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The Minnesota
**State
Register**

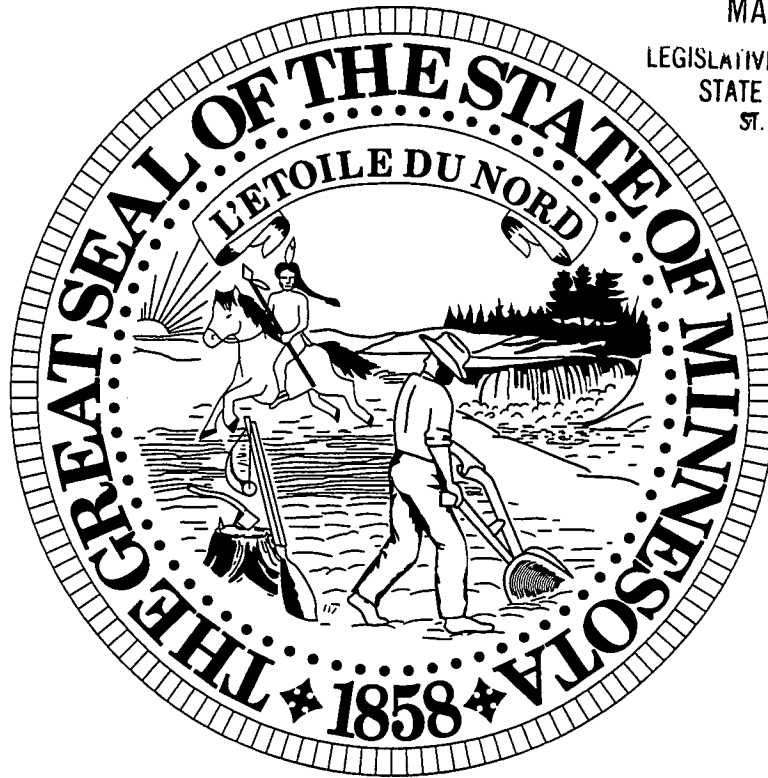
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State Register

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The *State Register* is the official publication of the State of Minnesota, containing executive and commissioners' orders, proposed and adopted rules, official and revenue notices, professional-technical-consulting contracts, non-state bids and public contracts and grants.

A *Contracts Supplement* is published Tuesday, Wednesday and Friday and contains bids and proposals for commodities, including printing bids.

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46	Monday 15 May	Monday 1 May	Monday 8 May
47	Monday 22 May	Monday 8 May	Monday 15 May
48	Tuesday 30 May	Monday 15 May	Monday 22 May

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FOR LEGISLATIVE NEWS

Publications containing news and information from the Minnesota Senate and House of Representatives are available free to concerned citizens and the news media. To be placed on the mailing list, write or call the offices listed below:

SENATE

HOUSE

Briefly-Preview—Senate news and committee calendar; published weekly during legislative sessions.

Perspectives—Publication about the Senate.

Session Review—Summarizes actions of the Minnesota Senate.

Contact: Senate Public Information Office (612) 296-0504
Room 231 State Capitol, St. Paul, MN 55155

Session Weekly—House committees, committee assignments of individual representatives; news on committee meetings and action. House action and bill introductions.

This Week—weekly interim bulletin of the House.

Session Summary—Summarizes all bills that both the Minnesota House of Representatives and Minnesota Senate passed during their regular and special sessions.

Contact: House Information Office (612) 296-2146
Room 175 State Office Building, St. Paul, MN 55155

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Individual awards can be obtained from the **Materials Management Helpline** 612/296-2600.

Minnesota Rules: Amendments and Additions

NOTICE: How to Follow State Agency Rulemaking in the *State Register*

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 75 state agencies have the authority to issue rules. Each agency is assigned specific *Minnesota Rule* chapter numbers. Every odd-numbered year the *Minnesota Rules* are published. This is a ten-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Proposed and adopted emergency rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

If an agency seeks outside opinion before issuing new rules or rule amendments, it must publish a NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION in the *Official Notices* section of the *State Register*. When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety in the *State Register*, only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the *State Register*, the issue the rule appeared in as proposed, and later as adopted. For a more detailed description of the rulemaking process, see the *Minnesota Guidebook to State Agency Services*.

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues 1-13 inclusive; issues 14-25 inclusive; issue 26, cumulative for issues 1-26; issues 27-38 inclusive; issue 39, cumulative for 1-39; issues 40-51 inclusive; and issue 52, cumulative for 1-52. An annual subject matter index for rules appears in August. For copies of the *State Register*, a subscription, the annual index, the *Minnesota Rules* or the *Minnesota Guidebook to State Agency Services*, contact the Print Communications Division, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000 or toll-free in Minnesota 1-800-657-3757.

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Proposed Rules

Pursuant to Minn. Stat. §14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules; and
4. that the rule may be modified if the modifications are supported by the data and views submitted

If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Pursuant to Minn. Stat. §§14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Board of Dentistry

Proposed Permanent Rules Relating to Administration of Nitrous Oxide and Anesthesia

DUAL NOTICE

**Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing;
And**

Notice of Hearing if 25 or More Requests for Hearing Are Received

Introduction. The Minnesota Board of Dentistry intends to adopt a permanent rule without a public hearing following the procedures set forth in the Administrative Procedures Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rule by June 8, 1995, a public hearing will be held. To find out whether the rule will be adopted without a hearing or if the hearing will be held, you should contact Patricia H. Glasrud, the board contact person, after June 8, 1995.

Board Contact Person. Comments or written requests for a public hearing on the rule must be submitted to:

Patricia H. Glasrud, Executive Director
Minnesota Board of Dentistry
2700 University Avenue West, Suite 70
St. Paul, Minnesota 55114
Telephone: (612) 642-0579
Minnesota Relay Service for Hearing and Speech Impaired:
Metro Area: (612) 297-5353
Outside Metro Area: (800) 627-3529

Purpose of Proposed Rule. The proposed rules require a dentist, in order to administer a pharmacological agent for the purpose of general anesthesia or for the purpose of conscious sedation, to complete, at least every two years, an advanced or basic cardiac life support course; allows a dental hygienist to administer nitrous oxide inhalation analgesia by meeting the same conditions imposed on a dentist for such administration; and allows a dental hygienist to administer local anesthesia under indirect supervision. A free copy of the rule is available upon request from Karen L. Ramsey at the board office.

Statement of Need and Reasonableness. A statement of need and reasonableness is now available from Karen L. Ramsey upon request. The statement describes the need for and reasonableness of the proposed rule, identifies the data and information relied upon to support the proposed rule, and describes the board's position regarding *Minnesota Statutes* 14.115, which specifies certain actions which an agency must take if an agency engages in rulemaking which may affect small businesses. It is the board's position that the board's rules are not subject to section 14.115.

Adoption Procedure If No Hearing. If no hearing is required, after the end of the comment period the board may adopt the rule. The rule and supporting documents will then be submitted to the Attorney General for review as to legality and form to the extent form relates to

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Proposed Rules

legality. You may request to be notified of the date the rule is submitted to the Attorney General or be notified of the Attorney General's decision on the rule. If you want to be so notified, or wish to receive a copy of the adopted rule, submit your request to Karen L. Ramsey.

Adoption Procedure After the Hearing. If a hearing is held, after the close of the hearing record, the administrative law judge will issue a report on the proposed rule. You may request to be notified of the date on which the administrative law judge's report will be available, after which date the board may not take any final action on the rule for a period of five working days. If you want to be notified about the report, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the administrative law judge. You may also request notification of the date on which the rule is adopted and filed with the Secretary of State. The board's notice of adoption must be mailed on the same day that the rule is filed. If you want to be notified of the adoption, you may so indicate at the hearing or send a request in writing to Karen L. Ramsey at any time prior to the filing of the rule with the Secretary of State.

Dated: 21 April 1995

Patricia H. Glasrud
Executive Director

Rules as Proposed

3100.3600 TRAINING AND EDUCATIONAL REQUIREMENTS TO ADMINISTER ANESTHESIA AND SEDATION.

Subpart 1. **Prohibitions.** Dental ~~hygienists and dental~~ assistants may not administer general anesthesia, conscious sedation, or nitrous oxide inhalation analgesia. Dental hygienists may not administer general anesthesia or conscious sedation.

Subp. 2. **General anesthesia.** A dentist may administer a pharmacological agent for the purpose of general anesthesia only pursuant to items A to C.

A. Beginning January 1, 1993, a dentist may administer a pharmacological agent for the purpose of general anesthesia only after satisfactorily completing the requirements in clause (1) or (2) in addition to the requirements in clause (3).

[For text of subitems (1) and (2), see M.R.]

(3) an advanced cardiac life support course and ~~must be currently certified in advanced cardiac life support or basic cardiac life support as provided in educational programs, at least every two years, an advanced or basic cardiac life support course~~ recognized by the American Heart Association, the American Red Cross, or other agencies whose courses are equivalent to the American Heart Association or American Red Cross courses.

[For text of items B and C, see M.R.]

Subp. 3. **Conscious sedation.** A dentist may administer a pharmacological agent for the purpose of conscious sedation only pursuant to items A to C.

A. Beginning January 1, 1993, a dentist may administer a pharmacological agent for the purpose of conscious sedation of a patient only after satisfactorily completing:

[For text of subitem (1), see M.R.]

(2) an advanced cardiac life support course and ~~must be currently certified in advanced cardiac life support or basic cardiac life support as provided in educational programs, at least every two years, complete an advanced or basic cardiac life support course~~ recognized by the American Heart Association, the American Red Cross, or other agencies whose courses are equivalent to the American Heart Association or American Red Cross courses.

[For text of items B and C, see M.R.]

Subp. 4. **Nitrous oxide inhalation analgesia.** A dentist may administer nitrous oxide inhalation analgesia only pursuant to items A to D and subpart 5, items A to C. ~~A dental hygienist may administer nitrous oxide inhalation analgesia only pursuant to items C to E and subpart 5, item D.~~

[For text of items A and B, see M.R.]

C. A dentist ~~or dental hygienist~~ must be currently certified in, at least every two years, complete an advanced or basic cardiac life support or basic cardiac life support as provided in educational programs course recognized by the American Heart Association, the American Red Cross, or other agencies another agency whose courses are equivalent to the American Heart Association or American Red Cross courses.

D. A dentist ~~or dental hygienist~~ may only use fail-safe anesthesia equipment capable of positive pressure respiration.

E. A dental hygienist may administer nitrous oxide inhalation analgesia only after satisfactorily completing a course on the administration of nitrous oxide inhalation analgesia from an institution accredited by the Commission on Accreditation. The course must include a minimum of 16 hours of didactic instruction and supervised clinical experience using fail-safe anesthesia equipment capable of positive pressure respiration.

Proposed Rules

Subp. 5. **Notice to board.** A dentist who administers a pharmacological agent for the purpose of general anesthesia, conscious sedation, or nitrous oxide inhalation analgesia shall submit to the board the information in items A to C.

[For text of item A, see M.R.]

B. Beginning January 1, 1993, a dentist may administer pharmacological agents for the purpose of general anesthesia or conscious sedation only if the dentist has submitted the following information to the board on forms provided by it: the name, address, and telephone number of the institution at which the dentist took the program or residency that complies with subparts 2, item A, subitem (1) or (2); and 3, item A, subitem (1), a certified copy of the dentist's transcript or other official record from the institution verifying that the dentist satisfactorily completed the program, residency, or course; and the name, address, and telephone number of the institution or other agency at which the dentist successfully completed the advanced cardiac life support course required by subparts 2, item A, subitem (3); and 3, item A, subitem (2); ~~and a statement that the dentist is currently certified in advanced cardiac life support or basic cardiac life support required by subparts 2, item A, subitem (3); and 3, item A, subitem (2).~~ After this initial submission, dentists shall ~~submit a statement of current certification in advanced cardiac life support or basic cardiac life support~~ every year submit on their license renewal application or other form provided by the board a statement of the most recent course completed in advanced or basic cardiac life support.

C. Beginning January 1, 1993, a dentist not previously registered with the board pursuant to subpart 5, item A, may administer nitrous oxide inhalation analgesia only after the dentist has submitted the following information to the board on forms provided by it: the name, address, and telephone number of the institution at which the dentist took the course that complies with subpart 4, item B; a certified copy of the dentist's transcript or other official record from the institution verifying that the dentist ~~satisfactorily completed the course;~~ and a statement that the dentist is currently certified in advanced cardiac life support has successfully completed an advanced or basic cardiac life support course as required by subpart 4, item C. After this initial submission, a dentist shall every year submit on the license renewal application or other form provided by the board a statement of current certification the most recent course completed in advanced cardiac life support or basic cardiac life support every year on the license renewal application or other form provided by the board.

D. A dental hygienist may administer nitrous oxide inhalation analgesia only after the dental hygienist has submitted the following information to the board on forms provided by it: the name, address, and telephone number of the institution at which the dental hygienist successfully completed the course required by subpart 4, item E; and a certified copy of the dental hygienist's transcript or other official record from the institution verifying that the dental hygienist has successfully completed the advanced or basic cardiac life support course as required by subpart 4, item E. ~~After this initial submission, the dental hygienist shall every year submit on the license renewal application or other form provided by the board a statement of the most recent course completed in advanced or basic cardiac life support.~~

[For text of subs 6 and 7, see M.R.]

Subp. 8. **Reporting of incidents required.** A dentist or dental hygienist shall report to the board any incident that arises from the administration of nitrous oxide inhalation analgesia or of a pharmacological agent for the purpose of general anesthesia, conscious sedation, local anesthesia, analgesia, or anxiolysis that results in a serious or unusual outcome that produces a temporary or permanent physiological injury, harm, or other detrimental effect to one or more of a patient's body systems. The report shall be submitted to the board on forms provided by it within ten days of the incident.

3100.8700 DENTAL HYGIENISTS.

[For text of subpart 1, see M.R.]

Subp. 2. **Duties under indirect supervision.** A dental hygienist may ~~remove marginal overhangs~~ perform the following procedures if a dentist is in the office, authorizes the procedures, and remains in the office while the procedures are being performed:-

A. remove marginal overhangs;

B. administer local anesthesia. Before administering local anesthesia, a dental hygienist must have successfully completed a didactic and clinical program sponsored by a dental or dental hygiene school accredited by the Commission on Accreditation, resulting in the dental hygienist becoming clinically competent in the administration of local anesthesia; and

C. administer nitrous oxide inhalation analgesia according to part 3100.3600, subparts 4 and 5.

[For text of subs 2a and 3, see M.R.]

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Proposed Rules

Board of Dentistry

Proposed Permanent Rules Relating to Continuing Dental Education

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Board of Dentistry (hereinafter "Board") intends to adopt the above entitled rules without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes* 14.22 to 14.28. The statutory authority to adopt the rules is *Minnesota Statutes* 150A.04, subd. 5 and 214.06, subd. 1.

All persons have until June 8, 1995, in which to submit comment in support of or in opposition to the proposed rules. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any changes proposed.

Any person may make a written request for a public hearing on the rules within the comment period which will close on June 8, 1995. If 25 or more persons submit a written request for a public hearing within the comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any change proposed. If a public hearing is required, the Board will proceed pursuant to *Minnesota Statutes* 14.131 to 14.20. Comments or written requests for a public hearing must be submitted to:

Patricia H. Glasrud, Executive Director
Minnesota Board of Dentistry
2700 University Avenue West, Suite 70
St. Paul, Minnesota 55114
Telephone: (612) 642-0579
Minnesota Relay Service for Hearing and Speech Impaired:
Metro Area: (612) 297-5353
Outside Metro Area: (800) 627-3529

The proposed rules may be modified if the modifications are supported by data and views submitted to the Board and do not result in a substantial change in the proposed rules as noticed.

