection (5)(J), except that welds that are visually inspected and approved by a qualified welding inspector need not be nondestructively tested if—

A. The pipe has a nominal diameter of less than six inches (6") (152 millimeters); or

B. The pipeline is to be operated at a pressure that produces a hoop stress of less than forty percent (40%) of SMYS and the welds are so limited in number that nondestructive testing is impractical.

3. The acceptability of a weld that is nondestructively tested or visually inspected is determined according to the standards in section 9 **or Appendix A** of API Standard 1104 (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)). *[However, if a girth weld is unacceptable under those standards for a reason other than a crack, and if Appendix A to API Standard 1104 applies to the weld, the acceptability of the weld may be further determined under that Appendix]* **Appendix A of API Standard 1104 may not be used to accept cracks.**

(J) Nondestructive Testing. (192.243)

1. Nondestructive testing of welds must be performed by any process, other than trepanning, that will clearly indicate the defects that may affect the integrity of the weld.

2. Nondestructive testing of welds must be performed—

A. In accordance with written procedures; and

B. By persons who have been trained and qualified in the established procedures and with the equipment employed in testing.

3. Procedures must be established for the proper interpretation of each nondestructive test of a weld to ensure the acceptability of the weld under paragraph (5)(I)3. (192.241[c]).

4. When nondestructive testing is required under paragraph (5)(I)2. (192.241[b]), the following percentages of each day's field butt welds, selected at random by the operator, must be nondestructively tested over their entire circumference:

A. In Class 1 locations, at least ten percent (10%);

B. In Class 2 locations, at least fifteen percent (15%);

C. In Class 3 and Class 4 locations, at crossings of major or navigable rivers and within railroad or public highway rights-of-way, including tunnels, bridges, and overhead road crossings, one hundred percent (100%) unless impracticable, in which case at least ninety percent (90%). Nondestructive testing must be impracticable for

each girth weld not tested; and

D. At pipeline tie-ins, including tie-ins of replacement sections, one hundred percent (100%).

5. Except for a welder **or welding operator** whose work is isolated from the principal welding activity, a sample of each *[welder's]* welder **or welding operator's** work for each day must be nondestructively tested, when that testing is required under paragraph (5)(I)2. (192.241[b]).

6. When nondestructive testing is required under paragraph (5)(I)2. (192.241[b]), each operator must retain, for the life of the pipeline, a record showing, by milepost, engineering station, or by geographic feature, the number of girth welds made, the number nondestructively tested, the number rejected and the disposition of the rejects.

(6) Joining of Materials Other Than by Welding.

(G) Plastic Pipe—Qualifying Joining Procedures. (192.283)

1. Heat fusion, solvent cement, and adhesive joints. Before any written procedure established under paragraph (6)(B)2. is used for making plastic pipe joints by a heat fusion, solvent cement, or adhesive method, the procedure must be qualified by subjecting specimen joints made according to the procedure to the following tests:

A. The burst test requirements of—

(I) In the case of thermoplastic pipe, paragraph 6.6 (Sustained Pressure Test) or paragraph 6.7 (Minimum Hydrostatic Burst Pressure) or paragraph 8.9 (Sustained Static Pressure Test) of ASTM D2513-99 (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)) **for plastic materials other than polyethylene or ASTM D2513-09A (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)) for polyethylene plastic materials;**

(II) *(Reserved)*; or

(III) In the case of electrofusion fittings for polyethylene pipe and tubing, paragraph 9.1 (Minimum Hydraulic Burst Pressure Test), paragraph 9.2 (Sustained Pressure Test), paragraph 9.3 (Tensile Strength Test), or paragraph 9.4 (Joint Integrity Tests) of ASTM *[Designation]* F1055 (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D));

B. For procedures intended for lateral pipe connections, subject a specimen joint made from pipe sections joined at right angles according to the procedure to a force on the lateral pipe until failure occurs in the specimen. If failure initiates outside the joint area, the procedure qualifies for use; and

C. For procedures intended for nonlateral pipe connections, follow the tensile test requirements of ASTM D638 (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)), except that the test may be conducted at ambient temperature and humidity. If the specimen elongates no less than twenty-five percent (25%) or failure initiates outside the joint area, the procedure qualifies for use.

2. Mechanical joints. Before any written procedure established under paragraph (6)(B)2. is used for making mechanical plastic pipe joints that are designed to withstand tensile forces, the procedure must be qualified by subjecting five (5) specimen joints made according to the procedure to the following tensile test:

A. Use an apparatus for the test as specified in ASTM D638 (except for conditioning), (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D));

B. The specimen must be of such length that the distance between the grips of the apparatus and the end of the stiffener does not affect the joint strength;

C. The speed of testing is 0.20 inches (5.0 mm) per minute, plus or minus twenty-five percent (25%);

D. Pipe specimens less than four inches (4") (102 mm) in diameter are qualified if the pipe yields to an elongation of no less than twenty-five percent (25%) or failure initiates outside the joint area;

E. Pipe specimens four inches (4") (102 mm) and larger in diameter shall be pulled until the pipe is subjected to a tensile stress

equal to or greater than the maximum thermal stress that would be produced by a temperature change of 100°F (38°C) or until the pipe is pulled from the fitting. If the pipe pulls from the fitting, the lowest value of the five (5) test results or the manufacturer’s rating, whichever is lower, must be used in the design calculations for stress;

F. Each specimen that fails at the grips must be retested using new pipe; and

G. Results obtained pertain only to the specific outside diameter and material of the pipe tested, except that testing of a heavier wall pipe may be used to qualify pipe of the same material but with a lesser wall thickness.

3. A copy of each written procedure being used for joining plastic pipe must be available to the persons making and inspecting joints.

4. Pipe or fittings manufactured before July 1, 1980 may be used in accordance with procedures that the manufacturer certifies will produce a joint as strong as the pipe.

(H) Plastic Pipe—Qualifying Persons to Make Joints. (192.285)

1. No person may make a plastic pipe joint unless that person has been qualified under the applicable joining procedure by—

A. Appropriate training or experience in the use of the procedure; and

B. Making a specimen joint from pipe sections joined according to the procedure that passes the inspection and test set forth in paragraph (6)(H)2.

2. The specimen joint must be—

A. Visually examined during and after assembly or joining and found to have the same appearance as a joint or photographs of a joint that is acceptable under the procedure; and

B. In the case of a heat fusion, solvent cement, or adhesive joint—

(I) Tested under any one (1) of the test methods listed under paragraph (6)(G)1. (192.283[a]) applicable to the type of joint and material being tested;

(II) Examined by ultrasonic inspection and found not to contain flaws that would cause failure; or

(III) Cut into at least three (3) longitudinal straps, each of which is—

(a) Visually examined and found not to contain voids or discontinuities on the cut surfaces of the joint area; and

(b) Deformed by bending, torque, or impact and, if failure occurs, it must not initiate in the joint area.

3. A person must be requalified under an applicable procedure *if during any twelve- (12-) month period that person—*

A. *Does not make any joints under that procedure; or*

B. *Has three (3) joints or three percent (3%) of the joints made, whichever is greater, under that procedure that are/ once each calendar year at intervals not exceeding fifteen (15) months, or after any production joint is found unacceptable by testing under subsection (10)(G). (192.513)*

4. Each operator shall establish a method to determine that each person making joints in plastic pipelines in the operator’s system is qualified in accordance with this subsection.

(9) Requirements for Corrosion Control.

(S) Remedial Measures—Transmission Lines. (192.485)

1. General corrosion. Each segment of transmission line with general corrosion and with a remaining wall thickness less than that required for the maximum allowable operating pressure of the pipeline must be replaced or the operating pressure reduced commensurate with the strength of the pipe based on actual remaining wall thickness. However, corroded pipe may be repaired by a method that reliable engineering test and analysis show can permanently restore the serviceability of the pipe. Corrosion pitting so closely grouped as to affect the overall strength of the pipe is considered general corrosion for the purpose of this paragraph.

2. Localized corrosion pitting. Each segment of transmission line pipe with localized corrosion pitting to a degree where leakage

might result must be replaced or repaired, or the operating pressure must be reduced commensurate with the strength of the pipe, based on the actual remaining wall thickness in the pits.

3. Under paragraphs (9)(S)1. and (9)(S)2., the strength of pipe based on actual remaining wall thickness may be determined by the procedure in ASME/ANSI B31G (**incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)**) or the procedure in *[AGA Pipeline Research Committee Project PR 3-805 (with RSTRENG disk)] PRCI PR-3-805 (R-STRENG) (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D))*. Both procedures apply to corroded regions that do not penetrate the pipe wall, subject to the limitations prescribed in the procedures.

(10) Test Requirements.

(B) General Requirements. (192.503)

1. No person may operate a new segment of pipeline, or return to service a segment of pipeline that has been relocated or replaced, until—

A. It has been tested in accordance with this section and subsection (12)(M) (192.619) to substantiate the maximum allowable operating pressure; and

B. Each potentially hazardous leak has been located and eliminated.

2. The test medium must be liquid, air, natural gas, or inert gas that is—

A. Compatible with the material of which the pipeline is constructed;

B. Relatively free of sedimentary materials; and

C. Except for natural gas, nonflammable.

3. Except as provided in paragraph (10)(C)1. (192.505[a]), if air, natural gas, or inert gas is used as the test medium, the following maximum hoop stress limitations apply:

| Class Location | Maximum Hoop Stress Allowed as Percentage of SMYS | |
|----------------|---|------------------|
| | Natural Gas | Air or Inert Gas |
| | 1 | 80 |
| 2 | 30 | 75 |
| 3 | 30 | 50 |
| 4 | 30 | 40 |

4. Each connection used to tie-in a test segment of pipeline is excepted from the specific test requirements of this section, but it must be leak tested at not less than its operating pressure.

5. **If a component other than pipe is the only item being replaced or added to a pipeline, a strength test after installation is not required, if the manufacturer of the component certifies that—**

A. The component was tested to at least the pressure required for the pipeline to which it is being added;

B. The component was manufactured under a quality control system that ensures that each item manufactured is at least equal in strength to a prototype and that the prototype was tested to at least the pressure required for the pipeline to which it is being added; or

C. The component carries a pressure rating established through applicable ASME/ANSI specifications, Manufacturers Standardization Society of the Valve and Fittings Industry, Inc. (MSS) specifications, or by unit strength calculations as described in subsection (4)(B).

(C) Strength Test Requirements for Steel Pipeline to Operate at a Hoop Stress of Thirty Percent (30%) or More of SMYS. (192.505)

1. Except for service lines, each segment of a steel pipeline that is to operate at a hoop stress of thirty percent (30%) or more of SMYS must be strength tested in accordance with this subsection to substantiate the proposed maximum allowable operating pressure. In

addition, in a Class 1 or Class 2 location, if there is a building intended for human occupancy within three hundred feet (300') (91 meters) of a pipeline, a hydrostatic test must be conducted to a test pressure of at least one hundred twenty-five percent (125%) of maximum operating pressure on that segment of the pipeline within three hundred feet (300') (91 meters) of such a building, but in no event may the test section be less than six hundred feet (600') (183 meters) unless the length of the newly installed or relocated pipe is less than six hundred feet (600') (183 meters). However, if the buildings are evacuated while the hoop stress exceeds fifty percent (50%) of SMYS, air or inert gas may be used as the test medium.

2. In a Class 1 or Class 2 location, each compressor station, regulator station, and measuring station must be tested to at least Class 3 location test requirements.

3. Except as provided in paragraph [(10)(C)5.] (10)(C)4., the strength test must be conducted by maintaining the pressure at or above the test pressure for at least eight (8) hours.

[4. If a component other than pipe is the only item being replaced or added to a pipeline, a strength test after installation is not required, if the manufacturer of the component certifies that—

A. The component was tested to at least the pressure required for the pipeline to which it is being added;

B. The component was manufactured under a quality control system that ensures that each item manufactured is at least equal in strength to a prototype and that the prototype was tested to at least the pressure required for the pipeline to which it is being added; or

C. The component carries a pressure rating established through applicable ASME/ANSI, MSS specifications, or by unit strength calculations as described in subsection (4)(B).]

[5.]4. For fabricated units and short sections of pipe, for which a post-installation test is impractical, a pre-installation strength test must be conducted by maintaining the pressure at or above the test pressure for at least four (4) hours.

(13) Maintenance.

(M) Distribution Systems—Leakage Surveys. (192.723)

1. Each operator of a distribution line or system shall conduct periodic instrument leakage surveys in accordance with this subsection.

2. The type and scope of the leakage control program must be determined by the nature of the operations and the local conditions but it must meet the following minimum requirements:

A. An instrument leak detection survey must be conducted in business districts, including tests of the atmosphere in gas, electric, telephone, sewer, and water system manholes, at cracks in pavement and sidewalks and at other locations providing an opportunity for finding gas leaks, at intervals not exceeding fifteen (15) months but at least once each calendar year;

B. Except as provided for in subparagraph (13)(M)2.C., instrument leak detection surveys must be conducted outside of business districts as frequently as necessary, but at intervals not exceeding—

(I) Fifteen (15) months, but at least once each calendar year, for unprotected steel pipelines and unprotected steel yard lines;

(II) Thirty-nine (39) months, but at least once each third calendar year, for all other pipelines and yard lines; and

(III) Thirty-nine (39) months, but at least once each third calendar year, for buried fuel lines operating above low pressure [at residential, small commercial, and public buildings, and for all buried fuel lines at institutional buildings, such as hospitals and schools], except for buried fuel lines to large commercial/industrial customers that are notified in accordance with paragraph (13)(M)3. Instrument leak detection surveys of buried fuel lines may be conducted around a portion of the perimeter of the building. This perimeter-type survey shall be conducted along the

side of the building nearest the meter location (or the fuel line entrances in the case of multiple buildings) and along the closest adjacent side; and

C. For yard lines and buried fuel lines that are required to be leak surveyed under subparagraph (13)(M)2.B., but are located within high security areas such as prisons, notifications to the customer as described in paragraph (13)(M)3. may be conducted instead of a leak survey.

3. The operator must notify large commercial/industrial customers with buried fuel lines operating above low pressure at one (1) or more buildings, that are not leak surveyed in accordance with part (13)(M)2.B.(III), that maintenance is the customer's responsibility and leak surveys should be conducted. Notification must be provided once each third calendar year, at intervals not exceeding thirty-nine (39) months.

4. Record keeping requirements for leak surveys and notifications are contained in subsection (13)(F).

(Q) Compressor Stations—Storage of Combustible Materials and Gas Detection. (192.735 and 192.736)

1. Flammable or combustible materials in quantities beyond those required for everyday use, or other than those normally used in compressor buildings, must be stored a safe distance from the compressor building.

2. Aboveground oil or gasoline storage tanks must be protected in accordance with [the Flammable and Combustible Liquids Code, ANSI/NFPA 30] NFPA-30 (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)).

3. Not later than September 16, 1996, each compressor building in a compressor station must have a fixed gas detection and alarm system, unless the building is—

A. Constructed so that at least fifty percent (50%) of its upright side area is permanently open; or

B. Located in an unattended field compressor station of one thousand (1,000) horsepower (746 kW) or less.

4. Except when shutdown of the system is necessary for maintenance under paragraph (13)(Q)5., each gas detection and alarm system required by this subsection must—

A. Continuously monitor the compressor building for a concentration of gas in air of not more than twenty-five percent (25%) of the lower explosive limit; and

B. If gas at that concentration is detected, warn persons about to enter the building and persons inside the building of the danger.

5. Each gas detection and alarm system required by this subsection must be maintained to function properly. The maintenance must include performance tests.

(16) Pipeline Integrity Management for Transmission Lines.

(A) As set forth in the Code of Federal Regulations (CFR) dated October 1, [2011] 2015, the federal regulations in 49 CFR part 192, subpart O and in 49 CFR part 192, appendix E are incorporated by reference and made a part of this rule. This rule does not incorporate any subsequent amendments to subpart O and appendix E to 49 CFR part 192.

(B) The Code of Federal Regulations and the Federal Register are published by the Office of the Federal Register, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001. The October 1, [2011] 2015 version of 49 CFR part 192 is available at www.gpo.gov/fdsys/search/showcitation.action.

Appendix B to 4 CSR 240-40.030 Appendix B—Qualification of Pipe

I. Listed Pipe Specifications.

[API 5L] ANSI/API Specification 5L—Steel pipe, “API Specification for Line Pipe” (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)).

ASTM [A 53/A53M] A53/A53M—Steel pipe, “Standard Specification for Pipe, Steel Black and Hot-Dipped, Zinc-Coated, Welded and Seamless” (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)).

ASTM [A 106] A106/A106M—Steel pipe, “Standard Specification for Seamless Carbon Steel Pipe for High Temperature Service” (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)).

ASTM [A 333/A333M] A333/A333M—Steel pipe, “Standard Specification for Seamless and Welded Steel Pipe for Low Temperature Service” (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)).

ASTM [A 381] A381—Steel pipe, “Standard Specification for Metal-Arc-Welded Steel Pipe for Use with High-Pressure Transmission Systems” (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)).

ASTM [A 671] A671/A671M—Steel pipe, “Standard Specification for Electric-Fusion-Welded Pipe for Atmospheric and Lower Temperatures” (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)).

ASTM [A 672] A672/A672M—Steel pipe, “Standard Specification for Electric-Fusion-Welded Steel Pipe for High-Pressure Service at Moderate Temperatures” (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)).

ASTM [A 691] A691/A691M—Steel pipe, “Standard Specification for Carbon and Alloy Steel Pipe, Electric-Fusion-Welded for High-Pressure Service at High Temperatures” (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)).

ASTM [D 2513-99—*Thermoplastic pipe and tubing*] D2513-99, “Standard Specification for Thermoplastic Gas Pressure Pipe, Tubing, and Fittings” (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)).

ASTM D2513-09a—Polyethylene thermoplastic pipe and tubing, “Standard Specification for Polyethylene (PE) Gas Pressure Pipe, Tubing, and Fittings” (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)).

