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Emergency Rules

DECLARATION OF EMERGENCY

Department of Commerce Office of Commerce and Industry Division of Financial Programs Administration

The Department of Commerce, Office of Commerce and Industry, Division of Financial Programs Administration, is exercising the emergency provision of the Administrative Procedure Act, R.S. 49:953B, to implement a rule, effective July 1, 1984. This rule will implement procedures for administering the Louisiana capital companies tax credit program authorized by Act 642 of the 1983 Legislature, R.S. 51:1921-1931.

The enabling legislation requires promulgation of rules and regulations by July 1, 1984. The promulgation was delayed in anticipation of the passage in this legislative session of amendments to the statutes. These rules will be in effect for 120 days or until new rules can be adopted, whichever comes first, in accordance with the Administrative Procedure Act.

LOUISIANA CAPITAL COMPANIES TAX CREDIT PROGRAM

To provide a tax credit to "certified" Louisiana capital companies in exchange for their investment in small and medium sized Louisiana businesses

RULE 1. CAPITAL COMPANY: For the purposes of this program, a "certified" capital company shall mean any partnership or corporation, whether organized on a profit or non-profit basis, that has as its primary business activity the investment of funds in return for equity in other companies that are in need of capital for survival, expansion, new product development, or similar business purposes and that may be certified by the Secretary of Commerce.

RULE 2. LOUISIANA BUSINESS: Any business owned solely by a Louisiana Resident (a person who has lived in Louisiana a minimum of 90 days, or possessing three of the following: a valid Louisiana motor vehicle operator's license, a valid Louisiana motor vehicle registration certificate, a valid Louisiana voter registration certificate or proof that Louisiana is the state where their federal income taxes were paid), any partnership, association, or corporation, domiciled in Louisiana, or any corporation, even if a wholly owned subsidiary of a foreign corporation that has a Louisiana office and employs Louisiana residents, that does business primarily in Louisiana (majority employment in Louisiana), or does substantially all of its production (seventy-five percent or more of the value or volume in Louisiana).

RULE 3. WHO QUALIFIES FOR TAX CREDIT: A credit may be claimed by an investor in a "certified" Louisiana Capital Company, a person, either natural or artificial, against the person's Louisiana income tax in the year in which the department certifies to the Department of Revenue and Taxation that the person is qualified for the credit and in every year thereafter to the full income tax liability of the person until the credit is exhausted.

RULE 4. THE TAX CREDIT FOR AN ELIGIBLE INDIVIDUAL: The credit shall be calculated by the department as thirty-five percent of the person's paid in cash at the time of certification. The value of property or services contributed shall not be included for purposes of determining the credit. Said certified company's initial capitalization shall be three million dollars. Credits granted under this rule shall not be transferable.

RULE 5. ENTERPRISE ZONE CREDIT: An additional five percent credit will be allowed on the amount of the investment to a Louisiana business that is located within a Louisiana enterprise

zone that has been designated by the Louisiana Department of Commerce. The capital company shall furnish the Department a distribution formula for the additional credit. The Department shall certify and forward to the Department of Revenue and Taxation.

RULE 6. NOTICE OF INTENT: A notification of intent to seek certification shall be filed by a capital company at least 60 days prior to filing an application.

RULE 7. APPLICATION PROCESS:

(1) A company organized and existing under the laws of Louisiana, created for the purpose of making venture or risk capital available for qualified investments as required in R.S. 51:1921 shall make written application for certification to the Secretary of the Department of Commerce on application forms provided by the Office of Commerce and Industry. Said application shall be signed by a duly authorized officer, or partner, and contain the following information and evidence:

(a) The full legal name of the company.

(b) The address of the applicant's principal office in Louisiana.

(c) The names and respective addresses of the applicant's directors and officers or general and managing partners including street number in any city or town, state and zip code.

(d) A certified copy of the certificate of incorporation, and articles of incorporation, or a certified copy of the certificate of formation of a limited partnership, or trust documents, or other evidence that the company is organized and existing under the laws of Louisiana, as required by the Secretary of State.

(e) Information and evidence that the applicant's purpose is to encourage and assist in the creation, development, and expansion of Louisiana businesses and to provide maximum opportunities for the employment of Louisiana residents, by making venture or risk capital available to Louisiana businesses.

(f) Information and evidence that the applicant has filed with the Louisiana Securities Commission a disclosure document and a consent to service of process as required by Louisiana Revised Statutes 51:701-720 or information and evidence that the applicant has registered the securities offering pursuant to the Louisiana Securities Act or information and evidence that the securities offering is exempt from registration under the Securities Act et. seq of Louisiana.

(g) Information and evidence that the applicant has disclosed or will disclose to all investors that a tax credit is not available for an investment in a company until the company has been designated a "certified" Louisiana capital company and the investor has received a certificate approving the credit from the Secretary of the Louisiana Department of Commerce.

(h) Information and evidence that the applicant has disclosed or will disclose to all investors that a tax credit will not be made available until the company raises at least \$3 million in equity capital and all statutory limits on tax credits are disclosed.

(i) Information and evidence that the applicant has disclosed or will disclose to all investors that the State of Louisiana is not liable for damages to an investor in a "certified" Louisiana capital company that fails to become designated as a "certified" Louisiana capital company.

(j) A statement that if the investors in the company or partnership receive a tax credit under Title 51, Chapter 26, then the company will use the capital base included by such tax credit to make qualified investments as required in R.S. 51:1926.

(k) A statement that the company will comply with all requirements of Title 51, Chapter 26, including the filing of quarterly reports of new investors and qualified investments that include the name of each investor in a "certified" Louisiana Capital company who has applied for a tax credit, the amount of each investor's investment, the amount of tax credit allowed to the investor and the date on which the investment was made.

(1) Information stating the total capital account of the applicant and how the value has been determined and how the equity portion has been determined for both the period before July 1, 1984 and after.

(2) The form for applying to become a "certified" Louisiana capital company may be obtained from the Office of Commerce and Industry, Financial Programs Administration Division, One Maritime Plaza, 101 France Street, Baton Rouge, La. or Post Office Box 44185, Baton Rouge, La. 70804, and shall be filed at the same address.

(3) The time and date of filings shall be recorded at the time of filing in the office of the Financial Programs Administration Division and shall not be construed to be the date of mailing. The recording of the filing time and date does not indicate the application is complete nor to be construed as an approval of the contents of the application.

(4) The Secretary of Commerce shall cause all applications to be reviewed by the department and designate those he determines to be complete. In the event that an application is deemed to be incomplete in any respect, the applicants will be notified within fifteen days of receipt. An incomplete application shall be resubmitted, either in a partial manner or totally, as deemed necessary by the department.

(5) The submission of any false or misleading information in the application documents will be grounds for rejection of the application and denial of further consideration.

RULE 8. REQUIREMENTS FOR CONTINUANCE OF CERTIFICATION: The secretary shall conduct an annual review of each "certified" Louisiana capital company to determine the company's compliance with the requirements for continuance of certification.

A. To continue in certification, a "certified" capital company must:

(1) Invest at least 30 percent of its initial capitalization at the end of the initial four years in such a manner as to acquire equity in the companies in which the investments are made.

(2) Have invested 50 percent total in the same fashion at the end of seven years.

(3) Have a total of 75 percent of its initial capitalization invested in the acquisition of equity at the end of nine years under the program.

B. At the fourth year, seventh year, and ninth year investment levels, at least 60 percent of the total investment of the "certified" capital company must be in Louisiana businesses in which the funds so invested were to be used solely for the purpose of enhancing their productive capacity or ability to do business within the state or to generate value added within the state to goods or services for export to out-of-state markets.

C. No investment in equity may be made at a cost to a "certified" capital company of greater than ten percent of the total assets under management of the "certified" capital company at the time of investment.

D. The use of invested funds by a Louisiana business for oil and gas exploration and development, for real estate development or appreciation, or for banking or lending operation shall not be counted for purposes of the continuance of certification.

RULE 9. DECERTIFICATION:

A. The secretary shall conduct an annual review of each "certified" capital company certified under the program to determine if the capital company is abiding by the requirements of certification, to advise the "certified" capital company as to the certification status of its investments, and to ensure that no investment has been made in violation of R.S. 51:1926(C). The cost of the annual review shall be paid by each "certified" capital company according to a reasonable fee schedule adopted under the provisions of the Administrative Procedure Act.

B. Any violation of R.S. 51:1926(C) shall be grounds for decertification under this Section. At the end of the fourth year, seventh year, and ninth year of each company's participation in the tax credit program, if the secretary determines that a company is not in compliance with any requirements for continuing in certification, he shall, by written notice, inform the officers of the company and the board of directors or partners that they will be decertified in 120 days from the date of mailing of the notice unless they correct the deficiencies and are once again in compliance with the requirements for certifications.

C. At the end of the 120 day grace period, if the "certified" capital company is still not in compliance, the secretary shall send a notice of decertification to the company and to the secretary of the Department of Revenue and Taxation. Decertification of a "certified" capital company shall cause the forfeiture of any right or interest to a tax credit under the program and shall cause the total amount of tax credit previously claimed by persons under the program to be due and payable with that year's income tax liability. These amounts are due notwithstanding the fact that the years for which the credits were originally taken may have prescribed.

D. The Department of Revenue and Taxation shall send written notice to the address of each person whose tax credit has been forfeited, using the address last shown on the person's last income tax filing.

E. Records, documents and any other materials submitted to the Office of Commerce and Industry by a "certified" capital company shall be exempted from release under the Public Records Act, R.S. 4:1 et seq., specifically section 44:4 that refers in part to "records that pertain to the business of the private person, firm or corporation, and are in their nature confidential".

RULE 10. VOLUNTARY DECERTIFICATION: At any time a "certified" capital company may voluntarily decertify itself by sending written notice of decertification to the secretary and by remitting to the secretary of the Department of Revenue and Taxation full payment of all tax credits claimed by investors under its participation in the certification program. These amounts are due notwithstanding the fact that the years for which the credits were originally taken may have prescribed. Thereafter, the company shall be a full subrogee to the state of Louisiana through the Department of Revenue and Taxation for such sums as were remitted by the company against its investors or equity owners.

RULE 11. CAPITAL COMPANIES PROGRAM TERMINATION: The secretary shall not certify a "certified" capital company to begin the program later than December 31, 1989.

Robert Paul Adams
Director

**DECLARATION OF EMERGENCY
Board of Elementary and Secondary Education**

The State Board of Elementary and Secondary Education, at its meeting of June 28, 1984, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act, R.S. 49:953B and adopted the following items as an emergency rule:

1. Extension of the Temporary Employment Permit for the 1984-85 school year.

2. Extension of the Board policy for hiring full-time and part-time noncertified school personnel to remain in effect until July 1, 1985.

This emergency adoption is necessary in order to enable the school systems to begin employment under these provisions.

James V. Soileau
Executive Director

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, has exercised the emergency provisions of the Administrative Procedure Act (R.S. 49:953B) to amend the Title XIX reimbursement methodology for inpatient hospital services effective June 25, 1984, to provide that costs for specialized intensive care units, such as neonatal and pediatric intensive care services may be excluded from the calculation of the target rate per discharge specified in the Medicare reimbursement principles for the ceiling on the rate of increase in operating costs (42 CFR 405.463) for cost settlements on or after that date.

A separate per diem rate for such services shall be calculated using the same base period and target rate percentages as that for the target rate for all other operating costs as specified in 42 CFR 405.463. However, no incentive or penalty payments shall be calculated at the fiscal year end for these services. Reimbursement for these services is limited to the calculated per diem rate times those days determined to be medically necessary.

Reimbursement for these services shall be in addition to that for all the other services subject to the target rate per discharge, as well as the costs excluded from the target rate calculation (capital related costs, malpractice insurance costs and education costs).

This action is necessary to prevent imminent peril to the health and welfare of Medicaid recipients in need of such services by ensuring the continued participation of those hospitals providing such services. The Perinatal Commission, among others, has advised that hospitals with such units were prepared to withdraw from the Medicaid Program due to the inadequacy of the payment under the target rate. Thus, the state would not have adequate facilities for providing necessary medical care to individuals requiring these services.

Sandra L. Robinson, M.D., M.P.H.
Secretary and State Health Officer

Rules

RULE

Department of Agriculture Seed Commission

The Louisiana Department of Agriculture, Seed Commission, pursuant to the authority granted under LSA 3:1433 and in accordance with the Notice of Intent published on April 20, 1984, adopted the following amendments to the Louisiana Seed Certification Standards at a public hearing beginning at 10 a.m. on May 2, 1984, at the State Capitol, Baton Rouge, LA.

Rule 11.5A, entitled "Fees for Sweet Potatoes", which required a 3¢ per bushel fee for inspection of certified sweet potatoes in storage was repealed.

Rule 35.3, entitled, "Seed Standards", was amended to read as follows:

35.3 Seed Standards

Factor	Breeder	Founda- tion	Registered	Certified
Pure Seed	98.0%	98.0%	98.0%	98.0%
Inert Matter	2.0%	2.0%	2.0%	2.0%
Other crops, including other varieties	None	None	None	2 seed/lb.
Off-color grains, if of similar size, quality, and maturity	None	5 seed/lb.	10 seed/lb.	20 seed/lb.

Noxious weeds:	None	None	None	1 seed/ 4 lbs.
Red Rice (including Black Hull Rice)	None	None	None	1 seed/ 4 lbs.
Spearhead, Curly Indigo & Mexican Weed	None	None	None	None
Other weeds	0.05%	0.05%	0.05%	0.1%
Germination		80.0%	80.0%	80.0%

Copies of the complete Louisiana Seed Certification Standards as herein amended, may be secured by written, telephone, or personal request from John Armstrong, State Seed Analyst, Louisiana Department of Agriculture, Box 18190-B, University Station, Baton Rouge, LA 70893, phone (504) 342-5809.

Bob Odom
Commissioner

RULE

Department of Commerce Racing Commission

The Louisiana State Racing Commission, at its meeting of May 31, 1984, formally deleted rule LAC 11-6:53.5.

LAC 11-6:53.5 is as follows: "Permitted medication may be administered to a horse in training during a race meeting only by a licensed veterinarian or a licensed trainer, or under their personal orders, except that all medication given hypodermically must be done by a licensed veterinarian. The following non-steroidal, anti-inflammatory medications may be used in training; cannot be administered within 24 hours of the race; and the maximum analytical test levels are established as:

Pre-Race Blood and Urine Levels	and	Post-Race Blood and Urine Levels
Phenylbutazone		
2.0 micrograms/ml.		165 micrograms/ml.*
Oxphenbutazone		
2.0 micrograms/ml.		165 micrograms/ml.*

*(combined total of drug and/or metabolite)

These provisions control, other provisions of these rules of the contrary notwithstanding.

Any test levels in excess of the above maximum analytical test levels shall be considered as prima facie evidence that there has been a violation of the rules dealing with medication.

The stewards shall direct the taking of a blood specimen from any horse from which a urine specimen has been taken or will be taken while the horse is at the special barn as provided pursuant to LAC 11-6:23.35 which shall be delivered to the state chemist for testing." (Pub.3/20/82)

Albert Stall
Chairman

RULE

Board of Elementary and Secondary Education

Rule 3.01.87

The Board deleted Board Policy 3.01.87 (1b) which places a two year limit on the terms of the Reference Materials Adoption Committee members.

Rule 4.02.08

The Board adopted the following recommendations of the Department regarding the employment of special education teachers: "Special education teachers who were employed prior to the 1984-85 school year and who were placed on an Interim Plan shall be given a three-year period to complete the plan; and that effective with the 1984-85 academic year, newly employed uncertified special education teachers who are eligible for tem-

porary certification shall be placed on temporary certificates and required to complete applicable certification requirements.”

Rule 3.01.51.hh

The Board adopted a policy that new elective courses for high school must be evaluated by the Department for recommendation to the Board for approval.

James V. Soileau
Executive Director

RULE

Department of Environmental Quality Hazardous Waste Division

Under the authority of the Louisiana Environmental Quality Act of 1983, La. R.S. 30:1136 (A)(1) and (5), and in accordance with the provisions of the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., the Secretary of the Department of Environmental Quality, Ms. Patricia L. Norton, adopted amendments to the Louisiana Hazardous Waste Regulations (LHWR) on July 10, 1984.

Rulemaking procedures to amend the LHWR were initiated by the Secretary on April 26, 1984. Preceding final adoption by the Secretary, these amendments were forwarded to, and found acceptable by, the Joint Committees on Natural Resources.

These amendments bring the language in the present regulations in line with all applicable federal regulations by adding clarifying language, correcting miscites, errors of omission, and typographical errors.

Persons requesting copies and/or further information concerning the LHWR amendments may contact Ms. Patsy Deaville, Department of Environmental Quality, Hazardous Waste Division, Box 44066, Baton Rouge, LA 70804-4066, or phone (504) 342-1227.

Patricia L. Norton
Secretary

RULE

Department of Environmental Quality Hazardous Waste Division

Under the authority of the Louisiana Environmental Quality Act of 1983, La. R.S. 30:1136 (A)(1) and (5), and in accordance with the provisions of the Louisiana Administrative Procedure Act, La. R.S. 49:950 et seq., the Secretary of the Department of Environmental Quality, Ms. Patricia L. Norton, adopted amendments to the Louisiana Hazardous Waste Regulations (LHWR) on July 10, 1984.

Rulemaking procedures to amend the LHWR were initiated by the Secretary on April 26, 1984. Preceding final adoption by the Secretary, these amendments were forwarded to, and found acceptable by, the Joint Committees on Natural Resources.

These amendments more fully define the responsibilities of the recycle, reuse industry with respect to the hazardous waste program by adding new technical and permitting requirements to Chapter 22 of the LHWR.

22.14 Add the following:

(NOTE: This change requires owner/operators of facilities that reuse or recycle hazardous waste to obtain a permit in addition to meeting the technical requirements. This change is necessary to bring the State's regulations in compliance with Federal requirements.)

Special requirements for hazardous waste which is used, reused, recycled or reclaimed.

a) Except as otherwise provided in paragraph b) of this section a reusable material which meets any of the following cri-

teria is not subject to the regulations under Chapters 3 through 5 and Chapter 7 through Chapter 21 and Chapter 23 if;

1) It is legitimately being beneficially used or reused or recycled or reclaimed.

2) It is being accumulated, stored or physically, chemically or biologically treated prior to legitimate beneficial use or reuse or recycling or reclamation.

3) It is one of the following materials being used, reused, recycled or reclaimed in the specified manner:

Spent pickle liquor which is reused in wastewater treatment at a facility holding a National Pollutant Discharge Elimination System (NPDES) permit or which is being accumulated, stored, or physically, chemically or biologically treated before such reuse.

A reusable material which would constitute a hazardous waste under Chapter 24.1c) or 24.2

b) Except for those waste listed in 22.14a)3) of this section, a reusable material that is a sludge, or that is listed in 24.1 or 24.2 or that contains one or more hazardous wastes listed in 24.1 or 24.2; and that is transported or stored prior to being used, reused, recycled, or reclaimed is subject to the following requirements with respect to such transportation or storage:

1) Notification requirements under 1.3a) of the regulations.

2) Chapters 6, 7, 8, 9, 11, 12, 13, 16, 18, 19 and 20.

3) Chapter 23, Subchapter I, II, III, IV, V, VI, VII, VIII, IX, X and XI.

c) Those waste listed in 24.1a) and 24.1b) are also subject to the permitting requirements of Chapters 3, 4 and 5.

Persons requesting further information concerning the LHWR amendments may contact Ms. Patsy Deaville, Department of Environmental Quality, Hazardous Waste Division, Post Office Box 44066, Baton Rouge, Louisiana 70804-4066, or phone (504) 342-1227.

Patricia L. Norton
Secretary

RULE

Department of Environmental Quality Office of Water Resources Water Pollution Control Division

Under the authority of the Louisiana Environmental Quality Act of 1983, La. R. S. 1094 (A)(3) and (B)(3) and in accordance with the provisions in La. R. S. 49:951 et seq., the Secretary of the Department of Environmental Quality, Ms. Patricia L. Norton, adopted the rules and regulations for the Water Quality Certification Procedures on July 10, 1984. The effective date of these regulations will be September 1, 1984.

The Secretary initiated rulemaking procedures to adopt this rule on April 11, 1984. Prior to the final adoption by the Secretary, this rule was forwarded to, and found acceptable by, the Joint Committees on Natural Resources.

RULES AND REGULATIONS

WATER QUALITY CERTIFICATION PROCEDURES

I. AUTHORITY

A. L.R.S. 30:1094(B)(3) authorizes the adoption and promulgation by the Secretary of the Department of Environmental Quality of rules and regulations to prevent water pollution.

B. L.R.S. 30:1094(A)(3) establishes the procedures for issuance of certifications for applicants for Federal permits.

II. SCOPE

A. These procedures apply to all water quality certifications which applicants for Federal licenses or permits are required to provide to the appropriate Federal agency.

B. In the event that certification is requested for a proposed Federal license or permit which is determined by the Ad-

ministrative Authority to contain terms and conditions equivalent to an existing State permit previously issued under the Louisiana Water Discharge Permit System (LWDPS), such LWDPS permit shall be considered the legal equivalent to a certification issued by the Administrative Authority under this Chapter, and no separate certification is required.

C. Upon delegation of the NPDES program to the State, the provisions of this Chapter with regard to NPDES permit certifications will no longer be applicable.

III. DEFINITIONS

A. "Administrative Authority" means the Secretary of the Department of Environmental Quality or his/her designated representative, the Assistant Secretary, Office of Water Resources, or the Environmental Control Commission.

B. "Certification" means approval by the administrative authority that any activity which may result in any discharge into or potential change of the waters of the state and as such requires application for a Federal permit, will comply with the applicable provisions of sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance) and 307 (Toxic and Pretreatment Effluent Standards) of the Federal Water Pollution Control Act as amended.

C. "Commercial activity" means any conduct, operation, or process performed by governmental agencies for public use or by private interests for business or other use for profit.

D. "Commission" means the Environmental Control Commission.

E. "Discharge" means the placing, releasing, spilling, percolating, draining, pumping, leaking, seeping, emitting, disposing, bypassing or other escaping of pollutants into the air, waters, sub-surface water or the ground as the result of a prior act or omission; or the placing of pollutants into natural or man-made pits or drums, barrels or similar containers under conditions and circumstances that leaking, seeping, draining or escaping of the pollutants can be reasonably anticipated.

F. "Land management plan" means a land use plan approved by the United States Soil Conservation Service or the State Department of Transportation and Development Soil and Water Conservation Committee.

G. "Non-commercial activity" means any conduct, operation, or process intended strictly for private use with no future profit potential expected.

H. "Person" means any individual, municipality, public or private corporation, partnership, firm, the United States Government and any agent or subdivision thereof, or any other juridical person.

I. "Waste" means any material for which no use or reuse is intended and which is to be discarded.

J. "Water pollution" means the introduction into waters of the state by any means including dredge and fill operations, of any substance in concentrations which tend to degrade the chemical, physical, biological, or radiological integrity of such waters, including, but not limited to, the discharge of brine from salt domes which are located on the coastline of Louisiana and the Gulf of Mexico into any waters off said coastline and extending therefrom three miles into the Gulf of Mexico.

K. "Water quality management plan" means an approved water quality management plan prepared pursuant to the Act [LRS 30:1094(A)(1)].

L. "Water quality standards" means standards and criteria established pursuant to the Act [LRS 30:1094(B)(1)].

IV. PROCEDURES FOR ISSUANCE OF WATER QUALITY CERTIFICATION

A. Application Requirements

1. Content of Application

Any person, desiring issuance of a State water quality certification, shall file an application for certification with the Department of Environmental Quality, Office of Water Resources, at its office in Baton Rouge. The application should include:

a. The date of application.

b. The name, address, and principal place of business of the applicant.

c. If the applicant is a corporation, the State in which it is incorporated, the name of its principal officers and the name and address of the Louisiana agent for service of process.

d. The name of the individual who shall be primarily responsible for conduct of the activity for which certification is sought (Plant Manager or other person responsible for facility operation).

e. The nature of the activity to be conducted by the applicant, including estimates of volume of excavation for dredge and fill activities.

f. Whether the discharge is occurring or proposed, including an estimated schedule for all proposed activities.

g. The location of the discharge, stating if applicable, the municipality, the parish, the drainage basin, the name of the receiving water, and the location of the point of discharge with regard to the receiving water.

h. The nature of the receiving water, including type (creek, river, swamp, canal, lake or pond), nature (fresh, brackish or salt), and direction of flow.

i. Description of waste treatment works, if any, that will receive and process the wastewater before discharge into the receiving water.

j. The type of discharge, including chemical composition, quantity (expressed as gallons per unit of time), frequency, temperature, and kinds and quantities of pollutants or contaminants.

k. Projected future variations in the nature of the discharge.

l. The type, diameter or cross-section and length of any conduit conveying the discharge.

m. Names and addresses of adjoining riparian owners.

n. Maps, drawings, or plats at an appropriate scale and referenced to a commonly used set of geographic coordinates (latitude/longitude or section/range/township) which provide sufficient detail to accurately delineate:

i. The boundaries of the lands owned or to be utilized by the applicant in carrying out any activity.

ii. The location and extent of receiving waters in the vicinity of said lands.

iii. The location, dimensions, and type of any temporary or permanent structures or conveyances erected or to be erected on said lands, and

iv. The location of discharges into receiving waters.