The rules proposed for adoption increase fees for sponsors of CDE courses; require CDE sponsors to submit renewal applications annually; establish stricter and clearer standards for approval of CDE sponsors; establish standards for CDE courses; clarify the requirements for proof of participation in CDE courses; require sponsors to maintain records of CDE course offerings and attendance; give the board authority to review CDE sponsors' records and conduct surveys of participants; require, if a course is not taken from an approved sponsor, that the licensee or registrant apply for course approval within 30 days, rather than two weeks, after completing the course; clarify credit hours for CDE courses and activities; clarify that successful completion of examinations and education programs will not satisfy specific continuing education requirements such as for infection control; and give registered dental assistants CDE credit comparable to that given to dentists and dental hygienists for completion of examinations and education programs. A free copy of the rules is available upon request from Karen L. Ramsey at the Board office.

A Statement of Need and Reasonableness has been prepared and is available from Karen L. Ramsey upon request. The statement describes the need for and reasonableness of the proposed rules, identifies the data and information relied upon to support the proposed rules, and addresses the Board's position regarding the applicability of the small business rulemaking provisions and the impact of the proposed amendments on small businesses.

Minnesota Statutes 14.115 specifies certain actions which an agency must take if any agency engages in rulemaking which may affect small businesses. It is the Board's position that the Board's rules are not subject to section 14.115.

Upon adoption of the rules by the Board, the rules and the required supporting documents will then be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General or who wish to receive a copy of the adopted rules must submit a written request to Karen L. Ramsey at the board office.

Dated: 21 April 1995

Patricia H. Glasrud
Executive Director

Rules as Proposed**3100.0100 DEFINITIONS.**

[For text of subps 1 to 7, see M.R.]

Subp. 7a. Clinical participation. “Clinical participation” means that participants provide clinical treatment to, or practice clinical techniques on, humans.

[For text of subps 8 and 8a, see M.R.]

Subp. 9. Course Continuing dental education. “Course” means an educational offering, class, presentation, meeting, or other similar event which is offered by a sponsor and qualifies for CDE credit or for which a licensee or registrant requests CDE credit pursuant to part 3100.4300. “Continuing dental education” means courses and activities approved by the board or presented by CDE sponsors approved by the board for credit toward the continuing education requirements for the renewal of licenses and registrations.

[For text of subps 9a to 12b, see M.R.]

Subp. 12c. Laboratory or preclinical participation. “Laboratory or preclinical participation” means that participants practice treatment techniques using study models, casts, manikins, or other simulation methods.

[For text of subps 13 to 21, see M.R.]

3100.2000 FEES.

[For text of subps 1 to 6, see M.R.]

Subp. 8. Application for initial approval as sponsor of CDE courses. ~~A person~~ An organization applying for approval as a sponsor of CDE courses pursuant to part 3100.4200, subpart 2, shall submit ~~with an application a fee in the amount of \$75 a fee of \$100 with the initial application and a fee of \$50 with each annual renewal application.~~

[For text of subps 8a to 10, see M.R.]

3100.4100 CONTINUING DENTAL EDUCATION.

Subpart 1. Evidence of attendance. Each licensee and registrant shall provide evidence of attendance at, or participation in, continuing dental education (CDE) as required by parts 3100.4100 to ~~3100.4600~~ 3100.4500. Such evidence must be presented to the board on preprinted cards supplied by the board.

[For text of subps 2 to 5, see M.R.]

3100.4200 CDE SPONSORS.

Subpart 1. ~~Sponsor approval system~~ Approval of sponsors. ~~The board adopts a sponsor approval CDE system except as provided for in part 3100.4300. Except as provided in part 3100.4300, sponsors of CDE courses must be approved by the board in accordance with the requirements in this part.~~

Subp. 2. Application procedure. ~~Persons or Organizations~~ intending to offer courses for CDE credit shall present a completed application on a form provided by the board. The form will request the submission of information which will enable the board to determine whether the applicant meets the standards for sponsor approval as specified in subpart 5. The board may require the submission of any other information it deems necessary to determine whether the applicant meets those standards. Each application for sponsor approval submitted to the board must include the application fee established in part 3100.2000 before the application will be considered. The board may ~~use as a consultant~~ consult with a committee, which may include nonboard members, to evaluate sponsor applications.

Subp. 4. Sponsor renewal. ~~When the board approves a sponsor, the approval will remain in effect for four years. In order to remain an approved sponsor, the sponsor must again submit an application and fee as provided for in subpart 2 and be approved before the expiration of the four-year period. Each approved sponsor must complete and submit to the board a renewal application provided by the board by May 1 of each year. Sponsors receiving initial approval must submit their first renewal application by May 1 of the following year. Each renewal application submitted to the board must include the renewal application fee established in part 3100.2000.~~

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Subp. 5. **Approval standards.** The board will approve as a sponsor those applicants which meet the following standards:

A. The applicant is formally organized as a corporation (for profit or not for profit), partnership, accredited educational institution, or other formal association and has as one of its principal purposes the sponsoring of CDE courses. To be approved by the board as a sponsor, an applicant must comply with the standards specified in subitems (1) to (6).

(1) The applicant must be an accredited post-secondary educational institution, a professional association, a corporation, a partnership, a sole proprietorship, or other formal organization.

(2) The organization must have as one of its stated purposes the provision of continuing dental education for persons licensed or registered by the board.

(3) The organization must have a designated individual to plan and manage CDE activities.

(4) The organization must disclose to the board any disciplinary or legal action taken or pending against the organization, its officers, or members of the organization directly involved in CDE activities.

(5) The organization must have written policies on any conflict of interest which an individual presenting a course might have. The policies must minimize the potential for conflict of interest and require disclosure of a potential conflict of interest.

(6) In the materials used to publicize course offerings for CDE credit, the organization must provide complete and accurate information.

B. The courses proposed by a sponsor must have significant intellectual or practical content which deal in the clinical and scientific aspect of dentistry and patient communication or in nonclinical subjects relating to the dental profession as specified in part 3100.4100, subpart 2. Courses offered for CDE credit by the sponsor must meet the criteria specified in subitems (1) to (5).

(1) The course must be presented as an organized program of learning.

(2) The methods used for presenting course materials must include one or more of the following: clinical participation, group discussion, laboratory or preclinical participation, lecture, media usage, and self-instruction.

(3) The course must be on clinical subjects or on nonclinical subjects as specified in part 3100.4100, subpart 2, and must be designed to review existing dental concepts and techniques or to update participants on advances in the dental sciences or related sciences on oral health subjects.

(4) The subject matter of a clinical participation course must be within the legal scope of practice of the licensee or registrant in Minnesota.

(5) The content of the course must promote practices that are scientifically valid, have proven efficacy, or ensure public safety.

C. The applicant shall permit only those who are qualified by practical or academic experience to teach, speak, lecture, or make presentations at CDE course sponsored by it. Courses must be presented, conducted, or designed by individuals who have competence as well as education, training, or experience in the subject of the course.

D. Activities must be conducted in a classroom, laboratory, or other facility appropriate for the subject offered.

E. Except as provided in item F, when videotapes, motion pictures, audio tapes, interactive television classrooms, teleconferences, distance learning activities, or other interactive devices or methods are used to present CDE materials, a qualified individual must be available to interact with the participants and to verify attendance. For purposes of this item, a "qualified individual" is an individual who has competence as well as education, training, or experience in the subject of the course.

F. Courses designed as self-instructional activities must include a test which measures the licensee's or registrant's level of comprehension of the course content. The test must be submitted to the sponsor for grading and determination of successful completion of the course.

Subp. 6. **Proof of participation.** Each sponsor, at least once during each CDE course sponsored by it, shall announce to all participants that in order to receive CDE credit that they submit to the sponsor a card supplied by the board within two weeks of completion of the course. The sponsor must inform the participants of each CDE course it presents that it is an approved sponsor for CDE in Minnesota and that the participant will receive credit for the course by submitting the licensee's or registrant's preprinted CDE card to the sponsor upon completion of the course. The sponsor shall submit all cards to the board in an envelope provided by the board within three weeks 30 days after completion of the course.

Subp. 6a. **Record keeping.**

A. The sponsor must maintain records of each CDE course offering. Records must include the date and location of the course; the number of hours; the subject matter of the course, including the title, objectives, program, and other printed information relating to content; the name and credentials of the presenter; and the names of the participants. For an annual convention or mid-year meeting, records of the names of the participants do not have to be maintained for each CDE course offering; records of the

names of the participants for the convention or meeting as a whole are sufficient. For purposes of this item, "annual convention or mid-year meeting" means an annual convention or mid-year meeting that does not require preregistration for individual course offerings and that is sponsored by the Minnesota Dental Association, the Minnesota Dental Hygienists Association, the Minnesota Dental Assistants Association, or a district or component society of one of these associations. The records required under this item must be maintained for three years following the course offering.

B. The board may review records maintained pursuant to item A and may conduct a survey of a sample of the participants in a course to determine the sponsor's compliance with the standards specified in subpart 5.

Subp. 7. **Denial or revocation of approval.** The board shall state in writing its reasons for denying any sponsor application.

The board may deny approval of a specific course offered by an approved sponsor if such a course does not meet the standards of courses as specified by part 3100.4300, ~~subpart 3~~ 3100.4200, subpart 5, items B to F.

The board may revoke its approval of any a sponsor for failure failing to comply with provisions of subparts 4, 5, and 6 and part 3100.4700, and 6a, for falsification of any information requested or required by the board relating to the application for approval as a sponsor or to the administration of courses of a sponsor, or for other just cause.

3100.4300 APPROVAL OF COURSES ATTENDED PRESENTED BY NONAPPROVED SPONSORS.

Subpart 1. **Credit for nonapproved courses by nonapproved sponsors.** Licensees or registrants may apply individually for approval of CDE courses for CDE credit which are sponsored by organizations which have not applied and been approved as sponsors pursuant to part 3100.4200. ~~Information as~~ Licensees or registrants shall submit to the board the information specified in subpart 2 as well as any other information which the board may reasonably require for the purposes of evaluating the course for which approval is sought shall be submitted to the board. The board may use as consultants consult with a committee appointed for such evaluation to perform the evaluations.

Subp. 2. **Information required.** The following information, along with the form supplied by the board for reporting participation in CDE courses with the back side of it completed, shall be submitted to the board by a licensee or registrant seeking approval of courses pursuant to this part:

A. the name and address of the organization sponsoring the course for which credit is requested a completed CDE card supplied by the board for reporting participation in a CDE course;

B. the name and address of the person in the sponsoring organization with which the board may correspond with respect to the course for which credit is requested evidence of the licensee's or registrant's attendance at, or participation in, the course;

C. a detailed description of the content of the course the name and address of the organization sponsoring the course for which credit is requested;

D. the name and credentials of each instructor or person making a presentation the name and address of a person in the sponsoring organization with whom the board may correspond with respect to the course for which credit is requested;

E. the location including the name and address of the facility at which the course will be conducted; an outline or written description of all the material covered in the course;

F. the name and credentials of each person making a presentation at the course; and

G. the name and address of the facility at which the course was conducted.

Subp. 2a. **Time limits for notice of attendance.** If a course is taken from a sponsor not approved by the board under part 3100.4200, the licensee or registrant must apply for course approval under this part within 30 days after completing the course.

Subp. 3. **Course approval standards.** The board shall must grant CDE credit for any a course which meets the following standards specified in part 3100.4100, subpart 2, and 3100.4200, subpart 5. The course shall have significant intellectual or practical content dealing in the clinical and scientific aspect of dentistry and patient communication, or in nonclinical subjects related to the dental profession as specified in part 3100.4100, subpart 2.

Subp. 4. **Qualifications to present courses Written denial.** Each person making a CDE course presentation shall be qualified by practical or academic experience to teach the subjects he or she covers. Participants shall attend courses in a classroom, laboratory, or setting suitable for the course. Video, motion picture, or sound tape presentations may be used provided a qualified person

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Proposed Rules

is present to verify attendance. The board must state in writing its reasons for denying a request for approval of a course or activity for CDE credit hours.

Subp. 5. [See repealer.]

Subp. 6. [See repealer.]

3100.4400 ESTABLISHING CREDIT HOURS FOR CDE COURSES AND ACTIVITIES.

For courses presented by sponsors approved pursuant to part 3100.4200, and for courses approved pursuant to part 3100.4300, the board shall ~~fix~~ must set the number of hours of CDE credit based upon the following criteria: in this part.

A. ~~Multiday convention-type meetings such as state or national dental conventions or their equivalent~~ Dental conventions which last more than one day will be given awarded three clock hours credit.

B. ~~Scientific or educational meetings or courses or similar offerings will be credited on an hour-for-hour basis. Courses presented through the use of one of the following methods will be awarded one credit for each hour of the course:~~ clinical participation, group discussion, laboratory or preclinical participation, lecture, and media usage.

C. ~~Home study with an accompanying examination will be awarded hourly credit if the~~ Self-instructional courses for which an examination is successfully completed will be awarded credit based upon a the board's determination by the board or sponsor of the reasonable amount of time necessary to cover the material and take the examination and. Credit will not be awarded on the basis of the individual time taken by the licensee or registrant to study or review the material.

D. ~~A presentation of a CDE course made on behalf of an approved sponsor will be credited on an hour-for-hour basis awarded~~ one credit per hour of the presentation.

E. Authoring or co-authoring a published scientific article will be awarded five credits per article.

F. Successful completion of postgraduate courses will be awarded ten credits per credit hour.

G. Successful completion of a jurisprudence examination administered by the board will be awarded two credits once during each five-year CDE cycle, starting with the licensee's or registrant's second five-year CDE cycle. For purposes of this item, a "jurisprudence examination" means an examination on the requirements of this chapter, Minnesota Statutes, chapter 150A, 214, or 319A, or all of the foregoing.

3100.4500 SOURCES OF CDE CREDIT HOURS FOR EXAMINATIONS AND ADVANCED EDUCATION PROGRAM.

Subpart 1. [See repealer.]

Subp. 2. **Other forms of CDE.** The board may also approve ~~other forms of CDE examinations and advanced education programs for CDE credit~~ if the approval standards as specified in parts 3100.4100, subpart 2, and 3100.4200, subpart 5 and 3100.4300, ~~subpart 3,~~ are met. Examples of such ~~other forms of CDE examinations and advanced education program~~ are:

A. ~~Successfully passing~~ Successful completion of part II of the national board examination for dentists if taken five or more years after graduation. Except for any specific topic area required by statute or rule, this will fulfill the five-year requirement for dentists.

B. ~~Satisfactory~~ Successful completion of an advanced education program such as an internship or residency accredited by the American Dental Association Commission on Accreditation and approved by the board. Except for any specific topic area required by statute or rule, such programs will fulfill the five-year requirement for dentists.

C. ~~Successfully passing~~ Successful completion of the national board examination for dental hygiene if taken five or more years after graduation. Except for any specific topic area required by statute or rule, this will fulfill the five-year requirement for hygienists.

D. Satisfactory completion of an advanced education program approved by the board. Except for any specific topic area required by statute or rule, this will fulfill the five-year requirement for hygienists.

E. ~~Publication of articles or books. CDE credit will be granted on an individual consideration basis.~~ Successful completion of the examination for initial registration as a registered dental assistant if taken five or more years after initial registration. Except for any specific topic area required by statute or rule, this will fulfill the five-year requirement for registered dental assistants.

F. Successful completion of an advanced education program approved by the board. Except for any specific topic area required by statute or rule, this will fulfill the five-year requirement for registered dental assistants.

REPEALER. Minnesota Rules, parts 3100.4300, subparts 5 and 6; 3100.4500, subpart 1; and 3100.4600, are repealed.

EFFECTIVE DATE. Minnesota Rules, part 3100.4200, subpart 4, is effective May 1, 1995.