II. Steel pipe of unknown or unlisted specification.

A. Bending properties. For pipe two inches (2") (51 millimeters) or less in diameter, a length of pipe must be cold bent through at least ninety degrees (90°) around a cylindrical mandrel that has a diameter twelve (12) times the diameter of the pipe, without developing cracks at any portion and without opening the longitudinal weld. For pipe more than two inches (2") (51 millimeters) in diameter, the pipe must meet the requirements of the flattening tests set forth in ASTM [A53] A53/A53M (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)), except that the number of tests must be at least equal to the minimum required in paragraph II.D. of this appendix to determine yield strength.

B. Weldability. A girth weld must be made in the pipe by a welder who is qualified under section (5) of 4 CSR 240-40.030. The weld must be made under the most severe conditions under which welding will be allowed in the field and by means of the same procedure that will be used in the field. On pipe more than four inches (4") (102 millimeters) in diameter, at least one (1) test weld must be made for each one hundred (100) lengths of pipe. On pipe four inches (4") (102 millimeters) or less in diameter, at least one (1) test weld must be made for each four hundred (400) lengths of pipe. The weld must be tested in accordance with API Standard 1104 (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)). If the requirements of API Standard 1104 cannot be met, weldability

may be established by making chemical tests for carbon and manganese, and proceeding in accordance with section IX of the ASME Boiler and Pressure Vessel Code (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)). The same number of chemical tests must be made as are required for testing a girth weld.

C. Inspection. The pipe must be clean enough to permit adequate inspection. It must be visually inspected to ensure that it is reasonably round and straight and there are no defects which might impair the strength or tightness of the pipe.

D. Tensile properties. If the tensile properties of the pipe are not known, the minimum yield strength may be taken as twenty-four thousand (24,000) psi (165 MPa) or less, or the tensile properties may be established by performing tensile tests as set forth in API Specification 5L (incorporated by reference in 49 CFR 192.7 and adopted in subsection (1)(D)). All test specimens shall be selected at random and the following number of tests must be performed:

Number of Tensile Tests—All Sizes

| | |
|--------------------|---|
| 10 lengths or less | 1 set of tests for each length. |
| 11 to 100 lengths | 1 set of tests for each 5 lengths, but not less than 10 tests. |
| Over 100 lengths | 1 set of tests for each 10 lengths, but not less than 20 tests. |

If the yield-tensile ratio, based on the properties determined by those tests, exceeds 0.85, the pipe may be used only as provided in paragraph (2)(C)3. of 4 CSR 240-40.030. (192.55[c])

III. Steel pipe manufactured before November 12, 1970 to earlier editions of listed specifications. Steel pipe manufactured before November 12, 1970, in accordance with a specification of which a later edition is listed in section I. of this appendix, is qualified for use under this rule if the following requirements are met:

A. Inspection. The pipe must be clean enough to permit adequate inspection. It must be visually inspected to ensure that it is reasonably round and straight and that there are no defects which might impair the strength or tightness of the pipe; and

B. Similarity of specification requirements. The edition of the listed specification under which the pipe was manufactured must have substantially the same requirements with respect to the following properties as a later edition of that specification listed in section I. of this appendix:

1) Physical (mechanical) properties of pipe, including yield and tensile strength, elongation and yield to tensile ratio, and testing requirements to verify those properties; and

2) Chemical properties of pipe and testing requirements to verify those properties.

C. Inspection or test of welded pipe. On pipe with welded seams, one (1) of the following requirements must be met:

1) The edition of the listed specification to which the pipe was manufactured must have substantially the same requirements with respect to nondestructive inspection of welded seams and the standards for acceptance or rejection and repair as a later edition of the specification listed in section I. of this appendix; or

2) The pipe must be tested in accordance with section (10) of 4 CSR 240-40.030 to at least one and one-fourth (1.25) times the maximum allowable operating pressure if it is to be installed in a Class 1 location and to at least one and one-half (1.5) times the maximum allowable operating pressure if it is to be installed in a Class 2, 3, or 4 location. Notwithstanding any shorter time period permitted under section (10) of 4 CSR 240-40.030, the test pressure must be maintained for at least eight (8) hours.

Appendix E to 4 CSR 240-40.030

Appendix EM—Table of Contents—Safety Standards—Transportation of Gas by Pipeline.

4 CSR 240-40.030(5) Welding of Steel in Pipelines

- (D) Qualification of Welders and Welding Operators. (192.227)
- (E) Limitations on Welders and Welding Operators. (192.229)

AUTHORITY: sections 386.250, 386.310, and 393.140, RSMo [2000] 2016. Original rule filed Feb. 23, 1968, effective March 14, 1968. For intervening history, please consult the Code of State Regulations. Amended: Filed Nov. 14, 2016.

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

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

NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Morris L. Woodruff, 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 17, 2017, and should include reference to Commission Case No. GX-2016-0263. 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, 2017, at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.

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 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 40—Gas Utilities and Gas Safety Standards**

PROPOSED AMENDMENT

4 CSR 240-40.080 Drug and Alcohol Testing. The commission is amending sections (1), (4), and (5) of this rule.

PURPOSE: This amendment proposes to amend the rule to conform to amendments of 49 CFR parts 40 and 199.

(1) As set forth in the *Code of Federal Regulations* (CFR) dated October 1, [2011] 2015, 49 CFR parts 40 and 199 are incorporated by reference and made a part of this rule. This rule does not incorporate any subsequent amendments to 49 CFR parts 40 and 199. The *Code of Federal Regulations* is published by the Office of the Federal Register, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001. The October 1, [2011] 2015 version of 49 CFR parts 40 and 199 is available at www.gpo.gov/fdsys/search/showcitation.action.

(4) For purposes of this rule, the following substitutions should be made for certain references in the federal pipeline safety regulations adopted by reference in section (2) of this rule:

(A) The references to "state agency" in sections 199.3, 199.101, 199.107, [199.111,] 199.115, 199.117, 199.231, and 199.245 of 49 CFR part 199 should refer to "the commission" instead;

(5) The federal pipeline safety regulations for drug and alcohol testing (49 CFR part 199) adopted in section (2) of this rule contain subparts on general, drug testing, and alcohol misuse prevention program.

(B) The drug testing subpart contains sections on: purpose; anti-drug plan; use of persons who fail or refuse a drug test; drug tests required; drug testing laboratory; review of drug testing results; [retention of samples and additional testing;] employee assistance program; contractor employees; record keeping; and reporting of anti-drug testing results.

AUTHORITY: sections 386.250, 386.310, and 393.140, RSMo [2000] 2016. Original rule filed Nov. 29, 1989, effective April 2, 1990. For intervening history, please consult the Code of State Regulations. Amended: Filed Nov. 14, 2016.

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

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

NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Morris L. Woodruff, 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 17, 2017, and should include reference to Commission Case No. GX-2016-0263. 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, 2017, at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.

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 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 340—Division of Energy
Chapter 4—Wood Energy Credit**

PROPOSED AMENDMENT

4 CSR 340-4.010 Wood Energy Credit. The division is amending section (8).

PURPOSE: This amendment clarifies the processing rules for the Wood Energy Tax Credit to accommodate the budgetary language contained in House Bill 2007 (2016).

(8) For tax credits authorized or issued after July 1, 2015, in no event shall the aggregate tax credit amount authorized[, issued, and redeemable] and issued in a given fiscal year exceed appropriations for that fiscal year.

AUTHORITY: sections 135.300-135.311, [RSMo 2000 and RSMo Supp. 2014, and sections] 536.010, and 536.023.3, RSMo

[Supp. 2013] 2016. This rule originally filed as 10 CSR 140-4.010. Original rule filed Dec. 31, 1991, effective May 14, 1992. For intervening history, please consult the *Code of State Regulations*. Emergency amendment filed Nov. 14, 2016, effective Nov. 24, 2016, expires May 22, 2017. Amended: Filed Nov. 14, 2016.

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

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

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Energy, PO Box 1766, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for 2:00 p.m., January 25, 2017 at the Harry S. Truman Bldg. Rm 750, 301 W. High Street, Jefferson City, MO 65101.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 340—Division of Energy
Chapter 6—Missouri Propane Education and
Research Program**

PROPOSED AMENDMENT

4 CSR 340-6.010 Definitions and General Provisions—Membership. The division is amending sections (2), (5), and (6).

PURPOSE: The purpose of the amendment is to implement the changes to section 414.560, RSMo, from the adoption of Missouri House Bill 1251.

(2) Missouri Propane Education and Research Council.

(A) The director will conduct a referendum [within sixty (60) days of the effective date of this rule] as soon as possible among producers and Missouri retail marketers of propane to authorize the creation of the Missouri Propane Education and Research Council and the levying of an assessment on odorized propane.

1. All persons voting in the referendum shall certify to the director the number of gallons represented by their vote.

2. The referendum will be adopted only after approval by two-thirds (2/3) of the total gallonage of odorized propane voted in the retail marketer class and two-thirds (2/3) of all propane voted in the producer class.

3. Gallonage will be based on the amount of propane sold or produced in the previous calendar year or other representative year as determined by the director.

4. The director shall issue an order establishing the council and call for nominations to the council from qualified industry organizations.

(B) [On the director's own initiative, u]Upon petition of the council or of producers and marketers representing thirty-five percent (35%) of the gallons in each class, the director shall hold a referendum to determine whether the industry favors termination or suspension of the order.

(D) The director may require reports or other documents to support the referendum process [and the nomination process for members of the council].

1. The director shall protect the confidentiality of all documentation provided by industry members.

2. Information regarding propane produced or marketed by persons voting shall be a closed record.

(5) Membership.

(A) The director shall select [all] the initial members of the council from a list of nominees submitted by qualified industry organizations. Subsequent appointments shall be made by the council following a public nomination process. The director shall be notified of such appointments in a timely manner and may reject council appointments by written notice to the council.

(H) At [the beginning of each] least thirty (30) days prior to the fiscal period, the council shall prepare and submit [to the director] for public comment a budget plan including estimated costs of all programs, projects, and contracts and a recommended rate of assessment sufficient to cover those costs. [The director shall approve or recommend changes to the budget after an opportunity for public comment.] The council shall approve or modify the budget following the public comment period, and shall submit the budget to the director. The director may reject the budget plan or modifications by written notice to the council.

(J) The council will maintain minutes, books, and records that reflect all of the acts and transactions of the council and regularly report the information to the director [along with any other information the director may require].

1. The records of the council shall be audited by a certified public accountant at least once each fiscal year and at other times designated by the council.

2. Copies of the audit shall be provided to the director, all members of the council, all qualified industry organizations, and to other members of the industry upon request.

[3. The director shall receive notice of meetings and reports on the activities of the council, and reports on compliance, violations and complaints.]

(K) From assessments collected, the council shall annually reimburse the director for costs incurred in holding the referendum, [making appointments to the council] and other expenses directly related to the council.

(6) Assessments.

(A) The council shall set the initial assessment at no more than one-tenth (1/10) of one cent (1¢) per gallon of odorized propane.

1. Following the first year, assessments shall be sufficient to cover the costs of plans and programs developed by the council and approved [by the director] following public comment.

2. During any given year, the assessment shall not be greater than one-half cent (1/2¢) per gallon of odorized propane.

3. The assessment will not be raised by more than one-tenth (1/10) of one cent (1¢) per gallon of odorized propane annually.

(B) The owner of propane prior to odorization in this state or at the time of import into the state of odorized propane shall be responsible for the payment of the assessment on the volume of propane at the time of import or odorization, whichever is later.

1. Assessments shall be remitted to the council on a monthly basis by the twenty-fifth of the month following the collection.

2. Propane shall not be subject to assessment until odorized.

3. The council may establish an alternative means to collect the assessment if another means is found to be more efficient and effective. The council may establish a late payment charge and rate of interest not to exceed the legal rate for judgments to be imposed on any person who fails to remit to the council any amount due under sections 414.500–414.590, RSMo.

(C) Pending [disbursement] disbursement to a program, plan, or project, the council may invest funds collected through assessments and any other funds received through the following:

1. Obligations of the United States or its agencies;

2. General obligations of any state or its political subdivisions;

3. Any interest-bearing account or certificate of deposit of a bank that is a member of the Federal Reserve System; or

4. Obligations fully guaranteed as to principal and interest by the United States.

[(D) The National Propane Education and Research Council, in conjunction with the United States Secretary of Energy may establish a program coordinating the operation of its

council with the Missouri Propane and Education Council.

1. This may include an assessment rebate, if adopted, of an amount up to twenty-five percent (25%) of the National Propane Education and Research Council assessment collected on Missouri odorized propane as described in section nine of the federal Propane Education and Research Act of 1992.

2. All funds recovered through this rebate shall be the property of the Missouri council and their use shall be determined by the council for purposes outlined by this rule consistent with sections 414.500–414.590, RSMo.]

AUTHORITY: sections 414.500, 414.510, 414.520, 414.530, 414.540, 414.550, **414.560**, 414.570, 414.580, and 414.590, [RSMo 2000, and 414.560, RSMo Supp. 2006] **RSMo 2016**. This rule originally filed as 10 CSR 140-6.010. Original rule filed Feb. 2, 1994, effective July 30, 1994. Amended: Filed March 23, 2007, effective Oct. 30, 2007. Moved to 4 CSR 340-6.010, effective Aug. 28, 2013. Amended: Filed Nov. 15, 2016.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Brenda Wilbers, Department of Economic Development, Division of Energy, PO Box 1766, Jefferson City, MO 65102-1766 or 301 W. High St., Room 720, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY
AND SECONDARY EDUCATION
Division 30—Division of Financial and
Administrative Services
Chapter 261—School Transportation**

PROPOSED AMENDMENT

5 CSR 30-261.025 Minimum Requirements for School Bus Chassis and Body. The State Board of Education is proposing to amend sections (1), (2), and the incorporated by reference material.

PURPOSE: This amendment is a result of a change to the National School Transportation Specifications and Procedures and Federal Motor Vehicle Safety Standards, and a recommendation from the Missouri Minimum Standards for School Buses Committee. The amendment will enhance the safety of schoolchildren being transported in school buses.

(1) The *Missouri Minimum Standards for School Buses* (revised [April 2012] **October 2016**) is hereby incorporated by reference and made a part of this rule as published by the Department of Elementary and Secondary Education, Financial and Administrative Services, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480. This rule does not incorporate any subsequent amendments or additions. The *Missouri Minimum Standards for School Buses* reflects the changing needs of pupil transportation in Missouri, changes in the national specifications for school buses, and federal motor vehicle safety standards. The changes will enhance the safety of schoolchildren being transported in school buses.

(2) The minimum requirements for school bus chassis and body are divided into [five (5)] **four (4)** sections. Each section explains the specifications for the parts of a school bus. Section (1) deals with

general provisions relative to administrative concerns. Section (2) defines the different types of school buses. Section (3) explains the minimum specifications for a school bus **body and chassis**. Section (4) explains the minimum specifications for a school bus [body. Section (5) explains the minimum specifications for a school bus] equipped specifically to transport [handicapped] students **with disabilities**.

AUTHORITY: sections 161.092[, RSMo Supp. 2011,] and [section] 304.060, RSMo [2000] **2016**. This rule was previously filed as 5 CSR 40-261.025. Original rule filed Feb. 23, 1981, effective Oct. 1, 1981. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Nov. 2, 2016.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Elementary and Secondary Education, ATTN: Jennifer Jordan, Coordinator, School Financial and Administrative Services, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 10—Director, Department of Mental Health
Chapter 31—Reimbursement for Services**

PROPOSED AMENDMENT

9 CSR 10-31.016 Determining State of Domicile. The department is adding new sections (3), (4), and (6), amending section (5), and renumbering as necessary.

PURPOSE: This amendment clarifies provisions for determining state of domicile and expands intelligence tests to include those not administered by the Division of Developmental Disabilities.

(3) The domicile of a minor under the age of eighteen (18) and not emancipated shall be that of the parent(s) having physical custody of the minor.

(4) The domicile of a minor under the age of eighteen (18) whose parents are deceased or parental rights have been terminated shall be the state in which a guardian has been appointed for the minor, or the current domicile of the minor's guardian.

[(3)]**(5) A person at or over the age of eighteen (18) is considered incapable of forming his/her own intent to be domiciled in Missouri when—**

[(A) *The person is under age eighteen (18) and not emancipated;*]

[(B)]**(A) The person's Intelligence Quotient (IQ) is forty-nine (49) or less, or has a mental age of seven (7) or less based on [tests administered by the Division of Mental Retardation and Developmental Disabilities] a comprehensive test of intelligence;**

[(C)]**(B) The person is declared legally incapacitated as defined in section 475.010, RSMo; or**

[(D)]**(C) Medical documentation or other documentation acceptable to the department supports a finding that the person is incapable of forming intent to be domiciled in Missouri.**

[(4) *If a person is determined under section (3) of this rule to be incapable of forming intent to be domiciled in Missouri,*

then the state of domicile shall be—

(A) The domicile of the parents of a minor under age eighteen (18) if the minor is not emancipated and parental rights have not been terminated;

(B) The state appointing a guardian for a minor under age eighteen (18) when the parents are deceased or parental rights have been terminated;

(C) The state in which the person is living at the time the person becomes incapable of forming intent when incapacity occurs at or after age eighteen (18); or

(D) The state in which the parents or legal guardian reside when incapacity to form intent of the person aged eighteen (18) and older occurs prior to the person's eighteenth birthday.]

(6) The domicile of a person at or over the age of eighteen (18) who is incapable of forming intent to be domiciled under section (5) of this rule shall be the current domicile of the person's guardian, unless the person has previously established domicile in and continuously resided in the state of Missouri, in which case, domicile shall remain the state of Missouri.

[(5)](7) Domiciliary status shall not be conferred on persons placed in institutions in Missouri by another state.

[(6)](8) Missouri is not the state of domicile when the person—

(A) Removes him/herself and his/her personal effects from Missouri with an intent to establish domicile elsewhere;

(B) Accepts employment, other than on a temporary basis, in another state and does not retain a residence in Missouri;

(C) Accepts public assistance from another state;

(D) Becomes a registered voter in another state;

(E) Renounces Missouri as his/her state of domicile;

(F) Licenses his/her motor vehicle in another state; or

(G) Performs any other act which indicates intent to abandon Missouri as state of domicile.