2. Processing fee

A one-time processing fee will be assessed all applicants to help defray the costs of this expanded program. The fee schedule will be as follows:

non-commercial activities	\$ 25/application
commercial activities	\$265/application

Payment shall accompany the application for certification.

This office shall consider the application incomplete and initiation of the application review process will not begin until payment of the processing fee is received. Payment shall be by check or money order to Department of Environmental Quality, Office of Water Resources and shall be nonrefundable.

3. Exemptions from Processing Fee

All 402 permit applications will be exempt from this fee since fees are already assessed as part of the State permit system.

4. Approved Land Management Plan Requirement

Applicants whose applications involve the clearing of land for agricultural purposes shall submit an approved land manage-

ment plan for the land to be cleared before the application will be deemed adequate.

5. Power to Request Additional Information

The Administrative Authority may request, and the applicant shall furnish, any additional information deemed necessary for the proper consideration of the application to determine if the proposed discharge meets all applicable effluent limitations, water quality related effluent limitations, water quality standards, new source performance standards, and toxic and pretreatment standards.

6. Omissions From Applications

If the applicant considers that it is not feasible or is unnecessary to furnish any portion of the information required by Subsections 1 and 2 of this Section, applicant shall submit a detailed statement explaining the reasons for omission of any such information; but if the Administrative Authority does not concur in such omission, applicant shall submit the omitted information.

7. Confidentiality of Information

Any information submitted by the applicant, as required by an application for certification, and declared as confidential by the applicant shall be handled in accordance with the Environmental Affairs Act [L.R.S. 30:1076].

8. Signing of Applications

Applications will be considered valid only if the application bears the signature of an individual authorized by a company, corporation, municipality, governmental agency, or an individual if the individual is the applicant. The signatory shall certify that all information contained in the application is true and correct to the best of his knowledge.

B. Alternative Application Submittals

Any applicant may elect to submit a duplicate of the proposed Federal permit application in lieu of a separate application for State certification. Such submittals must include:

1. A cover letter requesting State certification and indicating that the attached copy of a Federal permit application is to serve as the application for State certification.

C. Application Review

1. All applications will be reviewed for adequacy of content in accordance with application criteria and the type and extent of the proposed activity. The application shall be considered incomplete until payment of the processing fee is received. The Administrative Authority reserves the right to request additional information where it is deemed necessary to make a final certification decision. An application will be deemed complete if the Administrative Authority does not indicate otherwise by a written response to the applicant within 30 days.

2. The Administrative Authority reserves the right to conduct investigations concerning the application as deemed necessary. The applicant shall cooperate to the extent that he shall furnish additional information, allow access to lands or works of the applicant, and lend such assistance as shall be reasonable.

3. All applications will be reviewed in terms of compliance with State Water Quality Standards, the approved Water Quality Management Plan for the waterbody affected by the activity, and applicable State water laws, rules, and regulations.

D. Public Notice Requirements

1. Notice by Publication

Within 10 days after the review process is completed by the Administrative Authority, the applicant will be sent a public notice. The applicant shall publish the public notice one time in the official journal of the State and one time in at least one, or more at the discretion of the Administrative Authority, local newspapers or journals of general circulation in each parish in which the activity is to be conducted.

- a. The Baton Rouge State Times is the official journal of the State.

- b. A period of 10 calendar days after the date of publication will be allowed for public comment.

- c. Contents of the notice shall be as follows:

- i. Name and address of applicant.

- ii. Activity proposed in the application.

- iii. Nature and location of the activity.

- iv. Date of and final action proposed by the Administrative Authority.

- v. Name and address of Administrative Authority's representative to whom comments shall be submitted.

- vi. Statement that comments will be received for 10 days following publication.

- vii. Statement that additional information is on file with Administrative Authority, may be inspected at any time during normal working hours, and shall be made available upon payment of cost of printing to the Administrative Authority.

- d. The applicant shall provide proofs of publication of the public notice to the Administrative Authority.

2. The Administrative Authority shall send a copy of the public notice to any person on a mailing list developed by the Administrative Authority or publish the public notice in a Department bulletin mailed to such persons and to any person who requests a copy of the public notice for the particular action.

3. Notice of Hearing

If the Administrative Authority determines that a hearing, as hereinafter provided for, should be held concerning the granting or denial of the certification, notice of the hearing shall be published one time in the official journal of the State, and one time in at least one or more at the discretion of the Administrative Authority, newspapers or journals having general circulation in the locality in which the activity will occur. The notice shall be published at least 30 days prior to the date of the hearing. The notice shall state the time, place, and nature of the hearing. In addition, a copy of the notice shall be served on the applicant and the person or persons requesting the hearing at least 30 days prior to the date of the hearing.

4. Notice List

A copy of the notice of the hearing shall be mailed to each person on the notice list maintained by the Administrative Authority in accordance with the Rules of Procedure of the Commission and to any person who specifically requests notice of a hearing on a specific application.

5. Notice to Other Persons

The Administrative Authority may give written notice to such other persons as is deemed necessary.

6. Other Notices

Notices required by this Section for State certification shall be in addition to any other notice concerning the same activity by the applicant or any Federal agency unless the various State and/or Federal agencies have adopted a procedure for the issuance of joint public notices.

7. Payment of Costs of Public Notice

The applicant shall bear the costs of publication of notices required by Section IV(D) in accordance with L.R.S. 30:1094(A)(3). When a hearing is requested by the applicant, and is held, the applicant shall bear the costs of publishing that hearing notice.

E. Public Hearings

1. Public Hearing on Certification Application

- a. A public hearing may be held in connection with the consideration of an application for an original water quality certification or when it is proposed that an existing certification be modified or revoked.

- b. Any person may request in writing within the comment period specified in the public notice required by Section IV(D) of this regulation that a public hearing be held to consider materia

matters at issue in a certification application. Upon receipt of any such request, the Administrative Authority shall determine whether the issues raised are substantial and there is a valid public interest to be served by holding a public hearing.

c. Public hearing(s) are appropriate when there is significant public opposition to a proposed certification and the case involves significant economic, social, or environmental issues.

d. If the determination is made to hold a public hearing, the Administrative Authority shall so notify the applicant by registered or certified mail, return receipt requested, and shall publish and give notice as required by Section IV(D) of these regulations. Such hearing will be held within 90 days following date of notification.

2. Hearing for Applicant Upon Certification Denial

If certification is denied by the Administrative Authority, the applicant may make a request for a hearing, in writing, to the Administrative Authority within 10 days after notification of denial, unless the reason for the denial is a determination by the Administrative Authority at a prior hearing that the activity or proposed activity of the applicant would violate applicable provisions of the Federal Clean Water Act or the Louisiana Environmental Quality Act or any regulations thereof. The Administrative Authority may, in its sole discretion, for good cause shown, grant such request. If request for hearing is granted, notice shall be given as required by Section IV(D) of these Regulations.

3. Hearing Location

Every hearing held pursuant to this Section shall be held before the Administrative Authority in the State Lands and Natural Resources Building in Baton Rouge, Louisiana, unless the Administrative Authority specifically designates some other location.

4. Hearing Records

The record of each hearing held under this Section shall remain open for a period of 30 days after the date of the hearing to receive written comments. Written comments and statements received within the 30 day period shall become part of the official hearing record.

5. Other Hearings

Joint public hearings are encouraged whenever approved by Federal and/or State agencies. No hearing under this Section, however, shall preclude or replace any hearing required by other laws and regulations of the State of Louisiana or any Federal agency unless provision has been made for joint public hearings.

F. Issuance of Certification

1. Time Limit for Final Action

All applications for the certification shall be granted or denied within 60 days after the application is deemed complete by the Administrative Authority unless:

1. a. The applicant or Federal agency agrees, in writing, to a longer period.

b. Final decision is to be made pursuant to a public hearing.

c. Applicant or Federal agency fails to furnish information necessary to the completion of the application.

d. Applicant or Federal agency refuses the Administrative Authority access to records or premises for the purposes of gathering information necessary to the certification decision.

e. Information necessary to the certification decision is unavailable.

f. The application for certification is for an NPDES permit which requires an extended review period in accordance with an agreement with the Federal agency.

2. Time Limit for Final Action After Hearing

All applications for certification shall be granted or denied within 90 days after public hearing unless applicant otherwise agrees in writing, or unless Sections IV(F)(1)(c)-(f) apply.

3. Conditions for Certification

a. If, after review of the application and any comments, publication of public notices, public hearing if applicable, expiration of the required periods for public comment, and receipt of proofs of publication, it is determined that the proposed project will not violate State Water Quality Standards, is in accordance with an approved Water Quality Management Plan, or applicable State water laws, rules, or regulations, the Administrative Authority will issue a letter of no objection with a statement of water quality certification to the applicant and forward a copy of the certification to the applicable Federal agency.

b. The letter of certification will include any stipulations or conditions necessary to ensure compliance with State Water Quality Standards, approved Water Quality Management Plans, or applicable State water laws, rules, or regulations.

c. Notification of Denial, Modification, or Revocation of Certification

i. In the event that the Administrative Authority denies, modifies or revokes certification or for any reason is unable to approve the application, it shall so notify the applicant by certified or registered mail, return receipt requested, specifying in such notification the reasons for the denial, modification, or revocation or inability to approve the application.

ii. A copy of the notification of denial, modification or revocation shall be mailed to the appropriate Federal agency or agencies.

G. Modification of Certification

1. Requests for revision of an application or modification of an existing certification shall include a description of the proposed changes in accordance with guidelines for content of applications.

2. Requests for modification of an existing certification will require notice in accordance with Section IV(D) of this regulation under the following conditions, or at the discretion of the Administrative Authority.

a. The proposed modification could result in violations of State Water Quality Standards, an approved Water Quality Management Plan, or applicable laws, rules, or regulations based on Sections IV(C) or IV(F)(3) of this regulation.

b. A public hearing was conducted with regard to the original certification.

c. The Federal agency requiring the application for modification requires public notice.

H. Revocation of Certification

1. Any certification issued pursuant to this Regulation is subject to revocation or modification for violation of any guideline, criterion, or condition under which the certification was approved.

2. Any certification issued pursuant to this Regulation is subject to revocation or modification upon a determination that information contained in the application or presented in support thereof is incorrect or if conditions under which the certification was made have changed.

Persons requesting further information concerning the rule may contact Ms. Brenda Hart, Department of Environmental Quality, Water Pollution Control Division, P. O. Box 44066, Baton Rouge, Louisiana 70804.

Patricia L. Norton
Secretary

RULE

Department of Health and Human Resources Board of Examiners for Nursing Home Administrators

RULE 12: Administrator-in-Training Program (A.I.T.)

After passing all examinations and meeting all criteria in Rule

7, an applicant must serve as a full-time (40 hours per week) practicing Administrator-in-Training for a minimum period of six consecutive months. During this time, the "A.I.T." must work under close direct, personal, on-site supervision of a full-time preceptor who shall be the administrator of record in the facility in which the A.I.T. undertakes his training. The Preceptor shall be duly licensed as a Nursing Home Administrator in Louisiana and shall provide on-site supervision for at least 20 hours per week. A nursing home administrator who serves more than one facility shall be eligible to serve as preceptor for no more than one A.I.T.

Winborn E. Davis
Executive Secretary

RULE

**Department of Health and Human Resources
Office of Family Security**

The Department of Health and Human Resources, Office of Family Security, hereby adopts the following Rule in the Medical Assistance Program:

Rule			
Effective August 1, 1984, Title XIX reimbursement will be reinstated for the following drug:			
Trade Name	Active Ingredient	Dosage Form/ Route	Firm
F.E.P. Creme	Pramoxine and Hydrocortisone	Cream	Boots

Reimbursement for this drug was discontinued in a Final rule, effective October 30, 1981, as published in the Louisiana Register, Vol. 8, No. 2, page 67, because it was determined to be "less than effective" by the Food and Drug Administration (FDA). The 1984 Edition of the Physicians' Desk Reference, (PDR) page 702, published by the Medical Economics Company, Inc., indicates that the manufacturer, (Boots Pharmaceuticals, Inc.), has reformulated F.E.P. Creme into a combination that now renders it effective, and therefore payment may be made for this drug.

Sandra L. Robinson, M.D., MPH
Secretary and State Health Officer

RULE

**Department of Health and Human Resources
Office of Health Services
and Environmental Quality**

The Department of Health and Human Resources, Office of Health Services and Environmental Quality is adopting policies and procedures used in the operation of the Northwest Louisiana Adolescent Family Life Project in accordance with the Administrative Procedure Act L.S.A. 49:950, et. seq.. These policies and procedures specifically cover the **charging of fees** to service recipients as mandated by federal regulations as published in the Federal Register, Vol. 47, No. 40, Monday, March 1, 1982, page 8682.

In accordance with Title XX of the Public Health Service Act (42 U.S.C. 300Z-2) administered through the United States Department of Health and Human Services, Office of Adolescent Pregnancy Programs, all individuals served by the Adolescent Family Life Project must be charged a fee. Charges are to be made to persons according to a sliding fee schedule based on ability to pay, which is generally determined by income. No person shall be denied services because of inability to pay.

Fee Policy - all persons receiving services from the Adolescent Family Life Project shall be assessed a fee for each chargeable service. Chargeable services include the Parent Family Life Education Sessions and the In-Depth Family Life Sessions. Fees will

be based on cost and adjusted according to the ability of the recipient to pay. (See Chart, page 501)

Fee Adjustment Schedule - all persons whose gross family income is above 150 percent of the level of poverty as determined by the U.S. Community Services Administration as indicated on the fee adjustment schedule, shall pay a fee for each chargeable service. The attached fee adjustment schedule (see Exhibit A), has been approved by the federal granting agency. Fees and adjustments to fees shall be explained by the Adolescent Family Life Project staff to the organization sponsoring the Parent Family Life Education Sessions, i.e. churches, and PTA's. The sponsoring organization shall be responsible for assessing the charges according to the participant's income. If indicated, the fees shall be collected by the sponsor and given to the Project staff person at the time the session is conducted. Funds collected are handled in accordance with Division of Administration policy and procedures.

Sandra L. Robinson, M.D., M.P.H.
Secretary and State Health Officer

RULE

**Department of Health and Human Resources
Office of Health Services and Environmental Quality**

Effective July 20, 1984, the Department of Health and Human Resources, Office of Health Services and Environmental Quality, is adopting the following rule as mandated by U.S. Department of Agriculture in 7CFR Part 246. This rule provides for the WIC Program's policies on vendor selection, participation and sanctioning process.

Section 17 of Public Law 95-627 states, "Congress finds that substantial numbers of pregnant, postpartum and breastfeeding women, infants and young children from families with inadequate income are at special risk with respect to their physical and mental health by reason of inadequate nutrition or health care, or both.—The program shall serve as an adjunct to good health care, during critical times of growth and development to prevent the occurrence of health problems the improve and health status of these persons."

The WIC Program provides supplemental food, health services and nutrition education for women, infants and children. It is federally funded through the U.S. Department of Agriculture. The Nutrition Section, DHHR-OHSEQ, shall be responsible for the administration of the WIC Program in Louisiana. Extensive regulations have been published by the Food and Nutrition Service of the U.S. Department of Agriculture in 7CFR Part 246. Federal regulations require intensified efforts directed toward vendor selection and vendor monitoring.

The Preapplication Package, the Agreement, and the WIC Vendor Handbook are available for review by any interested party at the Nutrition Section, Office of Health Services and Environmental Quality, Room 405, 325 Loyola Ave., New Orleans, Louisiana 70112, or at any local health unit.

GENERAL RULE

I. Definitions

Agency—Office of Health Services and Environmental Quality, Department of Health and Human Resources.

Agency Plan—Comprehensive implementation and operational Manual including criteria and standards for nutritional certification as approved by U.S.D.A.

Agreement—Document which is a legally binding agreement between the vendor and WIC Program. Agreement specifies application information and standards of compliance.

Authorized Vendor—A vendor who has completed the application process, has submitted a signed and notarized agree-

EXHIBIT A

SERVICE:	I NO CHARGE	II 5% CHARGE	III 10% CHARGE	IV 20% CHARGE	V 30% CHARGE	VI 40% CHARGE	VII 50% CHARGE	VIII 60% CHARGE	IX 70% CHARGE	X 80% CHARGE	XI 90% CHARGE	XII 100% CHARGE
Teen Living Series					contributions							
Individual Parenting Class					contributions							
Parent Family Life Education Session	\$.25	\$.50	\$ 1.00	\$ 1.00	\$ 1.50	\$ 2.00	\$ 2.50	\$ 3.00	\$ 3.50	\$ 4.00	\$ 4.50	\$ 5.00
In-depth Family Life Sessions	\$.50	\$ 1.00	\$ 2.00	\$ 2.00	\$ 3.00	\$ 4.00	\$ 5.00	\$ 6.00	\$ 7.00	\$ 8.00	\$ 9.00	\$ 10.00

\$ Poverty Income Family Size	I No Charge	II 150% 5% of Cost	III 155% 10% of Cost	IV 160% 20% of Cost	V 165% 30% of Cost	VI 170% 40% of Cost	VII 175% 50% of Cost	VIII 180% 60% of Cost	IX 185% 70% of Cost	X 190% 80% of Cost	XI 195% 90% of Cost	XII 200% 100% of Cost
1	\$ 4,310	\$ 6,465	\$ 6,681	\$ 6,896	\$ 7,112	\$ 7,327	\$ 7,543	\$ 7,758	\$ 7,974	\$ 8,189	\$ 8,405	\$ 8,620
2	5,690	8,535	8,820	9,104	9,389	9,673	9,958	10,242	10,527	10,811	11,096	11,380
3	7,070	10,605	10,959	11,312	11,666	12,019	12,373	12,726	13,080	13,433	13,787	14,140
4	8,450	12,675	13,098	13,520	13,943	14,365	14,788	15,210	15,633	16,055	16,478	16,900
5	9,830	14,745	15,237	15,728	16,220	16,711	17,203	17,694	18,186	18,677	19,169	19,660
6	11,210	16,815	17,376	17,936	18,497	19,057	19,618	20,178	20,739	21,299	21,860	22,420
7	12,590	18,885	19,515	20,144	20,774	21,403	22,033	22,662	23,292	23,921	24,551	25,180
8	13,970	20,955	21,654	22,352	23,051	23,749	24,448	25,146	25,845	26,543	27,242	27,940
9	15,350	23,025	23,793	24,560	25,328	26,095	26,863	27,630	28,398	29,165	29,933	30,700
10	16,730	25,095	25,932	26,768	27,605	28,441	29,278	30,114	30,951	31,787	32,624	33,460
11	18,110	27,165	28,071	28,976	29,882	30,787	31,693	32,598	33,504	34,409	35,315	36,220
12	19,490	29,235	30,210	31,184	32,159	33,133	34,108	35,082	36,057	37,031	38,006	38,980
13	20,870	31,305	32,349	33,392	34,436	35,479	36,523	37,566	38,610	39,653	40,697	41,740
14	22,250	33,375	34,488	35,600	36,713	37,825	38,938	40,050	41,163	42,275	43,388	44,500
15	23,630	35,445	36,627	37,808	38,990	40,171	41,353	42,534	43,716	44,897	46,079	47,260
16	25,010	37,515	38,766	40,016	41,267	42,517	43,768	45,018	46,269	47,519	48,770	50,020
17	26,390	39,585	40,905	42,224	43,544	44,863	46,183	47,502	48,822	50,141	51,461	52,780

NOTE: Income shown under each group is maximum income for that group.

ment, has been approved by the Agency and has been assigned a distinctive five digit vendor number.

Categorical Eligibility—Pregnant, breastfeeding or postpartum (up to six months) women, infants (birth to one year of age), and children (one year of age to five years of age).

Competent Professional Authority—Physicians, nurses, nutritionists employed by the Agency, or contract Agency, who may determine a patient's eligibility and prescribe the supplemental foods.

Days—Calendar days except for those time standards which specify working days.

Disqualification—The act of ending an authorized food vendor's participation in the WIC Program whether as a punitive sanction or for administrative reasons.

Fair Hearing—A procedure by which a vendor may appeal an adverse decision rendered by the Agency.

Food Package—Those foods, in the designated quantities, which are listed on the voucher.

Health Unit Staff—Personnel employed to work at the local health unit.

Judicial Review—A procedure by which an authorized vendor may appeal an adverse decision rendered at a Fair Hearing.

Local Health Unit—A facility, including those contracting with the Agency, within the parish that provides health care including WIC services under the authority of the Office of Health Services and Environmental Quality, Department of Health and Human Resources.

Patient—Persons certified by a competent professional authority to be eligible to participate in the WIC Program because they are categorically eligible, low income and at nutritional risk in accordance with Agency Plan.

Price Report Sheet (WIC-3)—A statement of the retail price of each item in the WIC Food Package as of the first of each month.

Reimbursement—The procedure an authorized vendor may use to request payment from the agency when a voucher has been refused by the bank or state fiscal office.

Right of Appeal—As mandated by 7CFR Part 246 of the federal regulations, a vendor may request a review and hearing of adverse action taken by the agency.

Rural—All areas not included under urban area.

Sanctions—Actions taken by the Agency when an authorized vendor fails to comply with WIC Program regulations. Actions including warnings, suspensions, disqualifications and fines.

Suspension—Short term (3-6 months) removal from the WIC Program.

U.S.D.A.—The United States Department of Agriculture.

Urban—All incorporated places and all unincorporated places of 1,000 or more population as reported in the 1980 census report.

Vendor—Owner and employees of any retail food outlet.

Vendor Monitor—Staff employed by the agency to assess vendor compliance to WIC Program rules and regulations.

Vendor Number—A distinctive five digit number assigned to each authorized vendor.

Voucher—The sequentially numbered checks issued to patients to purchase from authorized vendors the specific foods, in specific quantities, as listed on the back of each voucher.

WIC—Supplemental food and health program for pregnant, breastfeeding or postpartum (up to six months) women, infants (birth to one year of age), and children (one year of age to five years of age).

II. Vendor Selection Criteria

As outlined in Federal Register, 7CFR Part 246, the agency has the responsibility to maximize the use of available funds by providing the food package to patients at the most reasonable cost

and to have an agreement with enough vendors to meet the needs of the patients while restricting the number of authorized vendors so that the agency can maintain an effective monitoring system.

A. Basic Vendor Eligibility Criteria:

1. To apply for WIC authorization, a vendor must be currently certified as a Food Stamp Program participant.

2. Cost containment: Vendor must offer food package below the median price charged by other authorized vendors in the parish, as evidenced by submission of WIC Program price report sheets.

3. Business integrity:

a) Owner and/or manager shall have demonstrated a willingness to follow written instructions and regulations, if the applicant has had prior participation with the WIC Program.

b) Owner and/or manager of current or prior business shall not have been disqualified from any U.S.D.A. food program within the prior three years.

c) Owner and/or manager shall not employ any management personnel or 25 percent or more of cashiers who worked in any establishment disqualified from any U.S.D.A. food program within the prior three years.

d) Owner and/or manager shall not have been convicted of any federal, state or local tax violations within prior three years.

e) Owner and/or manager shall not have been convicted of any felony within prior three years.

4. Vendor must be open for business a minimum of 48 hours per week.

5. Vendor must have a current permit to operate from the Parish Health Unit.

B. Criteria Determining The Number of Authorized Vendors in Parish:

1. Minimum number of authorized vendors per parish is four.

2. The need for increasing the number of authorized vendors will be determined by the following criteria:

a) Ratio of patients to authorized vendors exceeds 400:1 and

b) No authorized vendor in a three mile radius of applying vendor in rural area or

c) No authorized vendor in one mile radius of applying vendor in urban area and

d) Availability of public transportation routes accessing applying vendor to WIC population.

C. Falsified information on any of the application forms will automatically disqualify a vendor from authorization.

III. Agreement

A. The authorized vendor must sign and agree to the conditions enumerated in WIC Vendor Application and Agreement. Agreement must be notarized and approved by the agency.

B. No claim for reimbursement by the vendor, not provided in the Agreement, shall be paid by the agency. Unauthorized vendors who accept food vouchers may be held liable for repayment of any funds received.

C. Falsification of application or fraudulent violations of the WIC Program regulations will result in disqualification and possible referral for criminal prosecution.

D. Terms of Agreement:

1. Agreement shall be for a period of one year. Neither party has an obligation to renew the Agreement. Vendor will be responsible for applying for reauthorization 60 days before the expiration of the Agreement.

2. Agreement may be terminated by 30 day written notice or by mutual agreement of both parties. The 30 day notice does not apply when the agency disqualifies a vendor as a result of violation(s) of the terms of the Agreement.