Board of Dentistry

Proposed Permanent Rules Relating to Registered Dental Assistants

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Board of Dentistry (hereinafter "Board") intends to adopt the above entitled rules without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes* 14.22 to 14.28. The statutory authority to adopt the rules is *Minnesota Statutes* 150A.04, subd. 5 and 214.06, subd. 1.

All persons have until June 8, 1995, in which to submit comment in support of or in opposition to the proposed rules. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any changes proposed.

Any person may make a written request for a public hearing on the rules within the comment period which will close on June 8, 1995. If 25 or more persons submit a written request for a public hearing within the comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any change proposed. If a public hearing is required, the Board will proceed pursuant to *Minnesota Statutes* 14.131 to 14.20. Comments or written requests for a public hearing must be submitted to:

Patricia H. Glasrud, Executive Director
Minnesota Board of Dentistry
2700 University Avenue West, Suite 70
St. Paul, Minnesota 55114
Telephone: (612) 642-0579
Minnesota Relay Service for Hearing and Speech Impaired:
Metro Area: (612) 297-5353
Outside Metro Area: (800) 627-3529

The proposed rules may be modified if the modifications are supported by data and views submitted to the Board and do not result in a substantial change in the proposed rules as noticed.

The rules proposed for adoption expand the duties of registered dental assistants under general supervision, indirect supervision, and direct supervision; clarify the duties of dental hygienists under general supervision; and expand the duties of dental hygienists under direct supervision. A free copy of the rules is available upon request from Karen L. Ramsey at the Board office.

A Statement of Need and Reasonableness has been prepared and is available from Karen L. Ramsey upon request. The statement describes the need for and reasonableness of the proposed rules, identifies the data and information relied upon to support the proposed rules, and addresses the Board's position regarding the applicability of the small business rulemaking provisions and the impact of the proposed amendments on small business.

Minnesota Statutes 14.115 specifies certain actions which an agency must take if any agency engages in rulemaking which may affect small businesses. It is the Board's position that the Board's rules are not subject to section 14.115.

Upon adoption of the rules by the Board, the rules and the required supporting documents will then be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General or who wish to receive a copy of the adopted rules must submit a written request to Karen L. Ramsey at the board office.

Dated: 21 April 1995

Patricia H. Glasrud
Executive Director

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Proposed Rules

Rules as Proposed

3100.1300 APPLICATION FOR REGISTRATION AS A REGISTERED DENTAL ASSISTANT.

Any person desiring to be registered as a dental assistant shall submit to the board an application and credentials as prescribed by the act and shall conform to the following rules:

[For text of items A and B, see M.R.]

C. Submission of evidence of satisfactorily passing a board-approved registration examination designed to determine the applicant's knowledge of the clinical duties specified in part 3100.8500, ~~subpart~~ subparts 1 to 1b.

[For text of items D and E, see M.R.]

3100.8500 REGISTERED DENTAL ASSISTANTS.

Subpart 1. **Duties under general supervision.** A registered dental assistant may perform the following duties if a dentist has authorized the procedures and the registered dental assistant performs the procedures in accordance with the dentist's diagnosis and treatment plan: cut arch wires, remove loose bands, or remove loose brackets on orthodontic appliances to provide palliative treatment.

Subp. 1a. Duties under indirect supervision. A registered dental assistant, in addition to the services performed by the assistant, may perform the following services if a dentist is in the office, authorizes the procedures, and remains in the office while the procedures are being performed:

- A. take radiographs;
- B. take impressions for casts and appropriate bite registration. Dental assistants shall not take impressions and bite registrations for final construction of fixed and removable prostheses;
- C. apply topical medications that are physiologically reversible, topical fluoride, bleaching agents, and cavity varnishes prescribed by dentists;
- D. place and remove rubber dam;
- E. remove excess cement from inlays, crowns, bridges, and orthodontic appliances with hand instruments only;
- F. perform mechanical polishing to clinical crowns not including instrumentation. Removal of calculus by instrumentation must be done by a dentist or dental hygienist before mechanical polishing;
- G. preselect orthodontic bands;
- H. place and remove periodontal dressings;
- I. remove sutures;
- J. monitor a patient who has been induced by a dentist into nitrous oxide inhalation analgesia;
- K. place and remove elastic orthodontic separators; ~~and~~
- L. remove and place ligature ties and arch wires on orthodontic appliances. A dentist must select and, if necessary, adjust arch wires prior to placement;
- M. dry root canals with paper points; and
- N. place cotton-pellets and temporary restorative materials into endodontic access openings.

~~Subp. 1a~~ 1b. Duties under direct supervision. A registered dental assistant may perform the following services if a dentist is in the dental office, personally diagnoses the condition to be treated, personally authorizes the procedure, and evaluates the performance of the auxiliary before dismissing the patient:

- A. remove excess bond material from orthodontic appliances with hand instruments only;
- B. etch appropriate enamel surfaces before bonding of orthodontic appliances by a dentist;
- C. etch appropriate enamel surfaces and apply pit and fissure sealants. Before the application of pit and fissure sealants, a registered dental assistant must have successfully completed a course in pit and fissure sealants at a dental school, dental hygiene school, or dental assisting school that has been accredited by the Commission on Accreditation; ~~and~~
- D. make preliminary adaptation of temporary crowns; ~~and~~
- E. remove temporary crowns with hand instruments only.

[For text of subps 2 and 3, see M.R.]

3100.8700 DENTAL HYGIENISTS.

Subpart 1. **Duties under general supervision.** A dental hygienist may perform the following services if a dentist has authorized them and the hygienist carries them out in accordance with the dentist's diagnosis and treatment plan:

- A. all services permitted under parts 3100.8400 to 3100.8500, ~~subpart 1~~ subparts 1 and 1a;
- B. complete prophylaxis to include scaling, root planing, and polishing of restorations; ~~and temporary replacement of restorations~~;
- C. preliminary charting of the oral cavity and surrounding structures to include case histories, and periodontal charting (this does not infer the making of a diagnosis);
- D. dietary analysis, salivary analysis, and preparation of smears for dental health purposes;
- E. application of pit and fissure sealants; ~~and~~
- F. ~~remove~~ removal of excess bond material from orthodontic appliances; and
- G. replacement of intact temporary crowns or restorations with temporary restorative materials prior to the placement of a permanent restoration. Replacement of restorations does not include the construction of temporary crowns.

[For text of subp 2, see M.R.]

Subp. 2a. **Duties under direct supervision.** A dental hygienist may perform the following procedures if a dentist is in the office, personally diagnoses the condition to be treated, personally authorizes the procedure, and evaluates the performance of the dental hygienist before dismissing the patient:

- A. etch appropriate enamel surfaces before bonding of orthodontic appliances by a dentist; ~~and~~
- B. make preliminary adaptation of temporary crowns; and
- C. remove temporary crowns with hand instruments only.

[For text of subp 3, see M.R.]

Department of Natural Resources

Proposed Permanent Rules Governing Personal Flotation Devices

Notice of Hearing

Introduction. NOTICE IS HEREBY GIVEN that the Minnesota Department of Natural Resources (DNR) will be holding a hearing on the above-entitled matter on June 8, 1995 at 7:00 o'clock PM at the following location:

Minnesota Pollution Control Agency
Boardroom (lower level)
520 Lafayette Road
St. Paul, MN 55155

All interested or affected persons will have an opportunity to participate by submitting either oral or written data, statements or arguments. Statements or briefs may be made without appearing at the hearing.

Administrative Law Judge. The matter will be heard before:

Administrative Law Judge Allen E. Giles
Office of Administrative Hearings
Suite 1700
100 Washington South
Minneapolis, MN 55401-2138
(612) 341-7600

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Proposed Rules

The rule hearing procedure is governed by *Minnesota Statutes* §§ 14.131-14.20 (1994) and by the Office of Administrative Hearings, *Minnesota Rules* Parts 1400.0200 to 1400.1200 (1993). Questions concerning the rule hearing procedure should be directed to the Administrative Law Judge at the address and telephone number stated above.

Subject of Rule and Statutory Authority. The subject of the hearing will be the proposed amendments governing the carriage of personal flotation devices (PFD's) on board watercraft, (*Minnesota Rules*, part 6110.1200, subp. 3). The proposed amendments would require that a U.S. Coast Guard approved wearable PFD be carried for each person on board a watercraft. In addition, craft 16 feet or longer, except canoes and kayaks, would be required to have at least one U.S. Coast Guard approved throwable device, such as a bouyant cushion or ring buoy on board. These rule changes would bring Minnesota's rules in line with those of the Coast Guard and the surrounding states. The effective date would be May 1, 1996. The proposed rules are authorized by *Minnesota Statutes* sections 86B.211 (6) and 86B.501, subdivision 1. The proposed rules are published in the May 8, 1995 edition of the *State Register*, immediately following this notice. One free copy of the rules is available on request by contacting:

Kim Elverum
Minnesota Department of Natural Resources
500 Lafayette Road
St. Paul, MN 55155-4046
Telephone (612) 296-0905 or (800) 766-6000
TDD: (612) 296-5484 or (800) 657-3929
Facsimile: (612) 296-0902

Statement of Need and Reasonableness. Notice is hereby given that a statement of need and reasonableness is now available for review at the DNR address listed previously and at the Office of Administrative Hearings. The statement of need and reasonableness includes a summary of all of the evidence and argument which the DNR anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rule amendments. Copies of the statement of need and reasonableness may be reviewed at the DNR office listed previously or the Office Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

Small Business Considerations. *Minnesota Statutes* § 14.115, subdivision 4, requires that the notice of rulemaking include a statement of this proposed rule amendment on small business. The rules may have some minimal affect on small businesses, such as 1) resorts, outfitters and others who rent watercraft and 2) marinas, marine dealers and other retailers who sell personal flotation devices. The opinion of many of these groups was solicited in August of 1994 and there was very little negative response from them. Some of these businesses are also in the process of coming into compliance with the identical federal regulation which affects bodies of water subject to jurisdiction by the U.S. Coast Guard.

Expenditures of Public Money by Local Public Bodies. *Minnesota Statutes* § 14.11, subdivision 1, requires the DNR to include a statement of the rule's estimated costs to local public bodies in this notice if the rule would have a total cost of over \$100,000 to all local public bodies in the state in either of the two years following adoption of the rule. The proposed rule amendment will have minimal impact on public bodies. The financial impact will not exceed this threshold limit to all local public bodies in the state in either year of the two years following adoption.

Impact on Agricultural Lands. *Minnesota Statutes* § 14.11, subdivision 2, requires that if the rule would have direct and adverse effect on agricultural lands in the state, the DNR shall comply with specified additional requirements. The proposed rule amendments will not impact agricultural lands in the state.

Hearing Procedure. You and all interested or affected persons, including representatives of associations and other interested groups, will have an opportunity to participate in the rulemaking process. You may present your views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should relate to the proposed rules. You may also mail written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed twenty (20) calendar days if ordered by the Administrative Law Judge at the hearing. Comments received during this period shall be available for review at the Office of Administrative Hearings. You and the DNR may respond in writing within three to five working days after the submission period ends to any new information submitted (All written materials submitted to the Administrative Law Judge must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date). No additional evidence may be submitted during the three to five day period.

The DNR requests that any person submitting written views or data to the Administrative Law Judge prior to the hearing or during the comment period also submit a copy to Kim Elverum at the address stated previously.

Modifications. The proposed rules may be modified as a result of the hearing process. Modifications must not result in a substantial change in the proposed rule as printed in the *State Register*, and must be supported by data and views presented during the rule hearing process. If the proposed rule amendment affects you in any way, you are encouraged to participate.

Adoption Procedure After Hearing. After the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rule.

Notice: Any person may request notification of the date on which the Administrative Law Judge's report will be available, after which date the DNR may not take any final action on the rules for a period of five (5) working days. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Administrative Law Judge. Any person may request notification of the date on which the rules were adopted and filed with the Secretary of State. The notice must be mailed on the same day the rules are filed. If you want to be so notified, you may so indicate at the hearing or send a request in writing to Kim Elverum, Boat & Water Safety Coordinator, Minnesota Department of Natural Resources, 500 Lafayette Road, St. Paul, MN 55155-4046 at any time prior to the filing of the rule with the Secretary of State.

Lobbyist Registration. *Minnesota Statutes* Chapter 10A requires each lobbyist to register with the State Ethical Practices Board. Questions regarding this requirement may be directed to:

Ethical Practices Board
First Floor, Centennial Office Building
658 Cedar Street
St. Paul, MN 55155
Telephone: (612) 296-5148

Rodney W. Sando
Commissioner
Minnesota Department of Natural Resources
Gail I. Lewellan
Assistant Commissioner
Department of Natural Resources

Rules as Proposed

6110.1200 NAVIGATION OF WATERCRAFT ON THE WATERS OF THE STATE; SAFETY EQUIPMENT.

[For text of subs 1 and 2, see M.R.]

Subp. 3. Personal flotation (lifesaving) devices. Flotation devices:

A. Every person on board a watercraft or duck boat shall wear or have readily accessible a U.S. Coast Guard approved Type I, II, or III; ~~or IV~~ personal flotation device. In addition to these devices, watercraft and duck boats 16 feet or more in length, except canoes and kayaks, must also carry at least one U.S. Coast Guard approved Type IV personal flotation device. A U.S. Coast Guard approved Type IV personal flotation device may be carried in lieu of any personal flotation device required by this part, on nonmotorized watercraft operated by lifeguards within a marked swimming area, as defined in part 6110.1600.

B. A U.S. Coast Guard approved Type V personal flotation device may be carried in lieu of the ~~Type I, II, III, or IV~~ any personal flotation device required in this rule, if the Type V personal flotation device is approved:

- (1) for the activity in which the watercraft is being used; and
- (2) as a substitute for the type of personal flotation devices required to be on board the watercraft.

C. Persons being towed by a watercraft on water skis or other devices shall be considered to be on board the towing watercraft for the purpose of personal flotation device requirements. A U.S. Coast Guard approved Type I, II, or III personal flotation device must be either carried in the towing watercraft or worn by the person being towed.

D. All personal flotation devices required by this subpart shall be:

- (1) approved by the United States Coast Guard;
- (2) legibly marked with the approval number issued by the United States Coast Guard;
- (3) in serviceable condition free of tears, rot, punctures, or waterlogging, and with all straps and fasteners present and in good condition;
- (4) either readily accessible or worn; ~~except for~~ with following exceptions:

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Proposed Rules

(a) those Type V devices which are required to be worn to be accepted as United States Coast Guard approved;

(b) those cases designated by statute where wearing a Coast Guard approved Type I, II, III or V personal flotation device is mandatory; and

(c) Type IV personal flotation devices must be immediately available.

"Readily accessible" means easily retrievable within a reasonable amount of time in an emergency. "Immediately available" means easily reached in time of emergency. Personal flotation devices located in locked containers, under heavy objects or left in shipping bags are not considered readily accessible or immediately available;

(5) of the appropriate size for the intended wearer, if the device is designed to be worn.

[For text of subs 4 to 7, see M.R.]

EFFECTIVE DATE. The amendments to part 6110.1200 are effective May 1, 1996.

Department of Natural Resources

Proposed Permanent Rules Relating to Waters, Watercraft Speed Limit Zones

DUAL NOTICE:

Notice of Intent to Adopt a Rule Without a Public Hearing Unless 25 or More Persons Request a Hearing;
And

Notice of Hearing if 25 or More Requests for Hearing Are Received

Introduction. The Department of Natural Resources intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, section 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rule within 30 days or by June 7, 1995, a public hearing will be held on June 19, 1995. To find out whether the rule will be adopted without a hearing or if a hearing will be held, you should contact Kim Elverum at (612) 296-0905 after June 7, 1995 and before June 19, 1995.