AUTHORITY: sections 630.050 and 630.120[2]10, RSMo [1986] 2016. Original rule filed Nov. 22, 1983, effective April 15, 1984. Amended: Filed Dec. 4, 1990, effective April 29, 1991. Amended: Filed Nov. 4, 2016.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment by writing to Amber L. Daugherty, Assistant General Counsel, Department of Mental Health, PO Box 687, Jefferson City, MO 65102. To be considered, comments must be delivered by regular mail, express or overnight mail, or by courier within thirty (30) days after publication in the Missouri Register. If to be hand delivered, comments must be brought to the Department of Mental Health at 1706 E. Elm Street, Jefferson City, Missouri. No public hearing is scheduled.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 10—Director, Department of Mental Health
Chapter 31—Reimbursement for Services**

PROPOSED AMENDMENT

9 CSR 10-31.030 Intermediate Care Facility for [the Mentally Retarded] Individuals with Intellectual Disabilities Federal Reimbursement Allowance. The department is amending the pur-

pose and sections (1)–(4).

PURPOSE: This amendment updates the rule to mirror the 2010 federal “Rosa’s Law” (Pub. L. 111-256), which removes the term “mentally retarded” from federal health policy and replaces it with the term “individual with intellectual disabilities.” Additionally, this amendment updates the rule to mirror section 630.006, RSMo Supp. 2014, which replaced the term “mental retardation” with the more current terminology of “intellectual disability.”

PURPOSE: This rule establishes the formula to determine the Federal Reimbursement Allowance for each Intermediate Care Facility for [the Mentally Retarded] Individuals with Intellectual Disabilities (ICF/[MR]IID) operated primarily for the care and treatment of [mental retardation/developmental] individuals with intellectual and developmental disabilities. This rule applies to both private ICF/[MR]IIDs and ICF/[MR]IID facilities operated by the Department of Mental Health and requires these facilities to pay for the privilege of engaging in the business of providing ICF/[MR]IID services to individuals in Missouri.

(1) The following words and terms, as used in this rule, mean:

(A) Base cost report. MO HealthNet cost report for the second prior fiscal year relative to the State Fiscal Year (SFY) for which the assessment is being calculated (For example, the SFY 2009 Federal Reimbursement Allowance (FRA) assessment will be determined using the Intermediate Care Facility for [the Mentally Retarded (ICF/MR)] Individuals with Intellectual Disabilities (ICF/IID) cost report from FY 2007.);

(D) Division. Division of [Mental Retardation/]Developmental Disabilities, Department of Mental Health;

(E) Engaging in the business of providing residential habilitation care. Accepting payment for ICF/[MR]IID services rendered;

(F) Fiscal period. Twelve- (12-)/[-] month reporting period determined by the State Fiscal Year;

(G) Intermediate Care Facility for [the Mentally Retarded (ICF/MR)] Individuals with Intellectual Disabilities (ICF/IID). A private or department facility that admits [persons who are mentally retarded or developmentally disabled] individuals with intellectual and developmental disabilities for residential habilitation and other services pursuant to Chapters 630 and 633, RSMo, and that has been certified to meet the conditions of participation under 42 CFR 483, Subpart I;

(H) Intermediate Care Facility for [the Mentally Retarded] Individuals with Intellectual Disabilities Federal Reimbursement Allowance [(ICF/MRFRA)] ICF/IID FRA. The assessment paid by each ICF/[MR]IID;

(2) Each ICF/[MR]IID operated primarily for the care and treatment of [mental retardation/] individuals with intellectual and developmental disabilities engaging in the business of providing residential habilitation and other services in Missouri shall pay an ICF/[MR]IID FRA. The ICF/[MR]IID FRA shall be calculated by the department as follows:

(A) Beginning on July 1, 2008, and each year thereafter, the ICF/[MR]IID FRA annual assessment shall be five and forty-nine hundredths percent (5.49%) of the ICF/[MR]IID's net revenues determined from the base cost report relative to the State Fiscal Year for which the assessment is being calculated. The cost report shall be trended forward from the second prior year to the current fiscal year by applying the SNF IPI trend factor for each year under the ICF/[MR]IID FRA calculation;

(B) Beginning on October 1, 2011, and each year thereafter, the ICF/[MR]IID FRA annual assessment shall be five and ninety-five hundredths percent (5.95%) of the ICF/[MR]IID's net revenues determined from the base cost report relative to the State Fiscal Year for which the assessment is being calculated. The cost report shall be trended forward from the second prior year to the current fiscal year

by applying the SNF IPI trend factor for each year under the ICF//MR/ID FRA calculation;

(C) The annual assessment shall be divided into twelve (12) equal amounts and collected over the number of months the assessment is effective. The assessment is made payable to the director of the Department of Revenue to be deposited in the state treasury in the ICF//MR/ID FRA Fund;

(D) If the assessment amount determined using the second prior year cost report trended forward for the same year is greater than the actual assessment maximum amount on the current year ICF//MR/ID provider tax revenues in the aggregate, then the department will offset the tax collections for the next year by each provider's pro-rata share of the difference between the amount of the tax as determined in subsection (2)(A) of 9 CSR 10-31.030 and the actual SFY amount determined from the current year ICF//MR/ID cost report;

(E) If an ICF//MR/ID does not have a base cost report, net revenues shall be estimated as follows:

1. Net revenues shall be determined by computation of the ICF//MR/ID's projected annual patient days multiplied by its interim established per diem rate; and

(F) The ICF//MR/ID FRA assessment for ICF//MR/IDs that merge operation under one (1) MO HealthNet provider number shall be determined as follows:

1. The previously determined ICF//MR/ID FRA assessment for each ICF//MR/ID shall be combined under the active MO HealthNet provider number for the remainder of the State Fiscal Year after the division receives official notification of the merger; and

2. The ICF//MR/ID FRA assessment for subsequent fiscal years shall be based on the combined data for both facilities.

(3) The department shall prepare a notification schedule of the information from each ICF//MR/ID's second prior year cost report and provide each ICF//MR/ID with this schedule.

(B) Each ICF//MR/ID required to pay the ICF//MR/ID FRA shall review this information, and if it is not correct, the ICF//MR/ID must notify the department of such within fifteen (15) days of receipt of the notification schedule. If the ICF//MR/ID fails to submit the corrected data within the fifteen- (15-)/- day time period, the ICF//MR/ID shall be barred from submitting corrected data later to have its ICF//MR/ID FRA assessment adjusted.

(4) Payment of ICF//MR/ID FRA Assessment.

(A) Each ICF//MR/ID may request that its ICF//MR/ID FRA be offset against any MO HealthNet payment due. A statement authorizing the offset must be on file with the MO HealthNet Division before any offset may be made relative to the ICF//MR/ID FRA. Any balance due after the offset shall be remitted by the ICF//MR/ID to the department. The remittance shall be made payable to the director of the Department of Revenue. If the remittance is not received before the next MO HealthNet payment cycle, the MO HealthNet Division shall offset the balance due from that check.

(B) If no offset has been authorized by the ICF//MR/ID, the MO HealthNet Division will begin collecting the ICF//MR/ID FRA on the first day of each month. The ICF//MR/ID FRA shall be remitted by the ICF//MR/ID facility to the MO HealthNet Division. The remittance shall be made payable to the director of the Department of Revenue and deposited in the state treasury to the credit of the ICF//MR/ID FRA Fund.

(C) If the ICF//MR/ID is delinquent in the payment of its ICF//MR/ID FRA assessment, the director of the Department of Social Services shall withhold and remit to the Department of Revenue an amount equal to the assessment from any payment made by the MO HealthNet Division to the ICF//MR/ID provider.

AUTHORITY: sections 630.050 and 633.401, RSMo [Supp. 2011] 2016. Emergency rule filed July 1, 2008, effective July 11, 2008,

expired Dec. 28, 2008. Original rule filed July 1, 2008, effective Feb. 28, 2009. Emergency amendment filed Sept. 1, 2011, effective Oct. 1, 2011, expired March 28, 2012. Amended: Filed Sept. 1, 2011, effective March 30, 2012. Amended: Filed Nov. 4, 2016.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment by writing to Amber L. Daugherty, Assistant General Counsel, Department of Mental Health, PO BOX 687, 1706 E. Elm Street, Jefferson City, MO 65102. To be considered, comments must be delivered by regular mail, express or overnight mail, or by courier within thirty (30) days after publication in the Missouri Register. If to be hand-delivered, comments must be brought to the Department of Mental Health at 1706 E. Elm Street, Jefferson City, Missouri. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2120—State Board of Embalmers and Funeral
Directors
Chapter 2—General Rules**

PROPOSED AMENDMENT

20 CSR 2120-2.100 Fees. The board is amending section (1).

PURPOSE: The State Board of Embalmers and Funeral Directors is statutorily obligated to enforce and administer the provisions of Chapter 333, RSMo, and sections 436.400 to 436.525, RSMo. Pursuant to sections 333.111 and 436.520, RSMo, the board shall, by rule and regulation, set the amount of fees authorized by Chapter 333, RSMo, and sections 436.400 to 436.525, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the respective cost and expenses to the board for administering the provisions of Chapter 333, RSMo and sections 436.400 to 436.525, RSMo. The amendment also clarifies late renewal fees.

(1) The following fees hereby are established by the State Board of Embalmers and Funeral Directors:

| | |
|---|-------------------|
| (B) Embalmer Application Fee— Apprentice, Reciprocity | \$/200/150 |
| [(C) Embalmer Oral Examination Fee | \$125 |
| (D) Embalmer Reciprocity Application Fee | \$300] |
| [(E)](C) Embalmer Biennial Renewal Fee | \$/200/150 |
| 1. Effective March 1, 2018 through June 20, 2018 | \$ 5 |
| [(F)](D) Funeral Director Application Fee— Apprentice, Education, Reciprocity, Limited | \$/200/150 |
| [(G) Funeral Director Limited License Application Fee | \$200 |
| (H) Funeral Director Reciprocity Application Fee | \$300] |
| [(I)](E) Funeral Director Biennial Renewal Fee | \$/200/150 |
| 1. Effective March 1, 2018 through June 20, 2018 | \$ 5 |
| [(J)](F) Funeral Director, Embalmer, Establishment Reactivation Fee [(up to one (1) year after lapse)] (day 1 to day 365 after date license lapsed) | \$100 |

| | |
|---|--------------------|
| [(K)](G) Funeral Director, Embalmer, Establishment | |
| Reactivation Fee <i>[(up to two (2) years after lapse)]</i> (day 366 to day 730 after date license lapsed) | \$200 |
| [(L)](H) Establishment Application Fee | \$/[300]250 |
| [(M)](I) Amended Establishment Application Fee | \$ 25 |
| [(N)](J) Establishment Biennial Renewal Fee | \$/[250]200 |
| 1. Effective October 1, 2017 through January 31, 2018 | \$ 5 |
| [(O)](K) Reciprocity Certification Fee | \$ 10 |
| [(P)](L) Duplicate Wallhanging Fee | \$ 10 |
| [(Q)](M) Collection Fee for Bad Checks | \$ 25 |
| [(R)](N) Law Book Requests | \$ 5[*] |
| [(S) Examination Review Fee | \$ 25 |
| [(T)](O) Background Check Fee (amount determined by the Missouri State Highway Patrol) | |
| [(U)](P) Provider License Application Fee (if no Funeral Establishment license) | \$200 |
| [(V)](Q) Provider License Application Fee (if also Funeral Establishment license) | \$100 |
| [(W)](R) Provider Annual Renewal Fee | \$ 0 |
| [(X)](S) Provider Delinquent Renewal Fee— (day 1 to day 365 after date license lapsed) | \$100 |
| (T) Provider Delinquent Renewal Fee— (day 366 to day 730 after date license lapsed) | \$200 |
| [(Y)](U) Seller License Application Fee | \$200 |
| [(Z)](V) Seller Annual Renewal Fee | \$/[200]150 |
| 1. Effective August 1, 2017 through November 30, 2017 | \$ 5 |
| [(AA)](W) Seller Delinquent Renewal Fee— (day 1 to day 365 after date license lapsed) | \$200 |
| (X) Seller Delinquent Renewal Fee— (day 366 to day 730 after date license lapsed) | \$400 |
| [(BB)](Y) Preneed Agent Registration Fee | \$/ [50]40 |
| [(CC)](Z) Preneed Agent Annual Registration Renewal Fee | \$/ [50]40 |
| 1. Effective September 1, 2017 through December 31, 2017 | \$ 5 |
| [(DD)](AA) Preneed Agent Delinquent Renewal Fee— (day 1 to day 365 after date license lapsed) | \$ 50 |
| (BB) Preneed Agent Delinquent Renewal Fee— (day 366 to day 730 after date license lapsed) | \$100 |
| [(EE) Preneed Seller Agent Law Examination Fee | \$/ **] |
| [(FF)](CC) Seller per Contract Annual Reporting Fee (for contracts executed on or after September 1, 2015) | \$ 25 |
| [(GG)](DD) Amended Provider Application Fee | \$ 25 |
| [(HH)](EE) Amended Seller Application Fee | \$ 25 |

*[*This fee will not apply to the initial copy of the law book which is automatically mailed to all applicants for licensure and to educational institutions of mortuary science. Furthermore, this fee will not be charged to licensees or any other individual, for additions or corrections to the law book after the initial copy is mailed.*

***This fee is not yet determined by the board.]*

AUTHORITY: section 333.111.1, RSMo 2000, and section 333.340, RSMo [Supp. 2013] 2016. This rule originally filed as 4 CSR 120-2.100. Emergency rule filed June 30, 1981, effective July 9, 1981, expired Nov. 11, 1981. Original rule filed June 30, 1981, effective Oct. 12, 1981. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Nov. 10, 2016.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions approximately eight hundred ninety-one thousand three hundred ten dollars (\$891,310) for the first year, thirty-one

thousand dollars (\$31,000) for the second year and biennially thereafter and two hundred twenty-nine thousand one hundred fifty dollars (\$229,150) for the third year and biennially thereafter for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed amendment will save private entities approximately eight hundred ninety-one thousand three hundred ten dollars (\$891,310) for the first year, thirty-one thousand dollars (\$31,000) for the second year and biennially thereafter and two hundred twenty-nine thousand one hundred fifty dollars (\$229,150) for the third year and biennially thereafter for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Embalmers and Funeral Directors, Sandy Sebastian, Executive Director, 3605 Missouri Boulevard, PO Box 423, Jefferson City, MO 65102-0423, by facsimile at (573) 751-1155 or via email to embalm@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

PUBLIC FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2120 - State Board of Embalmers and Funeral Directors
Chapter 2 - General Rules
Proposed Amendment to 20 CSR 2120-2.100 - Fees

II. SUMMARY OF FISCAL IMPACT

Estimated Fiscal Impact FY 18

| FY 18 | Estimated Loss of Revenue | |
|--|------------------------------------|--------------------|
| State Board of Embalmers and Funeral Directors | | (\$891,310) |
| | Total Loss of Revenue FY 18 | (\$891,310) |

Estimated Fiscal Impact FY 19 and Biennially

| Affected Agency or Political Subdivision | Estimated Loss of Revenue | |
|---|---|-------------------|
| State Board of Embalmers and Funeral Directors | | (\$31,000) |
| | Total Loss of Revenue FY 19 and Biennially Thereafter for the Life of the Rule | (\$31,000) |

Estimated Fiscal Impact FY 20 and Biennially

| Affected Agency or Political Subdivision | Estimated Loss of Revenue | |
|---|---|--------------------|
| State Board of Embalmers and Funeral Directors | | (\$229,150) |
| | Total Loss of Revenue FY 20 and Biennially Thereafter for the Life of the Rule | (\$229,150) |

III. WORKSHEET

See Private Entity Fiscal Note

IV. ASSUMPTION

1. The total loss of revenue is based on the cost savings reflected in the Private Entity Fiscal Note filed with this rule.
2. The board utilizes a rolling five year financial analysis process to evaluate its fund balance, establish fee structure and assess budgetary needs. The five year analysis is based on the projected revenue, expenses, and number of licensees. Based on the board's recent five year analysis, the board voted on a reduction in fees.

PRIVATE FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2120 - State Board of Embalmers and Funeral Directors

Chapter 2 - General Rules

Proposed Amendment to 20 CSR 2120-2.100 - Fees

II. SUMMARY OF FISCAL IMPACT

Estimated Fiscal Impact FY 18

| Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule: | Classification by type of the business entities which would likely be affected: | Estimated cost savings: |
|---|---|-------------------------|
| 4,729 | Embalmers and Funeral Directors | \$ 891,310 |
| | Estimated Cost Savings for FY 18 | \$ 891,310 |

Estimated Fiscal Impact FY 19

| Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule: | Classification by type of the business entities which would likely be affected: | Estimated cost savings: |
|---|--|-------------------------|
| 766 | Embalmers and Funeral Directors | \$ 31,000 |
| | Estimated Cost Savings FY 19 and Biennially Thereafter for the Life of the Rule | \$ 31,000 |

Estimated Fiscal Impact FY 20

| Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule: | Classification by type of the business entities which would likely be affected: | Estimated cost savings: |
|---|--|-------------------------|
| 4,698 | Embalmers and Funeral Directors | \$ 229,150 |
| | Estimated Cost Savings FY 20 and Biennially Thereafter for the Life of the Rule | \$ 229,150 |

IV. ASSUMPTION

1. The above figures are based on FY16 actuals.
2. The board utilizes a rolling five year financial analysis process to evaluate its fund balance, establish fee structure and assess budgetary needs. The five year analysis is based on the projected revenue, expenses, and number of licensees. Based on the board's recent five year analysis, the board voted on a reduction in fees.

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 of 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 2—DEPARTMENT OF AGRICULTURE Division 90—Weights and Measures Chapter 30—Petroleum Inspection

ORDER OF RULEMAKING

By the authority vested in the Weights and Measures Division under section 414.142, RSMo 2000, the director amends a rule as follows:

2 CSR 90-30.040 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 15, 2016 (41 MoReg 1031). 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 Agriculture (MDA) received four (4) comments on the proposed amendment and held a stakeholders meeting on September 19, 2016. The public comment period ended September 14, 2016. During the stakeholders meeting, the department received comments from fuel producers, automobile manufacturers, pipeline representatives, and petroleum marketers. Automobile manufacturers supported the extension of the vapor pressure exception until May 1, 2017 only. Fuel producers and pipeline representatives recommended removing the date until ASTM International incorporates changes to the specification. Petroleum marketers recommended removing the date until ASTM incorporates changes to the specification or extending the sunset date by ten (10) years.