E. In the WIC Vendor Application and Agreement autho

authorized vendor agrees to unannounced monitoring visits by authorized local, state or federal employees to determine compliance with Vendor Application and Agreement.

F. WIC vendors agree to provide any records relevant to their WIC Vendor Agreement upon request of the agency.

IV. Reimbursement Of Altered Or Bank Rejected Vouchers:

A. Vendor must submit to the agency, through the local health unit, any bank rejected voucher(s) within six months from last day of valid period. Any vouchers submitted thereafter will not be considered.

B. Vendor must submit in writing, an explanation of the error and the amount expected for reimbursement.

C. Original voucher(s) and written explanation are to be sent or delivered to a local health unit.

D. In determining whether or not to reimburse vendors for voucher(s) rejected by the bank due to errors on the vendors' part the agency will consider the following criteria in making its determination.

1. Prior record of same repeated errors.
2. Vendor's reported food costs versus amount requested for reimbursement.

E. Vendors will be notified by mail of adverse decisions.

V. Vendor Sanctions For Violations:

A. Minor violations such as, but not limited to, first time documentation that the vendor is out of required WIC food item(s); vendor not having on site "Procedure in Cashing WIC Vouchers" signed by all employees; failure to submit required Monthly Price Report Sheets; acceptance of post-dated or stale-dated vouchers; acceptance of presigned vouchers; failure to use vendor number on all redeemed vouchers; giving "rain checks", "I.O.U.'s" or crediting personal accounts; acceptance of unmatched or incomplete patient signatures on vouchers; or redeeming vouchers for similar but ineligible items will result in the following actions:

1. First offense will receive a written warning.
2. Second offense will receive a suspension from participation for 90 days from receipt of notification.
3. Third offense will receive a disqualification from participation for one year.

B. Major violations such as, but not limited to, obvious falsification of food shelf prices reported on Monthly Price Report Sheets; repeated findings of vendor being out of required WIC foods; allowing patients to purchase less than the total food package; failure to fill out dollar amount of the transaction in front of the patient; or knowingly exchanging or refunding money for WIC food items will result in the following actions:

1. First offense will receive a suspension for six months.
2. Second offense will receive a disqualification for one to two years.

Further, major violations such as, but not limited to, exchange of vouchers for money; acceptance of vouchers for ineligible foods (meat, candy, soft drink), alcohol, tobacco or nonedible items; charging higher prices for WIC food items to WIC patients; redeeming vouchers for an amount higher than the actual food cost; allowing patients to purchase in excess of the food package in order to increase cost of voucher; redeeming vouchers for a fixed amount rather than reflecting true WIC food costs; failure to prove purchase of adequate stock of WIC foods to cover number of vouchers redeemed; or submitting falsified documents or WIC forms will result in a disqualification from participation for two to three years.

C. Combination of one or more violations may result in a more severe sanction than listed for a single violation, but not to exceed a three year disqualification.

D. The agency will take into consideration any severe hardship to the WIC patients that a suspension or disqualification would incur.

1. Suspensions may be waived if there are no other authorized vendors within a three mile radius in a rural area or within a one mile radius in an urban area.

a) In lieu of suspension, vendor may be required to make a cash restitution and be assessed a monetary fine of not less than \$300 but not greater than \$10,000 and/or

b) Vendor may serve up to one year probation. Any violations found during probation will preclude any further considerations.

2. Disqualifications for minor or major violations may be waived if there are no other authorized vendors within a three mile radius in a rural area or within a one mile radius in an urban area and there are no interested vendors within the same area on the vendor waiting list.

a) In lieu of disqualification, vendor may be required to make a cash restitution and be assessed a monetary fine of not less than \$500 but not greater than \$10,000 and/or

b) Vendor may serve up to three years probation. Any violations found during probation will preclude any further considerations.

E. Vendors disqualified from the Food Stamp Program, administered by U.S.D.A., will also be disqualified automatically from the WIC Program for the same time period.

F. Following completion of a suspension period the vendor may be reinstated only upon sufficient evidence that the vendor has complied with the terms and conditions of the Agreement. Vendors may reapply for authorization three years after serving a disqualification period.

G. Criminal or civil charges may be filed against vendors who use fraudulent means to violate the WIC Program.

VI. Fair Hearing:

Any vendor wishing to appeal an adverse decision by the agency must state their request in writing and mail to the agency within 15 days after the receipt of such a decision. The hearing process is governed by the procedures set forth in the Administrative Procedure Act, R.S. 49:950 et. seq. and as mandated by federal regulations, 7CFR Part 246.

Sandra L. Robinson, M.D., M.P.H.
Secretary and State Health Officer

RULE
Department of Natural Resources
Office of Conservation
Division of Pipeline Safety
Regulation 9

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Regulation 9

Governing Pipeline Safety Pursuant to the Provisions of section 557(G) of the Natural Resources and Energy Act of 1973, Chapter 7 of Title 30 of Revised Statutes of 1950

General Provisions

General

101 Applicability

101.1 This regulation shall apply to all persons engaged in the transportation of natural gas by pipeline within the State of Louisiana, including the transportation of gas within the coastal zone limits as defined in the Outer Continental Shelf Lands Act (43 U.S.C. 1331).

101.2 This Regulation does not apply to -

(a) Offshore gathering of gas up-stream from the outlet flange of each facility in the coastal zone area where hydrocarbons are produced or where produced hydrocarbons are first separated, dehydrated, or otherwise processed, whichever facility is farther downstream; and

(b) Onshore gathering of gas outside the following areas:

(1) an area within the limits of any incorporated or unincorporated city, town, or village;

(2) any designated residential or commercial area such as a subdivision, business or shopping center, or community development.

101.3 (a) Notwithstanding the criteria in 101.1 and 101.2 above, this regulation shall apply only to those persons identified in the certification or agreement in effect, pursuant to Section 5 of the Natural Gas Pipeline Safety Act of 1968, as amended (Federal Act), duly executed by the Secretary of the Department of Natural Resources and the United States Secretary of Transportation.

(b) As to gas odorization, this regulation shall apply to all persons engaged in the business of handling, storing, selling, or distributing natural and other toxic or combustible odorless gases, except as hereinafter provided.

102 Purpose

102.1 The purpose of these rules is to establish minimum requirements for the design, construction, quality of materials, location, testing, operation and maintenance of facilities used in the gathering, transmission and distribution of gas, to safeguard life or limb, health, property and public welfare and to provide that adequate service will be maintained by gas utilities operating under the jurisdiction of the Commissioner of Conservation.

103 Incorporation by Reference

103.1 Any documents or parts thereof incorporated by reference in this regulation shall become a part of this regulation as though set out in full.

103.2 To the extent consistent with this regulation, all persons shall be governed by the provisions of Parts 191 and 192 of Part 49 of the Code of Federal Regulations, sometimes hereinafter referred to as the "Federal Code", including all standards or specifications referenced therein, insofar as same are applicable and in effect on the date of this regulation, and by any deletions, additions, revisions, or amendments thereof, made after said date.

104 Deviations From The Regulations

104.1 There shall be no deviation from Regulation 9 except after authorization by the Commissioner. If hardship results from application of any provisions, rules, standards, and specifications herein prescribed because of special facts, application may be made to the Commissioner to waive compliance with such regulation in accordance with Section 3(e) of the Natural Gas Pipeline Safety Act of 1968. Each request for such waiver shall be accompanied by a full and complete justification.

105 Recommendation For Revision of Regulations

105.1 For the purpose of keeping the provisions, rules, standards, and specifications of this regulation effective, any persons subject to this regulation, either individually or collectively, shall file an application setting forth such recommended changes in rules, standards, or specifications as they deem necessary to keep this regulation effective in keeping with the purpose, scope, and intent thereof. However, nothing herein shall preclude other interested parties from initiating appropriate formal proceedings to have the Commissioner of Conservation consider any changes they deem appropriate, or the Commissioner of Conservation from acting upon his own motion.

106 Rules of Regulatory Construction

106.1 As used in this regulation - "Includes" means including but not limited to. "May" means "is permitted to" or "is authorized to". "May not" means "is not permitted to" or "is not authorized to". "Shall" is used in the mandatory and imperative sense.

106.2 In this Part -

- (1) Words importing the singular include the plural;
- (2) Words importing the plural include the singular; and
- (3) Words importing the masculine gender include the

feminine.

Definitions

120.0 As used in this regulation—

120.1 "Business district" means—

(b) Any commercial area such as a business center or shopping center;

(c) Any other area so designated by the Commissioner.

120.2 "Commissioner" means the Commissioner of Conservation or any person to whom he has delegated authority in the matter concerned.

120.3 "Distribution line" means a pipeline other than a gathering or transmission line.

120.4 "Gas" means natural gas, flammable gas, or gas which is toxic or corrosive.

120.5 "Gathering line" means a pipeline that transports gas from a current production facility to a transmission line or main.

120.6 "High pressure distribution system" means a distribution system in which the gas pressure in the main is higher than the pressure provided to the customer.

120.7 "Listed specification" means a specification listed in Section I of Appendix B of this part.

120.8 "Low-pressure distribution system" means a distribution system in which the gas pressure in the main is substantially the same as the pressure provided to the customer.

120.9 "Main" means a distribution line that serves as a common source of supply for at least one service line.

120.10 "Maximum actual operating pressure" means the maximum pressure that occurs during normal operations over a period of 1 year.

120.11 "Maximum allowable operating pressure" means the maximum pressure at which a pipeline or segment of a pipeline may be operated under this part.

120.12 "Municipality" means a city, parish, or any other political subdivision of Louisiana.

120.13 "Non Rural Area" means—

(a) An area within the limits of any incorporated city, town, or village;

(b) Any designated residential or commercial area such as a subdivision, business or shopping center, or community development;

(c) Any class 3 or 4 location as defined in Part II of this regulation; or

(d) Any other area so designated by the Commissioner.

120.14 "Offshore" means beyond the line of ordinary low water along that portion of the coast of the United States that is in direct contact with the open seas and beyond the line marking the seaward limit of inland waters.

120.15 "Operator" means a person who engages in the transportation of gas.

120.16 "Person" means any individual, firm, joint venture, partnership, corporation, association, State, municipality, cooperative association, or joint stock association, and including any trustee, receiver, assignee, or personal representative thereof.

120.17 "Pipe" means any pipe or tubing used in the transportation of gas, including pipe-type holders.

120.18 "Pipeline" means all parts of those physical facilities through which gas moves in transportation, including pipe, valves, and other appurtenance attached to pipe, compressor units, metering stations, regulator stations, delivery stations, holders, and fabricated assemblies.

120.19 "Pipeline facility" means new and existing pipelines, rights-of-way, and any equipment, facility, or building used in the transportation of gas or in the treatment of gas during the course of transportation.

120.20 "Secretary" means the Secretary of Transportation of the United States of America or any person to whom he has delegated authority in the matter concerned.

120.21 "Service line" means a distribution line that transports gas from a common source of supply to—

(a) a customer meter or the connection to a customer's piping, whichever is farther down stream; or

(b) the connection to a customer's piping if there is no customer meter. A customer meter is the meter that measures the transfer of gas from an operator to a consumer.

120.22 "SMYS" means specified minimum yield strength

is

(a) For steel pipe manufactured in accordance with a listed

specification, the yield strength specified as a minimum in the specification; or

(b) For steel pipe manufactured in accordance with an unknown or unlisted specification, the yield strength determined in accordance with Section 192.107(b).

120.23 "State" means the State of Louisiana.

120.24 "System" means all pipeline facilities used by a particular operator in the transportation of gas, including but not limited to, line pipe, valves and other appurtenances connected to line pipe, compressor units, fabricated assemblies associated with compressor units, metering (including customers' meters) and delivery stations, and fabricated assemblies in metering and delivery stations.

120.25 "Test failure" means a break or rupture that occurs during strength-proof testing of transmission or gathering lines that is of such magnitude as to require repair before continuation of the test.

120.26 "Transmission line" means a pipeline, other than a gathering line, that—

(a) Transports gas from a gathering line or storage facility to a distribution center or storage facility;

(b) Operates at a hoop stress of 20 percent or more of SMYS; or

(c) Transports gas within a storage field.

120.27 "Transportation of gas" means the gathering, transmission, or distribution of gas by pipeline or the storage of gas.

Records

140.0 All persons subject to this regulation shall maintain records, such as plans, programs, specifications, maps and permits, necessary to establish compliance with this regulation. Such records shall be available for inspection at all times by the Commissioner.

140.1 Every person who engages in the sale or transportation of gas subject to the jurisdiction of the Commissioner shall file with the Commissioner a list including the names, addresses and telephone numbers of responsible officials or such persons who may be contacted in the event of an emergency. Such a list shall be kept current.

140.2 Notices, reports and plans pertinent to facilities covered by Section 101 of this regulation and which are submitted to the United States Department of Transportation pursuant to the provisions of the Federal Code shall be forwarded simultaneously to the Commissioner. These filings shall be deemed in full compliance with all obligations imposed for submitting such notices and reports, and when accomplished, shall release and relieve the person making same from further responsibility therefor.

140.3 Where a person is required to prepare and submit a report of an accident or incident pertinent to facilities covered by Section 101 of this regulation to a Federal agency in compliance with the outstanding order of such agency, a copy of such report shall be submitted to the Commissioner in lieu of filing a similar report which may be required by the State.

140.4 To accomplish the purpose of Section 557(G) of the Act the Commissioner may request the filing of additional information and reports upon such forms and in such manner as prescribed by him.

140.5 An updated and comprehensive system map(s) containing location and component description information on all facilities (excluding individual service lines), must be maintained by the operator and made available to the Commissioner of Conservation upon demand. An updated and comprehensive record of individual service lines containing location and component description information must be maintained by the operator and made available to the Commissioner of Conservation upon demand. The aforementioned maps and records must be accompanied by information showing the location, size and type of pipe, and loca-

tions of key valves (system isolation valves), regulator stations, odorization injection and test locations and cathodic protection test locations.

Part I Reports

Sec. 191.1 Scope.

(a) This Part prescribes requirements for the reporting of gas leaks that are not intended by the operator and that require immediate or scheduled repair and of test failures, by persons engaged in the transportation of gas. However, it does not apply to leaks and test failures that occur in the gathering of gas outside of the following areas:

(1) An area within the limits of any incorporated or unincorporated city, town, or village; or

(2) Any designated residential or commercial area such as a subdivision, business or shopping center, or community development.

(b) The reporting requirements in this part supersede any accident or leak reporting requirements that were incorporated by reference in the Interim Minimum Federal Safety Standards in Part 190 of this chapter.

Sec. 191.3 Reserved.

Sec. 191.5 Telephonic notice of certain leaks.

(a) At the earliest practicable moment following discovery, each operator shall give notice in accordance with paragraph (b) of this section of any leak that—

(1) Caused a death or a personal injury requiring hospitalization;

(2) Required the taking of any segment of transmission pipeline out of service;

(3) Resulted in gas igniting;

(4) Caused estimated damage to the property of the operator, or others, or both, of a total of \$5,000 or more; or

(5) In the judgment of the operator, was significant even though it did not meet the criteria of paragraphs (a)(1), (2), (3), or (4) of this section.

An operator need not give notice of a leak that met only the criteria of paragraph (a)(2) or (3) of this paragraph, if it occurred solely as a result of, or in the connection with, planned or routine maintenance or construction.

(b) Each notice required by paragraph (a) of this section shall be made by telephone to Area Code (800) 424-8802 and Area Code (504) 342-5585 and shall include the following information:

(1) The location of the leak.

(2) The time of the leak.

(3) The fatalities and personal injuries, if any.

(4) All other significant facts that are known by the operator that are relevant to the cause of the leak or extent of the damages.

Sec. 191.7 Addressee for written reports.

Each written report required by this part must be made to the Chief, Information Systems Division, Transportation Programs Bureau, Department of Transportation, Washington, D.C. 20590. One copy of each report for Intrastate facilities subject to the jurisdiction of the Office of Conservation pursuant to certification under Section 5(a) of the Natural Gas Pipeline Safety Act must be submitted to the Commissioner of Conservation, P.O. Box 44275, Baton Rouge, LA 70804.

Sec. 191.9 Distribution system: Leak report.

(a) Each operator of a distribution system serving more than 100,000 customers shall, as soon as practicable but not more than 20 days after detection, report the following on Department of Transportation Form DOT-F-7100.1:

(1) A leak that required notice by telephone under Sec. 191.5.

(2) A leak that, because of its location, required immediate repair and other emergency action to protect the public such as evacuation of a building, blocking off an area, or rerouting of traffic.

(b) Where additional related information is obtained after a report is submitted under paragraph (a) of this section, the operator shall make a supplemental report as soon as practicable with a clear reference by date and subject to the original report.

Sec. 191.11 Distribution system: Annual report.

(a) Except as provided in paragraph (b) of this section, each operator of a distribution system shall submit an annual report on Department of Transportation Form DOT-F-7100.1-1. This report must be submitted not later than February 15 for the preceding calendar year.

(b) The annual report required by paragraph (a) of this section need not be submitted with respect to petroleum gas systems which serve less than 100 customers from a single source.

Sec. 191.13 Distribution system: Certain facilities reported as a transmission system.

Each operator of a distribution system shall, for pipeline facilities that operate at 20 percent or more of specified minimum yield strength, or that are used to convey gas into or out of storage, submit reports for those facilities under Sec. 191.15 and Sec. 191.17.

Sec. 191.15 Transmission and gathering systems: Leak report.

(a) Each operator of a transmission system or a gathering system shall, as soon as practicable but not more than 20 days after detection, report the following on Department of Transportation Form DOT-F-7100.2:

(1) A leak that required notice by telephone under Sec. 191.5.

(2) A leak in a transmission line that required immediate repair.

(3) A test failure that occurred while testing either with gas or another test medium.

(b) Where additional related information is obtained after a report is submitted under paragraph (a) of this section, the operator shall make a supplemental report as soon as practicable with a clear reference by date and subject to the original report.

Sec. 191.17 Transmission and gathering systems: Annual report.

Each operator of a transmission system or a gathering system shall submit an annual report on Department of Transportation Form DOT-F-1700.2-1. This report must be submitted for the preceding calendar year not later than February 15, 1971, and not later than February 15 of each year thereafter.

Sec. 191.19 Report forms.

Copies of the prescribed report forms are available without charge upon request from the address given in Sec. 191.7. Additional copies in this prescribed format may be reproduced and used if in the same size and kind of paper. In addition, the information required by these forms may be submitted by any other means that is acceptable to the Secretary.

Gas Pipeline Safety Standards SUBPART A—General

Sec. 192.1 Reserved.

Sec. 192.3 Reserved.

Sec. 192.5 Class locations.

(a) Offshore is Class 1 location. The Class location onshore is determined by applying the criteria set forth in this section: The Class location unit is an area that extends 220 yards on either side of the centerline of any continuous 1-mile length of pipeline. Except as provided in paragraphs (d)(2) and (f) of this section, the class location unit. For the purposes of this section, each separate dwelling unit building is counted as a separate building intended for human occupancy.

(b) A Class 1 location is any class location unit that has 10 or less buildings intended for human occupancy.

(c) A Class 2 location is any class location unit that has more than 10 but less than 46 buildings intended for human occupancy.

(d) A Class 3 location is—

(1) Any class location unit that has 46 or more buildings intended for human occupancy; or

(2) An area where the pipeline lies within 100 yards of any of the following:

(i) A building that is occupied by 20 or more persons during normal use.

(ii) A small, well-defined outside area that is occupied by 20 or more persons during normal use, such as a playground, recreation area, outdoor theater, or other place of public assembly.

(e) A Class 4 location is any class location unit where buildings with four or more stories above ground are prevalent.

(f) The boundaries of the class locations determined in accordance with paragraphs (a) through (e) of this section may be adjusted as follows:

(1) A Class 4 location ends 220 yards from the nearest building with four or more stories above ground.

(2) When a cluster of buildings intended for human occupancy requires a Class 3 location, the Class 3 location ends 220 yards from the nearest building in the cluster.

(3) When a cluster of buildings intended for human occupancy requires a Class 2 location, the Class 2 location ends 220 yards from the nearest building in the cluster.

Sec. 192.7 Reserved.

Sec. 192.9 Gathering lines.

Each gathering line must comply with the requirements of this part applicable to transmission lines.

Sec. 192.11 Petroleum gas systems.

(a) No operator may transport petroleum gas in a system that serves 10 or more customers, or in a system, any portion of which is located in a public place (such as a highway), unless that system meets the requirements of this part and of NFPA Standards No. 58 and No. 59. In the event of a conflict, the requirements of this part prevail.

(b) Each petroleum gas system covered by paragraph (a) of this section must comply with the following:

(1) Aboveground structures must have open vents near the floor level.

(2) Belowground structures must have forced ventilation that will prevent any accumulation of gas.

(3) Relief valve discharge vents must be located so as to prevent any accumulation of gas at or below ground level.

(4) Special precautions must be taken to provide adequate ventilation where excavations are made to repair an underground system.

(c) For the purpose of this section, petroleum gas means propane, butane, or mixtures of these gases, other than a gas air mixture that is used to supplement supplies in a natural gas distribution system.

Sec. 192.12 (Deleted)

Sec. 192.13 General.

(a) No person may operate a segment of pipeline that is readied for service after March 12, 1971, or in the case of an offshore gathering line, after July 31, 1977, unless—

(1) The pipeline has been designed, installed, constructed, initially inspected, and initially tested in accordance with this part; or

(2) The pipeline qualifies for use under this part in accordance with Sec. 192.14.

(b) No person may operate a segment of pipeline that is replaced, relocated, or otherwise changed after November 12, 1970, or in the case of an offshore gathering line, after July 31,

1977, unless that replacement, relocation, or change has been made in accordance with this part.

Sec. 192.14 Conversion to service subject to this part.

(a) A steel pipeline previously used in service not subject to this part qualifies for use under this part if the operator prepares and follows a written procedure to carry out the following requirements:

(1) The design, construction, operation, and maintenance history of the pipeline must be reviewed and, where sufficient historical records are not available, appropriate tests must be performed to determine if the pipeline is in a satisfactory condition for safe operation.

(2) The pipeline right-of-way, all aboveground segments of the pipeline, and appropriately selected underground segments must be visually inspected for physical defects and operating conditions which reasonably could be expected to impair the strength or tightness of the pipeline.

(3) All known unsafe defects and conditions must be corrected in accordance with this part.

(4) The pipeline must be tested in accordance with Subpart J of this part to substantiate the maximum allowable operating pressure permitted by Subpart L of this part.

(b) Each operator must keep for the life of the pipeline a record of the investigations, tests, repairs, replacements, and alterations made under the requirements of paragraph (a) of this section.

Sec. 192.15 Reserved.

Sec. 192.17 Reserved.

SUBPART B—Materials

Sec. 192.51 Scope.

This subpart prescribes minimum requirements for the selection and qualification of pipe and components for use in pipelines.

Sec. 192.53 General.

Materials for pipe and components must be—

(a) Able to maintain the structural integrity of the pipeline under temperature and other environmental conditions that may be anticipated;

(b) Chemically compatible with any gas that they transport and with any other material in the pipeline with which they are in contact; and

(c) Qualified in accordance with the applicable requirements of this subpart.

Sec. 192.55 Steel pipe.

(a) New steel pipe is qualified for use under this part if—

(1) It was manufactured in accordance with a listed specification;

(2) It meets the requirements of—

(i) Section II of Appendix B to this part; or

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

(3) It is used in accordance with paragraph (c) or (d) of this section.

(b) Used steel pipe is qualified for use under this part if—

(1) It was manufactured in accordance with a listed specification and it meets the requirements of paragraph II-C of Appendix B to this part;

(2) It meets the requirements of—

(i) Section II of Appendix B to this part; or

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

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

(4) It is used in accordance with paragraph (c) of this section.

(c) New or used steel pipe may be used at a pressure resulting in a hoop stress of less than 6,000 p.s.i. where no close coiling or close bending is to be done, if visual examination indicates that the pipe is in good condition and that it is free of split seams and other defects that would cause leakage. If it is to be welded, steel pipe that has not been manufactured to a listed specification must also pass the weldability tests prescribed in paragraph II-B of Appendix B to this part.

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

(e) New steel pipe that has been cold expanded must comply with the mandatory provisions of API Standard 5LX.

Sec. 192.57 Cast iron or ductile iron pipe.

(a) New cast iron or new ductile iron pipe is qualified for use under this part if it has been manufactured in accordance with a listed specification.

(b) Used cast iron or used ductile iron pipe is qualified for use under this part if inspection shows that the pipe is sound and allows the makeup of tight joints and—

(1) It has been removed from an existing pipeline that operated at the same or higher pressure; or

(2) It was manufactured in accordance with a listed specification.

Sec. 192.59 Plastic pipe.

(a) New plastic pipe is qualified for use under this part if—

(1) When the pipe is manufactured, it is manufactured in accordance with the latest listed edition of a listed specification, except that before March 21, 1975, it may be manufactured in accordance with any listed edition of a listed specification; and

(2) It is resistant to chemicals with which contact may be anticipated.