Agency Contact Person. Comments or questions on the rule and written requests for a public hearing on the rule must be submitted to:

Kim Elverum
Department of Natural Resources
Box 46
500 Lafayette Road
St. Paul, MN 55155-4046
(612) 296-0905

Subject of Rules and Statutory Authority: The rule proposed for adoption extends the current slow-no wake zone in the Hudson Narrows on the Lower St. Croix River. Specifically, the rule would provide a slow-no wake zone from approximately mile 16.5 to approximately mile 16.1 and south of the dike from shore to shore in the South Hudson Bay. The statutory authority to adopt the rules is *Minnesota Statutes*, section 86B.205 (1994). A copy of the rule is published in the *State Register*. A free copy of the rule is available from Kim Elverum at the address stated above.

Comments. You have until 4:00 p.m., June 7, 1995, to submit written comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Request for a Hearing: In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:00 p.m. on June 7, 1995. Your written request for a public hearing must include your name, address, and telephone number. You are encouraged to identify the portion of the proposed rule which caused your request, the reason for the request, and any changes you want made to the proposed rule. If 25 or more persons submit a written request for a public hearing within the time period, a public hearing will be held unless a sufficient number withdraw their requests in writing.

Modifications: The proposed rule may be modified, either as a result of public comment or as a result of the rule hearing process. Modifications must not result in a substantial change in the proposed rule as printed in the *State Register* and must be sup-

ported by data and views submitted to the agency or presented at the hearing. If the proposed rule affects you in any way, you are encouraged to participate in the rulemaking process.

Cancellation of Hearing: The hearing scheduled for June 19, 1995, will be canceled if the agency does not receive requests from 25 or more persons that a hearing be held on the rule. If you request a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call Kim Elverum at (612) 296-0905 after June 7, 1995, to find out whether a hearing will be held.

Notice of Hearing. If 25 or more persons submit written requests for a public hearing on the rule, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.14 to 14.20. The hearing will be held on June 19, 1995, in the Boardroom in the Washington County Government Center, 14900 61st Street North, Stillwater, Minnesota, beginning at 7:00 p.m. and will continue until all interested persons have been heard. The hearing will continue, if necessary, at additional times and places as determined during the hearing by the administrative law judge. The administrative law judge assigned to conduct the hearing is Phyllis Reha. Judge Reha can be reached at the office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401, telephone (612) 341-7600.

Hearing Procedure. If a hearing is held, you and all interested or affected persons including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should relate to the proposed rule. You may also mail written material to the administrative law judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the administrative law judge at the hearing. Comments received during this period will be available for review at the Office of Administrative Hearings. You and the agency may respond in writing within five business days after the submission period ends to any new information submitted. All written materials and responses submitted to the administrative law judge must be received at the Office of Administrative Hearing no later than 4:30 p.m. on the due date. No additional evidence may be submitted during the five-day period. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.0200 and *Minnesota Statutes*, sections 14.14 to 14.20. Questions about procedure may be directed to the administrative law judge.

Statement of Need and Reasonableness. A statement of need and reasonableness is now available from the agency contact person. This statement describes the need for and reasonableness of each provision of the proposed rule. It also includes a summary of all the evidence and argument which the agency anticipates presenting at the hearing, if one is held. The statement may also be reviewed and copies obtained at the cost of reproduction from the Office of Administrative Hearings.

Small Business Considerations. The Department has considered the requirements of *Minnesota Statutes*, section 14.115 (1994), in regard to the impact of the proposed rule amendment on small business. However, section 14.115, subd. 7(1), exempts this process for "rules that do not affect small businesses directly." Although, the proposed rule amendment may have a tangential affect on some small businesses such as marinas in the area, there will be no direct impact which would initiate review under section 14.115.

Expenditure of Public Money by Local Public Bodies. Adoption of the rule amendment will not result in an expenditure of public monies by local governmental bodies in an amount to generate review under *Minnesota Statutes* § 14.11, subd. 1. Thus, a fiscal note is not necessary.

Impact on Agricultural Lands. Adoption of the rule amendment will not have a direct or substantial adverse impact on agricultural land in the state.

Department Charge Imposed by the Rules. The proposed rule amendment does not impose a charge or fee of any kind on the local units of government or the general public.

Lobbyist Registration: *Minnesota Statutes*, Chapter 10A requires each lobbyist to register with the Ethical Practices Board. Questions regarding this requirement may be directed to the Ethical Practices Board at First Floor, Centennial Office Building, 658 Cedar Street, St. Paul, Minnesota, 55155, (612) 296-5148.

Adoption Procedure If No Hearing. If no hearing is required, after the end of the comment period, the agency may adopt the rule. The rule and supporting documents will then be submitted to the attorney general for review as to legality and form to the extent form relates to legality. You may request to be notified of the date the rule is submitted to the attorney general or be notified of the attorney general's decision on the rule. If you want to be so notified, or wish to receive a copy of the adopted rule, submit your request to Kim Elverum at the address listed above.

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Proposed Rules

Adoption Procedure After the Hearing. If a hearing is held, after the close of the hearing record, the administrative law judge will issue a report on the proposed rule. You may request to be notified of the date on which the administrative law judge's report will be available, after which date the agency may not take any final action on the rules for a period of five working days. If you want to be notified of the report, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the administrative law judge. You may also request notification of the date on which the rule is adopted and filed with the Secretary of State. The agency's notice of adoption must be mailed on the same day that the rule is filed. If you want to be notified of the adoption, you may so indicate at the hearing or send a request in writing to the agency contact person at any time prior to the filing of the rules with the Secretary of State.

Rodney W. Sando, Commissioner
Department of Natural Resources

Gail Lewellan, Assistant Commissioner of
Human Resources and Legal Affairs

Rules as Proposed

6105.0330 RESTRICTED SPEED ZONES.

[For text of subpart 1, see M.R.]

Subp. 2. **Slow-no wake speed.** No motorboat shall be operated in excess of a slow-no wake speed in the following areas:

[For text of item A, see M.R.]

B. between the Coast Guard navigational buoys designating location of the navigation channel from the railroad swing bridge located at approximately mile 17.3 to the south side of the southernmost ~~island in the chain of islands~~ bridge in the Interstate Highway 94 corridor located at approximately mile ~~16.5~~ 16.1 and from shore to shore in the area known as South Hudson Bay, downstream from the Hudson dike road to the embankment of Interstate Highway 94;

[For text of items C to H, see M.R.]

[For text of subp 3, see M.R.]

Pollution Control Agency

Proposed Permanent Rules Relating to Adoption of Federal Regulations

Notice of Intent to Adopt Rules Without a Public Hearing

The Minnesota Pollution Control Agency (MPCA) intends to adopt permanent rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, §§ 14.22 to 14.28. The rulemaking is in response to a formal request by the U.S. Environmental Protection Agency (EPA) for a revision to Minnesota's State Implementation Plan (SIP) under the Clean Air Act (CAA). You have 30 days to submit written comments on the proposed rule and may also submit a written request for a public hearing to be held on the rule.

Agency Contact Person. Comments or questions on the rule and written requests for a public hearing on the rule must be submitted to:

Norma Coleman
Air Quality Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155
Telephone: (612) 296-7712

Subject of Rule and Statutory Authority: The MPCA is proposing to adopt rules governing general conformity of federal actions to state or federal implementation plans. The EPA adopted regulations in the *Federal Register* on November 30, 1993 (58 *Federal Register* 63214-63259), which require that all federal actions conform to an applicable implementation plan developed pursuant to section 110 and part D of the CAA. States are required through this rule to submit to EPA revisions to their implementation plans establishing conformity criteria and procedures consistent with EPA's rule.

General conformity is intended to hold those with responsibility for a project accountable for the emissions that result from that project, with the ultimate goal of preventing actions that are in some way supported by the federal government from undermining efforts to achieve and maintain clean air in a cost-effective manner.

Proposed Rules

The federal general conformity rule applies only to criteria pollutants (ozone, carbon monoxide, PM₁₀, sulfur dioxide, nitrogen dioxide and lead) for which an area is designated as nonattainment or maintenance; with respect to maintenance areas, only those designated since adoption of the CAA Amendments of 1990 are affected. The rule does not apply general conformity requirements to pollutants for which an area is in attainment nor does it apply to federal highway and transit actions ("transportation conformity"). Transportation conformity requirements are established in a separate federal rulemaking action. Once the rule is adopted the MPCA will submit it to EPA as a SIP revision. The statutory authority to adopt this rule is contained in *Minnesota Statutes* 116.07, subd. 4 (1992). A copy of the proposed rule is published immediately after this notice.

Comments. You have until 4:30 p.m., June 7, 1995, to submit written comments in support of or in opposition to the proposed rule and any part or subpart of the rule. Your comment must be in writing and received by the MPCA contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Request for a Hearing: In addition to submitting comments, you may also request that a hearing be held on the rule. Your request for a public hearing must be in writing and must be received by the MPCA contact person by 4:30 p.m. on June 7, 1995. Your written request for a public hearing must include your name and address. You are encouraged to identify the portion of the proposed rule which caused your request, the reason for the request, and any changes you want made to the proposed rule. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If a public hearing is required, the MPCA will follow the procedures in *Minnesota Statutes* §§ 14.131 to 14.20.

Request to Appear Before MPCA Board. The MPCA's Commissioner is proposing to adopt this rule under a delegation of authority from the MPCA Board. In addition to submitting comments and/or a hearing request, you may also request to appear before the MPCA Board prior to adoption of this rule. Your request to appear before the MPCA Board must be in writing and must be received by the MPCA contact person by 4:30 p.m. on June 7, 1995. Your written request must include your name and address. If no one requests an appearance before the MPCA Board and a public hearing is not required, then the Commissioner of the MPCA will make the final decision on this rule as allowed by a delegation from the MPCA Board.

Modifications: The proposed rule may be modified as a result of public comment. The modifications must be supported by data and views submitted to the MPCA and may not result in a substantial change in the proposed rule as printed immediately after this notice. If the proposed rule affects you in any way, you are encouraged to participate in the rulemaking process.

Statement of Need and Reasonableness. A statement of need and reasonableness is now available from the MPCA contact person. This statement describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule.

Small Business Considerations. *Minnesota Statutes*, § 14.115, subd. 4 (1992), requires that the notice of rulemaking include a statement of the impact of this proposed rule on small business. The proposed rule will not affect small businesses, as defined in *Minnesota Statutes* § 14.115 (1992). The main impact of the general conformity rule applies to only federal agencies in nonattainment and maintenance areas that either directly fund, or have approval control, for actions within those areas. Agencies and actions that will be directly affected by this rule include the Federal Aviation Administration, with airport actions, and the Department of Defense, with military installation closures and realignments. The MPCA also notes that EPA is requiring all states to adopt and submit a SIP revision for general conformity.

Consideration of Economic Factors. In exercising its powers the MPCA is required by *Minnesota Statutes* § 116.07, subd. 6 (1992) to give due consideration to economic factors. Since the MPCA is incorporating the federal general conformity regulations into state rules for purposes of compliance with the 1990 Amendments, the state rules proposed in this rulemaking do not impose any additional costs on Minnesota businesses that are not already imposed as a matter of federal law.

Expenditure of Public Money by Local Public Bodies. *Minnesota Statutes* § 14.11, subd. 1, requires the MPCA to include a statement of the rule's estimated costs to local public bodies in this notice if the rule would have a total cost of over \$100,000 to all local public bodies in the state in either of the two years following adoption of the rule. Adoption of this rule amendment will not impose any additional cost on local public bodies in the state. This rule applies only to federal actions and would not result in costs to local public bodies.

Impacts on Agricultural Land and Farming Operations. *Minnesota Statutes* § 14.11, subd. 2 (1992) requires that if the agency proposing the adoption of a rule determines that the rule may have a direct and substantial adverse impact on agricultural land in the state, the agency shall comply with specified additional requirements. The MPCA, in adopting the federal general con-

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Proposed Rules

formity regulations into state rules, is not proposing a rule which may have a direct and substantial adverse impact on agricultural lands in the state because these rules apply only to federal actions that either directly or have approval control for actions located within nonattainment and maintenance areas, and therefore do not directly impact agricultural lands in the state.

Minnesota Statutes § 116.07, subd. 4 (1994), requires that if a proposed rule affects farming operations, the MPCA must provide a copy of the proposed rule and a statement of the effect of the proposed rule on farming operations to the Commissioner of Agriculture for review and comment. The MPCA, in adopting the federal general conformity regulations into state rules, is not proposing a rule which would affect farming operations.

Adoption and Review of the Rule. If no hearing is required, after the end of the comment period the MPCA may adopt the rule. The rule and supporting documents will then be submitted to the attorney general for review as to legality and form to the extent form relates to legality. You may request to be notified of the date the rule is submitted to the attorney general or be notified of the attorney general's decision on the rule. If you wish to be so notified, or wish to receive a copy of the adopted rule, submit your request to Norma Coleman.

Public Notice and Opportunity to Comment on Proposed Revisions to Minnesota's State Implementation Plan to Incorporate Rules Governing General Conformity of Federal Actions to State or Federal Implementation Plans.

NOTICE IS HEREBY GIVEN, that the MPCA is proposing to adopt rules governing general conformity of federal actions to state or federal implementation plans. The EPA adopted regulations in the *Federal Register* on November 30, 1993 (58 *Federal Register* 63214-63259), which require that all federal actions conform to an applicable implementation plan developed pursuant to section 110 and Part D of the CAA. States are required through this rule to submit to EPA revisions to their implementation plans establishing conformity criteria and procedures consistent with EPA's rule.

At the April 25, 1995 MPCA Board meeting, the Board authorized the Commissioner of the MPCA to approve a revision to Minnesota's SIP to incorporate *Minnesota Rules* pt. 7009.9000 for submittal to EPA. A copy of the SIP revision will be available for inspection at the MPCA offices in St. Paul at 520 Lafayette Road North, 1st Floor, Air Quality Division, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. Written comments concerning the SIP will be accepted until 4:30 p.m., June 7, 1995 and should be sent to:

Susan Mitchell
Air Quality Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155
Telephone (612) 297-3082

The public is hereby notified that the proposed amendments will be brought before a public hearing if anyone requests a public hearing during the public comment period. Persons who wish to request a public hearing concerning the proposed amendments should contact Ms. Mitchell at (612) 297-3087 or submit a written request by 4:30 p.m. June 7, 1995. Your written request must include your name and address. If no one requests a public hearing, the Commissioner of the MPCA will make the final decision on this SIP submittal as authorized by the MPCA Board on April 25, 1995.

Charles W. Williams
Commissioner

Rules as Proposed (all new material)

ADOPTION OF FEDERAL REGULATIONS

7009.9000 DETERMINING CONFORMITY OF GENERAL FEDERAL ACTIONS TO STATE OR FEDERAL IMPLEMENTATION PLANS.

Code of Federal Regulations, title 40, part 51, subpart W, as amended, entitled "Determining Conformity of General Federal Actions to State or Federal Implementation Plans," is adopted and incorporated by reference, with the exception of *Code of Federal Regulations*, title 40, part 51, subpart W, section 51.851(a).

Pollution Control Agency

Proposed Permanent Rules Relating to Optional Federal Corrective Action Management Units

Notice of Intent to Adopt Rules Without a Public Hearing

The Minnesota Pollution Control Agency (Agency) intends to adopt a permanent rule without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes* sections 14.22 to 14.28. You have 30 days to submit written comments on the proposed rule and may also submit a written request that a public hearing be held on the rule.