COMMENT #1: Valerie Ughette, representing the Auto Alliance,

supported the extension of the vapor pressure exception for ethanol blended fuels up to fifteen percent (15%) ethanol from May 1, 2016, to May 1, 2017 only. This one (1) year extension supports the process underway at ASTM. The Auto Alliance strongly opposes any efforts to extend the sunset date for periods longer than one year.

RESPONSE AND EXPLANATION OF CHANGE: It is the department's determination that work on gasoline volatility is continuing at ASTM International. MDA encourages fuel producers, automobile manufacturers, pipeline representatives, and petroleum marketers to continue to find common ground by addressing volatility specifications for gasoline only at ASTM International. It is imperative that all stakeholders produce, distribute, sell, and regulate gasoline products to protect the consumer. Therefore, the department, after considering comments by all stakeholders, will continue the exemption until September 16, 2018, or until such time ASTM addresses the volatility of ethanol blends, whichever comes first.

COMMENT #2: Ryan Rowden, representing the Missouri Petroleum Council, requests the department to modify the proposed amendment by eliminating the sunset date and extend the volatility exception until ASTM incorporates changes to the vapor pressure limits for ethanol blends.

RESPONSE AND EXPLANATION OF CHANGE: It is the department's determination that work on gasoline volatility is continuing at ASTM International. MDA encourages fuel producers, automobile manufacturers, pipeline representatives, and petroleum marketers to continue to find common ground by addressing volatility specifications for gasoline only at ASTM International. It is imperative that all stakeholders produce, distribute, sell, and regulate gasoline products to protect the consumer. Therefore, the department, after considering comments by all stakeholders, will continue the exemption until September 16, 2018, or until such time ASTM addresses the volatility of ethanol blends, whichever comes first.

COMMENT #3: Ron Leone, representing the Missouri Petroleum Marketers & Convenience Store Association (MPCA), reiterated the Missouri Petroleum Council's suggested modifications to 2 CSR 90-30.040 and fully supports MPC's suggestions. As an alternate choice, MPCA would support a ten (10) year sunset date (May 1, 2027) for the proposed amendment. MPCA thinks the May 1, 2017, sunset date may not allow ASTM sufficient time to make their changes, and if Missouri drivers encounter drivability or quality issues within the ten (10) year timeframe, MDA could modify 2 CSR 90-30.040 or use its other statutory enforcement powers and authority.

RESPONSE AND EXPLANATION OF CHANGE: It is the department's determination that work on gasoline volatility is continuing at ASTM International. MDA encourages fuel producers, automobile manufacturers, pipeline representatives, and petroleum marketers to continue to find common ground by addressing volatility specifications for gasoline only at ASTM International. It is imperative that all stakeholders produce, distribute, sell, and regulate gasoline products to protect the consumer. Therefore, the department, after considering comments by all stakeholders, will continue the exemption until September 16, 2018, or until such time ASTM addresses the volatility of ethanol blends, whichever comes first.

COMMENT #4: Marla Benyshek, representing Phillips 66, was in support of extending the vapor pressure exception date, but they do not agree with extending the date by one (1) year. Their suggested modification to the proposed rule is to remove any specified timeframe in paragraph (1)(C)5.

RESPONSE AND EXPLANATION OF CHANGE: It is the department's determination that work on gasoline volatility is continuing at ASTM International. MDA encourages fuel producers, automobile manufacturers, pipeline representatives, and petroleum marketers to continue to find common ground by addressing volatility specifications

for gasoline only at ASTM International. It is imperative that all stakeholders produce, distribute, sell, and regulate gasoline products to protect the consumer. Therefore, the department, after considering comments by all stakeholders, will continue the exemption until September 16, 2018, or until such time ASTM addresses the volatility of ethanol blends, whichever comes first.

2 CSR 90-30.040 Quality Standards for Motor Fuels

(1) Regulation Regarding Quality of Motor Fuels. The following fuels when sold, offered for sale, or when used in this state shall meet the following requirements:

(C) All automotive gasoline containing oxygenated additives shall meet the requirements set in ASTM D4814 and the following requirements:

1. When methanol is blended in quantities greater than three tenths (0.3) volume percent, the finished blend shall contain at least an equal amount of butanol or higher molecular weight alcohol;

2. When gasoline contains nine percent (9%) to ten percent (10%) ethanol, a vapor pressure tolerance not exceeding one pound per square inch (1.0 psi) is allowed from June 1 through September 15;

3. When gasoline contains one percent (1%) or up to and including fifteen percent (15%) ethanol, a one pound per square inch (1.0 psi) vapor pressure tolerance is allowed for volatility classes A, B, C, and D from September 16 through May 31;

4. When gasoline contains one percent (1%) or up to and including fifteen percent (15%) ethanol, a one-half pound per square inch (0.5 psi) vapor pressure tolerance is allowed for volatility class E from September 16 through May 31; and

5. The vapor pressure exceptions in paragraphs (1)(C)2., 3., and 4. of this rule will remain in effect until September 16, 2018, or until ASTM incorporates changes to the vapor pressure maximums for ethanol blends, whichever occurs earlier;

Title 13—DEPARTMENT OF SOCIAL SERVICES Division 70—MO HealthNet Division Chapter 3—Conditions of Provider Participation, Reimbursement and Procedure of General Applicability

ORDER OF RULEMAKING

By the authority vested in the director of the MO HealthNet Division under section 208.201, RSMo Supp. 2016, the director adopts a rule as follows:

13 CSR 70-3.260 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on August 1, 2016 (41 MoReg 949-954). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The MO HealthNet Division received nine (9) comments on the proposed rule.

COMMENT #1: Children's Mercy Hospitals and Clinics suggested the credentials for the national certification for asthma environmental assessors be changed from NEHA Healthy Home Evaluator Micro-Credential to Building Performance Institute (BPI) Healthy Home Evaluator Micro-Credential to reflect the correct name for the credential.

RESPONSE AND EXPLANATION OF CHANGE: Section (4) Qualified Provider Criteria was changed. In addition, clarifying language was added to this section to identify the state certification and national certifications for asthma environmental assessors.

COMMENT #2: The University of Missouri Children's Hospital asked the division to consider adding Asthma Education for the Community Health Worker (CHW) certification by the Association of Asthma Educators as an acceptable Missouri approved training program. The CHW would work under direct supervision of a certified asthma educator.

RESPONSE: The division does not recognize community health workers as a provider type at this time. A community health worker may provide asthma education, if he or she receives the state or national certification for asthma education outlined in this regulation. No changes were made to the proposed rule.

COMMENT #3: The Centers for Medicare and Medicaid Services (CMS) requested the removal of foster care children aged twenty-one (21) and older from the eligibility criteria for the program.

RESPONSE AND EXPLANATION OF CHANGE: Per CMS request, the division removed the language in section (1) that included the foster care population.

COMMENT #4: CMS suggested adding a description of services for the types of component services provided as part of the asthma education and asthma environmental assessments during the State Plan Amendment (SPA) Approval process. In addition, CMS requested that language be added that states asthma environmental assessments do not include remediation of issues identified in the home.

RESPONSE AND EXPLANATION OF CHANGE: The division added a description for asthma education and asthma environmental assessments in section (2) to provide clarification of the interventions within each asthma service. The division added in section (2) that remediation is not part of an asthma environmental assessment.

COMMENT #5: CMS suggested adding clarifying language regarding the admission criteria for asthma education programs and asthma environmental assessment programs.

RESPONSE AND EXPLANATION OF CHANGE: The division added clarifying language to section (4) of the regulation. Language changes were made to clarify that the state training programs are provided by an accredited institute of higher education utilizing curricula incorporating similar guidelines to national certification programs.

COMMENT #6: CMS suggested adding a comprehensive description of rate methodologies under section (9) Reimbursement Methodology for Asthma Educators and Asthma Environmental Assessors.

RESPONSE AND EXPLANATION OF CHANGE: The division changed the language under section (9) to reflect CMS's guidance.

COMMENT #7: The division staff commented asthma environmental assessments in section (2) did not have the limits that could be authorized for eligible participants.

RESPONSE AND EXPLANATION OF CHANGE: Participants may receive two (2) asthma environmental assessments per year. This language has been added to section (2) of the regulation. If medically necessary, additional asthma education or asthma environmental assessments may be authorized.

COMMENT #8: The division staff commented there was concern that the qualified academic university-based centers would need additional staffing to assist with referrals for asthma educators and asthma environmental assessors.

RESPONSE AND EXPLANATION OF CHANGE: The division has made language changes to section (6) of the regulation to ensure communication between the consultants and the ordering providers is occurring. It is the division's intention for the child's provider to refer their members to certified asthma educators or certified asthma environmental assessors to provide the service and not need to consult with the qualified academic university-based centers.

COMMENT #9: The division staff commented there was a concern that the regulation did not clearly define how mentees would be supervised by the mentors. Also, the regulation was unclear as to what occurs if a mentee fails the national certification test for asthma educators.

RESPONSE AND EXPLANATION OF CHANGE: The division added language to section (4) to discuss the oversight that must be provided by the mentors. In addition, the division added language to section (4) stating that any mentee that fails the National Asthma Educator Certification test may no longer continue as a mentee.

13 CSR 70-3.260 Payment Policy for Asthma Education and In-Home Environmental Assessments

(1) The following definition(s) will be used in administering this rule:

(F) Youth participants-any individual younger than the age of twenty-one (21).

(2) Definition and Description of Medical Services.

(B) Asthma Environmental Assessment: Asthma environmental assessments may include, but are not limited to, a thorough assessment of the home including home history and ownership, building occupant behaviors and job history, home cleaning techniques, laundry processes, pets and pests histories, kitchen processes, structure deficiencies, ventilation and moisture conditions, conducting and recording basic air sampling procedures, and examination of the external environment of the home to identify and support the reduction of disease causing agents leading to medical complications of asthma. In-home assessments for asthma triggers do not include remediation of issues identified in the home.

1. Asthma environmental assessment non-physician, two (2) assessments per year.

(4) Qualified Provider Criteria. A qualified provider must meet the minimum education and certification requirements to qualify as a provider of asthma education and/or in-home environmental assessments set forth in this subsection.

(A) Asthma Education—

1. Asthma educators must have the credentials set forth in this subsection:

A. Shall be certified by a national program or a state program. Eligibility criteria for admission into the certification programs are determined by the administrator of the program;

B. Asthma educators must have one (1) of the following certifications in good standing:

(I) Current and active National Asthma Educator Certification (AEC); or

(a) Thirty-five (35) CEU every five (5) years; or

(b) Retake AEC asthma educator exam within the timeframes set forth by the AEC;

(II) State certification. The provider must have a current certificate from a Missouri state training program provided by an accredited institute of higher education, such as a university, that provides a training program utilizing asthma education curriculum incorporating similar guidelines to national certification programs. It is preferable that the curriculum is also accredited. Upon successful completion of the training program a certificate must be provided. A certificate means that the student has successfully completed the training program and is competent to provide asthma education services;

(a) Program may contain a mix of didactics with practicum work in the field; and

(b) The graduates are required to maintain the same number of CEUs as the national program—

I. Thirty-five (35) CEUs every five (5) years; or

II. Retake certification exam every seven (7) years;

2. Mentor program. A mentee is someone who is working towards a certificate. Once certified, the asthma educator can become a mentor for individuals that are seeking their national certification.

Mentors, who must be an enrolled Medicaid provider, can have a maximum of three (3) mentees at a time. Mentors have the capability of billing MHD for their services, while mentees cannot. Services provided by a mentee under the supervision of the mentor can be billed to MHD by the mentor. The asthma education activities and interventions of the mentee shall be performed pursuant to the mentor's order, control, and full professional responsibility. The mentor shall maintain a continuing relationship with the mentee and shall meet with the mentee at a minimum of one (1) hour per month face-to-face. The mentor shall review all patient care, evaluate the quality of care delivered, and terminate any mentee relationship that fails to conform to the standard of care. Individuals that qualify for a mentorship are individuals not certified as asthma educators and seeking either national or state certification. These individuals can be mentored for a maximum timeframe of eighteen (18) months to obtain one thousand (1,000) hours of service. Once the one thousand (1,000) hours are obtained, the mentee must attempt to obtain the National AEC or the state certification. In the event the mentee fails the National AEC test or the state certification process, the mentee may no longer provide asthma education services to enrolled MO HealthNet participants.

(B) In-Home Environmental Assessors must have the credentials set forth in this subsection:

1. Shall be certified by a national program or a state program. Eligibility criteria for admission into the certification programs are determined by the administrator of the program;

2. An In-Home Environmental Assessor must have one (1) of the following certifications in good standing:

A. National Certification; or

(I) National Environmental Health Association (NEHA) Healthy Home Specialist; or

(II) Building Performance Institute (BPI) Healthy Home Evaluator Micro-Credential;

B. State Certification. The provider must have a current certificate from a Missouri state training program provided by an accredited institute of higher education, such as a university, that provides a training program utilizing curriculum incorporating similar guidelines to national certification programs. It is preferable that the curriculum is also accredited. Upon successful completion of the training program a certificate must be provided. A certificate means that the student has successfully completed the training program and is competent to provide in-home environmental assessment.

(6) Qualifying Academic University-Based Centers function to track and ensure current certification of asthma education providers and asthma environmental assessors by providing MHD with the following services:

(A) The qualified academic university-based centers must maintain a website with an up-to-date provider list for physicians and their offices to utilize to consult asthma educators and asthma in-home environmental assessors to provide services to participants once a prior authorization has been approved.

1. The qualified academic university-based center responsible for tracking asthma in-home environmental assessors must maintain an up-to-date list of all certified in-home environmental assessors in the state; and

2. The qualified academic university-based center responsible for tracking asthma educators must maintain an up-to-date list of all trained asthma educators in the state;

(B) An up-to-date provider list must also be available to providers on the Department of Social Services' website <https://dssapp.dss.mo.gov/providerlist/sprovider.asp>.

(9) Reimbursement Methodology for Asthma Education and Asthma Environmental Assessments.

(C) Except as otherwise noted in the plan, state developed fee schedule rates are the same for both public and private providers of asthma education and asthma environmental assessments. The agency's fee

schedule is published at <http://www.dss.mo.gov/mhd/providers/index.htm> and are effective for services provided on or after the effective date of the state plan amendment.

Title 16—RETIREMENT SYSTEMS

**Division 50—The County Employees' Retirement Fund
Chapter 2—Membership and Benefits**

ORDER OF RULEMAKING

By the authority vested in the County Employees' Retirement Fund Board of Directors under section 50.1032, RSMo 2000, the board amends a rule as follows:

16 CSR 50-2.035 Payment of Benefits is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 1, 2016 (41 MoReg 1084). 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 2115—State Committee of Dietitians
Chapter 2—Licensure Requirements**

ORDER OF RULEMAKING

By the authority vested in the State Committee of Dietitians under section 324.007, RSMo Supp. 2013, and section 324.228, RSMo 2000, the committee adopts a rule as follows:

**20 CSR 2115-2.060 Military Training to Meet Requirements
for Licensure is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 1, 2016 (41 MoReg 1084–1085). No changes have been made in 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: No comments were received.

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

**Division 2115—State Committee of Dietitians
Chapter 2—Licensure Requirements**

ORDER OF RULEMAKING

By the authority vested in the State Committee of Dietitians under section 41.950, RSMo Supp. 2013, and section 324.228, RSMo 2000, the committee adopts a rule as follows:

**20 CSR 2115-2.061 Renewal of License or Registration for
Military Members is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 1, 2016 (41 MoReg 1085). No changes have been made in 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: No comments were received.

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

**Division 2115—State Committee of Dietitians
Chapter 2—Licensure Requirements**

ORDER OF RULEMAKING

By the authority vested in the State Committee of Dietitians under section 324.008, RSMo Supp. 2013, and section 324.228, RSMo 2000, the committee adopts a rule as follows:

**20 CSR 2115-2.062 Issuance of Temporary Courtesy License to
Nonresident Military Spouse is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 1, 2016 (41 MoReg 1085–1086). No changes have been made in 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: No comments were received.

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

**Division 2193—Interior Design Council
Chapter 2—Registration Requirements**

ORDER OF RULEMAKING

By the authority vested in Interior Design Council under section 41.950, RSMo Supp. 2013, and section 324.412, RSMo 2000, the council adopts a rule as follows:

**20 CSR 2193-2.050 Renewal of License or Registration for
Military Members is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 1, 2016 (41 MoReg 1086). No changes have been made in 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: No comments were received.

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

**Division 2193—Interior Design Council
Chapter 2—Registration Requirements**

ORDER OF RULEMAKING

By the authority vested in Interior Design Council under section

324.007, RSMo Supp. 2013, and section 324.412, RSMo 2000, the council adopts a rule as follows:

20 CSR 2193-2.055 Military Training to Meet Requirements for Licensure is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 1, 2016 (41 MoReg 1086–1087). No changes have been made in 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: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2210—State Board of Optometry
Chapter 2—General Rules**

ORDER OF RULEMAKING

By the authority vested in the State Board of Optometry under sections 336.080 and 336.160.1, RSMo Supp. 2013, the board amends a rule as follows:

20 CSR 2210-2.030 License Renewal is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 1, 2016 (41 MoReg 1087). 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 2220—State Board of Pharmacy
Chapter 2—General Rules**

ORDER OF RULEMAKING

By the authority vested in the Missouri Board of Pharmacy under sections 338.010, 338.140, 338.240, and 338.280, RSMo Supp. 2016, the Board of Pharmacy amends a rule as follows:

20 CSR 2220-2.200 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 1, 2016 (41 MoReg 1087–1103). 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: Thirty-nine (39) comments were made by two (2) commenters. Responses were received by the board containing multiple suggestions/revisions, as summarized below.

COMMENT #1: John Long, with CVS Health/Omnicare, suggested the board align the rule's risk classifications and definitions to mirror the United States Pharmacopeia's Chapter 797 governing sterile compounding (USP Chapter 797).