(b) Used plastic pipe is qualified for use under this part if—

(1) When the pipe was manufactured, it was manufactured in accordance with the latest listed edition of a listed specification, except that pipe manufactured before March 21, 1975, need only have met the requirements of any listed edition of a listed specification;

(2) It is resistant to chemicals with which contact may be anticipated;

(3) It has been used only in natural gas service;

(4) Its dimensions are still within the tolerances of the specification to which it was manufactured; and

(5) It is free of visible defects.

(c) For the purpose of paragraphs (a)(1) and (b)(1) of this section, where pipe of a diameter included in a listed specification is impractical to use, pipe of a diameter between the sizes included in a listed specification may be used if it—

(1) Meets the strength and design criteria required of pipe included in that listed specification; and

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

Sec. 192.61 Copper pipe.

Copper pipe is qualified for use under this part if it has been manufactured in accordance with a listed specification.

Sec. 192.63 Marking of materials.

(a) Except as provided in paragraph (e) of this section, each valve, fitting, length of pipe, and other component must be marked as prescribed in—

(1) The specification or standard to which it was manufactured; or

(2) MSS Standard Practice, SP-25.

(b) In addition to the requirements in paragraph (a), thermoplastic pipe 1974a or earlier listed edition of ASTM D2513 must be marked as required by section 9.2 of ASTM D2513 (1975b edition) unless the pipe was manufactured before May 18, 1978, and is installed where operating temperatures are not above 38 degrees Celsius (100 degrees Fahrenheit).

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

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

(e) Paragraph (a) of this section does not apply to items manufactured before November 12, 1970, that meet all of the following:

(1) The item is identifiable as to type, manufacturer, and model.

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

Sec. 192.65 Transportation of pipe.

In a pipeline to be operated at a hoop stress of 20 percent or more of SMYS, an operator may not use pipe having an outer diameter to wall thickness ratio of 70 to 1, or more, that is transported by railroad unless—

(a) The transportation is performed in accordance with the 1972 edition of API RP5L1, except that before February 25, 1975, the transportation may be performed in accordance with the 1967 edition of API RP5L1.

(b) In the case of pipe transported before November 12, 1970, the pipe is tested in accordance with Subpart J of this part to at least 1.25 times the maximum allowable operating pressure if it is to be installed in a class 1 location and to at least 1.5 times the maximum allowable operating pressure if it is to be installed in a class 2, 3, or 4 location. Notwithstanding any shorter time period permitted under Subpart J of this part, the test pressure must be maintained for at least 8 hours.

SUBPART C—Pipe Design

191.101 Scope.

This subpart prescribes the minimum requirements for the design of pipe.

192.103 General.

Pipe must be designed with sufficient wall thickness, or must be installed with adequate protection, to withstand anticipated external pressures and loads that will be imposed on the pipe after installation.

192.105 Design formula for steel pipe.

(a) The design pressure for steel pipe is determined in accordance with the following formula:

$$P = (2 St/D) \times F \times E \times T$$

P = Design pressure in pounds per square inch gage.

S = Yield strength in pounds per square inch determined in accordance with Sec. 192.107.

D = Nominal outside diameter of the pipe in inches.

t = Nominal wall thickness of the pipe in inches. If this is unknown, it is determined in accordance with Sec. 192.109. Additional wall thickness required for concurrent external loads in accordance with Sec. 192.103 may not be included in computing design pressure.

F = Design factor determined in accordance with Sec. 192.111.

E = Longitudinal joint factor determined in accordance with Sec. 192.113.

T = Temperature derating factor determined in accordance with Sec. 192.115.

(b) If steel pipe that has been cold worked to meet the SMYS is heated, other than by welding, to 900 degrees Fahrenheit or more, the design pressure is limited to 75 percent of the pressure determined under paragraph (a) of this section.

Sec. 192.107 Yield strength (S) for steel pipe.

(a) For pipe that is manufactured in accordance with a specification listed in section I of Appendix B of this part, the yield strength to be used in the design formula in Sec. 192.105 is the SMYS stated in the listed specification, if that value is known.

(b) For pipe that is manufactured in accordance with a specification not listed in section I of Appendix B to this part or whose specification or tensile properties are unknown, the yield strength to be used in the design formula in Sec. 192.105 is one of the following:

(1) If the pipe is tensile tested in accordance with section 11-D of Appendix B to this part, the lower of the following:

(i) Eighty percent of the average yield strength determined by the tensile tests.

(ii) The lowest yield strength determined by the tensile tests, but not more than 52,000 p.s.i.

(2) If the pipe is not tensile tested as provided in subparagraph (1) of this paragraph, 24,000 p.s.i.

Sec. 192.109 Nominal wall thickness (t) for steel pipe.

(a) If the nominal wall thickness for steel pipe is not known, it is determined by measuring the thickness of each piece of pipe at quarter points on one end.

(b) However, if the pipe is of uniform grade, size, and thickness and there are more than 10 lengths, only 10 percent of the individual lengths, but not less than 10 lengths, need be measured. The thickness of the lengths that are not measured must be verified by applying a gage set to the minimum thickness found by the measurement. The nominal wall thickness to be used in the design formula in Sec. 192.105 is the next wall thickness found in commercial specifications that is below the average of all the measurements taken. However, the nominal wall thickness used may not be more than 1.14 times the smallest measurement taken on pipe less than 20 inches in outside diameter, nor more than 1.11 times the smallest measurement taken on pipe 20 inches or more in outside diameter.

Sec. 192.111 Design factor (F) for steel pipe.

(a) Except as otherwise provided in paragraphs (b), (c), and (d) of this section, the design factor to be used in the design formula in Sec. 192.105 is determined in accordance with the following table:

CLASS LOCATION	DESIGN FACTOR (F)
1	0.72
2	0.60
3	0.50
4	0.40

(b) A design factor of 0.60 or less must be used in the design formula in Sec. 192.105 for steel pipe in Class 1 locations that:

(1) Crosses without a casing, or makes a parallel encroachment on the right-of-way of an unimproved public road, without a casing;

(2) Crosses without a casing, or makes a parallel encroachment on the right-of-way of either a hard surfaced road, a highway, a public street, or a railroad;

(3) Is supported by a vehicular, pedestrian, railroad, or pipeline bridge; or

(4) Is used in a fabricated assembly, (including separators, mainline valve assemblies, cross-connections, and river crossing headers) or is used within five pipe diameters in any direction from

the last fitting of a fabricated assembly, other than a transition piece or an elbow used in place of a pipe bend which is not associated with a fabricated assembly.

(c) For Class 2 locations, a design factor of 0.50, or less, must be used in the design formula in Sec. 192.105 for uncased steel pipe that crosses the right-of-way of a hard surfaced road, a highway, a public street, or a railroad.

(d) For Class 1 and Class 2 locations, a design factor of 0.50, or less, must be used in the design formula in Sec. 192.105 for—

(1) Steel pipe in a compressor station, regulating station, or measuring station; and

(2) Steel pipe, including a pipe riser, on a platform located offshore or in inland navigable waters.

Sec. 192.113 Longitudinal joint factor (E) for steel pipe.

The longitudinal joint factor to be used in the design formula in Sec. 192.105 is determined in accordance with the following table:

<u>Specification</u>	<u>Pipe class</u>	<u>Longitudinal joint factor (E)</u>
ASTM A 53	Seamless	1.00
	Electric resistance welded	1.00
	Furnace butt welded	.60
ASTM A 106	Seamless	1.00
	Electric fusion arc welded	.80
ASTM A 134	Electric resistance welded	1.00
ASTM A 135	Electric fusion arc welded	.80
ASTM A 139	Electric resistance welded	1.00
ASTM A 211	Electric fusion arc welded	.80
ASTM A 383	Spiral welded steel pipe	.80
	Seamless	1.00
ASTM A 381	Electric resistance welded	1.00
	Double submerged arc welded	1.00
ASTM A 671	Electric fusion arc welded	1.00
ASTM A 672	Electric fusion arc welded	1.00
ASTM A 691	Electric fusion arc welded	1.00
API 5 L	Seamless	1.00
	Electric resistance welded	1.00
	Electric flash welded	1.00
	Submerged arc welded	1.00
	Furnace butt welded	.60
	Seamless	1.00
API 5 LX	Electric resistance welded	1.00
	Electric flash welded	1.00
	Submerged arc welded	1.00
API 5 LS	Electric resistance welded	1.00
	Submerged arc welded	1.00
Other	Pipe over 4 inches	.60
Other	Pipe 4 inches or less	.60

If the type of longitudinal joint cannot be determined, the joint factor to be used must not exceed that designated for "Other".

Sec. 192.115 Temperature derating factor (T) for steel pipe.

The temperature derating factor to be used in the design formula in Sec. 192.105 is determined as follows:

Gas temperature in degrees Fahrenheit	Temperature derating factor (T)
250 or less	1.000
300	0.967
350	0.933
400	0.900
450	0.867

For intermediate gas temperatures, the derating factor is determined by interpolation.

Sec. 192.117 Design of cast iron pipe.

Cast iron pipe must be designed in accordance with ANSI C101-67.

Sec. 192.119 Design of ductile iron pipe.

(a) Ductile iron pipe must be designed in accordance with ANSI A21.50 using the following values in the design equations:

$$s \text{ (design hoop stress)} = 16,800 \text{ p.s.i.}$$

$$f \text{ (design bending stress)} = 36,000 \text{ p.s.i.}$$

(b) Ductile iron pipe must be grade (60-42-10) and must conform to the requirements of ANSI A21.52.

Sec. 192.121 Design of plastic pipe.

The design pressure for plastic pipe is determined in accordance with the following formula, subject to the limitations of Sec. 192.123:

$$P = 2S(t/D - t) \times 0.32$$

P = Design pressure, gage, kPa (psi)

S = For thermoplastic pipe the long-term hydrostatic strength determined in accordance with the listed specification at a temperature equal to 23 degrees Celsius, (73 degrees Fahrenheit), 38 degrees C (100 degrees F), 49 degrees C (120 degrees F), or 60 degrees C (140 degrees F); for reinforced thermosetting plastic pipe, 75,800 kPa (11,000 psi)

Sec. 192.123 Design limitations for plastic pipe.

(a) The design pressure may not exceed a gage pressure of 689 kPa (100 psig) for plastic pipe used in—

- (1) Distribution systems; or
- (2) Classes 3 and 4 locations.

(b) Plastic pipe may not be used where operating temperatures of the pipe will be—

- (1) Below minus 29 degrees C (-20 degrees F); or

(2) In the case of thermoplastic pipe, above the temperature at which the long-term hydrostatic strength used in the design formula under Sec. 192.121 is determined, except that pipe manufactured before May 18, 1978, may be used at temperatures up to 38 degrees C (100 degrees F); or in the case of reinforced thermosetting plastic pipe, above 66 degrees C (150 degrees F).

(c) The wall thickness for thermoplastic pipe may not be less than 1.57 millimeters (0.062 in.).

(d) The wall thickness for reinforced thermosetting plastic pipe may not be less than that listed in the following table:

Nominal size in inches:	Minimum wall thickness in millimeters (inches)
2	1.52 (0.060)
3	1.52 (0.060)
4	1.78 (0.070)
6	2.54 (0.100)

Sec. 192.125 Design of copper pipe.

(a) Copper pipe used in mains must have a minimum wall thickness of 0.065 inches and must be hard drawn.

(b) Copper pipe used in service lines must have a minimum wall thickness as specified for type "L" pipe in ASTM B 88.

(c) Copper pipe used in mains and service lines may not be used at pressures in excess of 100 p.s.i.g.

(d) Copper pipe that does not have an internal corrosion resistant lining may not be used to carry gas that has an average hydrogen sulfide content of more than 0.3 grains per 100 standard cubic feet of gas.

SUBPART D—Design of Pipeline Components

Sec. 192.141 Scope.

This subpart prescribes minimum requirements for the design and installation of pipeline components and facilities. In addition, it prescribes requirements relating to protection against accidental overpressuring.

Sec. 192.143 General requirements.

Each component of a pipeline must be able to withstand operating pressures and other anticipated loadings without impairment of its serviceability with unit stresses equivalent to those allowed for comparable material in pipe in the same location and kind of service. However, if design based upon unit stresses is impractical for a particular component, design may be based upon a

pressure rating established by the manufacturer by pressure testing that component or a prototype of the component.

Sec. 192.144 Qualifying metallic components.

Notwithstanding any requirement of this subpart which incorporates by reference an edition of a document listed in Appendix A of this part, a metallic component manufactured in accordance with any other edition of that document is qualified for use under this part if—

(a) It can be shown through visual inspection of the cleaned component that no defect exists which might impair the strength or tightness of the component; and

(b) The edition of the document under which the component was manufactured has equal or more stringent requirements for the following as an edition of that document currently or previously listed in Appendix A:

- (1) Pressure testing;
- (2) Materials; and
- (3) Pressure and temperature ratings.

Sec. 192.145 Valves.

(a) Each valve must meet the minimum requirements, or the equivalent, of API 6A, API 6D, MSS SP-70, MSS SP-71, or MSS SP-78. A valve may not be used under operating conditions that exceed the applicable pressure—temperature ratings contained in those standards.

(b) Each valve must be able to meet the anticipated operating conditions.

(c) No valve having shell components made of ductile iron may be used at pressures exceeding 80 percent of the pressure ratings for comparable steel valves at their listed temperature. However, a valve having shell components made of ductile iron may be used at pressures up to 80 percent of the pressure ratings for comparable steel valves at their listed temperature, if—

(1) The temperature-adjusted service pressure does not exceed 1,000 p.s.i.g.; and

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

(d) No valve having pressure containing parts made of ductile iron may be used in the gas pipe components of compressor stations.

Sec. 192.147 Flanges and flange accessories.

(a) General requirements. Each flange or flange accessory must meet the minimum requirements of ANSI B16.5, MSS SP-44, or ANSI B16.24, or the equivalent.

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

Sec. 192.149 Standard fittings.

(a) The minimum metal thickness of threaded fittings may not be less than specified for the pressures and temperatures in the applicable standards referenced in this part, or their equivalent.

(b) Each steel butt-welding fitting must have pressure and temperature ratings based on stresses for pipe of the same or equivalent material. The actual bursting strength of the fitting must at least equal the computed bursting strength of pipe of the designated material and wall thickness, as determined by a prototype that was tested to at least the pressure required for the pipeline to which it is being added.

Sec. 192.151 Tapping.

(a) Each mechanical fitting used to make a hot tap must be designed for at least the operating pressure of the pipeline.

(b) Where a ductile iron pipe is tapped, the extent of full-thread engagement and the need for the use of outside-sealing service connections, tapping saddles, or other fixtures must be determined by service conditions.

(c) Where a threaded tap is made in cast iron or ductile iron pipe, the diameter of the tapped hole may not be more than 25 percent of the nominal diameter of the pipe unless the pipe is reinforced, except that

- (1) Existing taps may be used for replacement service, if they are free of cracks and have good threads; and
- (2) A 1¼-inch tap may be made in a 4-inch cast iron or ductile iron pipe, without reinforcement.

However, in areas where climate, soil, and service conditions may create unusual external stresses on cast iron pipe, unreinforced taps may be used only on 6-inch or larger pipe.

Sec. 192.153 Components fabricated by welding.

(a) Except for branch connections and assemblies of standard pipe and fittings joined by circumferential welds, the design pressure of each component fabricated by welding, whose strength cannot be determined, must be established in accordance with paragraph UG-101 of section VIII of the ASME Boiler and Pressure Vessel Code.

(b) Each prefabricated unit that uses plate and longitudinal seams must be designated, constructed, and tested in accordance with the ASME Boiler and Pressure Vessel Code, except for the following:

- (1) Regularly manufactured butt-welding fittings.
- (2) Pipe that has been produced and tested under a specification listed in Appendix B to this part.
- (3) Partial assemblies such as split rings or collars.
- (4) Prefabricated units that the manufacturer certifies have been tested to at least twice the maximum pressure to which they will be subjected under the anticipated operating conditions.

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

(d) Except for flat closures designed in accordance with section VIII of the ASME Boiler and Pressure Vessel Code, flat closures and fish tails may not be used on pipe that either operates at 100 p.s.i.g., or more, or is more than 3 inches nominal diameter.

Sec. 192.155 Welded branch connections.

Each welded branch connection made to pipe in the form of a single connection, or in header or manifold as a series of connections, must be designed to ensure that the strength of the pipeline system is not reduced, taking into account the stresses in the remaining pipe wall due to the opening in the pipe or header, the shear stresses produced by the pressure acting on the area of the branch opening, and any external loadings due to thermal movement, weight, and vibration.

Sec. 192.157 Extruded outlets.

Each extruded outlet must be suitable for anticipated service conditions and must be at least equal to the design strength of the pipe and other fittings in the pipeline to which it is attached.

Sec. 192.159 Flexibility.

Each pipeline must be designed with enough flexibility to prevent thermal expansion or contraction from causing excessive stresses in the pipe or components, excessive bending or unusual loads at joints, or undesirable forces or moments at points of connection to equipment, or at anchorage or guide points.

Sec. 192.161 Supports and anchors.

(a) Each pipeline and its associated equipment must have enough anchors or supports to—

- (1) Prevent undue strain on connected equipment;
- (2) Resist longitudinal forces caused by a bend or offset in the pipe; and
- (3) Prevent or damp out excessive vibration.

(b) Each exposed pipeline must have enough supports or anchors to protect the exposed pipe joints from the maximum end force caused by internal pressure and any additional forces caused

by temperature expansion or contraction or by the weight of the pipe and its contents.

(c) Each support or anchor on an exposed pipeline must be made of durable, noncombustible material and must be designed and installed as follows:

(1) Free expansion and contraction of the pipeline between supports or anchors may not be restricted.

(2) Provision must be made for the service conditions involved.

(3) Movement of the pipeline may not cause disengagement of the support equipment.

(d) Each support on an exposed pipeline operated at a stress level of 50 percent or more of SMYS must comply with the following:

(1) A structural support may not be welded directly to the pipe.

(2) The support must be provided by a member that completely encircles the pipe.

(3) If an encircling member is welded to a pipe, the weld must be continuous and cover the entire circumference.

(e) Each underground pipeline that is connected to a relatively unyielding line or other fixed object must have enough flexibility to provide for possible movement, or it must have an anchor that will limit the movement of the pipeline.

(f) Except for offshore pipelines, each underground pipeline that is being connected to new branches must have a firm foundation for both the header and the branch to prevent lateral and vertical movement.

Sec. 192.163 Compressor stations: design and construction.

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

(b) Building construction: Each building on a compressor station site must be made of noncombustible materials if it contains either—

(1) Pipe more than 2 inches in diameter that is carrying gas under pressure; or

(2) Gas handling equipment other than gas utilization equipment used for domestic purposes.

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

(d) Fenced areas: Each fence around a compressor station must have at least two gates located so as to provide a convenient opportunity for escape to a place of safety, or have other facilities affording a similarly convenient exit from the area. Each gate located within 200 feet of any compressor plant building must open outward and, when occupied, must be openable from the inside without a key.

(e) Electrical facilities: Electrical equipment and wiring installed in compressor stations must conform to the National Electrical Code, NFPA-70 (ANSI) so far as that code is applicable.

Sec. 192.165 Compressor stations: liquid removal.

(a) Where entrained vapors in gas may liquefy under the anticipated pressure and temperature conditions, the compressor

must be protected against the introduction of those liquids in quantities that could cause damage.

(b) Each liquid separator used to remove entrained liquids at a compressor station must—

(1) Have a manually operable means of removing these liquids.

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

(3) Be manufactured in accordance with section VIII of the ASME Boiler and Pressure Vessel Code, except that liquid separators constructed of pipe and fittings without internal welding must be fabricated with a design factor of 0.4, or less.

Sec. 192.167 Compressor stations: emergency shutdown.

(a) Except for unattended field compressor stations of 1,000 horsepower or less, each compressor station must have an emergency shutdown system that meets the following:

(1) It must be able to block gas out of the station and blow down the station piping.

(2) It must discharge gas from the blowdown piping at a location where the gas will not create a hazard.

(3) It must provide means for the shutdown of gas compressing equipment, gas fires, and electrical facilities in the vicinity of gas headers and in the compressor building, except, that—

(i) Electrical circuits that supply emergency lighting required to assist station personnel in evacuating the compressor building and the area in the vicinity of the gas headers must remain energized; and

(ii) Electrical circuits needed to protect equipment from damage may remain energized.

(4) It must be operable from at least two locations, each of which is—

(i) Outside the gas area of the station;

(ii) Near the exit gates, if the station is fenced, or near emergency exits, if not fenced; and

(iii) Not more than 500 feet from the limits of the station.

(b) If a compressor station supplies gas directly to a distribution system with no other adequate source of gas available, designed so that it will not function at the wrong time and cause an unintended outage on the distribution system.

(c) On a platform located offshore or in inland navigable waters, the emergency shutdown system must be designed and installed to actuate automatically by each of the following events:

(1) In the case of an unattended compressor station—

(i) When the gas pressure equals the maximum allowable operating pressure plus 15 percent; or

(ii) When an uncontrolled fire occurs on the platform; and

(2) In the case of a compressor station in a building—

(i) When an uncontrolled fire occurs in the building; or

(ii) When the concentration of gas in air reaches 50 percent or more the lower explosive limit in a building which has a source of ignition.

For the purpose of paragraph (c)(2)(ii) of this section, an electrical facility which conforms to Class 1, Group D of the National Electrical Code is not a source of ignition.

Sec. 192.169 Compressor stations; pressure limiting devices.

(a) Each compressor station must have pressure relief or other suitable protective devices of sufficient capacity and sensitivity to ensure that the maximum allowable operating pressure of the station piping and equipment is not exceeded by more than 10 percent.

(b) Each vent line that exhausts gas from the pressure relief valves of a compressor station must extend to a location where the gas may be discharged without hazard.

Sec. 192.171 Compressor stations: additional safety equipment.

(a) Each compressor station must have adequate fire protection facilities. If fire pumps are a part of these facilities, their operation may not be affected by the emergency shutdown system.

(b) Each compressor station prime mover, other than an electrical induction or synchronous motor, must have an automatic device to shut down the unit before the speed of either the prime mover or the driven unit exceeds a maximum safe speed.

(c) Each compressor unit in a compressor station must have a shutdown or alarm device that operates in the event of inadequate cooling or lubrication of the unit.

(d) Each compressor station gas engine that operates with pressure gas injection must be equipped so that stoppage of the engine automatically shuts off the fuel and vents the engine distribution manifold.

(e) Each muffler for a gas engine in a compressor station must have vent slots or holes in the baffles of each compartment to prevent gas from being trapped in the muffler.

Sec. 192.173 Compressor stations: ventilation.

Each compressor station building must be ventilated to ensure that employees are not endangered by the accumulation of gas in rooms, sumps, attics, pits, or other enclosed places.

Sec. 192.175 Pipe-type and bottle-type holders.

(a) Each pipe-type and bottle-type holder must be designed so as to prevent the accumulation of liquids in the holder, in connecting pipe, or in auxiliary equipment, that might cause corrosion or interfere with the safe operation of the holder.

(b) Each pipe-type or bottle-type holder must have minimum clearance from other holders in accordance with the following formula:

$$C = 3D \times P \times F/1,000$$

in which:

C = Minimum clearance between pipe containers or bottles in inches.

D = Outside diameter of pipe containers or bottles in inches.

P = Maximum allowable operating pressure, p.s.i.g.

F = Design factor as set forth in Sec. 192.111 of this part.

Sec. 192.177 Additional provisions for bottle-type holders.

(a) Each bottle-type holder must be—

(1) Located on a storage site entirely surrounded by fencing that prevents access by unauthorized persons and with minimum clearance from the fence as follows:

Maximum allowable operating pressure	Minimum clearance (feet)
Less than 1,000 p.s.i.g.	25
1,000 p.s.i.g. or more	100

(2) Designed using the design factors set forth in Sec. 192.111; and

(3) Buried with a minimum cover in accordance with Sec. 192.237.

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

(1) A bottle-type holder made from alloy steel must meet the chemical and tensile requirements for the various grades of steel in either API Standards 5A or ASTM A 372.

(2) The actual yield-tensile ratio of the steel may not exceed 0.85.

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

(4) The holder must be given a mill hydrostatic test at a

pressure that produces a hoop stress at least equal to 85 percent of the SMYS.

(5) The holder, connection pipe, and components must be leak tested after installation as required by Subpart J of this part.

Sec. 192.179 Transmission line valves.

(a) Each transmission line, other than offshore segments, must have sectionalizing block valves spaced as follows:

(1) Each point on the pipeline in a Class 4 location must be within 2½ miles of a valve.

(2) Each point on the pipeline in a Class 3 location must be within 4 miles of a valve.

(3) Each point on the pipeline in a Class 2 location must be within 7½ miles of a valve.

(4) Each point on the pipeline in a Class 1 location must be within 10 miles of a valve.

(b) Each sectionalizing block valve on a transmission line, other than offshore segments, must comply with the following:

(1) The valve and the operating device to open or close the valve must be readily accessible and protected from tampering and damage.