Agency Contact Person. Comments or questions on the rule and written requests for a public hearing on the rule must be submitted to:

Nathan Brooks Cooley
Hazardous Waste Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155
Telephone: (612) 297-7544
Facsimile: (612) 297-8676

Subject of Rule and Statutory Authority. The proposed rule adopts federally promulgated hazardous wastes regulations governing corrective action management units and temporary units, and makes minor clarifications in existing rules. The statutory authority to adopt this rule is contained in *Minnesota Statutes* section 116.07, subdivision 4. A copy of the proposed rule is published immediately after this notice.

Comments. You have until 4:30 p.m., June 8, 1995, to submit written comment in support of or in opposition to the proposed rule and any part or subpart of the rule. Your comment must be in writing and received by the Agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Request for a Hearing. In addition to submitting comment, you may also request that a hearing be held on the rule. Your request for a public hearing must be in writing and must be received by the Agency contact person by 4:30 p.m. on June 8, 1995. Your written request for a public hearing must include your name and address. You are encouraged to identify the portion of the proposed rule which caused your request, the reason for the request, and any changes you want made to the proposed rule. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their request in writing. If a public hearing is required, the Agency will follow the procedures in *Minnesota Statutes* sections 14.131 to 14.20.

Modifications. The proposed rule may be modified as a result of public comment. The modifications must be supported by data and views submitted to the Agency and may not result in a substantial change in the proposed rule as printed immediately after this notice. If the proposed rule affects you in any way, you are encouraged to participate in the rulemaking process.

Statement of Need and Reasonableness. A statement of need and reasonableness is now available from the Agency contact person. This statement describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule.

Small Business Considerations. *Minnesota Statutes* section 14.115, subdivision 4 requires that the notice of rulemaking include a statement of the impact of this proposed rule on small business. The Agency believes that the proposed rule will primarily affect larger businesses, those with permitted hazardous waste facilities; however, any impact on small business should be positive since the Environmental Protection Agency (EPA) intended this regulation to streamline remediation, when required, which should reduce remediation costs to any involved parties. Prior to this remediation specific rule, the strictest as-generated hazardous waste regulations were applied to remediation activities.

Expenditure of Public Money by Local Public Bodies. *Minnesota Statutes*, section 14.11, subdivision 1, requires the Agency to include a statement of the rule's estimated costs to local public bodies in this notice if the rule would have a total cost of over \$100,000 to all local public bodies in the state in either of the two years following adoption of the rule. This does not apply since the rule will not increase costs to local public bodies.

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Proposed Rules

Impact on Agricultural Lands. *Minnesota Statutes*, section 14.11, subdivision 2, requires that if the rule would have a direct and substantial adverse impact upon agricultural lands in the state, the Agency shall comply with specified additional requirements. This does not apply since the rule does not impact agricultural land.

Economic Factors. *Minnesota Statutes*, section 116.07, subdivision 6, requires the Agency to give due consideration to economic factors in exercising its powers. The rule was promulgated by EPA to improve the economy of waste remediation activities. This is discussed further in the *Federal Register*, Vol. 58, No. 29, Tues., Feb. 16, 1993, and the Statement of Need and Reasonableness.

Farming Operations. *Minnesota Statutes*, section 116.07, subdivision 4, requires the Agency to hold public meetings in agricultural areas of the state if a proposed rule affects farming operations. This rule is not related to farming operations.

Transportation. *Minnesota Statutes*, section 174.05 requires the Agency to notify the Commissioner of Transportation of all rules that concern transportation, and requires the Commissioner of Transportation to prepare a written review of the rules. This rule is not related to transportation.

Adoption and Review of Rule. If no hearing is required, after the end of the comment period, the Agency may adopt the rule. The rule and supporting documents will then be submitted to the attorney general for review as to legality and form to the extent form relates to legality. You may request to be notified of the date the rule is submitted to the attorney general or be notified of the attorney general's decision on the rule. If you wish to be so notified, or wish to receive a copy of the adopted rule, submit your request to the Agency contact person listed above.

Charles W. Williams, Commissioner

Rules as Proposed

7001.0010 DEFINITIONS.

Subpart 1. **Scope.** The definitions in part 7000.0100 in the agency's procedural rules apply to the terms used in parts 7001.0010 to 7001.0210 and the definitions in part 7045.0020 in the agency's hazardous waste rules apply to the terms used in parts 7001.0500 to 7001.0730 unless the terms are defined as follows.

[For text of subs 2 to 4, see M.R.]

7045.0020 DEFINITIONS.

[For text of subs 1 to 13, see M.R.]

Subp. 13a. **Corrective action management unit or CAMU.** "Corrective action management unit" or "CAMU" means an area within a facility that is designated by the commissioner under parts 7045.0545 and 7045.0546, for the purpose of implementing corrective action requirements under part 7045.0485 and RCRA, section 3008(h). CAMUs typically consist of land-based units such as, but not limited to, waste piles, landfills, or surface impoundments approved by the commissioner. A CAMU shall only be used for the management of remediation wastes pursuant to implementing such corrective action requirements at the facility.

~~Subp. 13b.~~ **Corrosion expert.** "Corrosion expert" means a person who, by reason of knowledge of the physical sciences and the principles of engineering and mathematics, acquired by a professional education and related practical experience, is qualified to engage in the practice of corrosion control on buried or submerged metal piping systems and metal tanks. Such a person must be certified as being qualified by the National Association of Corrosion Engineers (NACE) or be a registered professional engineer who has certification or licensing that includes education and experience in corrosion control on buried or submerged metal piping systems and metal tanks.

~~Subp. 13b.~~ **13c. Corrosion protection.** "Corrosion protection" means a method used to protect a metal tank, piping, or other components from corroding. Corrosion protection includes, but is not limited to, cathodic protection, keeping the metal of the tank from being in direct contact with other surfaces, and the application of coatings designed and maintained to prevent corrosion.

[For text of subs 14 to 19, see M.R.]

Subp. 20. **Disposal facility.** "Disposal facility" means a facility or part of a facility at which hazardous waste is intentionally placed into or on any land or water, and at which waste will remain after closure. The term disposal facility does not include a corrective action management unit into which remediation wastes are placed.

[For text of subs 20a to 23a, see M.R.]

Subp. 24. **Facility.** "Facility" means:

A. all contiguous land; and structures, other appurtenances, and improvements on the land used for treating, storing, or disposing of hazardous waste. A facility may consist of several treatment, storage, or disposal operational units, such as one or more landfills, surface impoundments, or combinations thereof; and

B. for the purpose of implementing corrective action under part 7045.0485, all contiguous property under the control of an

owner or operator seeking a permit under parts 7001.0010 to 7001.0730 or subtitle C of RCRA, including facilities implementing corrective action under RCRA, section 3008(h).

[For text of subps 24a to 47, see M.R.]

Subp. 47a. **Land disposal.** "Land disposal" means placement in or on the land, except in a corrective action management unit, and includes, but is not limited to, placement in a landfill, surface impoundment, waste pile, injection well, land treatment facility, salt dome formation, salt bed formation, underground mine or cave, or placement in a concrete vault or bunker intended for disposal purposes.

[For text of subp 48, see M.R.]

Subp. 49. **Landfill.** "Landfill" means a disposal facility or part of a facility where hazardous waste is placed in or on land and which is not a pile, a land treatment facility, a surface impoundment, an underground injection well, a salt dome formation, a salt bed formation, an underground mine, ~~or a cave,~~ or a corrective action management unit.

[For text of subps 50 to 58, see M.R.]

Subp. 58a. **Miscellaneous unit.** "Miscellaneous unit" means a hazardous waste management unit where hazardous waste is treated, stored, or disposed of and that is not a container, tank, surface impoundment, pile, land treatment unit, landfill, incinerator, boiler, industrial furnace, underground injection well with appropriate technical standards under Code of Federal Regulations, title 40, part 146, containment building, corrective action management unit, or unit eligible for a research, development, and demonstration permit under part 7001.0712.

[For text of subps 58b to 73f, see M.R.]

Subp. 73g. **Remediation waste.** "Remediation waste" means all solid and hazardous wastes, and all media (including ground-water, surface water, soils, and sediments) and debris, which contain listed hazardous wastes or which themselves exhibit a hazardous waste characteristic, that are managed for the purpose of implementing corrective action requirements under part 7045.0485 and RCRA, section 3008(h). For a given facility, remediation wastes may originate only from within the facility boundary, but may include waste managed in implementing RCRA, section 3004(v) or 3008(h), for releases beyond the facility boundary.

Subp. 73h. **Replacement unit.** "Replacement unit" means a landfill, surface impoundment, or waste pile unit (1) from which all or substantially all of the waste is removed, and (2) that is subsequently reused to treat, store, or dispose of hazardous waste. Replacement unit does not apply to a unit from which waste is removed during closure, if the subsequent reuse solely involves the disposal of waste from that unit and other closing units or corrective action areas at the facility, in accordance with an approved closure plan or EPA or state-approved corrective action.

[For text of subps 74 to 90a, see M.R.]

Subp. 90b. **Temporary unit.** "Temporary unit" means a tank or container used to treat or store remediation waste for a period of less than one year, as governed by part 7045.0546.

[For text of subps 91 to 109, see M.R.]

7045.0450 FACILITIES GOVERNED BY FACILITY STANDARDS.

[For text of subpart 1, see M.R.]

Subp. 2. **Relationship to interim status standards.** A facility owner or operator who has fully complied with the requirements for interim status under part 7045.0554 shall comply with parts 7045.0552 to 7045.0642 in lieu of parts 7045.0450 to 7045.0544 until final administrative disposition of the permit application is made. The treatment, storage, or disposal of hazardous waste is prohibited except in accordance with a permit and except for the extent to which parts 7045.0552 to 7045.0642 provide for the continued operation of an existing facility which meets certain conditions until final administrative disposition of the owner's or operator's permit application is made, except as provided under parts 7045.0485, 7045.0545, and 7045.0546.

[For text of subp 3, see M.R.]

7045.0485 CORRECTIVE ACTION FOR SOLID AND HAZARDOUS WASTE MANAGEMENT UNITS.

[For text of subpart 1, see M.R.]

Subp. 2. **Conditions.** Corrective action as required under subpart 1 and parts 7045.0545 and 7045.0546 must be specified in the

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Proposed Rules

permit. The permit must contain schedules of compliance for corrective action and assurances of financial responsibility for completing corrective action. Assurance of financial responsibility must be provided in addition to the applicable requirements of parts 7045.0498 to 7045.0524.

[For text of subp 3, see M.R.]

7045.0545 CORRECTIVE ACTION MANAGEMENT UNITS (CAMU).

Subpart 1. Applicability. For the purpose of implementing remedies under part 7045.0485, or RCRA, section 3008(h), the commissioner may designate an area at the facility as a corrective action management unit, as defined in part 7045.0020, subpart 13a, in accordance with the requirements of this part. One or more CAMUs may be designated at a facility. In addition:

- A. placement of remediation wastes into or within a CAMU does not constitute land disposal of hazardous wastes; and
- B. consolidation or placement of remediation wastes into or within a CAMU does not constitute creation of a unit subject to minimum technology design and operating requirements.

Subp. 2. Regulated units.

A. The commissioner may designate a regulated unit as defined in part 7045.0484, subpart 1, item A, subitem (2), as a CAMU, or may incorporate a regulated unit into a CAMU, if:

(1) the regulated unit is closed or closing, meaning it has begun the closure process under part 7045.0488 or 7045.0596; and

(2) inclusion of the regulated unit will enhance implementation of effective, protective, and reliable remedial actions for the facility.

B. The groundwater protection, closure and postclosure, and financial requirements and the unit-specific requirements of facility or interim-status facility standards found in parts 7045.0450 to 7045.0548 or 7045.0552 to 7045.0648 that applied to that regulated unit will continue to apply to that portion of the CAMU after incorporation into the CAMU.

Subp. 3. Conditions of designation. The commissioner shall designate a CAMU in accordance with the following:

- A. the CAMU shall be designed to facilitate the implementation of reliable, effective, protective, and cost-effective remedies;
- B. waste management activities associated with the CAMU will not create unacceptable risks to humans or to the environment resulting from exposure to hazardous wastes or hazardous constituents;
- C. the CAMU shall include uncontaminated areas of the facility, only if including such areas for the purpose of managing remediation waste is more protective than managing such wastes at contaminated areas of the facility;
- D. areas within the CAMU, where wastes remain in place after closure of the CAMU, shall be managed and contained so as to minimize future releases, to the extent practicable;
- E. the CAMU shall expedite the timing of remedial activity implementation, when appropriate and practicable;
- F. the CAMU shall enable the use, when appropriate, of treatment technologies (including innovative technologies) to enhance the long-term effectiveness of remedial actions by reducing the toxicity, mobility, or volume of wastes that will remain in place after closure of the CAMU; and
- G. the CAMU shall, to the extent practicable, minimize the land area of the facility upon which wastes will remain in place after closure of the CAMU.

Subp. 4. Information requirement. The owner/operator shall provide sufficient information to enable the commissioner to designate a CAMU in accordance with the criteria in this part.

Subp. 5. CAMU permit or order requirements. The commissioner shall specify in the permit or order requirements for CAMUs to include the following:

- A. the areal configuration of the CAMU;
- B. requirements for remediation waste management to include the specification of applicable design, operation, and closure requirements;
- C. requirements for groundwater monitoring that are sufficient to:
 - (1) continue to detect and to characterize the nature, extent, concentration, direction, and movement of existing releases of hazardous constituents in groundwater from sources located within the CAMU; and
 - (2) detect and subsequently characterize releases of hazardous constituents to groundwater that may occur from areas of the CAMU in which wastes will remain in place after closure of the CAMU;

D. closure and postclosure requirements:**(1) closure of corrective action management units shall:****(a) minimize the need for further maintenance; and****(b) control, minimize, or eliminate, to the extent necessary to protect human health and the environment, for areas where wastes remain in place, postclosure escape of hazardous waste, hazardous constituents, leachate, contaminated runoff, or hazardous waste decomposition products to the ground, to surface waters, or to the atmosphere;****(2) requirements for closure of CAMUs shall include the following, as appropriate and as deemed necessary by the commissioner for a given CAMU:****(a) requirements for excavation, removal, treatment, or containment of wastes;****(b) for areas in which wastes will remain after closure of the CAMU, requirements for capping of such areas; and****(c) requirements for removal and decontamination of equipment, devices, and structures used in remediation waste management activities within the CAMU;****(3) in establishing specific closure requirements for CAMUs under this subpart, the commissioner shall consider the following factors:****(a) CAMU characteristics;****(b) volume of wastes which remain in place after closure;****(c) potential for releases from the CAMU;****(d) physical and chemical characteristics of the waste;****(e) hydrogeological and other relevant environmental conditions at the facility which may influence the migration of any potential or actual releases; and****(f) potential for exposure of humans and environmental receptors if releases were to occur from the CAMU; and****(4) the corrective action management unit shall comply with postclosure requirements as necessary to protect human health and the environment, including, for areas where wastes will remain in place, monitoring and maintenance activities, and the frequency with which such activities shall be performed to ensure the integrity of any cap, final cover, or other containment system.****Subp. 6. Documentation of reasoning.** The commissioner shall document the rationale for designating CAMUs and shall make such documentation available to the public.**Subp. 7. Adding CAMU to existing permit or order.** Incorporation of a CAMU into an existing permit or order must be approved by the commissioner according to the procedures for permit modifications under parts 7001.0170; 7001.0190, subparts 1, 2, and 4; and 7001.0730, subparts 1, 2, 3, and 5.**Subp. 8. Other authority.** The designation of a CAMU does not change the commissioner's existing authority to address clean-up levels, media-specific points of compliance to be applied to remediation at a facility, or other remedy selection decisions.**7045.0546 TEMPORARY UNITS.****Subpart 1. Applicability.** For temporary tanks and container storage areas used for treatment or storage of hazardous remediation wastes, during remedial activities required under part 7045.0485 or RCRA, section 3008(h), the commissioner may determine that a design, operating, or closure standard applicable to such units may be replaced by alternative requirements which are protective of human health and the environment.**Subp. 2. Requirements.** Any temporary unit to which alternative requirements are applied in accordance with subpart 1 shall be:**A. located within the facility boundary; and****B. used only for treatment or storage of remediation wastes.****Subp. 3. Conditions for designation.** In establishing standards to be applied to a temporary unit, the commissioner shall consider the following factors:

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A. length of time such unit will be in operation;

B. type of unit;

C. volumes of wastes to be managed;

D. physical and chemical characteristics of the wastes to be managed in the unit;

E. potential for releases from the unit;

F. hydrogeological and other relevant environmental conditions at the facility which may influence the migration of any potential releases; and

G. potential for exposure of humans and environmental receptors if releases were to occur from the unit.

Subp. 4. Permit or order conditions. The commissioner shall specify in the permit or order the length of time a temporary unit will be allowed to operate, to be no longer than a period of one year. The commissioner shall also specify the design, operating, and closure requirements for the unit.