RESPONSE: The board recognizes that USP Chapter 797 is the recognized standard for sterile compounding. However, USP Chapter 797 is currently under revision. In 2015, USP circulated a proposed revised chapter for industry comment that contains major and significant changes. The proposed changes include redefining risk levels as "Category 1" or "Category 2" sterile compounding in lieu of the low, medium, high risk designations referenced by the commenter. The board intends to review its risk classifications after USP Chapter 797 is revised. For consistency, the board chose to maintain its current Risk Level 1, 2, and 3 designations pending further guidance from USP. In regards to risk level definitions, USP Chapter 797 does not clearly delineate the assigned classification for certain preparations. Additionally, after consulting with national sterile compounding experts, the board determined definition by beyond-use date was the appropriate regulatory approach. Accordingly, no changes have been made in response to the comment at this time. Once again, the board intends to review Missouri's risk levels after USP Chapter 797 is revised and will consider the comment during future rulemaking.

COMMENT #2: A comment was received from the board's pharmacist inspectors suggesting the board change the word "lung" in paragraph (1)(F)1. to "lungs" to correct a typographical error.

RESPONSE AND EXPLANATION OF CHANGE: The rule has been revised as suggested.

COMMENT #3: John Long, with CVS Health/Omnicare, noted the beyond-use dates identified in section (1)'s risk level definitions are more stringent than USP Chapter 797. The commenter suggested aligning the board's rule with Chapter 797.

RESPONSE: The proposed revised Chapter 797 contains major changes relating to beyond-use dating and risk level definitions/requirements. The board consulted with state and national sterile compounding experts and believes the referenced beyond-use dating/risk classifications are appropriate and necessary to ensure preparation sterility and integrity. Accordingly, no changes have been made in response to the comment. However, the board intends to further review risk level classifications and beyond-use dating requirements after USP Chapter 797 is revised.

COMMENT #4: A comment was received from the board's pharmacist inspectors suggesting the board insert "and a" in subsection (1)(V) to correctly distinguish a RABS.

RESPONSE AND EXPLANATION OF CHANGE: The rule has been revised as suggested.

COMMENT #5: A comment was received from the board's pharmacist inspectors suggesting the board modify paragraph (1)(DD)3. to correctly reference controlled room "temperature."

RESPONSE AND EXPLANATION OF CHANGE: The rule has been revised as suggested.

COMMENT #6: A comment was received from the board's pharmacist inspectors suggesting the board modify subsection (2)(A) to clarify that policies and procedures are only required for the aspects of sterile compounding actually performed.

RESPONSE AND EXPLANATION OF CHANGE: The rule has been revised as suggested to clarify the board's intent.

COMMENT #7: John Long, with CVS Health/Omnicare, indicated subsection (3)(A) is not aligned with USP Chapter 797. Specifically, the commenter expressed concerns with the rule requiring an annual aseptic technique skill assessment for Risk Level 1 and 2 compounding and a semi-annual assessment for Risk Level 3.

RESPONSE: The amended rule is similar to USP Chapter 797's current competency assessment requirements. Specifically, USP Chapter 797 currently provides: "After successful completion of an initial Hand Hygiene and Garbing Competency Evaluation, all compounding personnel shall have their aseptic technique and related practice

competency evaluated initially during the Media-Fill Test Procedure and subsequent annual or semi-annual Media-Fill Test Procedures.” Accordingly, no changes have been made in response to the comment.

COMMENT #8: John Long, with CVS Health/Omnicare, suggested the sink requirements in subsection (5)(A) are stricter than USP Chapter 797. The commenter noted USP only provides sinks should not be located adjacent to the ISO-5 primary engineering control. RESPONSE: The board understands USP is reviewing sink/facility requirements as part of the Chapter 797 revision process. The board intends to review the rule’s requirements after USP Chapter 797 is finalized. Accordingly, no changes have been made in response to the comment at this time. It should be noted subsection (5)(A)’s sink requirements are in the current version of the rule and have not been changed.

COMMENT #9: John Long, with CVS Health/Omnicare, indicated USP does not mandate daily testing of automated compounding devices as referenced in subsection (5)(D) of the amended rule. The commenter noted the rule’s testing language is ambiguous and may lead to administrative enforcement discretion. RESPONSE AND EXPLANATION OF CHANGE: The board agrees the testing language needs clarification. After further review, the board has clarified its intent to require daily calibration of automated compounding devices as commonly recognized in the industry and not daily “testing.”

COMMENT #10: John Long, with CVS Health/Omnicare, suggested the board further define “deficiency” or “failure” as referenced in subsection (5)(E) of the rule for PECs and ISO classified areas. The commenter expressed concerns that any bacterial colony growth may constitute a deficiency that would shut down compounding operations. While the commenter indicated the requirement appears to align with most states and USP Chapter 797, the commenter suggested the language has resulted in unfair closures of compounding facilities in other jurisdictions. RESPONSE: The rule contains mandatory requirements for PECs and ISO classified areas. A deficiency/failure would include any non-compliance with the rule’s requirements. Promulgating more exact definitions would be difficult given the differences and variations in PECs and facility design. Accordingly, no changes were made in response to the comment, however, the board anticipates issuing additional guidance on this issue in the future.

COMMENT #11: A comment was received from the board’s pharmacist inspectors asking that the board move the sentence in paragraph (5)(E)2. that requires documentation of the identity of the pharmacist reviewing certification records to the main portion of subsection (5)(E) to ensure the requirement is not overlooked. RESPONSE AND EXPLANATION OF CHANGE: The rule has been revised as suggested.

COMMENT #12: John Long, with CVS Health/Omnicare, commented favorably on subsection (5)(F)’s requirements to record/review pressure alerts daily but noted the requirement may be less stringent than USP which requires review at each shift. RESPONSE AND EXPLANATION OF CHANGE: The term “shift” is undefined and may lead to inconsistent compliance. The board believes daily review is appropriate at this time given the nature of pharmacy operations. After further review, however, the board has amended its rule to clarify that recording of pressure differential results is only required if the pharmacy has a device to monitor pressure differential between ISO classified air spaces.

COMMENT #13: A comment was received from the board’s pharmacist inspectors suggesting the board modify subsection (7)(A) to prohibit all insects, rodents, and other vermin in controlled areas and

not just an “infestation” of these animals. The commenters suggested a single insect or rodent could compromise compounding environments and preparation sterility. RESPONSE AND EXPLANATION OF CHANGE: The rule has been revised as suggested.

COMMENT #14: A comment was received from the board’s pharmacist inspectors suggesting the board modify subsection (7)(C) to allow disinfection with sterile alcohol or “an equivalently effective non-residue generating disinfectant” as allowed in other provisions of the amended rule. RESPONSE AND EXPLANATION OF CHANGE: The rule has been revised as suggested.

COMMENT #15: A comment was received from the board’s pharmacist inspectors suggesting the board modify subsection (8)(A) to only require beard covers “if applicable.” RESPONSE AND EXPLANATION OF CHANGE: The rule has been revised as suggested.

COMMENT #16: John Long, with CVS Health/Omnicare, asked if the proposed language in (9)(C) that requires sterilization to be “conducted in a manner recognized for the preparation and confirmed through sterility testing according to USP requirements” limits sterility testing to high risk sterile compounds that meet USP criteria. RESPONSE AND EXPLANATION OF CHANGE: The board agrees this section may be misconstrued and has revised the rule to provide further clarification. Pursuant to section (14), sterility testing is required for all Risk Level 3 preparations.

COMMENT #17: A comment was received from the board’s pharmacist inspectors suggesting the board modify section (10) to clarify that compounding staff may not conduct their own visual observations. The inspectors further suggested modifying section (10) to clarify media-fill testing is only required for the risk levels actually performed. RESPONSE AND EXPLANATION OF CHANGE: The rule has been revised as suggested to clarify the board’s intent.

COMMENT #18: John Long, with CVS Health/Omnicare, suggested the three (3) media-fill tests required by subsection (10)(B) are excessive and are not currently required by USP Chapter 797. RESPONSE: The board agrees USP Chapter 797 does not currently require three (3) media-fill tests, however, the requirement has been included in the proposed revised Chapter 797. The board has also consulted with national sterile compounding experts and has been advised that three (3) media-fill tests are appropriate to ensure testing reliability and staff competency. Accordingly, no changes have been made in response to the comment. The board will revisit this standard after USP Chapter 797 is revised.

COMMENT #19: John Long, with CVS Health/Omnicare, suggested the requirement in subsection (10)(C) to conduct an additional aseptic technique skill assessment “whenever the quality assurance program yields an unacceptable result” is excessive. The commenter noted an unacceptable result may be unrelated to compounding staff (e.g., improper air flow/facility conditions) which would render a technique skill assessment irrelevant/unnecessary. RESPONSE AND EXPLANATION OF CHANGE: The board agrees with this comment and has deleted the sentence referenced to clarify the board’s intent.

COMMENT #20: John Long, with CVS Health/Omnicare, suggested the board remove the requirement in subsection (10)(D) that provides staff who fail the required visual observation must pass three (3) successive reevaluations in the deficient area before compounding. The commenter noted the rule is stricter than USP Chapter 797 which only requires reinstruction and reevaluation.

RESPONSE AND EXPLANATION OF CHANGE: The board's intent was to require compounding staff to complete three (3) successive media-fill tests after a media-fill failure and not to require three (3) successive complete reevaluations. The rule has been amended to clarify this intent.

COMMENT #21: A comment was received from the board's pharmacist inspectors suggesting the board modify section (11) to clarify that batch preparation records and any end-preparation testing records should be maintained by Risk Level 1 compounders.

RESPONSE AND EXPLANATION OF CHANGE: The rule has been revised as suggested. Significantly, the modification would not require end-preparation testing for Risk Level 1 but would instead require maintenance of records if such testing is conducted.

COMMENT #22: John Long, with CVS Health/Omnicare, suggested the requirement in subsection (11)(D) to produce records within two (2) hours of a board request is overly burdensome and should be deleted.

RESPONSE: Given the nature of sterile compounding and the potential public risks, the board believes the proposed response time is in the public's interest. No changes have been made in response to the comment.

COMMENT #23: A comment was received from the board's pharmacist inspectors suggesting the board modify section (13) to clarify that extended beyond-use dates must have laboratory confirmation/verification of preparation stability and potency.

RESPONSE AND EXPLANATION OF CHANGE: The rule has been revised as suggested.

COMMENT #24: John Long, with CVS Health/Omnicare, suggested pharmacies will be negatively impacted by the thirty- (30-) day beyond-use date referenced in subsection (13)(B). The commenter suggested incorporating current USP Chapter 797 requirements.

RESPONSE: The thirty- (30-) day beyond-use date requirement is in the current rule and has not been changed. The board believes this requirement will better protect the public and notes that pharmacies are currently complying with this standard. No changes have been made in response to the comment.

COMMENT #25: John Long, with CVS Health/Omnicare, suggested the board modify/delete the requirement to test all Risk Level 3 sterile preparations included in subsection (14)(C). The commenter noted this requirement is more stringent than USP Chapter 797.

RESPONSE: The current rule presently requires sterility testing for all Risk Level 3 preparations. The amended rule merely clarifies the existing standard. While the board recognizes the current standard is more stringent than USP Chapter 797, the board believes mandatory sterility testing for Risk Level 3 products is appropriate given the heightened risk of Risk Level 3 preparations. Accordingly, no changes have been made in response to the comment.

COMMENT #26: John Long, with CVS Health/Omnicare, questioned the origins of the fifteen- (15-) day beyond-use date in subsection (16)(A). However, the commenter agreed with the allowance for a longer beyond-use date if the pharmacy has documentation from the system's manufacturer that a longer date is acceptable.

RESPONSE: The proposed language was incorporated after consultation with state and national sterile compounding experts and reviewing sterile compounding literature/studies. The board believes this requirement is appropriate for public protection, including, the extended allowance noted in the comment. No changes have been made in response to the comment.

COMMENT #27: A comment was received from the board's pharmacist inspectors suggesting the board change the term "buffer area" as used in subsection (17)(D) to an "ISO classified area" to appro-

priately reflect the definitions incorporated in the rule.

RESPONSE AND EXPLANATION OF CHANGE: The rule has been revised as suggested.

COMMENT #28: John Long, with CVS Health/Omnicare, was in support of the six- (6-) month sampling/monitoring requirements referenced in section (18). However, the commenter questioned the origins of the thirty- (30-) day surface sampling/monitoring requirement for Risk Level 3 compounding.

RESPONSE: The board consulted with state and national sterile compounding experts when drafting the rule. Given the elevated risks associated with Risk Level 3 compounding, the board believes surface sampling/monitoring every thirty (30) days for Risk Level 3 is appropriate at this time to protect the public. Accordingly, no changes have been made in response to the comment. However, the board intends to reconsider surface sampling/monitoring frequency after USP Chapter 797 is revised.

COMMENT #29: John Long, with CVS Health/Omnicare, suggested that the board retain the exemption in section (15) of the current rule. The commenter indicated the exemption is included in USP Chapter 797 and also recently revised USP Chapter 800 which will be effective in 2018.

RESPONSE: After legal review, the board determined the exemption is no longer appropriate or necessary. The exemption was removed to ensure all sterile compounding is governed by, and complies with, the amended rule. The board anticipates reviewing USP Chapter 800 in the future and will consider the comment at that time. No changes have been made in response to the comment received.

COMMENT #30: A comment was received from the board's inspector suggesting that the board correct a typographical error in section (19) to identify "a CACI."

RESPONSE AND EXPLANATION OF CHANGE: The rule has been revised as suggested.

COMMENT #31: John Long, with CVS Health/Omnicare, suggested the board further define "remedial" as referenced in section (20).

RESPONSE: In accordance with Missouri law governing statutory construction, the term "remedial" should be construed in accordance with its plain and ordinary meaning. No changes have been made in response to the comment, however, the board may issue additional guidance on remedial investigations in the future.

COMMENT #32: John Long, with CVS Health/Omnicare, indicated that section (20) appears to be inconsistent. Although it is unclear, it appears the commenter is suggesting section (20) is inconsistent because it would require a remedial investigation "for highly pathogenic organism but not for other CFU excessive counts."

RESPONSE AND EXPLANATION OF CHANGE: Section (20) would require a remedial investigation if any sampling or testing required by the rule exceeds USP Chapter 797 recommended action levels or if a highly pathogenic microorganism is detected in any preparation or ISO classified area. The board believes the amended language would adequately protect the public and require a remedial investigation under both scenarios suggested by the commenter. However, the board has amended the section to clarify its intent.

COMMENT #33: John Long, with CVS Health/Omnicare, indicated the quarantine requirement incorporated in subsection (20)(A) exceeds USP's requirements and should be removed.

RESPONSE: The board believes the required quarantine is appropriate in the event of a testing failure or a detected highly pathogenic microorganism and needed to prevent further contamination or dispensing of an adulterated product. No changes have been made in response to the comment.

COMMENT #34: John Long, with CVS Health/Omnicare, suggested

the board revise subsection (20)(B) to remove the requirement of board notification “regardless of CFU count.”

RESPONSE: Highly pathogenic microorganisms pose a heightened risk to patients and can be potentially fatal. The board believes notification of any detection of a highly pathogenic microorganism is necessary to protect Missouri patients. Accordingly, no changes have been made in response to the comment.

COMMENT #35: John Long, with CVS Health/Omnicare, suggested changing the board notification requirement in the event of a recall from three (3) days to possibly seven (7) days. Although the commenter recognized other states have similar or more stringent notification requirements, the commenter suggested pharmacy staff may still be in the investigative stage and may not be able to provide meaningful information to the board within the required three (3) days.

RESPONSE: Given the nature of sterile compounding and the potential impact on patient health, the board believes the three (3) day requirement is appropriate. The board would stress, however, that licensees are only required to report information that is currently known. Licensees should make a good faith effort to provide any available information within the required three (3) days. No changes have been made in response to the comment.

COMMENT #36: A comment was received from the board’s pharmacist inspectors suggesting the board revise section (20) to clarify that pharmacies are required to have policies and procedures covering remedial investigations.

RESPONSE AND EXPLANATION OF CHANGE: Section (2) of the amended rule requires pharmacies to maintain policies and procedures governing all aspects of compounding which was intended to include remedial investigations. The rule has been revised as suggested to clarify the board’s intent.

COMMENT #37: A comment was received from the board’s pharmacist inspectors suggesting the board revise subsection (20)(A) to clarify the resampling requirements. Specifically, inspectors noted resampling results may not be known for forty-eight to seventy-two (48–72) hours and questioned if the board intended to prohibit all compounding until results are received. Inspectors also questioned if the location of the sample should affect future compounding.

RESPONSE AND EXPLANATION OF CHANGE: After further review, the board agrees the prohibition on compounding until resampling results are received should be based on the nature or location of the organism. The section has been amended to clarify the board’s intent.

COMMENT #38: A comment was received from the board’s pharmacist inspectors suggesting the board revise section (21) to clarify that a recall is only required if a “dispensed” preparation is deemed to be misbranded, adulterated, or non-sterile or if end-preparation testing results are out of specification.

RESPONSE AND EXPLANATION OF CHANGE: The rule has been revised as suggested to clarify the board’s intent.

COMMENT #39: A comment was received from the board’s pharmacist inspectors suggesting the board revise section (21) to require a recall if “environmental monitoring produces a highly pathogenic result.”

RESPONSE: The board agrees with the goal of the suggested language but after further consideration determined it would be difficult to clearly identify the scope of recall required (e.g., would the recall apply to preparations dispensed the same day or since the last negative test). The board believes additional research and public discussion would be appropriate. No changes have been made in response to the suggestion at this time, however, the board will consider the comment after USP Chapter 797 is revised.

20 CSR 2220-2.200 Sterile Compounding

(1) Definitions.

(F) Compounding: For the purposes of this regulation, compounding is defined as in 20 CSR 2220-2.400(1). Compounded sterile medications may include, but are not limited to:

1. Compounded biologics, diagnostics, drugs, nutrients, and radiopharmaceuticals that must or are required to be sterile when they are administered to patients, including, but not limited to, the following dosage forms: bronchial and inhaled nasal preparations intended for deposition in the lung(s), baths and soaks for live organs and tissues, epidural and intrathecal solutions, bladder/wound solutions, injectables, implantable devices and dosage forms, inhalation solutions, intravenous solutions, irrigation solutions, ophthalmic preparations, parenteral nutrition solutions, and repackaged sterile preparations. Nasal sprays and irrigations intended for deposit in the nasal passages may be prepared as nonsterile compounds;

2. An FDA approved manufactured sterile product that is either prepared according to the manufacturers’ approved labeling/recommendations or prepared differently than published in such labeling; and

3. Assembling point-of-care assembled systems.

(V) Primary engineering control (PEC): A system that provides an ISO 5 environment for the exposure of critical sites when compounding sterile preparations. PECs include, but may not be limited to, horizontal/vertical laminar airflow hoods, biological safety cabinets, and a RABS such as compounding aseptic isolators (CAIs), or compounding aseptic containment isolators (CACIs).