(2) The valve must be supported to prevent settling of the valve or movement of the pipe to which it is attached.

(c) Each section of a transmission line, other than offshore segments, between main line valves must have a blowdown valve with enough capacity to allow the transmission line to be blown down as rapidly as practicable. Each blowdown discharge must be located so the gas can be blown to the atmosphere without hazard and, if the transmission line is adjacent to an overhead electric line, so that the gas is directed away from the electrical conductors.

(d) Offshore segments of transmission lines must be equipped with valves or other components to shut off the flow of gas to an offshore platform in an emergency.

Sec. 192.181 Distribution line valves.

(a) Each high-pressure distribution system must have valves spaced so as to reduce the time to shut down a section of main in an emergency. The valve spacing is determined by the operating pressure, the size of the mains, and the local physical conditions.

(b) Each regulator station controlling the flow or pressure of gas in a distribution system must have a valve installed on the inlet piping at a distance from the regulator station sufficient to permit the operation of the valve during an emergency that might preclude access to the station.

(c) Each valve on a main installed for operating or emergency purposes must comply with the following:

(1) The valve must be placed in a readily accessible location so as to facilitate its operation in an emergency.

(2) The operating stem or mechanism must be readily accessible.

(3) If the valve is installed in a buried box or enclosure, the box or enclosure must be installed so as to avoid transmitting external loads to the main.

Sec. 192.183 Vaults: structural design requirements.

(a) Each underground vault or pit for valves, pressure relieving, pressure limiting, or pressure regulating stations, must be able to meet the loads which may be imposed upon it, and to protect installed equipment.

(b) There must be enough working space so that all of the equipment required in the vault or pit can be properly installed, operated, and maintained.

(c) Each pipe entering, or within a regulator vault or pit must be steel for sizes 10 inches, and less, except that control and gage piping may be copper. Where pipe extends through the vault or pit structure, provision must be made to prevent the passage of gases or liquids through the opening and to avert strains in the pipe.

Sec. 192.185 Vaults: accessibility

Each vault must be located in an accessible location and, so far as practical, away from—

(a) Street intersections or points where traffic is heavy or dense;

(b) Points of minimum elevation, catch basins, or places where the access cover will be in the course of surface waters; and

(c) Water, electric, steam, or other facilities.

Sec. 192.187 Vaults: sealing, venting, and ventilation.

Each underground vault or closed top pit containing either a pressure regulating or reducing station, or a pressure limiting or relieving station, must be sealed, vented or ventilated, as follows:

(a) When the internal volume exceeds 200 cubic feet—

(1) The vault or pit must be ventilated with two ducts, each having at least the ventilating effect of a pipe 4 inches in diameter;

(2) The ventilation must be enough to minimize the formation of combustible atmosphere in the vault or pit; and

(3) The ducts must be high enough above grade to disperse any gas-air mixtures that might be discharged.

(b) When the internal volume is more than 75 cubic feet but less than 200 cubic feet—

(1) If the vault or pit is sealed, each opening must have a tight fitting cover without open holes through which an explosive mixture might be ignited, and there must be a means for testing the internal atmosphere before removing the cover;

(2) If the vault or pit is vented, there must be a means of preventing external sources of ignition from reaching the atmosphere; or

(3) If the vault or pit is ventilated, paragraph (a) or (c) of this section applies.

(c) If a vault or pit covered by paragraph (b) of this section is ventilated by openings in the covers or gratings and the ratio of the internal volume, in cubic feet, to the effective ventilating area of the cover or grating, in square feet, is less than 20 to 1, no additional ventilation is required.

Sec. 192.189 Vaults: drainage and waterproofing.

(a) Each vault must be designed so as to minimize the entrance of water.

(b) A vault containing gas piping may not be connected by means of a drain connecting to any other underground structures.

(c) All electrical equipment in vaults must conform to the applicable requirements of Class 1, Group D, of the National Electrical Code, ANSI Standard C1.

Sec. 192.191 Design pressure of plastic fittings.

(a) Thermosetting fittings for plastic pipe must conform to ASTM D 2517.

(b) The design pressure of acrylonitrile-butadiene-styrene (ABS) and polyvinyl chloride (PVC) Schedule 40 and 80 thermoplastic fittings must be obtained from the following table:

Design Pressure of Thermoplastic Fittings, P.S.I.G. of Various Strengths, Materials and Class Locations

Size inches	Schedule	ABS Type I and PVC Type II class location			PVC Type I class location		
		1	2	3 4	1	2	3 4
½	40	100	100	100	100	100	100
	80	100	100	100	100	100	100
¾	40	100	100	96	100	100	100
	80	100	100	100	100	100	100
1	40	100	100	90	100	100	100
	80	100	100	100	100	100	100
1 ¼	40	100	92	74	100	100	100
	80	100	100	100	100	100	100
1 ½	40	100	83	66	100	100	100
	80	100	100	94	100	100	100
2	40	89	69	55	100	100	100
	80	100	100	81	100	100	100
2 ½	40	99	76	61	100	100	100
	80	100	100	85	100	100	100
3	40	84	66	53	100	100	100
	80	100	94	75	100	100	100
3 ½	40	77	60	48	100	100	96
	80	100	86	69	100	100	100
4	40	71	56	44	100	100	89
	80	100	81	65	100	100	100
5	40	62	49	39	100	97	78
	80	93	72	58	100	100	100
6	40	56	44	35	100	88	71
	80	89	70	56	100	100	100

Note: These pressure ratings are the same value as the design pressure of the corresponding pipe size and schedule in the same class location as determined by the formula given in Sec. 192.121 and the limitations in Sec. 192.123 of this part.

Sec. 192.193 Valve installation in plastic pipe.

Each valve installed in plastic pipe must be designed so as to protect the plastic material against excessive torsional or shearing loads when the valve or shutoff is operated, and from any other secondary stresses that might be exerted through the valve or its enclosure.

Sec. 192.195 Protection against accidental overpressuring.

(a) General requirements: Except as provided in Sec. 192.197, each pipeline that is connected to a gas source so that the maximum allowable operating pressure could be exceeded as the result of pressure control failure or of some other type of failure, must have pressure relieving or pressure limiting devices that meet the requirements of Secs. 192.199 and 192.201.

(b) Additional requirements for distribution systems: Each distribution system that is supplied from a source of gas that is at a higher pressure than the maximum allowable operating pressure for the system must—

(1) Have pressure regulation devices capable of meeting the pressure, load, and other service conditions that will be experienced in normal operation of the system, and that could be activated in the event of failure of some portion of the system; and

(2) Be designed so as to prevent accidental overpressuring.

Sec. 192.197 Control of the pressure of gas delivered from high-pressure distribution systems.

(a) If the maximum actual operating pressure of the distribution system is under 60 p.s.i.g. and a service regulator having the following characteristics is used, no other pressure limiting device is required:

(1) A regulator capable of reducing distribution line pressure to pressures recommended for household appliances.

(2) A single port valve with proper orifice for the maximum gas pressure at the regulator inlet.

(3) A valve seat made of resilient material designed to withstand abrasion of the gas, impurities in gas, cutting by the valve, and to resist permanent deformation when it is pressed against the valve port.

(4) Pipe connections to the regulator not exceeding 2 inches in diameter.

(5) A regulator that, under normal operating conditions, is able to regulate the downstream pressure within the necessary limits of accuracy and to limit the build-up of pressure under no-flow conditions to prevent a pressure that would cause the unsafe operation of any connected and properly adjusted gas utilization equipment.

(6) A self-contained service regulator with no external static or control lines.

(b) If the maximum actual operating pressure of the distribution system is 60 p.s.i.g., or less, and a service regulator that does not have all of the characteristics listed in paragraph (a) of this section is used, or if the gas contains materials that seriously interfere with the operation of service regulators, there must be suitable protective devices to prevent unsafe overpressuring of the customer's appliances if the service regulator fails.

(c) If the maximum actual operating pressure of the distribution system exceeds 60 p.s.i.g., one of the following methods must be used to regulate and limit, to the maximum safe value, the pressure of gas delivered to the customer:

(1) A service regulator having the characteristics listed in paragraph (a) of this section, and another regulator located upstream from the service regulator. The upstream regulator may not be set to maintain a pressure higher than 60 p.s.i.g. A device must be installed between the upstream regulator to limit the pressure on the inlet of the service regulator to 60 p.s.i.g. or less in case the upstream regulator fails to function properly. This device may be either a relief valve or an automatic shutoff that shuts, if the pressure on the inlet of the service regulator exceeds the set pressure (60 p.s.i.g. or less), and remains closed until manually reset.

(2) A service regulator and a monitoring regulator set to limit, to a maximum safe value, the pressure of the gas delivered to the customer.

(3) A service regulator with a relief valve vented to the outside atmosphere, with the relief valve set to open so that the pressure of gas going to the customer does not exceed a maximum safe value. The relief valve may either be built into the service regulator or it may be a separate unit installed downstream from the service regulator. This combination may be used alone only in those cases where the inlet pressure on the service regulator does not exceed the manufacturer's safe working pressure rating of the service regulator, and may not be used where the inlet pressure on the service regulator exceeds 125 p.s.i.g. For higher inlet pressures, the methods in subparagraph (1) or (2) of this paragraph must be used.

(4) A service regulator and an automatic shutoff device that closes upon a rise in pressure downstream from the regulator and remains closed until manually reset.

Sec. 192.199 Requirements for design of pressure relief and limiting devices.

Except for rupture discs, each pressure relief or pressure limiting device must—

(a) Be constructed of materials such that the operation of the device will not be impaired by corrosion;

(b) Have valves and valve seats that are designed not to stick in a position that will make the device inoperative;

(c) Be designed and installed so that it can be readily operated to determine if the valve is free, can be tested to determine the pressure at which it will operate, and can be tested for leakage when in the closed position;

(d) Have support made of noncombustible material;

(e) Have discharge stacks, vents, or outlet ports designed to prevent accumulation of water, ice, or snow, located where gas can be discharged into the atmosphere without undue hazard;

(f) Be designed and installed so that the size of the openings, pipe, and fittings located between the system to be protected and the pressure relieving device, and the size of the vent line, are adequate to prevent hammering of the valve and to prevent impairment of relief capacity;

(g) Where installed at a district regulator station to protect a pipeline system from overpressuring, be designed and installed to prevent any single incident such as an explosion in a vault or damage by a vehicle from affecting the operation of both the overpressure protective device and the district regulator; and

(h) Except for a valve that will isolate the system under protection from its source of pressure, be designed to prevent unauthorized operation of any stop valve that will make the pressure relief valve or pressure limiting device inoperative.

Sec. 192.201 Required capacity of pressure relieving and limiting stations.

(a) Each pressure relief station or pressure limiting station or group of those stations installed to protect a pipeline must have enough capacity, and must be set to operate, to insure the following:

(1) In a low pressure distribution system, the pressure may not cause the unsafe operation of any connected and properly adjusted gas utilization equipment.

(2) In pipelines other than a low pressure distribution system—

(i) If the maximum allowable operating pressure is 60 p.s.i.g. or more, the pressure may not exceed the maximum allowable operating pressure plus 10 percent, or the pressure that produces a hoop stress of 75 percent of SMYS, whichever is lower;

(ii) If the maximum allowable operating pressure is 12 p.s.i.g. or more, but less than 60 p.s.i.g., the pressure may not exceed the maximum allowable operating pressure plus 6 p.s.i.g.; or

(iii) If the maximum allowable operating pressure is less than 12 p.s.i.g., the pressure may not exceed the maximum allowable pressure plus 50 percent.

(b) When more than one pressure regulating or compressor station feeds into a pipeline, relief valves or other protective devices must be installed at each station to ensure that the complete failure of the largest capacity regulator or compressor, or any single run of lesser capacity regulators or compressors in that station, will not impose pressures on any part of the pipeline or distribution system in excess of those for which it was designed, or against which it was protected, whichever is lower.

(c) Relief valves or other pressure limiting devices must be installed at a low-pressure distribution system, with a capacity to limit the maximum pressure in the main to a pressure that will not exceed the safe operating pressure for any connected and properly adjusted gas utilization equipment.

Sec. 192.203 Instrument, control, and sampling pipe and components.

(a) Applicability: This section applies to the design of instrument, control, and sampling pipe and components. It does not apply to permanently closed systems, such as fluid-filled temperature-responsive devices.

(b) Materials and design: All materials employed for pipe and components must be designed to meet the particular conditions of service and the following:

(1) Each takeoff connection and attaching boss, fitting, or adapter must be made of suitable material, be able to withstand the maximum service pressure and temperature of the pipe or equipment to which it is attached, and be designed to satisfactorily withstand all stresses without failure by fatigue.

(2) A shutoff valve must be installed in each takeoff line as near as practicable to the point of takeoff. Blowdown valves must be installed where necessary.

(3) Brass or copper material may not be used for metal temperatures greater than 400 degrees F.

(4) Pipe or components that may contain liquids must be protected by heating or other means from damage due to freezing.

(5) Pipe or components in which liquids may accumulate must have drains or drips.

(6) Pipe or components subject to clogging from solids or deposits must have suitable connections for cleaning.

(7) The arrangement of pipe, components, and supports must provide safety under anticipated operating stresses.

(8) Each joint between sections of pipe, and between pipe

and valves or fittings, must be made in a manner suitable for the anticipated pressure and temperature condition. Slip type expansion must be allowed for by providing flexibility within the system itself.

(9) Each control line must be protected from anticipated causes of damage and must be designed and installed to prevent damage to any one control line from making both the regulator and the over-pressure protective device inoperative.

SUBPART E—Welding of Steel in Pipelines

Sec. 192.221 Scope.

(a) This subpart prescribes minimum requirements for welding steel materials in pipelines.

(b) This subpart does not apply to welding that occurs during the manufacture of steel pipe or steel pipeline components.

Sec. 192.223 General.

(a) Welding must be performed in accordance with established written welding procedures that have been qualified under Sec. 192.225 to produce sound, ductile welds.

(b) Welding must be performed by welders who are qualified under Secs. 192.227 and 192.229 for the welding procedure to be used.

Sec. 192.225 Qualification of welding procedures.

(a) Each welding procedure must be qualified under Section IX of the ASME Boiler and Pressure Vessel Code or Section 2 of API Standard 1104, whichever is appropriate to the function of the weld, except that a welding procedure qualified under an earlier edition previously listed in Appendix A may continue to be used but may not be requalified under the earlier edition.

(b) When a welding procedure is being qualified under section IX of the ASME Boiler and Pressure Vessel Code, the following steels are considered to fall within the P-Number 1 grouping for the purpose of the essential variables and do not require separate qualification of welding procedures:

(1) Carbon steels that have a carbon content of 0.32 percent (heat analysis) or less.

(2) Carbon steels that have a carbon equivalent ($C + \frac{1}{4} Mn$) of 0.65 percent (heat analysis) or less.

(3) Alloy steels with weldability characteristics that have been shown to be similar to the carbon steels listed in subparagraphs (1) and (2) of this paragraph. Alloy steels and carbon steels that are not covered by subparagraph (1), (2), or (3) of this paragraph require separate qualification of procedures for each individual pipe specification in accordance with sections VIII and IX of the ASME Boiler and Pressure Vessel Code.

(c) Each welding procedure must be recorded in detail during the qualifying tests. This record must be retained and followed whenever the procedure is used.

Sec. 192.227 Qualification of welders.

(a) Except as provided in paragraph (c) of this section, each welder must be qualified in accordance with Section IX of the ASME Boiler and Pressure Vessel Code or Section 3 of API Standard 1104. However, a welder qualified under an earlier edition previously listed in Appendix A may weld but may not requalify under that earlier edition.

(1) Section IX of the 1974 edition of the ASME Boiler and Pressure Vessel Code or, if qualified before July 1, 1976, the 1968 edition, except that a welder may not requalify under the 1968 edition.

(2) The following editions of Section 3 of API Standard 1104:

(i) The 1973 edition, except that a welder may be qualified by radiography under subsection 3.51 without regard for the standards in subsection 6.9 for depth of undercutting adjacent to the root bead unless that depth is visually determined by use of a

depth measuring device on all undercutting along the entire circumference of the weld; or

(ii) If a welder is qualified before March 20, 1975, the 1968 edition, except that a welder may not requalify under the 1968 edition.

(b) When a welder is being qualified under section IX of the ASME Boiler and Pressure Vessel Code, the following steels are considered to fall within the P-Number 1 grouping for the purpose of the essential variables and do not require separate qualification:

(1) Carbon steels that have a carbon content of 0.32 percent (heat analysis) or less.

(2) Carbon steels that have a carbon equivalent ($C + \frac{1}{4} MN$) of 0.65 percent (heat analysis) or less.

(3) Alloy steels with weldability characteristics that have been shown to be similar to the carbon steels listed in subparagraphs (1) and (2) of this paragraph. Alloy steels and carbon steels that are not covered by subparagraph (1), (2), or (3) of this paragraph require separate qualification of welders for each individual pipe specification in accordance with section VIII and IX of the ASME Boiler and Pressure Vessel Code.

(c) A welder may qualify to perform welding on pipe to be operated at a pressure that produces a hoop stress of less than 20 percent of SMYS by performing an acceptable test weld, for the process to be used, under the test set forth in section I of Appendix C to this part. A welder who makes welded service line connections to mains must also perform an acceptable test weld under section II of Appendix C to this part as a part of his qualifying test. After initial qualification, a welder may not perform welding unless—

(1) Within the preceding 15 calendar months, the welder has requalified, except that the welder must requalify at least once each calendar year; or

(2) Within the preceding 7½ calendar months, but at least twice each calendar year, the welder has had—

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

(ii) For welders who work only on service lines 2 inches or smaller in diameter, two sample welds tested and found acceptable in accordance with the test in section III of Appendix C to this part.

Sec. 192.229 Limitations on welders.

(a) No welder whose qualification is based on nondestructive testing may weld compressor station pipe and components.

(b) No welder may weld with a particular welding process unless, within the preceding 6 calendar months, he has engaged in welding with that process.

(c) A welder qualified under Sec. 192.227(a) may not weld unless within the preceding 6 calendar months the welder has had one weld tested and found acceptable under Section 3 or 6 of API Standard 1104, except that a welder qualified under an earlier edition previously listed in Appendix A may weld but may not requalify under that earlier edition.

Sec. 192.231 Protection from weather.

The welding operation must be protected from weather conditions that would impair the quality of the completed weld.

Sec. 192.233 Miter joints.

(a) A miter joint on steel pipe to be operated at a pressure that produces a hoop stress of 30 percent or more of SMYS may not deflect the pipe more than 3 degrees.

(b) A miter joint on steel pipe to be operated at a pressure that produces a hoop stress of less than 30 percent, but more than 10 percent, of SMYS may not deflect the pipe more than 12½ degrees and must be a distance equal to one pipe diameter or more away from any other miter joint, as measured from the crotch of each joint.

(c) A miter joint on steel pipe to be operated at a pressure that produces a hoop stress of 10 percent or less of SMYS may not deflect the pipe more than 90 degrees.

Sec. 192.235 Preparation for welding.

Before beginning any welding, the welding surfaces must be clean and free of any material that may be detrimental to the weld, and the pipe or component must be aligned to provide the most favorable condition for depositing the root bead. This alignment must be preserved while the root bead is being deposited.

Sec. 192.237 Preheating.

(a) Carbon steel that has a carbon content in excess of 0.32 percent (heat analysis) or a carbon equivalent ($C + \frac{1}{4}MN$) of 0.65 percent (heat analysis) must be preheated for welding.

(b) Carbon steel that has a lower carbon content or carbon equivalent than the steels covered by paragraph (a) of this section must be preheated for welding when preheating will alleviate existing conditions that would limit the welding technique or tend to adversely affect the quality of the weld.

(c) When steel materials with different preheat temperatures are being preheated for welding, the higher temperature must be weld.

(d) Preheat temperature must be monitored to ensure that the required preheat temperature is reached before, and maintained during the welding operation.

Sec. 192.239 Stress relieving.

(a) Except as provided in paragraph (f) of this section, each weld on carbon steel that has a carbon content in excess of 0.32 percent (heat analysis) or a carbon equivalent ($C + \frac{1}{4}MN$) in excess of 0.65 percent (heat analysis) must be stress relieved as prescribed in Section VIII of the ASME Boiler and Pressure Vessel Code.

(b) Except as provided in paragraph (f) of this section, each weld on carbon steel that has a carbon content of less than 0.32 percent (heat analysis) or a carbon equivalent ($C + \frac{1}{4}MN$) of less than 0.65 percent (heat analysis) must be thermally stress relieved when conditions exist which cool the weld at a rate detrimental to the quality of the weld.

(c) Except as provided in paragraph (f) of this section, each weld on carbon steel pipe with a wall thickness of more than 1½ inches must be stress relieved.

(d) When a weld connects pipe or components that are of different thickness, the wall thickness to be used in determining whether stress relieving is required under this section is—

(1) In the case of pipe connections, the thicker of the two pipes joined; or

(2) In the case of branch connections, slip-on flanges, or socket weld fittings, the thickness of the pipe run or header.

(e) Each weld of different materials must be stress relieved, if either material requires stress relieving under this section.

(f) Notwithstanding paragraphs (a), (b), and (c) of this section, stress relieving is not required for the following:

(1) A fillet or groove weld one-half inch, or less, in size (leg) that attaches a connection 2 inches, or less, in diameter; or

(2) A fillet or groove weld three-eighths inch, or less, in groove size that attaches a supporting member or other nonpressure attachment.

(g) Stress relieving required by this section must be performed at a temperature of at least 1,100 degrees F. for carbon steels and at least 1,200 degrees F. for ferritic alloy steels. When stress relieving a weld between steel materials with different stress relieving temperatures, the higher temperature must be used.

(h) When stress relieving, the temperature must be monitored to ensure that a uniform temperature is maintained and that the proper stress relieving cycle is accomplished.

Sec. 192.241 Inspection and test of welds.

(a) Visual inspection of welding must be conducted to insure that—

(1) The welding is performed in accordance with the welding procedure; and

(2) The weld is acceptable under paragraph (c) of this section.

(b) The welds on a pipeline to be operated at a pressure that produces a hoop stress of 20 percent or more of SMYS must be nondestructively tested in accordance with Sec. 192.243, except that welds that are visually inspected and approved by a qualified welding inspector need not be nondestructively tested if—

(1) The pipe has a nominal diameter of less than 6 inches; or

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

(c) The acceptability of a weld that is nondestructively tested or visually inspected is determined according to the standards in Section 6 of API Standard 1104.

Sec. 192.243 Nondestructive testing.

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

(b) Nondestructive testing of welds must be performed—

(1) In accordance with written procedures; and

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

(c) Procedures must be established for the proper interpretation of each nondestructive test of a weld to ensure the acceptability of the weld under Sec. 192.241(c).

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

(1) In Class 1 locations, except offshore, at least 10 percent.

(2) In Class 2 locations, at least 15 percent.

(3) In Class 3 and Class 4 locations and at crossings of major or navigable rivers, and offshore, 100 percent if practicable, but not less than 90 percent.

(4) Within railroad or public highway rights-of-way, including tunnels, bridges and overhead road crossings, and at pipeline tie-ins, 100 percent.

(e) Except for a welder whose work is isolated from the principal welding activity, a sample of each welder's work for each day must be nondestructively tested, when nondestructive testing is required under Sec. 192.241(b).

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

Sec. 192.245 Repair or removal of defects.

(a) Each weld that is unacceptable under Sec. 192.241(c) must be removed or repaired. Except for welds on an offshore pipeline being installed from a pipelay vessel, a weld must be removed if it has a crack that is more than 2 inches long or that penetrates either the root or second bead.

(b) Each weld that is repaired must have the defect removed down to clean metal and the segment to be repaired must be preheated. After repair, the segment of the weld that was repaired must be inspected to ensure its acceptability. If the repair is not acceptable, the weld must be removed, except that additional

repairs made in accordance with written welding procedures qualified under Sec. 192.225 are permitted for welds on an offshore pipeline being installed from a pipelay vessel.

SUBPART F — Joining of Materials Other Than by Welding Sec. 192.271 Scope.

(a) This subpart prescribes minimum requirements for joining materials in pipelines, other than by welding.

(b) This subpart does not apply to joining during the manufacture of pipe or pipeline components.
Sec. 192.273 General.

(a) The pipeline must be designed and installed so that each joint will sustain the longitudinal pullout or thrust forces caused by contraction or expansion of the piping or by anticipated external or internal loading.

(b) Each joint must be made in accordance with written procedures that have been proven by test or experience to produce strong gastight joints.

(c) Each joint must be inspected to insure compliance with this subpart.

Sec. 192.275 Cast iron pipe.

(a) Each caulked bell and spigot joint in cast iron pipe must be sealed with mechanical leak clamps.

(b) Each mechanical joint in cast iron pipe must have a gasket made of a resilient material as the sealing medium. Each gasket must be suitably confined and retained under compression by a separate gland or follower ring.

(c) Cast iron pipe may not be joined by threaded joints.

(d) Cast iron pipe may not be joined by brazing.