Subp. 5. Time extension conditions. The commissioner may extend the operational period of a temporary unit once for no longer than a period of one year beyond that originally specified in the permit or order, if the commissioner determines that:

A. continued operation of the unit will not pose a threat to human health and the environment; and

B. continued operation of the unit is necessary to ensure timely and efficient implementation of remedial actions at the facility.

Subp. 6. Adding temporary units to existing permit. Incorporation of a temporary unit or a time extension for a temporary unit into an existing permit shall be:

A. approved in accordance with the procedures for agency-initiated permit modifications under parts 7001.0170; 7001.0190, subparts 1, 2, and 4; and 7001.0730, subparts 1, 2, 3, and 5; or

B. requested by the owner/operator according to the procedures under parts 7001.0190, subparts 1, 2, and 4; and 7001.0730, subparts 1, 2, 3, and 5.

Subp. 7. Documentation of reasoning. The commissioner shall document the rationale for designating a temporary unit and for granting time extensions for temporary units and shall make such documentation available to the public.

7045.0552 FACILITIES GOVERNED BY INTERIM STATUS.

Subpart 1. **General requirements.** Parts 7045.0552 to 7045.0642 establish minimum standards for the management of hazardous waste during the period of interim status and until certification of final closure or, if the facility is subject to postclosure requirements, until postclosure responsibilities are fulfilled. These standards, and those in parts 7045.0545 and 7045.0546, apply to owners and operators of existing facilities who have fully complied with the requirements for state or federal interim status until a permit is issued or until applicable interim status closure and postclosure responsibilities are fulfilled, and those who have failed to achieve state or federal interim status. These standards apply to all treatment, storage, or disposal of hazardous waste at these facilities after July 16, 1984, except as specifically provided otherwise.

For existing facilities which were not required to obtain federal interim status under the Resource Conservation and Recovery Act, *United States Code*, title 42, sections 6901 to 6986, as amended through June 30, 1983, but are required to obtain state interim status, the requirements of parts 7045.0590; 7045.0592; 7045.0632, subpart 4, items A and B; 7045.0634, subpart 2; 7045.0638, subparts 2, 7, and 8, become effective 12 months after July 16, 1984, and the requirements of parts 7045.0608 to 7045.0624 become effective 90 days after July 16, 1984.

Parts 7045.0552 to 7045.0642 apply to the owners and operators of all facilities that treat, store, or dispose of hazardous waste referred to in parts 7045.1300 to 7045.1380, land disposal restrictions, and those restrictions are considered material conditions or requirements of parts 7045.0552 to 7045.0642, interim status standards.

[For text of subs 1a to 4, see M.R.]

Adopted Rules

The adoption of a rule becomes effective after the requirements of Minn. Stat. §§14.14-14.28 have been met and five working days after the rule is published in *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. §14.33 and upon the approval of the Revisor of Statutes as specified in §14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under §14.18.

Board of Electricity

Adopted Permanent Rules Relating to Continuing Education

The rules proposed and published at *State Register*, Volume 19, Number 30, pages 1539-1541, January 23, 1995 (19 SR 1539), are adopted with the following modifications:

Rules as Adopted

3800.3601 DEFINITIONS.

Subp. 4. **Electrician license.** "Electrician license" means a ~~class A master electrician, class B master electrician, class A journeyman electrician, class B journeyman electrician, master elevator constructor, elevator constructor, maintenance electrician, class A installer, or class B installer~~ personal electrical license issued by the board, or other type of personal electrical license that may in the future be is established required by statute or rule.

3800.3602 REQUIREMENTS FOR RENEWAL OF ELECTRICIAN LICENSE.

Subp. 2. **Hours of instruction.** Within the 24 months preceding the expiration of an electrician license, each holder of a license shall receive credit for 16 hours of instruction through one or more educational programs. ~~Hours of instruction credit equivalency for continuing education units shall be the allowable continuing education units multiplied by ten.~~ Credit shall be allowed only once for any educational program in any 24-month period. Where a licensee holds more than one type of electrician license, the same credits for hours of instruction may be applied to each license.

Subp. 4. **False information.** ~~Any person who certifies or accepts credit for hours of instruction where the person credited did not attend the course or seminar claimed to be attended is guilty of a misdemeanor under the provisions of Minnesota Statutes, section 326.246, clause (1), and, if licensed, is subject to the disciplinary provisions of Minnesota Statutes, section 326.242, subdivision 9.~~

3800.3603 CREDIT FOR INSTRUCTION.

Subp. 5. **Qualifications of instructors.** All educational programs shall be conducted by instructors who have the qualifications described in at least one of the following items:

A. ~~a journeyman or master~~ an electrician license and at least four years' experience in electrical inspection, supervising electrical installations, or teaching a ~~construction electrician course~~ subjects within the scope of electrical work permitted by the instructor's license. Not more than four hours of instruction credit will be allowed where the scope of the electrical work permitted by the instructor's license is less than that of the person who attended the educational program;

B. a registered or licensed electrical engineer with at least four years' experience in the design of premises electrical power systems; or

C. ~~a valid teacher's license issued under the provisions of Minnesota Statutes, section 136C.04, subdivision 9;~~ or

~~D.~~ at least five years' practical experience in the subject being taught. Not more than four hours of instruction credit will be allowed for an educational program conducted by an instructor in this category.

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Adopted Rules

Gambling Control Board

Adopted Permanent Rules Relating to the Use of a Cash Register

The rules proposed and published at *State Register*, Volume 19, Number 31, pages 1601-1607, January 30, 1995 (19 SR 1601), are adopted with the following modifications:

Rules as Adopted

7861.0080 PULL-TABS.

Subpart 1. **Restrictions.** The following items are restrictions on pull-tabs:

F. An organization shall not commingle receipts from two or more pull-tab games in play at one time unless the organization uses a cash register approved by the board pursuant to subpart 5 4a, item A, follows the procedures for use of a cash register in subpart 5 4a, item B, and performs a monthly reconciliation pursuant to the requirements of subpart 5 4a, item C.

Subp. 3. **Single deals.** The following items apply to single deals of pull-tabs:

B. Separate cash banks must be maintained for each deal, unless the organization is using a cash register approved by the board pursuant to subpart 5 4a.

Subp. 4a. **Use of cash registers.** An organization using a cash register in the conduct of pull-tabs shall use a cash register that meets the technical standards established in item A, follows the procedures in item B, and performs a monthly reconciliation pursuant to the requirements in item C.

B. This item contains the procedure for use of a cash register.

(6) When redeeming a winning pull-tab through the use of a cash register, the organization employee shall:

(c) complete a prize receipt form, pursuant to subpart 7 6, item C, for any winning pull-tab valued at \$50 or more or for any prize for redeeming the last ticket sold in a pull-tab game for which the distributor has modified the flare to contain a last sale value of \$20 or more.

Department of Natural Resources

Adopted Permanent Rules Governing Game and Fish

The rules proposed and published at *State Register*, Volume 19, Number 33, pages 1702-1731, February 13, 1995 (19 SR 1702), are adopted with the following modifications:

Rules as Adopted

6210.0100 GENERAL PROVISIONS FOR USE OF WILDLIFE MANAGEMENT AREAS.

Subp. 19. **Abandonment of trash and property.** The disposal or abandonment of garbage, trash, spoil, sludge, rocks, vehicles, carcasses, or other debris and the abandonment or storage of property within a wildlife management area is prohibited. Boats, decoys, or other property may not be left unattended overnight, except as follows:

B. ~~see fish houses or dark houses~~ on the following lakes:

6232.1800 ANTLERLESS PERMITS AND PREFERENCE DRAWINGS.

Subp. 3. **Antlerless permit areas.** Permit areas are comprised of partial, single, or grouped registration blocks described as follows:

A. Antlerless permit areas in Zone 1:

~~(17a)~~ (18) permit area 172 consists of registration block 172;

~~(17b)~~ (19) permit area 173-174 consists of registration blocks 173 and 174;

[For text of subitems ~~(18)~~ to ~~(21)~~, see M.R.]

(18) to (21) renumber as (20) to (23)

B. Antlerless permit areas in Zone 2:

~~(5a)~~ (6) permit area 245 consists of registration block 245;

[For text of subitems ~~(6)~~ to ~~(10)~~, see M.R.]

(6) to (10) renumber as (7) to (11)

6236.0900 SPECIAL PROVISIONS FOR TAKING TURKEYS.

Subp. 3a. ~~Male decoys.~~ A person may not use a turkey decoy that:

- A- has a beard;
- B- has a predominately white or red head; or
- C- is in a strutting posture.

Board of Nursing

Adopted Permanent Rules Relating to Clinical Specialist Prescribing Authority

The rules proposed and published at *State Register*, Volume 19, Number 27, pages 1452-1459, January 3, 1995 (19 SR 1452), are adopted with the following modifications:

Rules as Adopted

6340.0100 DEFINITIONS.

Subp. 9. **National professional nursing organizations.** "National professional nursing organizations" means the organizations adopted by the board under *Minnesota Statutes*, section 62A.15, subdivision 3a, with the authority to certify nurse practitioners and clinical specialists. The organizations are the American Nurses Credentialing Center, ~~the American Academy of Nurse Practitioners~~, the National Certification Board of Pediatric Nurse Practitioners and Nurses, and the National Certification Corporation for the Obstetric, Gynecologic and Neonatal Specialties.

6340.0950 CERTIFIED NURSE MIDWIFE.

Subpart 1. **Requirements.** A certified nurse midwife (CNM) shall notify the board of certification by the national professional nursing organization that certifies nurse midwives. The board shall accept a copy of the current certificate as verification of certification as a nurse midwife. A certified nurse midwife shall submit a copy of the certificate at the time of original application for licensure, at the time of initial certification as a nurse midwife if this occurs after original licensure in Minnesota, and at each renewal of registration or reregistration. ~~In addition, certified nurse midwives shall provide the address of their practice setting.~~ A nurse midwife shall notify the board of loss of certification within 30 days of loss of certification.

Subp. 2. **Information to pharmacists.** The name, ~~practice address~~, and license number of each certified nurse midwife must be included on every list pursuant to part 6340.1000.

6340.1000 NOTIFICATION OF PHARMACISTS.

Subp. 3. **Nurse practitioner, clinical specialist, or nurse midwife information.** The information about each nurse practitioner or clinical specialist that must be included on every list is as follows: the name of the nurse practitioner or clinical specialist, identification number, practice specialty, practice setting name, practice setting address, and practice setting telephone number. For those nurse practitioners or clinical specialists who have lost eligibility to prescribe, the practice setting telephone number may be omitted. For nurse midwives, the information must include the nurse midwife's name, ~~practice address~~, and license number.

Pollution Control Agency

Adopted Permanent Rules Relating to Service and Disposal of Appliances and Motor Vehicle Air Conditioners

The rules proposed and published at *State Register*, Volume 19, Number 26, pages 1406-1410, December 27, 1994 (19 SR 1406), are adopted as proposed.

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Official Notices

Pursuant to the provisions of Minnesota Statutes §14.10, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

Minnesota Comprehensive Health Association

Notice of Meeting of the Enrollee Appeal Committee

NOTICE IS HEREBY GIVEN that a meeting of the Minnesota Comprehensive Health Association (MCHA), Enrollee Appeal Committee will be held at 1:00 p.m. on Friday, May 12, 1995 at Blue Cross and Blue Shield of Minnesota, 3535 Blue Cross Road, Eagan. The meeting will be in Room "B" on the third floor.

Portions of this meeting may be closed to the public.

For additional information please call Lynn Gruber at (612) 593-9609.

Minnesota Early Childhood Care and Education Council

Notice of Scheduled Meetings During 1995

NOTICE IS HEREBY GIVEN that the Minnesota Early Childhood Care and Education Council (ECCE) has scheduled the following meetings. Direct inquires to: Jevne Kloeber, Executive Director, Minnesota Early Childhood Care and Education Council, Third Floor, Ford Building, 117 University Avenue, St. Paul, MN 55155; Phone: 612/296-1400; TDD MRS 612/297-5353 (Metro) or TDD MRS 800/627-3529 (Greater Minnesota).

REGULAR FULL COUNCIL MEETING-May 15, 1995, 10am-3pm, Room 116A Administration Building, 50 Sherburne Avenue, St. Paul, MN. Standing Committee Meetings 12-1pm if needed.

EXECUTIVE COMMITTEE MEETING-June 19, 1995, 10am-12:00pm, Room 116A Administration Building, 50 Sherburne Avenue, St. Paul, MN.

EXECUTIVE COMMITTEE MEETING-July 17, 1995, 10am-12pm, 3rd Floor Ford Building, 117 University Avenue, St. Paul, MN 55155.

EXECUTIVE COMMITTEE MEETING-August 21, 1995, 10am-12pm, 3rd Floor Ford Building, 117 University Avenue, St. Paul, MN 55155.

REGULAR FULL COUNCIL MEETING-September 11, 1995, 10am-3pm, 5th Floor, Veterans Service Building, 20 West 12th Street, St. Paul, MN 55155.

REGULAR FULL COUNCIL MEETING-October 2, 1995, 10am-3pm, 5th Floor, Veterans Service Building, 20 West 12th Street, St. Paul, MN 55155.

REGULAR FULL COUNCIL MEETING-November 6, 1995, 10am-3pm, 5th Floor, Veterans Service Building, 20 West 12th Street, St. Paul, MN 55155.

REGULAR FULL COUNCIL MEETING-December 4, 1995, 10am-3pm, 5th Floor, Veterans Service Building, 20 West 12th Street, St. Paul, MN 55155.

Contact the Council for specific agenda details.

Department of Health**Commissioners' Office****Notice of Completed Application and Notice of and Order for Hearing Before the
Commissioner of Health In the Matter of the License Application of Woodbury Ambulance,
Woodbury, Minnesota**

PLEASE TAKE NOTICE that the Commissioner of Health (hereinafter "Commissioner") has received a completed application from Woodbury Ambulance, Woodbury, Minnesota for a change in type of license from Basic to Advanced Ambulance Service.

IT IS HEREBY ORDERED AND NOTICE IS HEREBY GIVEN that, pursuant to *Minnesota Statutes* §§ 14.57 - 14.69 and *Minnesota Statutes* § 144.802 a public hearing will be held on June 26, 1995 at Woodbury City Hall, 8301 Valley Creek Road, Woodbury, Minnesota, commencing at 7:30 P.M. If you have an interest in this matter you are hereby urged to attend the public hearing. Failure to do so may prejudice your rights in this and any subsequent proceedings in this matter.

1. The purpose of the hearing is to determine whether the application from this ambulance service should be granted based upon the criteria set forth in *Minnesota Statutes* § 144.802, subd. 3(g).