(DD) Temperatures:

1. Frozen means temperatures between twenty-five degrees below zero and ten degrees below zero Celsius (-25° and -10°C) (thirteen degrees below zero and fourteen degrees Fahrenheit (-13° and 14°F));

2. Refrigerated means temperatures between two and eight degrees Celsius (2° and 8°C) (thirty-six and forty-six degrees Fahrenheit (36° and 46°F)); and

3. Controlled room temperature means a temperature maintained thermostatically that encompasses the usual and customary working environment 20° to 25° Celsius (68° to 78° F). Excursions between 15° and 30° Celsius (59° to 86° F) as commonly experienced in pharmacies and other facilities shall be deemed compliant.

(2) Policy and Procedure Manual/Reference Manuals.

(A) A manual, outlining policies and procedures encompassing all aspects of Risk Level 1, 2, and 3 compounding performed, shall be available for inspection at the pharmacy. The manual shall be reviewed on an annual basis. The pharmacy shall have current reference materials related to sterile preparations.

(5) Facilities and Equipment. The pharmacy shall establish and follow proper controls to ensure environmental quality, prevent environmental contamination, and maintain air quality in all ISO classified areas. The identity of the pharmacist conducting the required review and the review date shall be documented in the pharmacy’s records.

(D) Automated compounding devices shall be calibrated according to manufacturer procedures for content, volume, weight, and accuracy prior to initial use and prior to compounding each day the device is in use or more frequently as recommended by manufacturer guidelines. Calibration results shall be reviewed by a pharmacist to ensure compliance. The identity of the reviewing pharmacist and the review date shall be documented in the pharmacy’s records.

(E) All PECs and ISO classified areas shall be certified to ensure compliance with the requirements of this rule prior to beginning sterile compounding activities and every six (6) months thereafter. Certification shall be conducted by competent staff/vendors using recognized and appropriate certification and testing equipment. Certification results shall be reviewed by a pharmacist once received. Deficiencies or failures shall be investigated and corrected prior to

further compounding which may include recertification of the PEC/ISO classified area.

1. The PEC and ISO classified areas must be recertified when—
1) any changes or major service occurs that may affect airflow or environmental conditions or 2) the PEC or room is relocated or the physical structure of the ISO classified area has been altered.

2. Corrections may include, but are not limited to, changes in the use of the affected PEC or ISO classified area or initiating a recall.

(F) Pressure differential: If the sterile compounding area is equipped with a device to monitor pressure differential between ISO classified air spaces, pressure differential results must be recorded and documented each day that the pharmacy is open for pharmacy activities. Alternatively, a continuous monitoring system may be used to record pressure differential results if the system maintains ongoing documentation of pressure recordings or maintains pressure alerts that are reviewed daily.

(7) Controlled Areas. The controlled area shall be designed, maintained, and controlled to allow effective cleaning and disinfection and to minimize the risk of contamination and the introduction, generation, and retention of particles inside the PEC.

(A) Controlled areas must be clean and well-lit and shall be free of insects, rodents, and/or other vermin. Trash shall be disposed of in a timely and sanitary manner and at least daily. Tacky mats or similar articles are prohibited in the controlled area or any ISO classified environment.

(C) Non-essential objects that shed particles shall not be brought into the controlled area, including, but not limited to, pencils, cardboard cartons, paper towels, and cotton items (e.g., gauze pads). Furniture, carts, supplies, and equipment shall be removed from shipping cartons/containers and properly cleaned and disinfected with sterile alcohol or an equivalently effective non-residue generating disinfectant before entering any ISO classified area. No shipping or other external cartons may be taken into the controlled area or an ISO classified area.

(8) Garbing and Hand Hygiene. Individuals engaged in, or assisting with, CSPs shall be trained and demonstrate competence in proper personal garbing, gloving, and hand hygiene. Competence must be documented and assessed through direct visual observation as part of the aseptic technique skill assessment required by this rule.

(A) Risk Level 1: Low-particulate and non-shedding gowns, hair covers, gloves, face masks, and, if applicable, beard covers must be worn during compounding and cleaning. All head and facial hair must be covered. During sterile preparation, gloves shall be disinfected before use and frequently thereafter with a suitable agent and changed when integrity is compromised. All personnel in the controlled area must be appropriately garbed as required by this section.

(9) Aseptic Technique and Preparation. Appropriate quality control methods shall be maintained over compounding methods at all times to ensure proper aseptic technique.

(C) Risk Level 3: In addition to Risk Level 1 and 2 requirements, nonsterile components must meet compendial standards or must be verified by a pharmacist and a certificate of analysis. Batch preparation files shall also include comparisons of actual with anticipated yields, sterilization methods, and quarantine specifications. Presterilized containers shall be used when feasible. Final containers must be sterile and capable of maintaining preparation integrity throughout the shelf life. Sterilization methods must be based on properties of the preparation, and must be conducted in a method recognized by USP for the preparation and confirmed through sterility testing using a testing method recognized by USP for the preparation.

(10) Aseptic Technique Skill Assessment. Individuals engaged in sterile compounding must take and successfully pass an aseptic technique skill assessment to verify aseptic competency. The assessment must include a direct visual observation of the individual's aseptic

competency during a process simulation that represents the most challenging or stressful conditions encountered or performed by the person being evaluated. The assessment must include media-fill testing for all risk levels performed. Self-observation is not allowed.

(C) Frequency: The required Aseptic Technique Skill Assessment must be conducted prior to initial compounding and every twelve (12) months thereafter for Risk Levels 1 and 2 compounding and every (6) months thereafter for Risk Level 3 compounding. Additionally, an Aseptic Technique Skill Assessment must be conducted whenever unacceptable techniques are observed or discovered, if the risk level of sterile activity conducted by the individual changes, or if there is a change in compounding methods performed.

(D) Individuals who fail written tests; visual observation of hand hygiene, garbing, or aseptic technique; or media-fill tests must undergo immediate requalification through additional training by competent compounding personnel. Individuals who fail visual observation of hand hygiene, garbing, or aseptic technique; or media-fill tests must pass a reevaluation in the deficient area before they can resume compounding of sterile preparations. Individuals who fail media-fill testing must pass three (3) successive media-fill tests prior to resuming sterile compounding.

(11) Record Keeping.

(A) Risk Level 1 and 2: The following must be documented/maintained:

1. Training and competency evaluation of pharmacy personnel involved in sterile compounding, including, the dates and results of the required aseptic technique training, aseptic technique skill assessment, and media-fill testing;

2. Refrigerator, freezer and, if applicable, incubator temperature logs;

3. Certification dates and results for any PEC or ISO classified area;

4. Manufacturer manuals that are relied upon to maintain compliance with this rule;

5. Other facility quality control logs, as appropriate, including all maintenance, cleaning, and calibration records;

6. If applicable, pressure recordings including documentation of the review of continuous monitoring system results as required by subsection (5)(F);

7. Any end-preparation testing records; and

8. Single preparation and batch preparation records.

(B) Risk Level 3: In addition to Risk Level 1 and 2 requirements, record requirements for Risk Level 3 preparations must include:

1. Preparation work sheet;

2. Sterilization records;

3. Quarantine records, if applicable;

4. End-preparation evaluation and testing records as required in section (14); and

5. Ingredient validation records as required in section (14).

(C) All records and reports shall be maintained either electronically or physically for two (2) years and shall be readily retrievable and subject to inspection by the board of pharmacy or its agents. At a minimum, records shall be physically or electronically produced immediately or within two (2) hours of a request from the board or the board's authorized designee.

(13) Beyond-Use Dating.

(B) Risk Level 3: In addition to all Risk Level 1 requirements, there must be a reliable method for establishing all beyond-use dates, including laboratory testing of preparation stability, pyrogenicity, particulate contamination, and potency. Beyond-use dating not specifically referenced in the products approved labeling or not established by preparation specific instrumental analysis shall be limited to thirty (30) days. There must be a reliable method for establishing all beyond-use dating. Preparations assigned a beyond-use date of greater than thirty (30) days shall have laboratory validation of preparation stability and potency.

(17) General Cleaning and Disinfection Requirements. Except as otherwise provided herein, cleaning and disinfection of controlled and buffer areas, supplies, and equipment shall be performed and conducted in accordance with USP Chapter 797 timeframes and procedures. Controlled areas that do not meet ISO air classifications shall be cleaned and disinfected as required by USP Chapter 797 for segregated compounding areas. If compounding is done less frequently than the cleaning and disinfection timeframes specified in USP Chapter 797, cleaning and disinfection must occur before each compounding session begins.

(D) All cleaning tools (e.g., wipes, sponges, and mop heads) must be low-lint and dedicated for use in the controlled area and ISO classified areas.

(19) Cytotoxic Drugs.

(A) The following additional requirements are necessary for those licensed pharmacies that prepare cytotoxic drugs to insure the protection of the personnel involved:

1. Cytotoxic drugs shall be compounded in a vertical flow, Class II biological safety cabinet or a CACI. If used for other preparations, the cabinet must be thoroughly cleaned;

2. Protective apparel shall be worn by personnel compounding cytotoxic drugs which shall include disposable masks, gloves, and gowns with tight cuffs;

3. Appropriate safety and containment techniques for compounding cytotoxic drugs shall be used in conjunction with the aseptic techniques required for preparing sterile preparations. Chemotherapy preparations should be compounded using a closed system transfer device;

4. Appropriate disposal containers for used needles, syringes, and if applicable, cytotoxic waste from the preparation of chemotherapy agents and infectious waste from patients' homes. Disposal of cytotoxic waste shall comply with all applicable local, state, and federal requirements;

5. Written procedures for handling major and minor spills and generated waste of cytotoxic agents must be developed and must be included in the policy and procedure manual; and

6. Prepared doses of cytotoxic drugs must be labeled with proper precautions inside and outside, and shipped in a manner to minimize the risk of accidental rupture of the primary container.

(20) Remedial Investigations: A remedial investigation shall be required if: 1) any sampling or testing required by this rule demonstrates a colony forming unit (CFU) count that exceeds USP Chapter 797 recommended action levels for the type of sampling/testing and/or 2) if a highly pathogenic microorganism is detected in any preparation or ISO classified area (e.g., Gram-negative rods, coagulase positive staphylococcus, molds, fungus, or yeasts).

(A) CSPs and any ingredients used within the compounding process that are part of the remedial investigation shall be quarantined until the results of the investigation are known. All affected areas shall be resampled to ensure a suitable state of microbial control as part of the remedial investigation. If a highly pathogenic microorganism is detected, or if the CFU count exceeds USP 797 action levels in any ISO-5 or ISO-7 classified area, no further compounding shall be performed until resampling shows a suitable state of microbial control. The pharmacy shall ensure that no misbranded, contaminated, or adulterated CSP is administered or dispensed for patient use.

(B) The pharmacy shall notify the board in writing within seven (7) days if any preparation or environmental monitoring/testing detects a highly pathogenic microorganism, regardless of CFU count.

(21) Recalls. A recall must be initiated when a dispensed CSP is deemed to be misbranded, adulterated, or non-sterile or if end-preparation testing results are out of specification. The pharmacy shall notify the prescriber of the nature of the recall, the problem(s) iden-

tified, and any recommended actions to ensure public health and safety. In cases where the CSP has the potential to harm the patient, the same notification shall be provided to all patients that received the recalled CSP(s). Any recall initiated by a pharmacy shall be reported, in writing, to the board within three (3) business days. The pharmacy shall document their activities related to the recall.

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 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, 2017, was established by the following calculation:

| | |
|------------------------------|---------|
| Index Based on 2009 Dollars | |
| Third Quarter 2015 IPD Index | 109.782 |
| Third Quarter 2016 IPD Index | 110.915 |

$$\text{New 2017 Limit} = 2016 \text{ Limit} \times (2016 \text{ Index}/2015 \text{ Index})$$

$$422,910 = 418,590 \times (110.915/109.782)$$

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

IN ADDITION

Pursuant to section 537.610, RSMo, regarding the Sovereign Immunity Limits for Missouri Public Entities, the Director of Insurance, Financial Institutions and Professional Registration is required to calculate the new limit on awards for liability.

Using Implicit Price Deflator (IPD) for Personal Consumption Expenditures (PCE), as required by section 537.610, RSMo, the two (2) new Sovereign Immunity Limits effective January 1, 2017, were established by the following calculations:

| | |
|------------------------------|---------|
| Index Based on 2009 Dollars | |
| Third Quarter 2015 IPD Index | 109.782 |
| Third Quarter 2016 IPD Index | 110.915 |

$$\text{New 2017 Limit} = 2016 \text{ Limit} \times (2016 \text{ Index}/2015 \text{ Index})$$

For all claims arising out of a single accident or occurrence:
 $2,762,789 = 2,734,567 \times (110.915/109.782)$

For any one (1) person in a single accident or occurrence:
 $414,418 = 410,185 \times (110.915/109.782)$

**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, 2017, was established by the following calculation:

| | |
|------------------------------|---------|
| Index Based on 2009 Dollars | |
| Third Quarter 2015 IPD Index | 109.782 |
| Third Quarter 2016 IPD Index | 110.915 |

$$\text{New 2017 Limit} = 2016 \text{ Limit} \times (2016 \text{ Index}/2015 \text{ Index})$$

$$432,614 = 428,195 \times (110.915/109.782)$$

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 OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
M.J. KELLY OF KANSAS CITY, L.L.C.**

On October 27, 2016, M.J. KELLY OF KANSAS CITY, L.L.C., a Missouri limited liability company ("Company"), filed its Notice of Winding Up with the Missouri Secretary of State, effective on the filing date.

All persons and organizations must submit to Company, c/o Frank C. Carnahan, Carnahan, Evans, Cantwell & Brown, P.C., 2805 S. Ingram Mill, Springfield, Missouri 65804, a written summary of any claims against Company, including: 1) claimant's name, address and telephone number; 2) amount of claim; 3) date(s) claim accrued (or will accrue); 4) brief description of the nature of the debt or the basis for the claim; and 5) if the claim is secured, and if so, the collateral used as security.

Because of the dissolution, any claims against Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the last of filing or publication of this Notice.

**NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
M.J. KELLY OF ST. LOUIS, L.L.C.**

On October 27, 2016, M.J. KELLY OF ST. LOUIS, L.L.C., a Missouri limited liability company ("Company"), filed its Notice of Winding Up with the Missouri Secretary of State, effective on the filing date.

All persons and organizations must submit to Company, c/o Frank C. Carnahan, Carnahan, Evans, Cantwell & Brown, P.C., 2805 S. Ingram Mill, Springfield, Missouri 65804, a written summary of any claims against Company, including: 1) claimant's name, address and telephone number; 2) amount of claim; 3) date(s) claim accrued (or will accrue); 4) brief description of the nature of the debt or the basis for the claim; and 5) if the claim is secured, and if so, the collateral used as security.

Because of the dissolution, any claims against Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the last of filing or publication of this Notice.

**NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
M.J. KELLY OF MISSISSIPPI, L.L.C.**

On October 27, 2016, M.J. KELLY OF MISSISSIPPI, L.L.C., a Missouri limited liability company ("Company"), filed its Notice of Winding Up with the Missouri Secretary of State, effective on the filing date.

All persons and organizations must submit to Company, c/o Frank C. Carnahan, Carnahan, Evans, Cantwell & Brown, P.C., 2805 S. Ingram Mill, Springfield, Missouri 65804, a written summary of any claims against Company, including: 1) claimant's name, address and telephone number; 2) amount of claim; 3) date(s) claim accrued (or will accrue); 4) brief description of the nature of the debt or the basis for the claim; and 5) if the claim is secured, and if so, the collateral used as security.

Because of the dissolution, any claims against Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the last of filing or publication of this Notice.

**NOTICE OF WINDING UP AND DISSOLUTION OF
LIMITED LIABILITY COMPANY TO ALL CREDITORS OF
AND CLAIMANTS AGAINST ARVEGENIX HOLDINGS, LLC**

On October 31, 2016, Arvegenix Holdings, LLC, a Missouri limited liability company ("Company"), filed its Notice of Winding Up with the Missouri Secretary of State, effective on the filing date. All persons and organizations must submit to Company, c/o David S. Spewak, Esq., STL Law Group, LLC, 231 S. Bemiston, Suite 1020, Clayton, Missouri 63105, a written summary of any claims against Company, including the name, address, and telephone number of the claimant; the amount of the claim; the date on which the claim arose; and documentation for the claim. All claims against 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 DISSOLUTION OF CORPORATION
TO ALL CREDITORS AND CLAIMANTS AGAINST
IONIC TRANSPORT ASSAYS, INC.**

On October 5 2016, Ionic Transport Assays, Inc., a Missouri corporation, (the "Corporation") filed Articles of Voluntary Dissolution with the Missouri Secretary of State.

You are hereby notified that if you believe you have a claim against the Corporation, you must submit the claim to: John Ken Gibson, 14522 Britannia Drive, Chesterfield, Missouri 63017.

Each claim must include: (i) the name, address, and telephone number of the claimant; (ii) the amount of the claim; (iii) the date(s) when the event(s) on which the claim is based occurred; (iv) a brief description of the nature and basis for the claim; and (v) any documentation related to the claim.

All claims against the Corporation will be barred unless a proceeding to enforce the claim is commenced against the corporation within two years after the publication of this notice.

**NOTICE OF DISSOLUTION TO ALL CREDITORS OF
AND CLAIMANTS AGAINST
AGROTAIN INTERNATIONAL, LLC.**

On October 31, 2016, AGROTAIN INTERNATIONAL, LLC., a Missouri limited liability company ("Company"), was dissolved in accordance with its operating agreement.