(e) Each flange on a flanged joint in cast iron pipe must conform in dimensions and drilling to ANSI Standard B16.1 and be cast integrally with the pipe, valve, or fitting.

Sec. 192.277 Ductile iron pipe.

(a) Each mechanical joint in ductile iron pipe must conform to ANSI Standard A21.52 and ANSI Standard A21.11.

(b) Ductile iron pipe may not be joined by threaded joints.

(c) Ductile iron pipe may not be joined by brazing.

Sec. 192.279 Copper pipe.

Copper pipe may not be threaded, except that copper pipe used for joining screw fittings or valves may be threaded if the wall thickness is equivalent to the comparable size of standard wall pipe, as defined in ANSI Standard B36.10.

Sec. 192.281 Plastic pipe.

(a) General: A plastic pipe joint that is joined by solvent cement, adhesive, or heat fusion may not be disturbed until it has property set. Plastic pipe may not be joined by a threaded joint or miter joint.

(b) Solvent cement joints: Each solvent cement joint on plastic pipe must comply with the following:

(1) The mating surfaces of the joint must be clean, dry, and free of material which might be detrimental to the joint.

(2) The solvent cement must conform to ASTM Specification D 2513.

(3) The safety requirements of Appendix A of ASTM Specification D 2513 must be met.

(4) The joint may not be heated to accelerate the setting of the cement.

(c) Heat-fusion joints: Each heat-fusion joint on plastic pipe must comply with the following:

(1) A butt heat-fusion joint must be joined by a device that holds the heater element square to the ends of the piping, compresses the heated ends together, and holds the pipe in proper alignment while the plastic hardens.

(2) A socket heat-fusion joint must be joined by a device that heats the mating surfaces of the joint uniformly and simultaneously to essentially the same temperature.

(3) Heat may not be applied with a torch or other open flame.

(d) Adhesive joints: Each adhesive joint on plastic pipe must comply with the following:

(1) The adhesive must conform to ASTM Specification D 2517.

(2) The materials and adhesive must be compatible with each other.

(e) Mechanical joints: Each compression type mechanical joint on plastic pipe must comply with the following:

(1) The gasket material in the coupling must be compatible with the plastic.

(2) A rigid internal tubular stiffener, other than a split tubular stiffener, must be used in conjunction with the coupling.

Sec. 192.283 Plastic pipe; qualifying joining procedures.

(a) Heat fusion, solvent cement, and adhesive joints: Before any written procedure established under Sec. 192.273(b) is used for making plastic pipe joints by a heat fusion, solvent cement, or adhesive method, the procedure must be qualified by subjecting specimen joints made according to the procedure to the following tests:

(1) The burst test requirements of—

(i) In the case of thermoplastic pipe, Paragraph 8.6 (Sustained Pressure Test) or Paragraph 8.7 (Minimum Hydrostatic Burst Pressure) of ASTM D2513; or

(ii) In the case of thermosetting plastic pipe, Paragraph 8.5 (Minimum Hydrostatic Burst Pressure) or Paragraph 8.9 (Sustained Static Pressure Test) of ASTM D2517;

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

(3) For procedures intended for non-lateral pipe connections, follow the tensile test requirements of ASTM D638, except that the test may be conducted at ambient temperature and humidity. If the specimen elongates no less than 25 percent of failure initiates outside the joint area, the procedure qualifies for use.

(b) Mechanical joints: Before any written procedure established under Sec. 192.273(b) is used for making mechanical plastic pipe joints that are designed to withstand tensile forces, the procedure must be qualified by subjecting 5 specimen joints made according to the procedure to the following tensile test:

(1) Use an apparatus for the test as specified in ASTM D638-77a (except for conditioning).

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

(3) The speed of testing is 5.0 mm (0.20 in) per minute, plus or minus 25 percent.

(4) Pipe specimens less than 102 mm (4 in) in diameter are qualified if the pipe yields to an elongation of no less than 25 percent of failure initiates outside the joint area.

(5) Pipe specimens 102 mm (4 in) and larger in diameter shall be pulled until the pipe is subjected to a tensile stress equal to or greater than the maximum thermal stress that would be produced by a temperature change of 55.6 degrees C (100 degrees F) or until the pipe is pulled from the fitting. If the pipe pulls from the fitting, the lowest value of the five test results or the manufacturer's rating, whichever is lower must be used in the design calculations for stress.

(6) Each specimen that fails at the grips must be retested using new pipe.

(7) Results obtained pertain only to the specific outside diameter, and material of the pipe tested, except that testing of a

heavier wall pipe may be used to qualify pipe of the same material but with a lesser wall thickness.

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

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

Sec. 192.285 Plastic pipe; qualifying persons to make joints.

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

(1) Appropriate training or experience in the use of the procedure; and

(2) Making a specimen joint from pipe sections joined according to the procedure that passes the inspection and test set forth in paragraph (b) of this section.

(b) The specimen joint must be—

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

(2) In the case of a heat fusion, solvent cement, or adhesive joint:

(i) Tested under any one of the test methods listed under Sec. 192.283(a) applicable to the type of joint and material being tested;

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

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

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

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

(c) A person must be requalified under an applicable procedure, if during any 12-month period that person—

(1) Does not make any joints under that procedure; or

(2) Has 3 joints or 3 percent of the joints made, whichever is greater, under that procedure, that are found unacceptable by testing under Sec. 192.513.

(d) Each operator shall establish a method to determine that each person making joints in plastic pipelines in his system is qualified in accordance with this section.

Sec. 192.287 Plastic pipe; inspection of joints.

No person may carry out the inspection of joints in plastic pipes required by Secs. 192.273(c) and 192.285(b) unless that person has been qualified by appropriate training or experience in evaluating the acceptability of plastic pipe joints made under the applicable joining procedure.

SUBPART G — General Construction Requirements for Transmission Lines and Mains

Sec. 192.301 Scope.

This subpart prescribes **minimum** requirements for constructing transmission lines and mains.

Sec. 192.303 Compliance with specifications or standards.

Each transmission line or main must be constructed in accordance with comprehensive written specifications or standards that are consistent with this part.

Sec. 192.305 Inspection: general.

Each transmission line or main must be inspected to ensure that it is constructed in accordance with this part.

Sec. 192.307 Inspection of materials.

Each length of pipe and each other component must be visually inspected at the site of installation to ensure that it has not sustained any visually determinable damage that could impair its serviceability.

Sec. 192.309 Repair of steel pipe.

(a) Each imperfection or damage that impairs the serviceability of a length of steel pipe must be repaired or removed. If a repair is made by grinding, the remaining wall thickness must at least be equal to either:

(1) The minimum thickness required by the tolerances in the specification of which the pipe was manufactured; or

(2) The nominal wall thickness required for the design pressure of the pipeline.

(b) Each of the following dents must be removed from steel pipe to be operated at a pressure that produces a hoop stress of 20 percent, or more, of SMYS:

(1) A dent that contains a stress concentrator such as a scratch, gouge, groove, or arc burn.

(2) A dent that affects the longitudinal weld or a circumferential weld.

(3) In pipe to be operated at a pressure that produces a hoop stress of 40 percent or more of SMYS, a dent that has a depth of—

(i) More than one-quarter inch in pipe 12¾ inches or less in outer diameter; or

(ii) More than 2 percent of the nominal pipe diameter in pipe over 12¾ inches in outer diameter.

For the purpose of this section a “dent” is a depression that produces a gross disturbance in the curvature of the pipe wall without reducing the pipe-wall thickness. The depth of a dent is measured as the gap between the lowest point of the dent and a prolongation of the original contour of the pipe.

(c) Each arc burn on steel pipe to be operated at a pressure that produces a hoop stress of 40 percent, or more, of SMYS must be repaired or removed. If a repair is made by grinding, the arc burn must be completely removed and the remaining wall thickness must be at least equal to either:

(1) The minimum wall thickness required by the tolerances in the specification to which the pipe was manufactured; or

(2) The nominal wall thickness required for the design pressure of the pipeline.

(d) A gouge, groove, arc burn, or dent may not be repaired by insert patching or by pounding out.

(e) Each gouge, groove, arc burn, or dent that is removed from a length of pipe must be removed by cutting out the damaged portion as a cylinder.

Sec. 192.311 Repair of plastic pipe.

Each imperfection or damage that would impair the serviceability of plastic pipe must be repaired by a patching saddle or removed.

Sec. 192.313 Bends and elbows.

(a) Each field bend in steel pipe, other than a wrinkle bend made in accordance with Sec. 192.315, must comply with the following:

(1) A bend must not impair the serviceability of the pipe.

(2) For pipe more than 4 inches in nominal diameter, the difference between the maximum and minimum diameter at a bend must not be more than 2½ percent of the nominal diameter.

(3) Each bend must have a smooth contour and be free from buckling, cracks, or any other mechanical damage.

(4) On pipe containing a longitudinal weld, the longitudinal weld must be as near as practicable to the neutral axis of the bend unless—

(i) The bend is made with an internal bending mandrel; or

(ii) The pipe is 12 inches or less in outside diameter or has a diameter to wall thickness ratio less than 70.

(b) Each circumferential weld of steel pipe which is located where the stress during bending causes a permanent deformation

in the pipe must be nondestructively tested either before or after the bending process.

(c) Wrought-steel welding elbows and transverse segments of these elbows may not be used for changes in direction on steel pipe that is 2 inches or more in diameter unless the arc length, as measured along the crotch, is at least 1 inch.

Sec. 192.315 Wrinkle bends in steel pipe.

(a) A wrinkle bend may not be made on steel pipe to be operated at a pressure that produces a hoop stress of 30 percent, or more, of SMYS.

(b) Each wrinkle bend on steel pipe must comply with the following:

(1) The bend must not have any sharp kinks.

(2) When measured along the crotch of the bend, the wrinkles must be a distance of at least one pipe diameter.

(3) On pipe 16 inches or larger in diameter, the bend may not have a deflection of more than 1½ degrees for each wrinkle.

(4) On pipe containing a longitudinal weld the longitudinal weld the longitudinal seam must be as near as practicable to the neutral axis of the bend.

Sec. 192.317 Protection from hazards.

(a) Each transmission line or main must be protected from washouts, floods, unstable soil, landslides, or other hazards that may cause the pipeline to move or to sustain abnormal loads. In addition, offshore pipelines must be protected from damage by mud slides, water currents, hurricanes, ship anchors, and fishing operations.

(b) Each aboveground transmission line or main, not located offshore or in inland navigable water areas, must be protected from accidental damage by vehicular traffic or other similar causes, either by being placed at a safe distance from the traffic or by installing barricades.

(c) Pipelines, including pipe risers, on each platform located offshore or in inland navigable waters must be protected from accidental damage by vessels.

Sec. 192.319 Installation of pipe in a ditch.

(a) When installed in a ditch, each transmission line that is to be operated at a pressure producing a hoop stress of 20 percent or more of SMYS must be installed so that the pipe fits the ditch so as to minimize stresses and protect the pipe coating from damage.

(b) When a ditch for a transmission line or main is backfilled, it must be backfilled in a manner that—

(1) Provides firm support under the pipe; and

(2) Prevents damage to the pipe and pipe coating from equipment or from the backfill material.

(c) All offshore pipe in water at least 12 feet deep but not more than 200 feet deep, as measured from the mean low tide, must be installed so that the top of the pipe is below the natural bottom unless the pipe is supported by stanchions, held in place by anchors or heavy concrete coating or protected by an equivalent means.

Sec. 192.321 Installation of plastic pipe.

(a) Plastic pipe must be installed below ground level.

(b) Plastic pipe that is installed in a vault or any other below grade enclosure must be completely encased in gas-tight metal pipe and fittings that are adequately protected from corrosion.

(c) Plastic pipe must be installed so as to minimize shear or tensile stresses.

(d) Thermoplastic pipe that is not encased must have a minimum wall thickness of 0.090 inches, except that pipe with an outside diameter of 0.875 inches or less may have a minimum wall thickness of 0.062 inches.

(e) Plastic pipe that is not encased must have an electrically conductive wire or other means of locating the pipe while it is underground.

(f) Plastic pipe that is being encased must be inserted into the casing pipe in a manner that will protect the plastic. The leading end of the plastic must be closed before insertion.

Sec. 192.323 Casing.

Each casing used on a transmission line or main under a railroad or highway must comply with the following:

(a) The casing must be designed to withstand the superimposed loads.

(b) If there is a possibility of water entering the casing, the ends must be sealed.

(c) If the ends of an unvented casing are sealed and the sealing is strong enough to retain the maximum allowable operating pressure of the pipe, the casing must be designed to hold this pressure at a stress level of not more than 72 percent of SMYS.

(d) If vents are installed on a casing, the vents must be protected from the weather to prevent water from entering the casing.

Sec. 192.325 Underground clearance.

(a) Each transmission line must be installed with at least 12 inches of clearance from any other underground structure not associated with the transmission line. If this clearance cannot be attained, the transmission line must be protected from damage that might result from the proximity of the other structure.

(b) Each main must be installed with enough clearance from any other underground structure to allow proper maintenance and to protect against damage that might result from proximity to other structures.

(c) In addition to meeting the requirements of paragraph (a) or (b) of this section, each plastic transmission line or main must be installed with sufficient clearance, or must be insulated, from any source of heat so as to prevent the heat from impairing the serviceability of the pipe.

(d) Each pipe-type or other bottle-type holder must be installed with a minimum clearance from any other holder as prescribed in Sec. 192.175(b).

Sec. 192.327 Cover.

(a) Except as provided in paragraphs (c) and (e) of this section, each buried transmission line must be installed with a minimum cover as follows:

<u>Location</u>	<u>Normal</u>	<u>Consolidated</u>
	<u>soil</u>	<u>rock</u>
	<u>Inches</u>	<u>Inches</u>
Class 1 locations	30	18
Class 2, 3, and 4 locations	36	24
Drainage ditches of public roads and railroad crossings	36	24

(b) Except as provided in paragraphs (c) and (d) of this section, each buried main must be installed with at least 24 inches of cover.

(c) Where an underground structure prevents the installation of a transmission line or main with the minimum cover, the transmission line or main may be installed with less cover if it is provided with additional protection to withstand anticipated external loads.

(d) A main may be installed with less than 24 inches of cover if the law of the State or municipality—

(1) Establishes a minimum cover of less than 24 inches;

(2) Requires that mains be installed in a common trench with other utility lines; and

(3) Provides adequately for prevention of damage to the pipe by external forces.

(e) All pipe which is installed in a navigable river, stream, or harbor must have a minimum cover of 48 inches in soil or 24 inches in consolidated rock, and all pipe installed in any offshore location under water less than 12 feet deep, as measured from

mean low tide, must have a minimum cover of 36 inches in soil over 18 inches in consolidated rock, between the top of the pipe and the natural bottom. However, less than the minimum cover is permitted in accordance with paragraph (c) of this section.

SUBPART H—Customer Meters, Service Regulators, and Service Lines

Sec. 192.351 Scope.

This subpart prescribes minimum requirements for installing customer meters, service regulators, service lines, service line valves, and service line connections to mains.

Sec. 192.353 Customer meters and regulators: locations.

(a) Each meter and service regulator, whether inside or outside of a building must be installed in a readily accessible location and be protected from corrosion and other damage. However, the upstream regulator in a series may be buried.

(b) Each service regulator installed within a building must be located as near as practical to the point of service line entrance.

(c) Each meter installed within a building must be located in a ventilated place and not less than 3 feet from any source of ignition or any source of heat which might damage the meter.

(d) Where feasible, the upstream regulator in a series must be located outside the building, unless it is located in a separate metering or regulating building.

Sec. 192.355 Customers meters and regulators: protection from damage.

(a) Protection from vacuum or back pressure: If the customer's equipment might create either a vacuum or a back pressure, a device must be installed to protect the system.

(b) Service regulator vents and relief vents: The outside terminal of each service regulator vent and relief vent must—

(1) Be rain and insect resistant;

(2) Be located at a place where gas from the vent can escape freely into the atmosphere and away from any opening into the building; and

(3) Be protected from damage caused by submergence in areas where flooding may occur.

(c) Pits and vaults. Each pit or vault that houses a customer meter or regulator at a place where vehicular traffic is anticipated, must be able to support that traffic.

Sec. 192.357 Customer meters and regulators: installation.

(a) Each meter and each regulator must be installed so as to minimize anticipated stresses upon the connecting piping and the meter.

(b) When close all-thread nipples are used, the wall thickness remaining after the threads are cut must meet the minimum wall thickness requirements of this part.

(c) Connections made of lead or other easily damaged material may not be used in the installation of meters or regulators.

(d) Each regulator that might release gas in its operation must be vented to the outside atmosphere.

Sec. 192.359 Customer meter installations: operating pressure.

(a) A meter may not be used at a pressure that is more than 67 percent of the manufacturer's shell test pressure.

(b) Each newly installed meter manufactured after November 12, 1970, must have been tested to a minimum of 10 p.s.i.g.

(c) A rebuilt or repaired finned steel case meter may not be used at a pressure that is more than 50 percent of the pressure used to test the meter after rebuilding or repairing.

Sec. 192.361 Service lines: installation.

(a) Depth: Each buried service line must be installed with at least 12 inches of cover in private property and at least 18 inches of cover in streets and roads. However, where an underground structure prevents installation at those depths, the service line must be able to withstand any anticipated external load.

(b) Support and backfill: Each service line must be properly supported on undisturbed or well-compacted soil, and material used for backfill must be free of materials that could damage the pipe or its coating.

(c) Grading for drainage: Where condensate in the gas might cause interruption in the gas supply to the customer, the service line must be graded so as to drain into the main or into drips at the low points in the service line.

(d) Protection against piping strain and external loading: Each service line must be installed so as to minimize anticipated piping strain and external loading.

(e) Installation of service lines into buildings: Each underground service line installed below grade through the outer foundation wall of a building must—

(1) In the case of metal service line, be protected against corrosion;

(2) In the case of a plastic service line, be protected from shearing action and backfill settlement; and

(3) Be sealed at the foundation wall to prevent leakage into the building.

(f) Installation of service lines under building: Where an underground service line is installed under a building—

(1) It must be encased in a gas-tight conduit;

(2) The conduit and the service line must, if the service line supplies the building it underlies, extend into a normally usable and accessible part of the building; and

(3) The space between the conduit and the service line must be sealed to prevent gas leakage into the building and, if the conduit is sealed at both ends, a vent line from the annular space must extend to a point where gas would not be a hazard, and extend above grade, terminating in a rain and insect resistant fitting.

Sec. 192.363 Service lines: valve requirements.

(a) Each service line must have a service-line valve that meets the applicable requirements of Subparts B and D of this part. A valve incorporated in a meter bar, that allows the meter to be bypassed, may not be used as a service-line valve.

(b) A soft seat service line valve may not be used if its ability to control the flow of gas could be adversely affected by exposure to anticipated heat.

(c) Each service-line valve on a high-pressure service line, installed above ground or in an area where the blowing of gas would be hazardous, must be designed and constructed to minimize the possibility of the removal of the core of the valve with other than specialized tools.

Sec. 192.365 Service lines: location of valves.

(a) Relation to regulator or meter: Each service-line valve must be installed upstream of the regulator or, if there is no regulator, upstream of the meter.

(b) Outside valve: Each service-line must have a shut-off valve in a readily accessible location that, if feasible, is outside of the building.

(c) Underground valves: Each underground service-line valve must be located in a covered durable curb box or standpipe that allows ready operation of the valve and is supported independently of the service lines.

Sec. 192.367 Service lines: general requirements for connections to main piping.

(a) Location: Each service-line connection to a main must be located at the top of the main or, if that is not practical, at the side of the main, unless a suitable protective device is installed to minimize the possibility of dust and moisture being carried from the main into the service line.

(b) Compression-type connection to main: Each compression-type service line to main connection must—

(1) Be designed and installed to effectively sustain the lon-

gitudinal pull-out or thrust forces caused by contraction or expansion of the piping, or by anticipated external or internal loading; and

(2) If gaskets are used in connecting the service line to the main connection fitting, have gaskets that are compatible with the kind of gas in the system.

Sec. 192.369 Service lines: Connections to cast iron or ductile iron mains.

(a) Each service line connected to a cast iron or ductile iron main must be connected by a mechanical clamp, by drilling and tapping the main, or by another method meeting the requirements of Sec. 192.273.

(b) If a threaded tap is being inserted, the requirements of Sec. 192.151 (b) and (c) must also be met.

Sec. 192.371 Service lines: steel.

Each steel service line to be operated at less than 100 p.s.i.g. must be constructed of pipe designed for a minimum of 100 p.s.i.g.

Sec. 192.373 Service lines: cast iron and ductile iron.

(a) Cast or ductile iron pipe less than 6 inches in diameter may not be installed for service lines.

(b) If cast iron pipe or ductile iron pipe is installed for use as a service line, the part of the service line which extends through the building wall must be of steel pipe.

(c) A cast iron or ductile iron service line may not be installed in the unstable soil or under a building.

Sec. 192.375 Service lines: plastic.

(a) Each plastic service line outside a building must be installed below ground level, except that it may terminate above ground and outside the building, if—

(1) The above ground part of the plastic service line is protected against deterioration and external damage; and

(2) The plastic service line is not used to support external loads.

(b) Each plastic service line inside a building must be protected against external damage.

Sec. 192.377 Service lines: copper.

Each copper service line installed within a building must be protected against external damage.

Sec. 192.379 New service lines not in use.

Each service line that is not placed in service upon completion of installation must comply with one of the following until the customer is supplied with gas:

(a) The valve that is closed to prevent the flow of gas to the customer must be provided with a locking device or other means designed to prevent the opening of the valve by persons other than those authorized by the operator.

(b) A mechanical device or fitting that will prevent the flow of gas must be installed in the service line or in the meter assembly.

(c) The customer's piping must be physically disconnected from the gas supply and the open pipe ends sealed.

SUBPART I—Requirements for Corrosion Control

Sec. 192.451 Scope.

This subpart prescribes minimum requirements for the protection of metallic pipelines from external, internal, and atmospheric corrosion.

(a) This subpart prescribes minimum requirements for the protection of metallic pipelines from external, internal, and atmospheric corrosion.

(b) (Deleted).

Sec. 192.452 Applicability to converted pipelines.

Notwithstanding the date the pipeline was installed or any earlier deadlines for compliance, each pipeline which qualifies for use under this part in accordance with Sec. 192.14 must meet the requirements of this subpart specifically applicable to pipelines installed before August 1, 1971, and all other applicable require-

ments within 1 year after the pipeline is readied for service. However, the requirements of this subpart specifically applicable to pipelines installed after July 31, 1971, apply if the pipeline substantially meets those requirements before it is readied for service or it is a segment which is replaced, relocated, or substantially altered.

Sec. 192.453 General.

Each operator shall establish procedures to implement the requirements of this subpart. These procedures, including those for the design, installation, operation and maintenance of cathodic protection systems, must be carried out by, or under the direction of, a person qualified by experience and training in pipeline corrosion control methods.

Sec. 192.455 External corrosion control: buried or submerged pipelines installed after July 31, 1971.

(a) Except as provided in paragraphs (b), (c), and (f) of this section, each buried or submerged pipeline installed after July 31, 1971, must be protected against external corrosion, including the following:

(1) It must have an external protective coating meeting the requirements of Sec. 192.461.

(2) It must have a cathodic protection system designed to protect the pipeline in its entirety in accordance with this subpart, installed and placed in operation within one year after completion of construction.

(b) An operator need not comply with paragraph (a) of this section, if the operator can demonstrate by tests, investigation, or experience in the area of application, including as a minimum, soil resistivity measurements and tests for corrosion accelerating bacteria, that a corrosive environment does not exist. However, within 6 months after an installation made pursuant to the preceding sentence, the operator shall conduct tests, including pipe-to-soil potential measurements with respect to either a continuous reference electrode or an electrode using close spacing, not to exceed 20 feet, and soil resistivity measurements at potential profile peak locations to adequately evaluate the potential profile along the entire pipeline. If the tests made indicate that a corrosive condition exists, the pipeline must be cathodically protected in accordance with paragraph (a)(2) of this section.

(c) An operator need not comply with paragraph (a) of this section, if the operator can demonstrate by tests, investigation, or experience that—

(1) For a copper pipeline, a corrosive environment does not exist; or

(2) For a temporary pipeline with an operating period of service not to exceed 5 years beyond installation, corrosion, during the 5 year period of service of the pipeline will not be detrimental to public safety.

(d) Notwithstanding the provisions of paragraph (b) or (c) of this section, if a pipeline is externally coated, it must be cathodically protected in accordance with paragraph (a)(2) of this section.

(e) Aluminum may not be installed in a buried or submerged pipeline if that aluminum is exposed to an environment with a natural pH in excess of 8, unless tests or experience indicate its suitability in the particular environment involved.

(f) This section does not apply to electrically isolated, metal alloy fittings in plastic pipelines if—

(1) For the size fitting to be used, an operator can show by tests, investigation, or experience in the area of application that adequate corrosion control is provided by alloyage;

(2) The fitting is designed to prevent leakage caused by localized corrosion pitting.