2. This proceeding has been initiated pursuant to and will be controlled in all aspects by *Minnesota Statutes* §§ 144.801 - 144.8093, *Minnesota Statutes* §§ 14.57 - 14.69, and Rules for Contested Cases of the Office of Administrative Hearings, *Minnesota Rules* 1400.5100-1400.8402. Copies of the rules and statutes may be obtained for a fee from the Department of Administration, Public Documents Division, 117 University Avenue, St. Paul, Minnesota 55155, telephone: (612) 297-3000.

3. Jon L. Lunde, Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone: (612) 341-7645, will preside as administrative law judge at the hearing, and will make a written recommendation on this application. After the hearing, the record and the administrative law judge's recommendation will be forwarded to the Commissioner to make the final determination in the matter.

4. Any person wishing to intervene as a party must submit a petition to do so under *Minnesota Rules* 1400.6200 on or before May 29, 1995. This petition must be submitted to the administrative law judge and shall be served upon all existing parties and the Commissioner. The petition must show how the contested case affects the petitioner's legal rights, duties or privileges and shall state the grounds and purposes for which intervention is sought and indicate petitioner's statutory right to intervene if one exists.

5. In addition to or in place of participating at the hearing, any person may also submit written recommendations for the disposition of the application. These recommendations must be received by the administrative law judge on or before June 7, 1995.

6. Any subpoena needed to compel the attendance of witnesses or the production of documents may be obtained pursuant to *Minnesota Rules* 1400.7000.

7. At the hearing the applicant will present its evidence showing that a license should be granted and that all persons will be given an opportunity to cross-examine witnesses, to be heard orally, to present witnesses, and to submit written data or statements. All persons are encouraged to participate in the hearing and are requested to bring to the hearing all documents, records, and witnesses needed to support their position. It is not necessary to intervene as a party in order to participate in the hearing.

8. Please be advised that if nonpublic data is admitted into evidence, it may become public data unless an objection is made and relief is requested under *Minnesota Statutes* § 14.60, subd. 2.

9. You are hereby informed that you may choose to be represented by an attorney in these proceedings, may represent yourself, or be represented by a person of your choice if not otherwise prohibited as the unauthorized practice of law.

10. A Notice of Appearance must be filed with the administrative law judge identified above within 20 days following receipt of the Notice by any person intending to appear at the hearing as a party.

11. In accordance with the provisions of *Minnesota Statutes* § 14.61, the final decision of the Commissioner in this proceeding will not be made until the Report of the Administrative Law Judge has been made available to the parties in this proceeding for at least 10 days. Any party adversely affected by the Report of the Administrative Law Judge has the right to file exceptions and present arguments to the Commissioner. Any exceptions or arguments must be submitted in writing and filed with the Commissioner of Health, 717 Delaware Street Southeast, Minneapolis, Minnesota 55440, within 10 days of the receipt of the Administrative Law Judge's Report.

Dated: 25 April 1995

Anne M. Barry
Acting Commissioner of Health

Official Notices

Department of Labor and Industry

Labor Standards Division

Notice of Prevailing Wage Certifications for Commercial Construction Projects

Effective May 8, 1995 prevailing wage rates were determined and certified for commercial construction projects in the following counties:

Anoka: Utility Hookup for Anoka Senior High & Blaine Senior High Leased Portables-Anoka and Blaine.

Blue Earth: Vehicle Lift Replacement-Wiecking Center-Mankato.

Dakota: New Quarry Tile Floor Kitchen Bldg 23 Vets Home-Hastings; Dakota County Technical College Decision Driving Course/Phase II/Lighting-Rosemount.

Hennepin: U of M Wilson Library Remodeling Phase II-Minneapolis; Minneapolis City Hall/Courthouse/ADA Modifications-Minneapolis; Hennepin County Accessibility ADA Signage for Improvements-Hennepin County Wide; Southwest Terminal Expansion MSP International Airport-Minneapolis; U of M Shops Building Human Resources Mobile Shelving-Minneapolis.

Meeker: Wagner Elementary Litchfield School District-Litchfield.

Ramsey: Fort Snelling Concrete Repairs-St. Paul; Media Center Tunnel Asbestos Removal Edgerton Elementary School-Maplewood; MWWTP Water Quality Maintenance Facility-St. Paul; U of M VDL Remodeling Bldg 385 North/St. Paul Campus-St. Paul.

St. Louis: Reroof Loon Lake Community Center.

Sibley: Arlington Green Isle High School Asbestos Abatement-Arlington.

Stearns: 1995 Reroof Belgrade/Brooten/Elrose Elementary & High Schools-Belgrade.

Stevens: P E Ctr Metal Roof Repair-Morris.

Copies of the certified wage rate for these projects may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155-4306. The charge for the cost of copying and mailing are \$1.36 per project. Make check or money order payable to the State of Minnesota.

Gary W. Bastian, Commissioner

Pollution Control Agency

Air Quality Division

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Governing National Emission Standards for Hazardous Air Pollutants for Source Categories

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA) is seeking information or opinions from sources outside the MPCA in preparing to propose the adoption of rules governing National Emission Standards for Hazardous Air Pollutants (NESHAPs) for Source Categories. Section 112 of the Clean Air Act mandates that the U.S. Environmental Protection Agency (EPA) develop technology based standards for major industrial sources that emit any of a list of 189 hazardous air pollutants. The technology based standards, referred to as maximum achievable control technology standards, will be embodied in the NESHAPs for Source Categories. EPA intends to write regulations for 174 source categories. As of April 17, 1995, there are ten NESHAPs for Source Categories and General Provisions governing NESHAPs for Source Categories that are final and are now in effect. The NESHAPs for Source Categories are:

1. Perchloroethylene Dry Cleaning Facilities
2. Coke Oven Batteries
3. Organic Hazardous Air Pollutant from the Synthetic Organic Chemical Manufacturing Industry and Other Processes Subject to the Negotiated Regulation for Equipment Leaks
4. Industrial Process Cooling Towers
5. Halogenated Solvent Cleaning
6. Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks

7. Magnetic Tape Manufacturing Operations
8. Ethylene Oxide Commercial Sterilization and Fumigation Operations
9. Gasoline Distribution (Bulk Terminals and Pipeline Breakout Stations)
10. Epoxy Resins Production and Non-nylon Polyamides Production (Polymers and Resins II)

The federal rules are being incorporated into state law so that the state can receive delegation from EPA to implement and enforce the NESHAPs for Source Categories in the state of Minnesota. The MPCA plans to incorporate the above NESHAPs by reference into state rules, and will also consider incorporating into state rules any other NESHAPs that become final before the MPCA proposes these rules. The adoption of the proposed rule is authorized by *Minnesota Statute* § 116.07, subd. 4, which authorizes the MPCA to adopt rules and standards for the prevention, abatement and control of air pollution.

The MPCA does not intend to form an advisory task force for this rulemaking.

The MPCA requests information and opinions concerning the subject matter of the rule. For a copy of one or all of the rules listed above, or to submit data or views on the subject matter in writing or orally contact:

Sherryl Livingston
Air Quality Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155-4194

Oral statements will be received during regular business hours over the telephone at (612) 296-7832, and in person at the above address. All statements of information and opinions shall be accepted until 4:30 p.m., June 7, 1995. Any written material received by the MPCA shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted. The MPCA anticipates this rule to be proposed by July of 1995. The MPCA anticipates that the rule will be completed by December of 1995.

Charles W. Williams
Commissioner

Department of Public Safety

Minnesota Emergency Response Commission

Notice of Reporting Exemption

Exemption: Facilities operating in Minnesota under SIC 1011 are exempt from reporting to the Commission under *Minnesota Statute* 299K.08, Subdivision 3.

This exemption is granted under the authority assigned to the Commission in *Minnesota Statute* 299K.08, Subdivision 4.

Effective Date: April 13, 1995 for all reports subject to this exemption which were due on or after this date.

Summary:

Section 313 of the "Emergency Planning and Community Right-to-Know Act" requires manufacturing facilities with ten or more full-time employees, and meeting certain chemical usage thresholds to report releases to the environment and off-site transfers of chemicals found on the Section 313 Toxic Chemical List.

The 1993 Minnesota Legislature amended *Minnesota Statutes*, Chapter 299K.08, to expand toxic chemical release reporting requirements. Chapter 299K implements the federal "Emergency Planning and Community Right-to-Know Act" in Minnesota including toxic chemical release reporting (Section 313). The legislature added fourteen additional SIC Codes to the list of facilities required to report. The legislature also granted the Commission the authority to exempt SIC Code classifications from reporting requirements.

The Commission must base any finding on a petition for exemption on the seven criteria listed in *Minnesota Statutes*, Chapter 299K. The Commission has the option of accepting or rejecting a petition on the basis of these criteria.

The following are the seven criteria for consideration of exemption for an industrial classification (or subclassification) as contained in the law:

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- 1) The reported or estimated releases and transfers from facilities in the classification.
- 2) The quality of the data submitted.
- 3) The extent to which facilities in the classification report *no* releases or transfers.
- 4) The number of reporting facilities in the classification.
- 5) The percentage of all releases and transfers in the state that are reported by facilities in the classification.
- 6) The public safety or environmental hazard posed by releases and transfers from the facilities within the classification.
- 7) Other factors identified by the Commission.

An exemption must be granted on these criteria only. Sub-factors may be used to further define each criterion. However, these sub-factors may not be used alone to determine an exemption.

Findings:

SIC 1011 facilities were initially included in the Minnesota Section 313 reporting expansion due to concerns about toxic chemical use in certain types of mining operations.

The Commission finds the toxic chemical releases and transfers from SIC Code 1011 facilities in Minnesota are not of sufficient size to warrant reporting under Section 313.

The Commission also finds that no facilities can be expected to report under Section 313. The Commission recognizes the value of the assessment completed by the petitioning parties as summarized in Commission Item 95-1, the availability of the Attachments A and B as part of Item 95-1, and the availability of SIC 1011 release information from reports required under other regulations.

The Commission finds the request for exemption from reporting requirements under Section 313 by SIC 1011 is warranted.

For more information on Item 95-1 or to request a copy, please contact the Minnesota Emergency Response Commission, B5 State Capitol, St. Paul, MN 55155; 612-296-7372 or 612-297-2100 (TDD).

Minnesota State Retirement System

Notice of Board of Directors, Regular Meeting

The regular meeting of the Board of Directors, Minnesota State Retirement System, will be held on Thursday, May 11, 1995, at 9:00 a.m. in the office of the System, 175 W. Lafayette Frontage Road, St. Paul, Minnesota.

Department of Trade and Economic Development

Notice of Meeting to Discuss a Possible One-Stop Licensing and Permitting System

Contingent on action of the 1995 Minnesota Legislature, the Department of Trade and Economic Development (the Department) anticipates issuing a Request for Proposals (RFP) in 1995 for design and development services relating to implementation of a computer accessible one-stop system for state required licenses and permits.

To assist the Department in the drafting of any RFP the Department seeks the input of potential contractors at a meeting to be held at the Department, Conference Room F1 and F2, 500 Metro Square, 121 E. Seventh Place, St. Paul, Minnesota, at 9:00 A.M., Friday, June 2, 1995.

By earlier notice in the *State Register* (19 S.R. 1788, 21 February 1995) the Department received twelve written statements of interest from potential contractors. Five of those responding firms submitted written questions to which the Department has provided written answers. Parties interested in the project may obtain the following by calling or writing Charles A. Schaffer at the Minnesota Department of Trade and Economic Development, 500 Metro Square, 121 E. Seventh Place, St. Paul, Minnesota 55101-2146, phone (612) 296-0617:

1. A copy of the report of the Commissioner of Trade and Economic Development which is the basis for the proposed one-stop project.
2. A list of all individuals and firms that requested the report in response to the *State Register* notice of 21 February 1995.
3. A list of the twelve firms that submitted statements of interest in response to the *State Register* notice of 21 February 1995.

4. A copy of each of the statements received from the firms in number 3 above.
5. A copy of the questions received from five of the twelve firms noted in number 3 and number 4 above together with the Department's written answers.

Parties interested in attending this meeting are requested to call Millie Caballero at (612) 282-2103 before 4:00 P.M. on May 26, 1995, so that adequate seating can be provided.

The meeting will be open to the public. A verbatim transcript of the meeting will be made which will be public data under *Minnesota Statutes* Chapter 13. All information submitted to or collected by the Department for the conduct of the meeting (including all information submitted in response to the earlier notice of 21 February 1995) will be public data under *Minnesota Statutes* Chapter 13.

The Department anticipates the following topics will be addressed at the meeting:

- The background and context of the proposed one-stop project.
- The Department's conception of how such a one-stop system might function.
- The Department's conception of the nature and amount of services for which any forthcoming RFP may be issued.
- Questions the Department has on the best methods of achieving successful project implementation.
- The status of the proposed legislation and appropriation of funds for conduct of the project.
- The questions raised by respondents to the earlier notice in the *State Register* of February 21, 1995.

Public Utilities Commission

Notice of Commission Meeting to Consider the Proposals That Have Been Filed for Determining the Appropriate Scope of Local Telephone Calling Areas in the Local Calling Scope Investigation - P-999/CI-94-296

Background

In 1994, the Legislature added a subdivision to *Minnesota Statutes* § 237.161 which requires that the Minnesota Public Utilities Commission no longer accept petitions for extended area telephone service through June 1, 1996, but instead institute:

"a proceeding or series of proceedings to investigate issues related to extended area telephone service and (the commission) shall issue a final order to establish, at a minimum, an orderly and equitable process and standards for determining the configurations of and cost allocations for extended area service in the state."
Minnesota Statutes § 237.161, subd. 6 (1994).

On April 20, 1994, the Public Utilities Commission gave notice of its intent to investigate the appropriate local calling scope of telephone subscribers in Minnesota. The Notice, which included publication in the *State Register* on May 2, 1994, solicited comments from interested parties regarding the parameters of the investigation.

In its Order of August 22, 1994, the Commissioner established the parameters of the case. The primary aspects of the case, titled *In the Matter of an Investigation into the Appropriate Local Calling Scope, in Accordance with Minnesota Statutes* § 237.161 (1994) were that any interested party could submit to the Commission by November 30, 1994, a plan for an appropriate local calling scope. The Commission would issue a Notice by December 15, 1994, summarizing the plans that had been filed and any other plans that the Commission believed merited further consideration. Parties would have until March 1, 1995, to file responsive comments. Also, during the months of September and October, 1994, the Commission held a series of public forums around the State to explain the case and collect the views of the public. (See notice in *State Register* of August 29, 1994.)

In response to the Commission's August 22, 1994 Order, seven parties filed proposals for determining an appropriate local calling scope: AT&T, Frontier Communications of Minnesota (Frontier), GTE, the Minnesota Independent Coalition (MIC), the Minnesota Telephone Association (MTA), the Residential and Small Business Utility Users Division of the Office of the Attorney General (OAG), and US West Communications. The Commission also requested comments on two additional plans: the standard distance calling plan and the school district calling plan.

Interested persons are advised that the Commission will meet to consider the specific plans that have been proposed and the comments that have been filed at a meeting on *Tuesday, May 16, 1995 beginning at 1:00 p.m.* This meeting will be held in the Commission's Large Hearing Room, 121 7th Place East, 3rd Floor, St. Paul, Minnesota. At this meeting, the Commission will also determine the future course of action required to complete this investigation by June 1, 1996. As noted in the August 22, 1994 Order, interested parties have recommended that the Commission select which plans merit

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further consideration in this proceeding and then assign the matter to the Office of Administrative Hearings for an Administrative Law Judge to conduct public and evidentiary hearings.

Commission staff is recommending that the Commission refer the OAG plan and the Frontier plan, as modified by Sprint, to the Office of Administrative Hearings for a contested case proceeding. This is only a recommendation, the Commission will make a decision at the May 16, 1995 meeting. Briefing papers for that meeting, prepared by Commission staff, are available. Please contact Diane Wells at 612/296-6068 if you would like a copy.