The Company requests that all persons and organizations who have claims against it present those claims immediately by letter to Tracy R. Ring at Greensfelder, Hemker & Gale, P.C., 10 South Broadway, Suite 2000, St. Louis, Missouri 63102. All claims must include the name and address of the claimant, the amount claimed, the basis for the claim, the date(s) on which the event(s) on which the claim is based occurred, whether the claim was secured, and, if so, the collateral used as security.

NOTE: BECAUSE OF THE DISSOLUTION AND WINDING UP OF AGROTAIN INTERNATIONAL, LLC, ANY CLAIMS AGAINST IT WILL BE BARRED UNLESS A PROCEEDING TO ENFORCE THE CLAIM IS COMMENCED WITHIN THREE (3) YEARS AFTER _____, 2016.

Tracy R. Ring, Authorized Representative

**NOTICE OF WINDING UP
TO ALL CREDITORS OF AND ALL CLAIMANTS AGAINST
CROOKSTON INVESTMENT FUND, LLC**

On October 20, 2016, Crookston Investment Fund, LLC, a Missouri limited liability company (the "Company") filed its Notice of Winding Up with the Missouri Secretary of State. The charter number of the Company is LC0898427 and its articles of organization were filed on June 2, 2008.

Any claims against the Company must be presented in accordance with this notice. Claims presented to the Company must include the amount of the claim, the basis for the claim, and the documentation of the claim and must be mailed to Crookston Investment Fund, LLC, 124 North Broadway, Crookston, Minnesota 56716.

A claim against the Company will be barred unless a proceeding to enforce the claim is commenced within three years after the date of publication of this notice.

NOTICE OF CORPORATION DISSOLUTION

To: All creditors of and claimants against LEAD SYSTEMS, INC.

On November 7, 2016, LEAD SYSTEMS, INC., a Missouri corporation, Charter Number **00533228**, was dissolved pursuant to the filing of Articles of Dissolution by the Corporation Division, Missouri Secretary of State

All persons or organizations having claims against LEAD SYSTEMS, INC., are required to present them immediately in writing to:

Gayle Evans, Attorney at Law
CHINNERY EVANS & NAIL, P.C.
800 NE Vanderbilt Lane
Lee's Summit, MO 64064

Each claim must contain the following information:

1. Name and current address of the claimant.
2. A clear and concise statement of the facts supporting the claim.
3. The date the claim was incurred.
4. The amount of money or alternate relief demanded.

NOTE: CLAIMS AGAINST LEAD SYSTEMS, INC., WILL BE BARRED UNLESS A PROCEEDING TO ENFORCE THE CLAIM IS COMMENCED WITHIN TWO YEARS AFTER THE PUBLICATION OF THIS NOTICE.

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—40 (2015) and 41 (2016). 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 | | | | 41 MoReg 1477 |
| 1 CSR 10-12.011 | Commissioner of Administration | | 41 MoReg 1526 | | |
| 1 CSR 15-3.200 | Administrative Hearing Commission | | 41 MoReg 1529 | | |
| 1 CSR 15-3.210 | Administrative Hearing Commission | | 41 MoReg 1529 | | |
| 1 CSR 15-3.250 | Administrative Hearing Commission | | 41 MoReg 1529 | | |
| 1 CSR 15-3.270 | Administrative Hearing Commission | | 41 MoReg 1530 | | |
| 1 CSR 15-3.290 | Administrative Hearing Commission | | 41 MoReg 1530 | | |
| 1 CSR 15-3.320 | Administrative Hearing Commission | | 41 MoReg 1533 | | |
| 1 CSR 15-3.350 | Administrative Hearing Commission | | 41 MoReg 1533 | | |
| 1 CSR 15-3.380 | Administrative Hearing Commission | | 41 MoReg 1534 | | |
| 1 CSR 15-3.390 | Administrative Hearing Commission | | 41 MoReg 1535 | | |
| 1 CSR 15-3.410 | Administrative Hearing Commission | | 41 MoReg 1535 | | |
| 1 CSR 15-3.420 | Administrative Hearing Commission | | 41 MoReg 1535 | | |
| 1 CSR 15-3.425 | Administrative Hearing Commission | | 41 MoReg 1536 | | |
| 1 CSR 15-3.431 | Administrative Hearing Commission | | 41 MoReg 1536 | | |
| 1 CSR 15-3.446 | Administrative Hearing Commission | | 41 MoReg 1537 | | |
| 1 CSR 15-3.560 | Administrative Hearing Commission | | 41 MoReg 1537 | | |
| 1 CSR 15-3.580 | Administrative Hearing Commission | | 41 MoReg 1538 | | |
| 1 CSR 20-5.015 | Personnel Advisory Board and Division of Personnel | | 41 MoReg 1538 | | |
| 1 CSR 20-5.020 | Personnel Advisory Board and Division of Personnel | | 41 MoReg 1539 | | |
| DEPARTMENT OF AGRICULTURE | | | | | |
| 2 CSR 90-10.001 | Weights and Measures | | 41 MoReg 939 | | |
| 2 CSR 90-10.011 | Weights and Measures | | 41 MoReg 939 | | |
| 2 CSR 90-10.012 | Weights and Measures | | 41 MoReg 940 | | |
| 2 CSR 90-10.013 | Weights and Measures | | 41 MoReg 940 | | |
| 2 CSR 90-10.014 | Weights and Measures | | | | |
| 2 CSR 90-10.020 | Weights and Measures | | 41 MoReg 940 | | |
| 2 CSR 90-10.040 | Weights and Measures | | 41 MoReg 941 | | |
| 2 CSR 90-10.090 | Weights and Measures | | 41 MoReg 941R | | |
| 2 CSR 90-10.120 | Weights and Measures | | | | |
| 2 CSR 90-30.040 | Weights and Measures | 41 MoReg 1029 | 41 MoReg 1031 | This Issue | |
| DEPARTMENT OF CONSERVATION | | | | | |
| 3 CSR 10-4.111 | Conservation Commission | | 41 MoReg 1300 | | |
| 3 CSR 10-5.210 | Conservation Commission | | 41 MoReg 1300 | | |
| 3 CSR 10-6.505 | Conservation Commission | | 41 MoReg 1303 | | |
| 3 CSR 10-6.530 | Conservation Commission | | 41 MoReg 1303 | | |
| 3 CSR 10-9.110 | Conservation Commission | | 41 MoReg 1304 | | |
| 3 CSR 10-9.440 | Conservation Commission | | 41 MoReg 1305 | | |
| 3 CSR 10-10.727 | Conservation Commission | | 41 MoReg 1305 | | |
| 3 CSR 10-11.115 | Conservation Commission | | 41 MoReg 1306 | | |
| 3 CSR 10-11.185 | Conservation Commission | | 41 MoReg 1306 | | |
| 3 CSR 10-11.205 | Conservation Commission | | 41 MoReg 1306 | | |
| 3 CSR 10-11.215 | Conservation Commission | | 41 MoReg 1307 | | |
| 3 CSR 10-12.110 | Conservation Commission | | 41 MoReg 1307 | | |
| 3 CSR 10-12.115 | Conservation Commission | | 41 MoReg 1307 | | |
| DEPARTMENT OF ECONOMIC DEVELOPMENT | | | | | |
| 4 CSR 240-40.020 | Public Service Commission | | This Issue | | |
| 4 CSR 240-40.030 | Public Service Commission | | This Issue | | |
| 4 CSR 240-40.080 | Public Service Commission | | This Issue | | |
| 4 CSR 265-2.020 | Division of Motor Carrier and Railroad Safety | | 41 MoReg 1660R | | |
| 4 CSR 265-2.030 | Division of Motor Carrier and Railroad Safety (<i>Changed to 7 CSR 265-10.017</i>) | | 41 MoReg 1660 | | |
| 4 CSR 265-2.040 | Division of Motor Carrier and Railroad Safety | | 41 MoReg 1661R | | |
| 4 CSR 265-2.050 | Division of Motor Carrier and Railroad Safety (<i>Changed to 7 CSR 265-10.051</i>) | | 41 MoReg 1662 | | |
| 4 CSR 265-2.055 | Division of Motor Carrier and Railroad Safety (<i>Changed to 7 CSR 265-10.052</i>) | | 41 MoReg 1662 | | |
| 4 CSR 265-2.057 | Division of Motor Carrier and Railroad Safety | | 41 MoReg 1663R | | |
| 4 CSR 265-2.065 | Division of Motor Carrier and Railroad Safety | | 41 MoReg 1663R | | |
| 4 CSR 265-2.067 | Division of Motor Carrier and Railroad Safety | | 41 MoReg 1664R | | |
| 4 CSR 265-2.069 | Division of Motor Carrier and Railroad Safety | | 41 MoReg 1664R | | |
| 4 CSR 265-2.160 | Division of Motor Carrier and Railroad Safety | | 41 MoReg 1664R | | |
| 4 CSR 265-2.170 | Division of Motor Carrier and Railroad Safety | | 41 MoReg 1665R | | |
| 4 CSR 265-2.200 | Division of Motor Carrier and Railroad Safety | | 41 MoReg 1665R | | |
| 4 CSR 265-6.030 | Division of Motor Carrier and Railroad Safety | | 41 MoReg 1665R | | |
| 4 CSR 265-14.010 | Division of Motor Carrier and Railroad Safety | | 41 MoReg 1665R | | |
| 4 CSR 340-2 | Division of Energy | | | | 41 MoReg 1440 |
| 4 CSR 340-4.010 | Division of Energy | This Issue | This Issue | | |
| 4 CSR 340-6.010 | Division of Energy | | This Issue | | |
| DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION | | | | | |
| 5 CSR 20-200.110 | Division of Learning Services | | 41 MoReg 832R | 41 MoReg 1855R | |
| 5 CSR 20-200.120 | Division of Learning Services | | 41 MoReg 833R | 41 MoReg 1855R | |
| 5 CSR 20-200.130 | Division of Learning Services | | 41 MoReg 833R | 41 MoReg 1855R | |

| Rule Number | Agency | Emergency | Proposed | Order | In Addition |
|---|--|-----------|----------------|----------------|---------------|
| 5 CSR 20-200.140 | Division of Learning Services | | 41 MoReg 833R | 41 MoReg 1855R | |
| 5 CSR 20-200.150 | Division of Learning Services | | 41 MoReg 833R | 41 MoReg 1856R | |
| 5 CSR 20-200.220 | Division of Learning Services | | 41 MoReg 834R | 41 MoReg 1856R | |
| 5 CSR 20-200.270 | Division of Learning Services | | 41 MoReg 834R | 41 MoReg 1856R | |
| 5 CSR 20-400.380 | Division of Learning Services | | 41 MoReg 941 | 41 MoReg 1725W | |
| | | | 41 MoReg 1797 | | |
| 5 CSR 20-400.385 | Division of Learning Services | | 41 MoReg 1802 | | |
| 5 CSR 20-400.640 | Division of Learning Services | | 41 MoReg 1540 | | |
| 5 CSR 30-261.025 | Division of Financial and Administrative Services | | This Issue | | |
| DEPARTMENT OF HIGHER EDUCATION | | | | | |
| 6 CSR 10-2.190 | Commissioner of Higher Education | | 41 MoReg 1465 | | |
| 6 CSR 10-13.010 | Commissioner of Higher Education | | 41 MoReg 894 | 41 MoReg 1856 | |
| DEPARTMENT OF TRANSPORTATION | | | | | |
| 7 CSR | Department of Transportation | | | | 41 MoReg 845 |
| 7 CSR 10-1.010 | Missouri Highways and Transportation Commission | | 41 MoReg 1131 | | |
| 7 CSR 10-1.020 | Missouri Highways and Transportation Commission | | 41 MoReg 1666 | | |
| 7 CSR 10-2.030 | Missouri Highways and Transportation Commission | | 41 MoReg 1666R | | |
| 7 CSR 10-25.010 | Missouri Highways and Transportation Commission | | 41 MoReg 1666 | | 41 MoReg 1726 |
| | | | | | 41 MoReg 1727 |
| | | | | | 41 MoReg 1727 |
| | | | | | 41 MoReg 1868 |
| 7 CSR 10-25.020 | Missouri Highways and Transportation Commission | | 41 MoReg 1668 | | |
| 7 CSR 10-25.030 | Missouri Highways and Transportation Commission | | 41 MoReg 1680 | | |
| 7 CSR 10-25.070 | Missouri Highways and Transportation Commission | | 41 MoReg 1681 | | |
| 7 CSR 10-25.072 | Missouri Highways and Transportation Commission | | 41 MoReg 1682 | | |
| 7 CSR 10-25.080 | Missouri Highways and Transportation Commission | | 41 MoReg 1683 | | |
| 7 CSR 60-1.010 | Traffic and Highway Safety Division | | 41 MoReg 1684 | | |
| 7 CSR 60-1.020 | Traffic and Highway Safety Division | | 41 MoReg 1685 | | |
| 7 CSR 60-1.030 | Traffic and Highway Safety Division | | 41 MoReg 1686 | | |
| 7 CSR 60-1.050 | Traffic and Highway Safety Division | | 41 MoReg 1687 | | |
| 7 CSR 60-1.060 | Traffic and Highway Safety Division | | 41 MoReg 1687 | | |
| 7 CSR 60-2.010 | Traffic and Highway Safety Division | | 41 MoReg 1688 | | |
| 7 CSR 60-2.020 | Traffic and Highway Safety Division | | 41 MoReg 1689 | | |
| 7 CSR 60-2.030 | Traffic and Highway Safety Division | | 41 MoReg 1690 | | |
| 7 CSR 60-2.040 | Traffic and Highway Safety Division | | 41 MoReg 1695 | | |
| 7 CSR 60-2.050 | Traffic and Highway Safety Division | | 41 MoReg 1699 | | |
| 7 CSR 60-2.060 | Traffic and Highway Safety Division | | 41 MoReg 1699 | | |
| 7 CSR 60-3.010 | Traffic and Highway Safety Division <i>(Changed from 11 CSR 30-3.010)</i> | | 41 MoReg 1721 | | |
| 7 CSR 265-10.015 | Motor Carrier and Railroad Safety | | 41 MoReg 1700 | | |
| 7 CSR 265-10.017 | Motor Carrier and Railroad Safety <i>(Changed from 4 CSR 265-2.030)</i> | | 41 MoReg 1660 | | |
| 7 CSR 265-10.025 | Motor Carrier and Railroad Safety | | 41 MoReg 1701 | | |
| 7 CSR 265-10.051 | Motor Carrier and Railroad Safety <i>(Changed from 4 CSR 265-2.050)</i> | | 41 MoReg 1662 | | |
| 7 CSR 265-10.052 | Motor Carrier and Railroad Safety <i>(Changed from 4 CSR 265-2.055)</i> | | 41 MoReg 1662 | | |
| 7 CSR 265-10.055 | Motor Carrier and Railroad Safety | | 41 MoReg 1701R | | |
| 7 CSR 265-10.090 | Motor Carrier and Railroad Safety | | 41 MoReg 1702R | | |
| 7 CSR 265-10.140 | Motor Carrier and Railroad Safety | | 41 MoReg 1702 | | |
| DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS | | | | | |
| 8 CSR | Department of Labor and Industrial Relations | | | | 41 MoReg 845 |
| DEPARTMENT OF MENTAL HEALTH | | | | | |
| 9 CSR | Department of Mental Health | | | | 41 MoReg 845 |
| 9 CSR 10-31.016 | Director, Department of Mental Health | | This Issue | | |
| 9 CSR 10-31.030 | Director, Department of Mental Health | | This Issue | | |
| 9 CSR 45-3.030 | Division of Developmental Disabilities | | 41 MoReg 1065 | | |
| 9 CSR 45-3.040 | Division of Developmental Disabilities | | 41 MoReg 1066 | | |
| 9 CSR 45-3.060 | Division of Developmental Disabilities | | 41 MoReg 1067 | | |
| 9 CSR 60-1.010 | Research | | 41 MoReg 1069 | | |
| 9 CSR 60-1.015 | Research | | 41 MoReg 1069 | | |
| DEPARTMENT OF NATURAL RESOURCES | | | | | |
| 10 CSR | Department of Natural Resources | | | | 41 MoReg 845 |
| 10 CSR 10-6.070 | Air Conservation Commission | | 41 MoReg 1703 | | |
| 10 CSR 10-6.075 | Air Conservation Commission | | 41 MoReg 1709 | | |
| 10 CSR 10-6.080 | Air Conservation Commission | | 41 MoReg 1719 | | |
| 10 CSR 10-6.210 | Air Conservation Commission | | 41 MoReg 742 | 41 MoReg 1628 | |
| 10 CSR 10-6.220 | Air Conservation Commission | | 41 MoReg 555 | 41 MoReg 1628 | |
| 10 CSR 10-6.250 | Air Conservation Commission | | 40 MoReg 1023 | 41 MoReg 37 | |
| 10 CSR 20-8.500 | Clean Water Commission | | 41 MoReg 1070 | | |
| 10 CSR 26-2.010 | Petroleum and Hazardous Substance Storage Tanks | | 41 MoReg 1133 | | |
| 10 CSR 26-2.011 | Petroleum and Hazardous Substance Storage Tanks | | 41 MoReg 1134 | | |
| 10 CSR 26-2.012 | Petroleum and Hazardous Substance Storage Tanks | | 41 MoReg 1135 | | |
| 10 CSR 26-2.013 | Petroleum and Hazardous Substance Storage Tanks | | 41 MoReg 1138 | | |
| 10 CSR 26-2.019 | Petroleum and Hazardous Substance Storage Tanks | | 41 MoReg 1139 | | |
| 10 CSR 26-2.020 | Petroleum and Hazardous Substance Storage Tanks | | 41 MoReg 1147 | | |