Sec. 192.457 External corrosion control: buried or submerged pipelines installed before August 1, 1971.

(a) Except for buried piping at compressor, regulator, and

measuring stations, each buried or submerged transmission line installed before August 1, 1971, that has an effective external coating must be cathodically protected along the entire area that is effectively coated, in accordance with this subpart. For the purposes of this subpart, a pipeline does not have an effective external coating if its cathodic protection current requirements are substantially the same as if it were bare. The operator shall make tests to determine the cathodic protection current requirements.

(b) Except for cast iron or ductile iron, each of the following buried or submerged pipelines installed before August 1, 1971, must be cathodically protected in accordance with this subpart in areas in which active corrosion is found:

(1) Bare or ineffectively coated transmission lines.

(2) Bare or coated pipes at compressor, regulator, and measuring stations.

(3) Bare or coated distribution lines. The operator shall determine the areas of active corrosion by electrical survey, or where electrical survey is impractical, by the study of corrosion and leak history records, by leak detection survey, or by other means.

(c) For the purpose of this subpart, active corrosion means continuing corrosion which, unless controlled, could result in a condition that is detrimental to public safety.

Sec. 192.459 External corrosion control: examination of buried pipeline when exposed.

Whenever an operator has knowledge that any portion of a buried pipeline is exposed, the exposed portion must be examined for evidence of external corrosion if the pipe is bare, or if the coating is deteriorated. If external corrosion is found, remedial action must be taken to the extent required by Sec. 192.483 and the applicable paragraphs of Secs. 192.485, 192.487, or 192.489.

Sec. 192.461 External corrosion control: protective coating.

(a) Each external protective coating, whether conductive or insulating, applied for the purpose of external corrosion control must—

(1) Be applied on a properly prepared surface;

(2) Have sufficient adhesion to the metal surface to effectively resist underfilm migration of moisture;

(3) Be sufficiently ductile to resist cracking;

(4) Have sufficient strength to resist damage due to handling and soil stress; and

(5) Have properties compatible with any supplemental cathodic protection.

(b) Each external protective coating which is an electrically insulating type must also have low moisture absorption and high electrical resistance.

(c) Each external protective coating must be inspected just prior to lowering the pipe into the ditch and backfilling and any damage detrimental to effective corrosion control must be repaired.

(d) Each external protective coating must be protected from damage resulting from adverse ditch conditions or damage from supporting blocks.

(e) If coated pipe is installed by boring, driving, or other similar method, precautions must be taken to minimize damage to the coating during installation.

Sec. 192.463 External corrosion control: cathodic protection.

(a) Each cathodic protection system required by this subpart must provide a level of cathodic protection that complies with one or more of the applicable criteria contained in Appendix D of this part. If none of these criteria is applicable, the cathodic protection system must provide a level of cathodic protection at least equal to that provided by compliance with one or more of these criteria.

(b) If amphoteric metals are included in a buried or submerged pipeline containing a metal of different anodic potential—

(1) The amphoteric metals must be electrically isolated from the remainder of the pipeline and cathodically protected; or

(2) The entire buried or submerged pipeline must be cathodically protected at a cathodic potential that meets the requirements of Appendix D of this part for amphoteric metals.

(c) The amount of cathodic protection must be controlled so as not to damage the protection coating or the pipe.

Sec. 192.465 External corrosion control: Monitoring.

(a) Each pipeline that is under cathodic protection must be tested at least once each calendar year, but with intervals not exceeding 15 months, to determine whether the cathodic protection meets the requirements of Sec. 192.463. However, if tests at those intervals are impractical for separately protected short sections of mains or transmission lines, not in excess of 100 feet, or separately protected service lines, these pipelines may be surveyed on a sampling basis. At least 10 percent of these protected structures, distributed over the entire system must be surveyed each calendar year, with a different 10 percent checked each subsequent year, so that the entire system is tested in each 10-year period.

(b) Each cathodic protection rectifier or other impressed current power source must be inspected six times each calendar year, but with intervals not exceeding 2½ months, to insure that it is operating.

(c) Each reverse current switch, each diode, and each interference bond whose failure would jeopardize structure protection must be electrically checked for proper performance six times each calendar year, but with intervals not exceeding 2½ months. Each other interference bond must be checked at least once each calendar year, but with intervals not exceeding 15 months.

(d) Each operator shall take prompt remedial action to correct any deficiencies indicated by the monitoring. Remedial action must be completed within a time period determined by the operator based on an evaluation of the degree of hazard created by the nature of the deficiency but in no case longer than 90 days from the date the deficiency was discovered, or within a time period as may be approved by the Commissioner.

(e) After the initial evaluation required by paragraphs (b) and (c) of Sec. 192.455 and paragraph (b) of Sec. 192.457, each operator shall, at intervals not exceeding 3 years, reevaluate its unprotected pipelines and cathodically protect them in accordance with this subpart in areas in which active corrosion is found. The operator shall determine the areas of active corrosion by electrical survey, or where electrical survey is impractical, by the study of corrosion and leak history records, by leak detection survey, or by other means.

Sec. 192.467 External corrosion control: electrical isolation.

(a) Each buried or submerged pipeline must be electrically isolated from other underground metallic structures, unless the pipeline and the other structures are electrically interconnected and cathodically protected as a single unit.

(b) One or more insulating devices must be installed where electrical isolation of a portion of a pipeline is necessary to facilitate the application of corrosion control.

(c) Except for unprotected copper inserted in ferrous pipe, each pipeline must be electrically isolated from metallic casings that are a part of the underground system. However, if isolation is not achieved because it is impractical, other measures must be taken to minimize corrosion of the pipeline inside the casing.

(d) Inspection and electrical tests must be made to assure that electrical isolation is adequate.

(e) An insulating device may not be installed in an area where a combustible atmosphere is anticipated unless precautions are taken to prevent arcing.

(f) Where a pipeline is located in close proximity to electrical transmission tower footings, ground cables or counterpoise,

or in other areas where fault currents or unusual risk of lightning may be anticipated, it must be provided with protection against damage due to fault currents or lightning, and protective measures must also be taken at insulating devices.

Sec. 192.469 External corrosion control: test stations.

Each pipeline under cathodic protection required by this subpart must have sufficient test stations or other contact points for electrical measurement to determine the adequacy of cathodic protection.

Sec. 192.471 External corrosion control: test leads.

(a) Each test lead wire must be connected to the pipeline so as to remain mechanically secure and electrically conductive.

(b) Each test lead wire must be attached to the pipeline so as to minimize stress concentration on the pipe.

(c) Each bared test lead wire and bared metallic area at point of connection to the pipeline must be coated with an electrical insulating material compatible with the pipe coating and the insulation on the wire.

Sec. 192.473 External corrosion control: interference currents.

(a) Each operator whose pipeline system is subjected to stray currents shall have in effect a continuing program to minimize the detrimental effects of such currents.

(b) Each impressed current type cathodic protection system or galvanic anode system must be designed and installed so as to minimize any adverse effects on existing adjacent underground metallic structures.

Sec. 192.475 Internal corrosion control: general.

(a) Corrosive gas may not be transported by pipeline, unless the corrosive effect of the gas on the pipeline has been investigated and steps have been taken to minimize internal corrosion.

(b) Whenever any pipe is removed from a pipeline for any reason, the internal surface must be inspected for evidence of corrosion. If internal corrosion is found—

(1) The adjacent pipe must be investigated to determine the extent of internal corrosion;

(2) Replacement must be made to the extent required by the applicable paragraphs of Sec. 192.485, Sec. 192.487, or Sec. 192.489; and

(3) Steps must be taken to minimize the internal corrosion.

(c) Gas containing more than 0.1 grain of hydrogen sulfide per 100 standard cubic feet may not be stored in pipe-type or bottle-type holders.

Sec. 192.477 Internal corrosion control: monitoring.

If corrosive gas is being transported, coupons or other suitable means must be used to determine the effectiveness of the steps taken to minimize internal corrosion. Each coupon or other means of monitoring internal corrosion must be checked two times each calendar year, but with intervals not exceeding 7½ months.

Sec. 192.479 Atmospheric corrosion control: general.

(a) Pipelines installed after July 31, 1971: Each above-ground pipeline or portion of a pipeline installed after July 31, 1971, that is exposed to the atmosphere must be cleaned and either coated or jacketed with a material suitable for the prevention of atmospheric corrosion. An operator need not comply with this paragraph, if the operator can demonstrate by test, investigation, or experience in the area of application, that a corrosive atmosphere does not exist.

(b) Pipelines installed before August 1, 1971: Each operator having an aboveground pipeline or portion of a pipeline installed before August 1, 1971, that is exposed to the atmosphere, shall—

(1) Determine the areas of atmospheric corrosion on the pipeline;

(2) If atmospheric corrosion is found, take remedial mea-

asures to the extent required by the applicable paragraphs of Secs. 192.485, 192.487, or 192.489; and

(3) Clean and either coat or jacket the areas of atmospheric corrosion on the pipeline with a material suitable for the prevention of atmospheric corrosion.

Sec. 192.481 Atmospheric corrosion control: monitoring.

After meeting the requirements of Sec. 192.479 (a) and (b), each operator shall, at intervals not exceeding 3 years for onshore pipelines and at least once each calendar year, but with intervals not exceeding 15 months, for offshore pipelines, reevaluate each pipeline that is exposed to the atmosphere and take remedial action whenever necessary to maintain protection against atmospheric corrosion.

Sec. 192.483 Remedial measures: general.

(a) Each segment of metallic pipe that replaces pipe removed from a buried or submerged pipeline because of external corrosion must have a properly prepared surface and must be provided with an external protective coating that meets the requirements of Sec. 192.461.

(b) Each segment of metallic pipe that replaces pipe removed from a buried or submerged pipeline because of external corrosion must be cathodically protected in accordance with this subpart.

(c) Except for cast iron or ductile iron pipe, each segment of buried or submerged pipe that is required to be repaired because of external corrosion must be cathodically protected in accordance with this subpart.

Sec. 192.485 Remedial measures: transmission lines.

(a) General corrosion: Each segment of transmission line with general corrosion and with a remaining wall thickness less than that required for the maximum allowable operating pressure of the pipeline must be replaced or the operating pressure reduced commensurate with the strength of the pipe based on the actual remaining wall thickness. However, if the area of general corrosion is small, the corroded pipe may be repaired. Corrosion pitting so closely grouped as to affect the overall strength of the pipe is considered general corrosion for the purpose of this paragraph.

(b) Localized corrosion pitting: Each segment of transmission line pipe with localized corrosion pitting to a degree where leakage might result must be replaced or repaired, or the operating pressure must be reduced commensurate with the strength of the pipe, based on the actual remaining wall thickness in the pits.

Sec. 192.487 Remedial measures: distribution lines other than cast iron or ductile iron lines.

(a) General corrosion: Except for cast iron or ductile iron pipe, each segment of generally corroded distribution line pipe with a remaining wall thickness less than that required for the maximum allowable operating pressure of the pipeline, or a remaining wall thickness less than 30 percent of the nominal wall thickness, must be replaced. However, if the area of general corrosion is small, the corroded pipe may be repaired. Corrosion pitting so closely grouped as to affect the overall strength of the pipe is considered general corrosion for the purpose of this paragraph.

(b) Localized corrosion pitting. Except for cast iron or ductile iron pipe, each segment of distribution line pipe with localized corrosion pitting to a degree where leakage might result must be replaced or repaired.

Sec. 192.489 Remedial measures: cast iron and ductile iron pipelines.

(a) General graphitization: Each segment of cast iron or ductile iron pipe on which general graphitization is found to a degree where a fracture or any leakage might result, must be replaced.

(b) Localized graphitization: Each segment of cast iron or ductile iron pipe on which localized graphitization is found to a de-

gree where any leakage might result, must be replaced or repaired, or sealed by internal sealing methods adequate to prevent or arrest any leakage.

Sec. 192.491 Corrosion control records.

(a) Each operator shall maintain records or maps to show the location of cathodically protected piping, cathodic protection facilities, other than unrecorded galvanic anodes installed before August 1, 1971, and neighboring structures bonded to the cathodic protection system.

(b) Each of the following records must be retained for as long as the pipeline remains in service:

(1) Each record or map required by paragraph (a) of this section.

(2) Records of each test, survey, or inspection required by this subpart, in sufficient detail to demonstrate the adequacy of corrosion control measures or that a corrosive condition does not exist.

SUBPART J — Test Requirements

Sec. 192.501 Scope.

This subpart prescribes minimum leak-test and strength-test requirements for pipelines.

Sec. 192.503 General requirements.

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

(1) It has been tested in accordance with this subpart to substantiate the proposed maximum allowable operating pressure; and

(2) Each potentially hazardous leak has been located and eliminated.

(b) The test medium must be liquid, air, natural gas, or inert gas that is—

(1) Compatible with the material of which the pipeline is constructed;

(2) Relatively free of sedimentary materials; and

(3) Except for natural gas, nonflammable.

(c) Except as provided in Sec. 192.505(a), if air, natural gas, or inert gas is used as the test medium, the following maximum hoop stress limitations apply:

Class location	Maximum hoop stress allowed as percentage of SMYS	
	Natural gas	Air or inert gas
1	80	80
2	30	75
3	30	50
4	30	40

(d) Each weld used to tie-in a test segment of pipeline is excepted from the test requirements of this subpart.

Sec. 192.505 Strength test requirements for steel pipeline to operate at a hoop stress of 30 percent or more of SMYS.

(a) Except for service lines, each segment of a steel pipeline that is to operate at a hoop stress of 30 percent or more of SMYS must be strength tested in accordance with this section to substantiate the proposed maximum allowable operating pressure. In addition, in a Class 1 or Class 2 location, if there is a building intended for human occupancy within 300 feet of a pipeline, a hydrostatic test must be conducted to a test pressure of at least 125 percent of maximum operating pressure on that segment of the pipeline within 300 feet of such a building, but in no event may the test section be less than 600 feet unless the length of the newly installed or relocated pipe is less than 600 feet. However, if the buildings are evacuated while the hoop stress exceeds 50 percent of SMYS, air or inert gas may be used as the test medium.

(b) In a Class 1 or Class 2 location, each compressor sta-

tion, regulator station, and measuring station, must be tested to at least Class 3 location test requirements.

(c) Except as provided in paragraph (e) of this section, the strength test must be conducted by maintaining the pressure at or above the test pressure for at least 8 hours.

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

(1) The component was tested to at least the pressure required for the pipeline to which it is being added; or

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

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

Sec. 192.507 Test requirements for pipelines to operate at a hoop stress less than 30 percent of SMYS and above 100 p.s.i.g.

Except for service lines and plastic pipelines, each segment of a pipeline that is to be operated at a hoop stress less than 30 percent of SMYS and above 100 p.s.i.g. must be tested in accordance with the following:

(a) The pipeline operator must use a test procedure that will ensure discovery of all potentially hazardous leaks in the segment being tested.

(b) If, during the test, the segment is to be stressed to 20 percent or more of SMYS and natural gas, inert gas, or air is the test medium—

(1) A leak test must be made at a pressure between 100 p.s.i.g. and the pressure required to produce a hoop stress of 20 percent of SMYS; or

(2) The line must be walked to check for leaks while the hoop stress is held at approximately 20 percent of SMYS.

(c) The pressure must be maintained at or above the test pressure for at least one hour.

Sec. 192.509 Test requirements for pipelines to operate at or below 100 p.s.i.g.

Except for service lines and plastic pipelines, each segment of a pipeline that is to be operated at or below 100 p.s.i.g. must be leak tested in accordance with the following:

(a) The test procedure used must ensure discovery of all potentially hazardous leaks in the segment being tested.

(b) Each main that is to be operated at less than 1 p.s.i.g. must be tested to at least 10 p.s.i.g. and each main to be operated at or above 1 p.s.i.g. must be tested to at least 90 p.s.i.g.

Sec. 192.511 Test requirements for service lines.

(a) Each segment of a service line (other than plastic) must be leak tested in accordance with this section before being placed in service. If feasible, the service-line connection to the main must be included in the test; if not feasible, it must be given a leakage test at the operating pressure when placed in service.

(b) Each segment of a service line (other than plastic) intended to be operated at a pressure of at least 1 p.s.i.g. but not more than 40 p.s.i.g. must be given a leak test at a pressure of not less than 50 p.s.i.g.

(c) Each segment of a service line (other than plastic) intended to be operated at pressures of more than 40 p.s.i.g. must be tested to at least 90 p.s.i.g., except that each segment of a steel service line stressed to 20 percent or more of SMYS must be tested in accordance with Sec. 192.507 of this subpart.

Sec. 192.513 Test requirements for plastic pipelines.

(a) Each segment of a plastic pipeline must be tested in accordance with this section.

(b) The test procedure must insure discovery of all potentially hazardous leaks in the segment being tested.

(c) The test pressure must be at least 150 percent of the maximum operating pressure or 50 p.s.i.g., whichever is greater. However, the maximum test pressure may not be more than three times the design pressure of the pipe.

(d) The temperature of thermoplastic material must not be more than 100 degrees F. during the test.

Sec. 192.515 Environmental protection and safety requirements.

(a) In conducting tests under this subpart, each operator shall insure that every reasonable precaution is taken to protect its employees and the general public during the testing. Whenever the hoop stress of the segment of the pipeline being tested will exceed 50 percent of SMYS, the operator shall take all practicable steps to keep persons not working on the testing operation outside of the testing area until the pressure is reduced to or below the proposed maximum allowable operating pressure.

(b) The operator shall insure that the test medium is disposed of in a manner that will minimize damage to the environment.

Sec. 192.517 Records.

Each operator shall make, and retain for the useful life of the pipeline, a record of each test performed under Secs. 192.505 and 192.507. The record must contain at least the following information:

(a) The operator's name, the name of the operator's employee responsible for making the test, and the name of any test company used.

(b) Test medium used.

(c) Test pressure.

(d) Test duration.

(e) Pressure recording charts, or other record of pressure readings.

(f) Elevation variations, whenever significant for the particular test.

(g) Leaks and failures noted and their disposition.

SUBPART K — Uprating

Sec. 192.551 Scope.

This subpart prescribes minimum requirements for increasing maximum allowable operating pressures (uprating) for pipelines.

Sec. 192.553 General requirements.

(a) Pressure increases: Whenever the requirements of this subpart require that an increase in operating pressure be made in increments, the pressure must be increased gradually, at a rate that can be controlled, and in accordance with the following:

(1) At the end of each incremental increase, the pressure must be held constant while the entire segment of pipeline that is affected is checked for leaks.

(2) Each leak detected must be repaired before a further pressure increase is made, except that a leak determined not to be potentially hazardous need not be repaired, if it is monitored during the pressure increase and it does not become potentially hazardous.

(b) Records: Each operator who uprates a segment of pipeline shall retain for the life of the segment a record of each investigation required by this subpart, of all work performed, and of each pressure test conducted, in connection with the uprating.

(c) Written plan: Each operator who uprates a segment of pipeline shall establish a written procedure that will ensure that each applicable requirement of this subpart is complied with.

(d) Limitation on increase in maximum allowable operating pressure: Except as provided in Sec. 192.555(c), a new maximum allowable operating pressure established under this subpart may not exceed the maximum that would be allowed under this

part for a new segment of pipeline constructed of the same materials in the same location.

Sec. 192.555 Uprating to a pressure that will produce a hoop stress of 30 percent or more of SMYS in steel pipelines.

(a) Unless the requirements of this section have been met, no person may subject any segment of a steel pipeline to an operating pressure that will produce a hoop stress of 30 percent or more of SMYS and that is above the established maximum allowable operating pressure.

(b) Before increasing operating pressure above the previously established maximum allowable operating pressure the operator shall—

(1) Review the design, operating, and maintenance history and previous testing of the segment of pipeline and determine whether the proposed increase is safe and consistent with the requirements of this part; and

(2) Make any repairs, replacements, or alterations in the segment of pipeline that are necessary for safe operation at the increased pressure.

(c) After complying with paragraph (b) of this section, an operator may increase the maximum allowable operating pressure of a segment of pipeline constructed before September 12, 1970, to the highest pressure that is permitted under Sec. 192.619, using as test pressure the highest pressure to which the segment of pipeline was previously subjected (either in a strength test or in actual operation).

(d) After complying with paragraph (b) of this section, an operator that does not qualify under paragraph (c) of this section may increase the previously established maximum allowable operating pressure if at least one of the following requirements is met:

(1) The segment of pipeline is successfully tested in accordance with the requirements of this part for a new line of the same material in the same location.

(2) An increased maximum allowable operating pressure may be established for a segment of pipeline in a Class 1 location if the line has not previously been tested, and if—

(i) It is impractical to test it in accordance with the requirements of this part;

(ii) The new maximum operating pressure does not exceed 80 percent of that allowed for a new line of the same design in the same location; and

(iii) The operator determines that the new maximum allowable operating pressure is consistent with the condition of the segment of pipeline and the design requirements of this part.

(e) Where a segment of pipeline is uprated in accordance with paragraph (c) or (d) (2) of this section, the increase in pressure must be made in increments that are equal to—

(1) Ten percent of the pressure before the uprating; or

(2) Twenty-five percent of the total pressure increase; whichever produces the fewer number of increments.

Sec. 192.557 Uprating: steel pipelines to a pressure that will produce a hoop stress less than 30 percent of SMYS; plastic, cast iron, and ductile iron pipelines.

(a) Unless the requirements of this section have been met, no person may subject—

(1) A segment of steel pipeline to an operating pressure that will produce a hoop stress less than 30 percent of SMYS and that is above the previously established maximum allowable operating pressure; or

(2) A plastic, cast iron, or ductile iron pipeline segment to an operating pressure that is above the previously established maximum allowable operating pressure.

(b) Before increasing operating pressure above the previously established maximum allowable operating pressure, the operator shall—

(1) Review the design, operating, and maintenance history of the segment of pipeline;

(2) Make a leakage survey (if it has been more than 1 year since the last survey) and repair any leaks that are found, except that a leak determined not to be potentially hazardous need not be repaired, if it is monitored during the pressure increase and it does not become potentially hazardous;

(3) Make any repairs, replacements, or alterations in the segment of pipeline that are necessary for safe operation at the increased pressure;

(4) Reinforce or anchor offsets, bends and dead ends in pipe joined by compression couplings or bell and spigot joints to prevent failure of the pipe joint, if the offset, bend or dead end is exposed in an excavation;

(5) Isolate the segment of pipeline in which the pressure is to be increased from any adjacent segment that will continue to be operated at a lower pressure; and

(6) If the pressure in mains or service lines, or both, is to be higher than the pressure delivered to the customer, install a service regulator on each service line and test each regulator to determine that it is functioning. Pressure may be increased as necessary to test each regulator, after a regulator has been installed on each pipeline subject to the increased pressure.

(c) After complying with paragraph (b) of this section, the increase in maximum allowable operating pressure must be made in increments that are equal to 10 p.s.i.g. or 25 percent of the total pressure increase, whichever produces the fewer number of increments. Whenever the requirements of paragraph (b)(6) of this section apply, there must be at least two approximately equal incremental increases.

(d) If records for cast iron or ductile iron pipeline facilities are not complete enough to ascertain compliance with Sec. 192.117 or Sec. 192.119, as applicable, the following procedures must be followed:

(1) If the original laying conditions cannot be ascertained, the operator shall assume, when applying the design formulas of ANSI C101-67, that cast iron pipe was supported on blocks with tamped backfill and, when applying the design formulas of ANSI A21.50, that ductile iron pipe was laid without blocks with tamped backfill.

(2) Unless the actual maximum cover depth is known, the operator shall measure the actual cover in at least three places where the cover is most likely to be greatest and shall use the greatest cover measured.

(3) Unless the actual nominal wall thickness is known, the operator shall determine the wall thickness by cutting the measuring coupons from at least three separate pipe lengths. The coupons must be cut from pipe lengths in areas where the cover depth is most likely to be the greatest. The average of all measurements taken must be increased by the allowance indicated in the following table:

Pipe size (inches)	Allowance (inches)		
	Cast iron pipe		Ductile iron pipe
	Pit cast pipe	Centrif- ugally cast pipe	
3-8	0.075	0.065	0.065
10-12	0.08	0.07	0.07
14-24	0.08	0.08	0.075
30-42	0.09	0.09	0.075
48	0.09	0.09	0.08
54-60	0.09	-----	-----

Note: The nominal wall thickness of the cast iron is the standard thickness listed in table 10 or table 11, as applicable, of

ANSI C101-67 nearest the value obtained under this subparagraph. The nominal wall thickness of ductile iron pipe is the standard thickness listed in table 6 of ANSI A21.50 nearest the value obtained under this subparagraph.

(4) For cast iron pipe, unless the pipe manufacturing process is known, the operator shall assume that the pipe is pit case pipe with a bursting tensile strength of 11,000 p.s.i. and a modulus of rupture of 31,000 p.s.i.

SUBPART L—Operations

Sec. 192.601 Scope.

This subpart prescribes minimum requirements for the operation of pipeline facilities.