The plans that are under consideration are very briefly summarized below. If you wish to obtain a copy of the complete plan, please contact Clodet Pratt at the Department of Public Service, 612/296-6913.

The **AT&T** plan would provide for a larger local calling area for a flat monthly rate if a traffic standard of a median of 8 calls per customer per month and other specific community of interest criteria were met. If a larger calling area were sought for a personal nature or private gain, then a median traffic standard of 4 calls per customer per month would be required. If this lower standard were met, then the local telephone company could offer an optional service with rates based on usage. Under both scenarios, the long distance companies would still be able to provide service in competition with the local telephone company.

The **Frontier** plan would provide for one-way calling to another nearby exchange if at least 50 percent of the subscribers made two or more calls per month to the other exchange. Rates would be recovered through a blended rate charged to all of the company's customers (metro or outstate) receiving a larger local calling area under this plan.

The **GTE** plan included four options: existing toll, community calling where a monthly fee was assessed for discounted per minute rates, premium calling with a monthly fee (\$15 to \$75 where offered in other states, different for business and residential customers) for unlimited calling to another exchange (one-way), and premium plus calling with a monthly fee (\$30 to \$150 where offered in other states, different for business and residential customers) for calling to and from another exchange (two-way).

The **MIC** plan would offer customers the option of keeping their existing toll service, paying a monthly fee for one hour of calling and discounted per minute charges for calling over the one hour, or paying a monthly fee for two hours of calling with discounted per minute charges for calling over the two hours.

The **MTA** plan advocated that the rate design for a plan be left to each local telephone company. However, the MTA did propose a statewide standard to use for determining if there was an adequate community of interest to justify a larger local calling area. The MTA plan established that there should be at least 50 percent of the subscribers in a petitioning exchange making two or more calls (in at least one of three months), to the petitioned exchange to qualify for a larger local calling area. If a mandatory plan was to be offered, the MTA recommended that there be an average of 5 calls per subscriber. The MTA also recommended that the petitioning and petitioned exchanges be within 23 miles of each other (using V&H coordinates). The Frontier, US West and MIC plans adopted the community of interest measures of the MTA plan.

The **OAG** plan would provide for two-way calling with another exchange if it was determined that the existing local calling area was inadequate. The community of interest factors for determining the adequacy of the existing local calling area were recommended to be developed in the contested case portion of this proceeding. The OAG proposal would not increase local rates to correct for the inadequacy of the local calling area. Instead, a local telephone company would have to file a rate case with the Commission to recover any lost revenue.

The **US West** plan would provide for two-way calling between a petitioning exchange and a petitioned exchange or local calling area. The rates for the service would be based on the total number of access lines that could be called in the larger calling area. US West proposed four rate bands to include all its current and future exchanges with local calling areas that extend beyond the local exchange boundaries.

The **standard distance calling plan** would provide for local calling, at either a flat, metered or measured rate, to all exchanges either contiguous to or within a specified distance of the home exchange.

Finally, the **school district calling plan** would establish local calling within school districts.

Comments on the plans were filed by AT&T, Frontier, GTE, the MIC, the OAG, US West, MCI, Sprint/United, and the Minnesota Senior Federation, Iron Range Region and Metro Region.

Please contact Diane Wells of the Commission's staff at 612/296-6068 or 1-800/657-3782 if you have any questions regarding the local calling scope investigation.

Dated: 1 May 1995

Burl W. Haar
Executive Secretary

In addition to requests by state agencies for technical/professional services (published in the State Contracts section), the *State Register* also publishes notices about grant funds available through any agency or branch of state government. Although some grant programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself.

Agencies are encouraged to publish grant notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

Department of Corrections

Victim Services Unit

Funds Available to Establish Community-based Services to American Indian Battered Women in Unserved Minnesota Indian Reservations and Communities

The Minnesota Department of Corrections, Victim Services Unit, announces the availability of funds to establish a community advocacy program for American Indian battered women in unserved Minnesota Indian reservations and communities. The following reservations and communities are considered unserved: Grand Portage; Red Lake; Shakopee Mdewakanton, Prairie Island, Upper Sioux (Mdewakanton, Sisseton and Santee); and Lower Sioux (Mdewakanton).

One grant of up to \$19,000 is available for the 6-month period January 1, 1996, through June 30, 1996. Non-profit organizations, units of government and tribal governments are eligible to apply under this RFP. Successful applicants may be eligible to apply for continued funding of \$27,000 for 12-month periods after the initial grant period.

Funds must be used to establish a community advocacy program for American Indian battered women, with components that include both emergency support services for victims of domestic violence as well as education to community members and professionals on battering issues.

Application materials will be available mid-July, 1995. Deadline for submission of grant proposals is 4:30 p.m. on Friday, October 13, 1995. Training by the Department of Corrections will be provided in three locations throughout the state in July and August for interested persons and potential applicants. To place your name on the mailing list to receive application materials, contact:

Minnesota Department of Corrections
Victim Services Unit
300 Bigelow Building
450 North Syndicate St.
St. Paul, MN 55104
Phone: 612/642-0251, 800/657-3679 outside the Twin Cities metropolitan area, or
TDD 612/643-3589.

Professional, Technical & Consulting Contracts

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal. Certain quasi-state agencies are exempted from some of the provisions of this statute.

In accordance with *Minnesota Rules* Part 1230.1910, certified Targeted Group Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of a 6% preference in the evaluation of their proposal. For information regarding certification, call the Materials Management Helpline (612)296-2600 or [TDD (612)297-5353 and ask for 296-2600].

Department of Corrections

Correctional Facility-Lino Lakes

Notice of Availability of Professional/Technical Service Contracts for Psychological Services

The Minnesota Correctional Facility-Lino Lakes, a medium security prison housing 700 adult male inmates, hereby publishes its intention to contract for certain services for the biennium commencing July 1, 1995. Where current contractors have at least equal qualifications, they will be given preference in order to maintain program consistency and stability. The following contract is up for renewal:

Psychological Services To provide on-site psychological evaluations and crisis counseling intervention to inmates. To provide expert testimony regarding inmates who are being reviewed for possible psychopathic personality commitment. Sessions to be scheduled on an average of twice per week with a minimum of four hours of institution time per visit for fifty weeks per year. Estimated cost for the two year period is \$100,000.00. Specific details on the purpose and scope of these services can be obtained by calling Bert Mohs, MCF-Lino Lakes A/W Operations, at (612) 780-6130. The proposals must be submitted by 4:30 p.m. on May 30, 1995. Send the proposals to Bert Mohs, MCF-LL, 7525 4th Ave., Lino Lakes, MN 55014.

Department of Corrections

Notice of Request for Proposals for Providing Food Services at Five Correctional Facilities

NOTICE IS HEREBY GIVEN that the Minnesota Department of Corrections is requesting proposals for the professional management of food service activity at the following correctional facilities:

- MCF-Oak Park Heights
- MCF-Stillwater
- MCF-Faribault
- MCF-Shakopee
- MCF-Sauk Centre

Proposals should be for the period of July 1, 1995 through June 30, 2000. The estimated cost will not exceed \$2,010,000 for the first two years of the contract and may escalate by 3 percent per year for the remaining three years. The proposal shall include all civilian personnel to operate the service.

Two copies of proposals must be submitted by 4:00 p.m., Monday, May 22, 1995 to:

- James B. Zellmer, Director
- Institution Support Services
- 300 Bigelow Building
- 450 N. Syndicate St.
- St. Paul, MN 55104

Copies of the Request for Proposals may be obtained from Mr. Zellmer at the above address or by telecommunication at 612/642-0247 (phone); 612/642-0403 (fax); 612/643-3589 (TDD).

Late proposals will not be considered.

Department of Corrections

Correctional Facility - Sauk Centre

Notice of Request for Proposals for Qualified Chemical Dependency Services, Protestant Chaplaincy Services, Medical/Clinic Services and Licensed Dental Services

Qualified Chemical Dependency Services

NOTICE IS HEREBY GIVEN that the Minnesota Correctional Facility at Sauk Centre is requesting proposals for qualified chemical dependency services to include written chemical dependency evaluations, counseling, training and staff consultations. Approximately twelve and one-half (12.5) hours per week are required, forty-eight (48) weeks per year, for the two-year period from July 1, 1995 through June 30, 1997. This contract amount should not exceed \$20,000.

Proposals must be submitted by 8:00 a.m. on May 18, 1995. For guidelines to this proposal or for additional information, contact:

Richard M. Dold, Assistant Program Director,
or Lawrence R. Smith, Juvenile Program Director
Minnesota Correctional Facility - Sauk Centre
Box C
Sauk Centre, MN 56378
(612) 352-1100

Protestant Chaplaincy Services

NOTICE IS HEREBY GIVEN that the Minnesota Correctional Facility at Sauk Centre is requesting proposals for a Clinical Pastoral Education (CPE) qualified Protestant Chaplain to provide religious counseling and to work with other religious staff providing weekly worship services as part of a religious program for juvenile residents. Sixteen (16) hours per week are required, forty-eight (48) weeks per year, for a two-year period from July 1, 1995 through June 30, 1997. This contract amount should not exceed \$25,000.

Proposals must be submitted by 8:00 a.m. on May 18, 1995. For guidelines to this proposal or for additional information, contact:

Richard M. Dold, Assistant Program Director,
or Lawrence R. Smith, Juvenile Program Director
Minnesota Correctional Facility - Sauk Centre
Box C
Sauk Centre, MN 56378
(612) 352-1100

Medical/Clinic Services

NOTICE IS HEREBY GIVEN that the Minnesota Correctional Facility at Sauk Centre is requesting proposals for state-licensed physician's services to include weekly clinic visits to the facility, and as needed, laboratory tests referrals, out-patient services at the local clinic, and in-patient and out-patient emergency services at the local hospital. Physicians must have privileges at St. Michael's Hospital of Sauk Centre. This proposal is for a two-year period from July 1, 1995 through June 30, 1997. This contract amount should not exceed \$23,000.

Proposals must be submitted by 8:00 a.m. on May 18, 1995. For guidelines to this proposal or for additional information, contact:

Dennis N. Rykken, Assistant Superintendent
Minnesota Correctional Facility - Sauk Centre
Box C
Sauk Centre, MN 56378
(612) 352-1111

Professional, Technical & Consulting Contracts

Licensed Dental Services

NOTICE IS HEREBY GIVEN that the Minnesota Correctional Facility at Sauk Centre is requesting proposals for state-licensed dental services for one day, bi-weekly on-site visits to include dental examinations, x-rays, dental treatments or referrals as deemed necessary, dental hygiene services, and emergency dental services. This proposal is to cover a two-year period from July 1, 1995 through June 30, 1997. This contract amount should not exceed \$25,000.

Proposals must be submitted by 8:00 a.m. on May 18, 1995. For guidelines to this proposal or for additional information, contact:

Dennis N. Rykken, Assistant Superintendent
Minnesota Correctional Facility - Sauk Centre
Box C
Sauk Centre, MN 56378
(612) 352-1111

Department of Corrections

Correctional Facility - Willow River/Moose Lake

Notice of Request for Proposal for Psychological Services

NOTICE IS HEREBY GIVEN to request proposal to provide psychological services to inmates incarcerated at the Minnesota Correctional Facility in Moose Lake and Willow River. Candidates duties involve conducting assessment interviews and individual counseling, prepare evaluation and recommendation reports and staff training.

Proposals should be based on services to be provided at the facilities for approximately 16 hours per week from July 1, 1995 to June 30, 1996, and shall be submitted by 4:00 p.m. on May 30, 1995. To submit proposals or for additional information, contact:

Ms. Lori Wilmes, Finance Director
MCF-WR/ML
P.O. Box 359
Moose Lake, MN 55767
(218) 485-5011

Department of Human Services

Moose Lake Regional Authority

Notice of Request for Proposal for Medical Services

NOTICE IS HEREBY GIVEN that the Moose Lake Regional Authority, Department of Human Services is seeking the services for the period July 1, 1995 — June 30, 1996.

These services are to be performed as requested by the Administration of the Moose Lake Regional Authority.

Services of a physician to provide history and physical exam, diagnosis and on-going medical care and treatment. Estimated amount of this contract is \$25,740.00.

Responses to the above services must be received by June 1, 1995.

Direct inquiries to: Frank Milczark
Chief Executive Officer
Moose Lake Regional Authority
1000 Lakeshore Drive
Moose Lake, MN 55767
(218) 485-5300 Ext. 242

Office of the Secretary of State

Notice of Summary Request for Information for an Imaging System

The publication of this Request for Information (RFI) and the acceptance of responses does not guarantee the awarding of a contract. Based on the responses to this RFI, the Office of the Secretary of State may issue a Request for Proposal (RFP) to award a contract to meet our needs. Please indicate in your response to this RFI if you wish to be placed on a direct mail list to receive the RFP.

Summary of Request

The Office of the Secretary of State is seeking information about imaging systems which can be used to complete reengineering of our business processes. Imaging will also be used for archival storage of documents which are accessed frequently (300,000 pages per year) for reproduction.

Business processes involve the acceptance of documents to create a public record. In the majority of cases, there is a fee involved in the acceptance of the document. The imaging system will need to integrate with a planned computer-based cashiering system and with the creation of an index and summary of data from the document for use in responding to public inquiries. The Office also intends to move to a client/server based open platform and the imaging system will need to be able to migrate to the new platform as well as work with the existing Unisys MAPPER® based database and operating environment.

Project Contact

Additional information about requirements or a copy of the full Request for Information for the imaging system may be obtained by contacting:

Katie Engler
Office of the Secretary of State
180 State Office Building
100 Constitution Avenue
St. Paul, MN 55155-1299
(612) 297-5163
Fax: (612) 296-9073

Deadline for Responses

Responses are due by Monday, May 22, 1995 at 4:00 pm. The responses can be directed to Ms. Engler and mailed to the address above. If responses are hand delivered, they should be given to the receptionist in Room 174 of the State Office Building.

Non-State Public Bids, Contracts & Grants

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector.

It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of project and tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact the editor for further details.

Minnesota Historical Society

Notice of Request for Proposals for Product Development Consulting

The Minnesota Historical Society is seeking proposals from qualified firms and individuals to provide consulting services related to the development of history-oriented retail products, including products related to the Society's collections, programs and historic sites.

To be qualified, proposers must have experience in commercial retail product evaluation, development, and marketing. Experience in private label development and marketing and the marketing of unique, organization specific products is also desired.

The Request for Proposals is available by calling or writing Gary W. Goldsmith, Contracting Officer, Minnesota Historical Society, 345 Kellogg Blvd. West, St. Paul, MN 55102. Telephone (612) 297-5863.

Details concerning submission requirements and deadlines are included in the Request for Proposals.

Volunteer Program Development Tools

The Power and Potential of Youth in Service to Communities New!

Comprehensive guide to developing and sustaining a successful and meaningful youth volunteer program. Learn what it takes--- from developing a mission, vision and management philosophy to identifying skill and ability experiences suitable for youth age 5-24; from defining a program structure and outcomes to understanding common concerns and issues. Includes information on model programs throughout the state. 96pp. (MN Ofc. of Volunteer Svcs., 1993) Stock No. 10-48 \$16.00



Promise of the Future/Responsibility Today New!

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- * Communications skills
- * Dealing with grief and loss

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Volunteer Recognition



Handbook for Volunteer Recognition

Provides information, ideas and sample materials for recognizing volunteers. Keeping volunteers motivated in their work, recognizing their efforts and keeping the job retention rate high are topics addressed. 50pp. (MN Ofc. of Volunteer Svcs., 1984) Stock No. 10-15 \$5.00

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