| Rule Number | Agency | Emergency | Proposed | Order | In Addition |
|--------------------------------------|--|---------------|--------------------------------|---------------|-------------|
| 10 CSR 26-2.021 | Petroleum and Hazardous Substance Storage Tanks | | 41 MoReg 1150 | | |
| 10 CSR 26-2.022 | Petroleum and Hazardous Substance Storage Tanks | | 41 MoReg 1159 | | |
| 10 CSR 26-2.030 | Petroleum and Hazardous Substance Storage Tanks | | 41 MoReg 1159 | | |
| 10 CSR 26-2.031 | Petroleum and Hazardous Substance Storage Tanks | | 41 MoReg 1161 | | |
| 10 CSR 26-2.032 | Petroleum and Hazardous Substance Storage Tanks | | 41 MoReg 1162 | | |
| 10 CSR 26-2.033 | Petroleum and Hazardous Substance Storage Tanks | | 41 MoReg 1162 | | |
| 10 CSR 26-2.034 | Petroleum and Hazardous Substance Storage Tanks | | 41 MoReg 1164 | | |
| 10 CSR 26-2.035 | Petroleum and Hazardous Substance Storage Tanks | | 41 MoReg 1165 | | |
| 10 CSR 26-2.036 | Petroleum and Hazardous Substance Storage Tanks | | 41 MoReg 1165 | | |
| 10 CSR 26-2.040 | Petroleum and Hazardous Substance Storage Tanks | | 41 MoReg 1166 | | |
| 10 CSR 26-2.041 | Petroleum and Hazardous Substance Storage Tanks | | 41 MoReg 1167 | | |
| 10 CSR 26-2.042 | Petroleum and Hazardous Substance Storage Tanks | | 41 MoReg 1168 | | |
| 10 CSR 26-2.043 | Petroleum and Hazardous Substance Storage Tanks | | 41 MoReg 1169 | | |
| 10 CSR 26-2.044 | Petroleum and Hazardous Substance Storage Tanks | | 41 MoReg 1171 | | |
| 10 CSR 26-2.045 | Petroleum and Hazardous Substance Storage Tanks (<i>Changed to 10 CSR 26-2.048</i>) | | 41 MoReg 1172 | | |
| 10 CSR 26-2.046 | Petroleum and Hazardous Substance Storage Tanks | | 41 MoReg 1172 41 MoReg 1308 | | |
| 10 CSR 26-2.047 | Petroleum and Hazardous Substance Storage Tanks | | 41 MoReg 1173 41 MoReg 1309 | | |
| 10 CSR 26-2.048 | Petroleum and Hazardous Substance Storage Tanks (<i>Changed from 10 CSR 26-2.045</i>) | | 41 MoReg 1172 | | |
| 10 CSR 26-2.050 | Petroleum and Hazardous Substance Storage Tanks | | 41 MoReg 1174 | | |
| 10 CSR 26-2.052 | Petroleum and Hazardous Substance Storage Tanks | | 41 MoReg 1174 | | |
| DEPARTMENT OF PUBLIC SAFETY | | | | | |
| 11 CSR 30-3.010 | Office of the Director (<i>Changed to 7 CSR 60-3.010</i>) | | 41 MoReg 1721 | | |
| 11 CSR 45-1.100 | Missouri Gaming Commission | 41 MoReg 1261 | 41 MoReg 1309 | | |
| 11 CSR 45-3.010 | Missouri Gaming Commission | 41 MoReg 1262 | 41 MoReg 1310 | | |
| 11 CSR 45-4.020 | Missouri Gaming Commission | | 41 MoReg 1543 | | |
| 11 CSR 45-5.053 | Missouri Gaming Commission | | 41 MoReg 1543 | | |
| 11 CSR 45-5.183 | Missouri Gaming Commission | | 41 MoReg 1804 | | |
| 11 CSR 45-5.184 | Missouri Gaming Commission | | 41 MoReg 1804 | | |
| 11 CSR 45-8.140 | Missouri Gaming Commission | 41 MoReg 1053 | 41 MoReg 1078 | | |
| 11 CSR 45-9.104 | Missouri Gaming Commission | | 41 MoReg 1804 | | |
| 11 CSR 45-9.108 | Missouri Gaming Commission | 41 MoReg 1054 | 41 MoReg 1078 | | |
| 11 CSR 45-9.113 | Missouri Gaming Commission | | 41 MoReg 834 | 41 MoReg 1856 | |
| 11 CSR 45-9.120 | Missouri Gaming Commission | | 41 MoReg 1544 | | |
| 11 CSR 45-12.090 | Missouri Gaming Commission | | 41 MoReg 1310 | | |
| 11 CSR 45-13.051 | Missouri Gaming Commission | | 41 MoReg 946 | | |
| 11 CSR 45-13.054 | Missouri Gaming Commission | 41 MoReg 1262 | 41 MoReg 1311 | | |
| 11 CSR 45-13.055 | Missouri Gaming Commission | 41 MoReg 1263 | 41 MoReg 1312 | | |
| 11 CSR 45-13.065 | Missouri Gaming Commission | 41 MoReg 1264 | 41 MoReg 1312 | | |
| 11 CSR 45-17.030 | Missouri Gaming Commission | 41 MoReg 1265 | 41 MoReg 1313 | | |
| 11 CSR 45-17.040 | Missouri Gaming Commission | 41 MoReg 1266 | 41 MoReg 1313 | | |
| 11 CSR 45-30.056 | Missouri Gaming Commission | | 41 MoReg 946 | | |
| 11 CSR 45-30.175 | Missouri Gaming Commission | | 41 MoReg 947 | | |
| 11 CSR 45-30.280 | Missouri Gaming Commission | | 41 MoReg 947 | | |
| 11 CSR 45-30.540 | Missouri Gaming Commission | | 41 MoReg 948 | | |
| 11 CSR 45-30.600 | Missouri Gaming Commission | | 41 MoReg 949 | | |
| 11 CSR 45-30.610 | Missouri Gaming Commission | | 41 MoReg 949 | | |
| 11 CSR 45-40.010 | Missouri Gaming Commission | 41 MoReg 1267 | 41 MoReg 1313 | | |
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| 4 CSR 340-4.010 | Wood Energy Credit | This Issue | Nov. 24, 2016 May 22, 2017 |
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| 11 CSR 45-1.100 | Waivers and Variances | .41 MoReg 1261 | Sept. 8, 2016 March 6, 2017 |
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| 11 CSR 45-8.140 | Application and Verification Procedures for Granting Credit | .41 MoReg 1053 | Aug. 28, 2016 Feb 23, 2017 |
| 11 CSR 45-9.108 | Minimum Internal Control Standards (MICS)—Chapter H | .41 MoReg 1054 | Aug. 28, 2016 Feb 23, 2017 |
| 11 CSR 45-13.054 | Fantasy Sports Contest Hearings | .41 MoReg 1262 | Sept. 8, 2016 March 6, 2017 |
| 11 CSR 45-13.055 | Emergency Order Suspending License Privileges—Expedited Hearing | .41 MoReg 1263 | Sept. 8, 2016 March 6, 2017 |
| 11 CSR 45-13.065 | Settlements | .41 MoReg 1264 | Sept. 8, 2016 March 6, 2017 |
| 11 CSR 45-17.030 | Procedure for Entry of Names onto List of Disassociated Persons | .41 MoReg 1265 | Sept. 8, 2016 March 6, 2017 |
| 11 CSR 45-17.040 | Confidentiality of List of Disassociated Persons | .41 MoReg 1266 | Sept. 8, 2016 March 6, 2017 |
| 11 CSR 45-40.010 | Definitions | .41 MoReg 1267 | Sept. 8, 2016 March 6, 2017 |
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| 12 CSR 10-41.010 | Annual Adjusted Rate of Interest | .41 MoReg 1755 | Jan. 1, 2017 June 29, 2017 |
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| 13 CSR 70-10.016 | Global Per Diem Adjustments to Nursing Facility and HIV Nursing Facility Reimbursement Rates | .41 MoReg 1054 | July 28, 2016 Jan. 23, 2017 |
| 13 CSR 70-10.030 | Perspective Reimbursement Plan for Nonstate-Operated Facilities for ICF/IID Services | .41 MoReg 1127 | Sept. 1, 2016 Feb. 27, 2017 |
| 13 CSR 70-15.010 | Inpatient Hospital Services Reimbursement Plan: Outpatient Hospital Reimbursement Methodology | .41 MoReg 935 | July 1, 2016 Dec. 27, 2016 |
| 13 CSR 70-15.110 | Federal Reimbursement Allowance | .41 MoReg 936 | July 1, 2016 Dec. 27, 2016 |
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| 15 CSR 30-70.020 | Application Assistant Training, Registration and Renewal | .41 MoReg 1463 | Sept. 19, 2016 March 17, 2017 |
| 15 CSR 30-70.030 | Program Participant Application and Certification Process | .41 MoReg 1464 | Sept. 19, 2016 March 17, 2017 |
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| 22 CSR 10-2.053 | Health Savings Account Plan Benefit Provisions and Covered Charges | .41 MoReg 1761 | Jan. 1, 2017June 29, 2017 |
| 22 CSR 10-2.055 | Medical Plan Benefit Provisions and Covered Charges | .41 MoReg 1763 | Jan. 1, 2017June 29, 2017 |
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| 22 CSR 10-2.090 | Pharmacy Benefit Summary | .41 MoReg 1774 | Jan. 1, 2017June 29, 2017 |
| 22 CSR 10-2.094 | Tobacco-Free Incentive Provisions and Limitations (Res) | .41 MoReg 1296 | Oct. 1, 2016March 29, 2017 |
| 22 CSR 10-2.094 | Tobacco-Free Incentive Provisions and Limitations | .41 MoReg 1296 | Oct. 1, 2016March 29, 2017 |
| 22 CSR 10-2.110 | General Foster Parent Membership Provisions | .41 MoReg 1776 | Jan. 1, 2017June 29, 2017 |
| 22 CSR 10-2.120 | Partnership Incentive Provisions and Limitations (Res) | .41 MoReg 1297 | Oct. 1, 2016March 29, 2017 |
| 22 CSR 10-2.120 | Partnership Incentive Provisions and Limitations | .41 MoReg 1298 | Oct. 1, 2016March 29, 2017 |
| 22 CSR 10-2.150 | Disease Management Services Provisions and Limitations (Res) | .41 MoReg 1777 | Jan. 1, 2017June 29, 2017 |
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| 22 CSR 10-3.020 | General Membership Provisions | .41 MoReg 1780 | Jan. 1, 2017 | June 29, 2017 |
| 22 CSR 10-3.053 | PPO 1000 Plan Benefit Provisions and Covered Charges | .41 MoReg 1781 | Jan. 1, 2017 | June 29, 2017 |
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| Executive Orders | Subject Matter | Filed Date | Publication |
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| 2016 | | | |
| 16-08 | Advises that state offices will be closed on Friday, November 25, 2016. | October 24, 2016 | 41 MoReg 1659 |
| 16-07 | Declares that a State of Emergency exists in the State of Missouri and directs that the Missouri State Emergency Operations Plan be activated as a result of storms that began on May 25, 2016. This order shall terminate on June 26, 2016, unless extended. | May 27, 2016 | 41 MoReg 830 |
| 16-06 | Declares that the next Missouri Poet Laureate will be named in June 2016 and directs that a Missouri Poet Laureate be named biennially to serve for two years at the pleasure of the governor. The order also includes qualifications and responsibilities for the post. Additionally the Missouri Poet Laureate Advisory Committee is hereby established. | May 27, 2016 | 41 MoReg 828 |
| 16-05 | Directs the Department of Public Safety, with guidance from the Missouri Veteran's Commission and the Adjutant General of the State of Missouri, to coordinate events with the World War I Centennial Commission that recognize and remember efforts and sacrifices of all Americans during World War I. | May 27, 2016 | 41 MoReg 826 |
| 16-04 | Orders all departments, agencies and boards, and commissions, in the Executive Branch subject to the authority of the governor to take all necessary action to amend initial employment applications by removing questions related to an individual's criminal history unless a criminal history would render an applicant ineligible for the position. | April 11, 2016 | 41 MoReg 658 |
| 16-03 | Extends Executive Orders 15-10, 15-11, and 16-02 until February 22, 2016, due to severe weather that began on December 22, 2015. | Jan. 22, 2016 | 41 MoReg 299 |
| 16-02 | Gives the director of the Department of Natural Resources the authority to temporarily suspend regulations in the aftermath of severe weather that began on December 22, 2015. | Jan. 6, 2016 | 41 MoReg 235 |
| 16-01 | Designates members of the governor's staff to have supervisory authority over certain departments, divisions, and agencies. | Jan. 4, 2016 | 41 MoReg 153 |
| 2015 | | | |
| 15-11 | Activates the state militia in response to severe weather that began on December 22, 2015. | Dec. 29, 2015 | 41 MoReg 151 |
| 15-10 | Declares a state of emergency and directs that the Missouri State Emergency Operations Plan be activated due to severe weather that began on December 22, 2015. | Dec. 27, 2015 | 41 MoReg 149 |
| 15-09 | Directs all Missouri Executive Branch agencies, as well as strongly encourages all private employers, to review and determine how the practices contained in the Harry S Truman School of Public Affairs preliminary guidelines and, eventually the Pay Equity Best Practices Guidelines, can be utilized by their agency or business and to identify and address any gender wage gap in order to ensure that all Missourians receive equal pay for equal work. | Dec. 4, 2015 | 41 MoReg 71 |
| 15-08 | Closes state offices Nov. 27, 2015. | Nov. 6, 2015 | 40 MoReg 1630 |
| 15-07 | Dedicates and renames the state office building located at 8800 East 63rd Street in Raytown, Missouri, in honor of Joseph Patrick Teasdale, the 48th governor of the state of Missouri. | Oct. 28, 2015 | 40 MoReg 1628 |
| 15-06 | Lays out policies and procedures to be adopted by the Executive Branch of state government in procuring goods and services to enhances economic health and prosperity of Minority and Women Business Enterprises. This order supercedes Executive Order 05-30. | Oct. 21, 2015 | 40 MoReg 1624 |
| 15-05 | Extends Executive Order 15-03 until August 14, 2015. | July 14, 2015 | 40 MoReg 1012 |
| 15-04 | Orders all departments, agencies, boards, and commissions to comply with the Obergfell decision and rescinds Executive Order 13-14. | July 7, 2015 | 40 MoReg 1010 |
| 15-03 | Declares a state of emergency exist in the State of Missouri and directs that the Missouri State of Emergency Operations Plan be activated. | June 18, 2015 | 40 MoReg 928 |
| 15-02 | Extends Executive Order 14-06 and orders that the Division of Energy deliver a state energy plan to the governor by October 15, 2015. | May 22, 2015 | 40 MoReg 833 |
| 15-01 | Appoints Byron M. Watson to the Ferguson Commission to fill the vacancy created by the resignation of Bethany A. Johnson-Javois. | Jan. 2, 2015 | 40 MoReg 173 |

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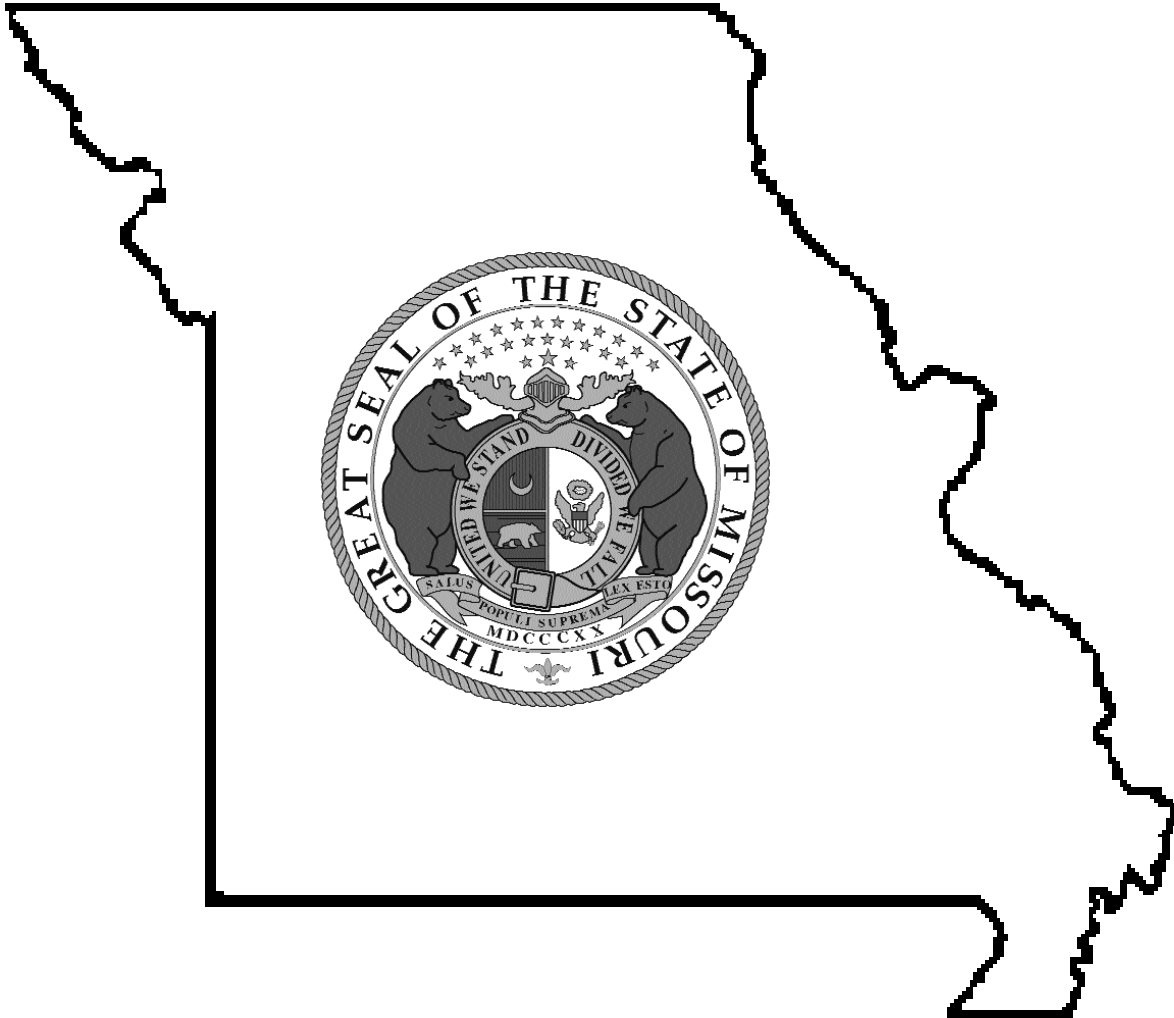
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