Sec. 192.603 General provisions.

(a) No person may operate a segment of pipeline unless it is operated in accordance with this subpart.

(b) Each operator shall establish a written operating and maintenance plan meeting the requirements of this part and keep records necessary to administer the plan.

Sec. 192.605 Essentials of operating and maintenance plan.

Each operator shall include the following in its operating and maintenance plan:

(a) Instructions for employees covering operating and maintenance procedures during normal operations and repairs.

(b) Items required to be included by the provisions of Subpart M of this part.

(c) Specific programs relating to facilities presenting the greatest hazard to public safety either in an emergency or because of extraordinary construction or maintenance requirements.

(d) A program for conversion procedures, if conversion of a low-pressure distribution system to a higher pressure is contemplated.

(e) Provision for periodic inspections to ensure that operating pressures are appropriate for the class location.

Sec. 192.607 Initial determination of class location and confirmation or establishment of maximum allowable operating pressure.

(a) Before April 15, 1971, each operator shall complete a study to determine for each segment of pipeline with a maximum allowable operating pressure that will produce a hoop stress that is more than 40 percent of SMYS—

(1) The present class location of all such pipeline in its system; and

(2) Whether the hoop stress corresponding to the maximum allowable operating pressure for each segment of pipeline is commensurate with the present class location.

(b) Each segment of pipeline that has been determined under paragraph (a) of this section to have an established maximum allowable operating pressure producing a hoop stress that is not commensurate with the class location of the segment of pipeline and that is found to be in satisfactory condition, must have the maximum allowable operating pressure confirmed or revised in accordance with Sec. 192.611. The confirmation or revision must be completed not later than December 31, 1974.

(c) Each operator required to confirm or revise an established maximum allowable operating pressure under paragraph (b) of this section shall, not later than December 31, 1971, prepare a comprehensive plan, including a schedule, for carrying out the confirmations or revisions. The comprehensive plan must also provide for confirmations or revisions determined to be necessary under Sec 192.609, to the extent that they are caused by changes in class locations taking place before July 1, 1973.

Sec. 192.609 Change in class location: required study.

Whenever an increase in population density indicates a change in class location for a segment of an existing steel pipeline operating at hoop stress that is more than 40 percent of SMYS, or

indicates that the hoop stress corresponding to the established maximum allowable operating pressure for a segment of existing pipeline is not commensurate with the present class location, the operator shall immediately make a study to determine—

- (a) The present class location for the segment involved.
- (b) The design, construction, and testing procedures followed in the original construction, and a comparison of these procedures with those required for the present class location by the applicable provisions of this part.
- (c) The physical condition of the segment to the extent it can be ascertained for available records;
- (d) The operating and maintenance history of the segment;
- (e) The maximum actual operating pressure and the corresponding operating hoop stress, taking pressure gradient into account, for the segment of pipeline involved; and
- (f) The actual area affected by the population density increase, and physical barriers or other factors which may limit further expansion of the more densely populated area.

Sec. 192.611 Change in class location: confirmation or revision of maximum allowable operating pressure.

If the hoop stress corresponding to the established maximum allowable operating pressure of a segment of pipeline is not commensurate with the present class location, and the segment is in satisfactory physical condition, the maximum allowable operating pressure of that segment of pipeline must be confirmed or revised as follows:

(a) If the segment involved has been previously tested in place to at least 90 percent of its SMYS for a period of not less than 8 hours, the maximum allowable operating pressure must be confirmed or reduced so that the corresponding hoop stress will not exceed 72 percent of SMYS of the pipe in Class 2 locations, 60 percent of SMYS in Class 3 locations, or 50 percent of SMYS in Class 4 locations.

(b) If the segment involved has not been previously tested in place as described in paragraph (a) of this section, the maximum allowable operating pressure must be reduced so that the corresponding hoop stress is not more than that allowed by this part for new segments of pipelines in the existing class location.

(c) If the segment of pipeline involved has not been qualified for operation under paragraph (a) or (b) of this section, it must be tested in accordance with the applicable requirements of Subpart J of this part, and its maximum allowable operating pressure must then be established so as to be equal to or less than the following:

(1) The maximum allowable operating pressure after the requalification test is 0.8 times the test pressure for Class 2 locations, 0.667 times the test pressure for Class 3 locations, and 0.555 times the test pressure for Class 4 locations.

(2) The maximum allowable operating pressure confirmed or revised in accordance with this section, may not exceed the maximum allowable operating pressure established before the confirmation or revision.

(3) The corresponding hoop stress may not exceed 72 percent of the SMYS of the pipe in Class 2 locations, 60 percent of SMYS in Class 3 locations, or 50 percent of the SMYS in Class 4 locations.

(d) Confirmation or revision of the maximum allowable operating pressure of a segment of pipeline in accordance with this section does not preclude the application of Secs. 192.553 and 192.555.

(e) Confirmation or revision of the maximum allowable operating pressure that is required as a result of a study under Sec. 192.609 must be completed as follows:

(1) Confirmation or revision due to changes in class loca-

tion that occur before July 1, 1973, must be completed not later than December 31, 1974.

(2) Confirmation or revision due to changes in class location that occur on or after July 1, 1973, must be completed within 18 months of the change in class locations.

Sec. 192.613 Continuing surveillance.

(a) Each operator shall have a procedure for continuing surveillance of its facilities to determine and take appropriate action concerning changes in class locations, failures, leakage history, corrosion, substantial changes in cathodic protection requirements, and other unusual operating and maintenance conditions.

(b) If a segment of pipeline is determined to be in unsatisfactory condition but no immediate hazard exists, the operator shall initiate a program to recondition or phase out the segment involved, or, if the segment cannot be reconditioned or phased out, reduce the maximum allowable operating pressure in accordance with Sec. 192.619(a) and (b).

Sec. 192.614 Damage prevention program.

(a) Except for pipelines listed in paragraph (c) of this section, each operator of a buried pipeline shall carry out in accordance with this section a written program to prevent damage to that pipeline by excavation activities. For the purpose of this section, "excavation activities" include excavation, blasting, boring, tunneling, backfilling, the removal of above ground structures by either explosive or mechanical means, and other earth moving operations. An operator may perform any of the duties required by paragraph (b) of this section through participation in a public service program, such as a "one-call" system, but such participation does not relieve the operator of responsibility for compliance with this section.

(b) The damage prevention program required by paragraph (a) of this section must, at a minimum—

(1) Include the identity, on a current basis, of persons who normally engage in excavation activities in the area in which the pipeline is located.

(2) Provide for notification of the public in the vicinity of the pipeline and actual notification of the persons identified in paragraph (b)(1) of the following as often as needed to make them aware of the damage prevention program:

(i) The program's existence and purpose; and

(ii) How to learn the location of underground pipelines before excavation activities are begun.

(3) Provide a means of receiving and recording notification of planned excavation activities.

(4) Provide for actual notification of persons who give notice of their intent to excavate of whether there are buried pipelines in the area of excavation activity and, if so, the type of temporary marking to be provided and how to identify the markings.

(5) Provide for temporary marking of buried pipelines in the area of excavation activity before, as far as practical, the activity begins.

(6) Provide as follows for inspection of pipelines that an operator has reason to believe could be damaged by excavation activities:

(i) The inspection must be done as frequently as necessary during and after the activities to verify the integrity of the pipeline; and

(ii) In the case of blasting, any inspection must include leakage surveys.

(c) A damage prevention program under this section is not required for the following pipelines:

(1) Pipelines in a Class 1 or 2 location.

(2) Pipelines in a Class 3 location defined by Sec. 192.5(d)(2) that are marked in accordance with Sec. 192.707.

(3) Pipelines to which access is physically controlled by the operator.

(4) Pipelines that are part of a petroleum gas system subject to Sec. 192.11 or part of a distribution system operated by a person in connection with that person's leasing of real property or by a condominium or cooperative association.

Sec. 192.615 Emergency plans.

(a) Each operator shall establish written procedures to minimize the hazard resulting from a gas pipeline emergency. At a minimum, the procedures must provide for the following:

(1) Receiving, identifying, and classifying notices of events which require immediate response by the operator.

(2) Establishing and maintaining adequate means of communication with appropriate fire, police, and other public officials.

(3) Prompt and effective response to a notice of each type of emergency, including the following:

(i) Gas detected inside or near a building.

(ii) Fire located near or directly involving a pipeline facility.

(iii) Explosion occurring near or directly involving a pipeline facility.

(iv) Natural disaster.

(4) The availability of personnel, equipment, tools, and materials, as needed at the scene of an emergency.

(5) Actions directed toward protecting people first and then property.

(6) Emergency shutdown and pressure reduction in any section of the operator's pipeline system necessary to minimize hazards to life or property.

(7) Making safe any actual or potential hazard to life or property.

(8) Notifying appropriate fire, police, and other public officials of gas pipeline emergencies and coordinating with them both planned responses and actual responses during an emergency.

(9) Safely restoring any service outage.

(10) Beginning action under Sec. 192.617, if applicable, as soon after the end of the emergency as possible.

(b) Each operator shall—

(1) Furnish its supervisors who are responsible for emergency action a copy of that portion of the latest edition of the emergency procedures established under paragraph (a) of this section as necessary for compliance with those procedures.

(2) Train the appropriate operating personnel to assure that they are knowledgeable of the emergency procedures and verify that the training is effective.

(3) Review employee activities to determine whether the procedures were effectively followed in each emergency.

(c) Each operator shall establish and maintain liaison with appropriate fire, police, and other public officials to—

(1) Learn the responsibility and resources of each government organization that may respond to a gas pipeline emergency;

(2) Acquaint the officials with the operator's ability in responding to a gas pipeline emergency;

(3) Identify the types of gas pipeline emergencies of which the operator notifies the officials; and

(4) Plan how the operator and officials can engage in mutual assistance to minimize hazards to life or property.

(d) Each operator shall establish a continuing educational program to enable customers, the public, appropriate government organizations, and persons engaged in excavation related activities to recognize a gas pipeline emergency for the purpose of reporting it to the operator or the appropriate public officials. The program and the media used must be as comprehensive as necessary to reach all areas in which the operator transports gas. The program must be conducted in English and in other languages commonly understood by a significant number and concentration of the non-English speaking population in the operator's area.

Sec. 192.617 Investigation of failures.

Each operator shall establish procedures for analyzing accidents and failures, including the selection of samples of the failed facility or equipment for laboratory examination, where appropriate, for the purpose of determining the causes of the failure and minimizing the possibility of a recurrence.

Sec. 192.619 Maximum allowable operating pressure: steel or plastic pipelines.

(a) Except as provided in paragraph (c) of this section, no person may operate a segment of steel or plastic pipeline at a pressure that exceeds the lowest of the following:

(1) The design pressure of the weakest element in the segment, determined in accordance with Subparts C and D of this part.

(2) The pressure obtained by dividing the pressure to which the segment was tested after construction as follows:

(i) For plastic pipe in all locations, the test pressure is divided by a factor of 1.5.

(ii) For steel pipe operated at 100 p.s.i.g. or more, the test pressure is divided by a factor determined in accordance with the following table:

Class location	Factors*, segment-		
	Installed before Nov. 12, 1970	Installed after Nov. 11, 1970	Converted under Sec. 192.14
1	1.1	1.1	1.25
2	1.25	1.25	1.25
3	1.4	1.5	1.5
4	1.4	1.5	1.5

*For offshore segments installed, uprated, or converted after July 31, 1977, that are not located on an offshore platform, the factor is 1.25. For segments installed, uprated, or converted after July 31, 1977, that are located on an offshore platform or on a platform in inland navigable waters (including a pipe riser), the factor is 1.5.

(3) The highest actual operating pressure to which the segment was subjected during the 5 years preceding July 1, 1970, (or in the case of offshore gathering lines, July 1, 1976), unless the segment was tested in accordance with paragraph (a)(2) of this section after July 1, 1965, (or in the case of offshore gathering lines, July 1, 1971), or the segment was uprated in accordance with Subpart K of this part.

(4) For furnace butt welded steel pipe, a pressure equal to 60 percent of the mill test pressure to which the pipe was subjected.

(5) For steel pipe other than furnace butt welded pipe, a pressure equal to 85 percent of the highest test pressure to which the pipe has been subjected, whether by mill test or by the post installation test.

(6) The pressure determined by the operator to be the maximum safe pressure after considering the history of the segment, particularly known corrosion and the actual operating pressure.

(b) No person may operate a segment to which paragraph (a)(6) of this section is applicable, unless over-pressure protective devices are installed on the segment in a manner that will prevent the maximum allowable operating pressure from being exceeded, in accordance with Sec. 192.195.

(c) Notwithstanding the other requirements of this section, an operator may operate a segment of pipeline found to be in satisfactory condition, considering its operating and maintenance history, at the highest actual operating pressure to which the segment was subjected during the 5 years preceding July 1, 1970, or in the case of offshore gathering lines, July 1, 1976, subject to the requirements of Sec. 192.611.

Sec. 192.621 Maximum allowable operating pressure: high-pressure distribution systems.

(a) No person may operate a segment of a high pressure distribution system at a pressure that exceeds the lowest of the following pressures, as applicable:

(1) The design pressure of the weakest element in the segment, determined in accordance with Subparts C and D of this part.

(2) 60 p.s.i.g. for a segment of a distribution system otherwise designed to operate at over 60 p.s.i.g., unless the service lines in the segment are equipped with service regulators or other pressure limiting devices in series that meet the requirements of Sec. 192.197(c).

(3) 25 p.s.i.g. in segments of cast iron pipe in which there are unreinforced bell and spigot joints.

(4) The pressure limits to which a joint could be subjected without the possibility of its parting.

(5) The pressure determined by the operator to be the maximum safe pressure after considering the history of the segment, particularly known corrosion and the actual operating pressures.

(b) No person may operate a segment of pipeline to which paragraph (a)(5) of this section applies, unless overpressure protective devices are installed on the segment in a manner that will prevent the maximum allowable operating pressure from being exceeded, in accordance with Sec. 192.195.

Sec. 192.623 Maximum and minimum allowable operating pressure: low-pressure distribution systems.

(a) No person may operate a low-pressure distribution system at a pressure high enough to make unsafe the operation of any connected and properly adjusted low-pressure gas burning equipment.

(b) No person may operate a low-pressure distribution system at a pressure lower than the minimum pressure at which the safe and continuing operation of any connected and properly adjusted low-pressure gas burning equipment can be assured.

Sec. 192.625 Odorization of gas

(a) No person engaged in the business of handling, storing, selling, or distributing natural and other toxic or combustible odorless gases, except liquefied petroleum gases, shall operate a gathering, distribution or transmission pipeline, unless the gas is malodorized in accordance with this regulation.

(b) Natural gas, or any toxic or combustible odorless gas, in a distribution line must contain a natural odorant or be odorized so that at a concentration in air of one-fifth of the lower explosive limit, the gas is readily detectable by a person with a normal sense of smell at any point in the line where odorization is required.

(c) Natural gas, or any toxic or combustible odorless gas, in a gathering or transmission line in a Class 3 or Class 4 location must contain a natural odorant or be odorized so that at a concentration in air of one-fifth of the lower explosive limit, the gas is readily detectable by a person with a normal sense of smell at any point in the line where odorization is required, unless—

(1) At least 50 percent of the length of the line downstream from that location is in a Class 1 or Class 2 location;

(2) The line transports gas to any of the following facilities.

- (i) An underground storage field;
- (ii) A gas processing plant;
- (iii) A gas dehydration plant; or
- (iv) An industrial plant using gas in a process where the presence of an odorant:

(A) Makes the end product unfit for the purpose for which it is intended;

(B) Reduces the activity of a catalyst; or

(C) Reduces the percentage completion of a chemical reaction; or

(3) In the case of a lateral line which transports gas to a dis-

tribution center or industrial complex, at least 50 percent of the length of that line is in a Class 1 or Class 2 location.

(d) In the case of a farm tap location on a gathering, transmission or distribution system, it shall be the responsibility of the person(s) selling natural gas to the end user through such farm tap to odorize the natural gas in accordance with this regulation.

(e) If gas is delivered into facilities which would be exempt by (c), and this exempt gas is also being used in one of the facilities for space heating, refrigeration, water heating, cooking and other domestic uses, or if such gas is used for furnishing heat, or air conditioning for office or living quarters, the end user of such gas shall malodorize it in accordance with these regulations.

(f) In the concentrations in which it is used, the malodorant in gases must comply with the following:

(1) The malodorant may not be deleterious to persons, materials, or pipe.

(2) The products of combustion from the malodorant may not be toxic when breathed nor may they be corrosive or harmful to those materials to which the products of combustion will be exposed.

(3) The malodorant may not be soluble in water to an extent greater than 2.5 parts to 100 parts by weight.

(g) Equipment for malodorization must introduce the malodorant without wide variations in the level of malodorant. The method of using malodorant and the containers and equipment used are subject to the approval of the Commissioner of Conservation and must meet the following requirements;

(1) Malodorant must be detectable as specified in paragraph (b) at the most remote locations in the system.

(2) Odorizing equipment may be of the wick type for systems handling 10,000 MCF/year or less. For systems handling over 10,000 MCF/year, absorption by-pass or liquid injection type must be used.

(3) By-pass type odorizers must be equipped with a differential valve or orifice to create a differential sufficient to cause a flow of gas across the odorizer at minimum flow.

(4) The flow through the odorizer is to be controlled by means of a flow control or metering valve located on the inlet side of the odorizer. The size of the valve shall be large enough to deliver sufficient by-passed gas across the odorizer during maximum flow periods to assure adequate odorization.

(5) The minimum approved malodorant injection rates for compliance with this part shall be 0.3 lb. per MMCF. Compliance with the minimum injection rate requirement does not relieve a person from meeting the requirements of (b) above.

(6) At the request of any gas company or affected person or upon the request of the Commissioner of Conservation, the Office of Conservation shall determine, after examination of any gas having a natural malodorant, the necessary rate of injection of additional malodorant, if any, which shall be necessary to meet the requirements of (b) herein as an exception to the approved injection rates.

(7) The person subject to these rules must provide sufficient test points within each distribution system for use by the Commissioner's staff to check the adequacy of odorization within the system. The test points must be of ¼ inch threaded tap with pressure not to exceed 5 psi and located at remote locations approved by the Commissioner.

(h) Quarterly Reports

(1) Each person subject to these regulations shall conduct quarterly sampling of toxic or combustible odorless gases required to be malodorized to assure the proper concentration of odorant in accordance with this section. Each person subject to these rules shall report quarterly to the Office of Conservation the following information:

(A) The kind or kinds of malodorant agents introduced into such gas during the calendar quarter;

(B) The quantity of each kind of malodorant agent used during each quarter; and

(C) The quantity of gas odorized by each malodorant agent used during each quarter.

Farm taps, which shall include 10 or less users with no common service line or main and which originate at a single tap on a transmission line, shall be sampled on an annual basis. Reports on usage of odorant shall be made annually for Farm Taps.

(2) In the event a person subject to these regulations shall fail to timely file an odorization report or file an odorization report which on its face shows non-compliance, the person may be put on remedial status after written notice of such status and be required to report odorization monthly within thirty days after the close of each month or for such other interval and for such period of time as shall be necessary to remedy the deficiencies in his odorization report or reports.

(i) Persons who fail to comply with the provisions of this subpart after January 1, 1983, shall be subject to the penalty provision contained in Act 754 in Louisiana Revised Statutes, Title 33:4525 or Louisiana Revised Statutes, Title 40:1896. The penalty specified in the cited provisions is one thousand dollars for each day of non-compliance therewith.

Sec. 192.627 Tapping pipelines under pressure.

Each tap made on a pipeline under pressure must be performed by a crew qualified to make hot taps.

Sec. 192.629 Purging of pipelines.

(a) When a pipeline is being purged of air by use of gas, the gas must be released into one end of the line in a moderately rapid and continuous flow. If gas cannot be supplied in sufficient quantity to prevent the formation of a hazardous mixture of gas and air, a slug of inert gas must be released into the line before the gas.

(b) When a pipeline is being purged of gas by use of air, the air must be released into one end of the line in a moderately rapid and continuous flow. If air cannot be supplied in sufficient quantity to prevent the formation of a hazardous mixture of gas and air, a slug of inert gas must be released into the line before the air.

SUBPART M - Maintenance

Sec. 192.701 Scope.

This subpart prescribes minimum requirements for maintenance of pipeline facilities.

Sec. 192.703 General.

(a) No person may operate a segment of pipeline unless it is maintained in accordance with this subpart.

(b) Each segment of pipeline that becomes unsafe must be replaced, repaired, or removed from service.

(c) Hazardous leaks must be repaired promptly.

Sec. 192.705 Transmission lines: Patrolling.

(a) Each operator shall have a patrol program to observe surface conditions on and adjacent to the transmission line right-of-way for indications of leaks, construction activity, and other factors affecting safety and operation.

(b) The frequency of patrols is determined by the size of the line, the operating pressures, the class location, terrain, weather, and other relevant factors, but intervals between patrols may not be longer than prescribed in the following table:

Class location of line	Maximum interval between patrols	
	At highway and railroad crossings	At all other places
1,2	7½ months; but at least twice each calendar year.	15 months; but at least once each calendar year.
3	4½ months; but at least four times each calendar year.	7½ months; but at least twice each calendar year.
4	4½ months; but at least four times each calendar year.	4½ months; but at least four times each calendar year.

Sec. 192.706 Transmission lines: Leakage surveys.

(a) Each operator of a transmission line shall provide for periodic leakage surveys of the line in its operating and maintenance plan.

(b) Leakage surveys of a transmission line must be conducted at intervals not exceeding 15 months, but at least once each calendar year. However, in the case of a transmission line which transports gas in conformity with Sec 192.625 without an odor or odorant, leakage surveys using leak detector equipment must be conducted—

(1) In Class 3 locations, at intervals not exceeding 7½ months, but at least twice each calendar year; and

(2) In Class 4 locations, at intervals not exceeding 4½ months, but at least four times each calendar year.

Sec. 192.707 Line markers for mains and transmission lines.

(a) Buried pipelines: Except as provided in paragraph (b) of this section, a line marker must be placed and maintained as close as practical over each buried main and transmission line—

(1) At each crossing of a public road, railroad, and navigable waterway; and

(2) Wherever necessary to identify the location of the transmission line or main to reduce the possibility of damage or interference.

However, until January 1, 1978, paragraphs (a)(1) and (a)(2) of this section do not apply to mains installed before April 21, 1975, and until January 1, 1978, paragraph (a)(1) of this section does not apply to transmission lines installed before April 21, 1975.

(b) Exceptions for buried pipelines: Line markers are not required for buried mains and transmission lines—

(1) Located offshore or under inland navigable waters;

(2) In Class 3 or Class 4 locations—

(i) Where placement of a marker is impractical; or

(ii) Where a damage prevention program is in effect under

Sec. 192.614; or

(3) In the case of navigable waterway crossings, within 100 feet of a line marker placed and maintained at that waterway in accordance with this section.

(c) Pipeline aboveground: Line markers must be placed and maintained along each section of a main and transmission line that is located aboveground in an area accessible to the public.

(d) Markers other than at navigable waterways: The following must be written legibly on a background of sharply contrasting color on each line marker not placed at a navigable waterway:

(1) The word "Warning," "Caution," or "Danger" followed by the words "Gas (or name of gas transported) Pipeline" all of which, except for markers in heavily developed urban areas, must be in letters at least one inch high with one-quarter inch stroke.

(2) The name of the operator and the telephone number

(including area code) where the operator can be reached at all times.

(e) Markers at navigable waterways. Each line marker at a navigable waterway must have the following characteristics:

(1) A sign, rectangular in shape, with a narrow strip along each edge colored international orange and the area between lettering on the sign and boundary strips colored white.

(2) Written on the sign in block style, black letters—

(i) The word “Warning,” “Caution,” or “Danger,” followed by the words “Do Not Anchor or Dredge” and the words “Gas (or name of gas transported) Pipeline Crossing”; and

(ii) The name of the operator and the telephone number (including area code) where the operator can be reached at all times.

(3) In overcast daylight, the sign is visible and the writing required by paragraph (e)(2)(i) of this section is legible, from approaching or passing vessels that may damage or interfere with the pipeline.

(f) Existing markers: Line markers installed before April 21, 1975, which do not comply with paragraph (d) or (e) of this section may be used until January 1, 1980.

Sec. 192.709 Transmission lines: record-keeping.

Each operator shall keep records covering each leak discovered, repair made, transmission line break, leakage survey, line patrol, and inspection, for as long as the segment of transmission line involved remains in service.

Sec. 192.711 Transmission lines: general requirements for repair procedures.

(a) Each operator shall take immediate temporary measures to protect the public whenever—

(1) A leak, imperfection, or damage that impairs its serviceability is found in a segment of steel transmission line operating at or above 40 percent of the SMYS; and

(2) It is not feasible to make a permanent repair at the time of discovery. As soon as feasible, the operator shall make permanent repairs.

(b) Except as provided in Sec. 192.717(a)(3), no operator may use a welded patch as a means of repair.

Sec. 192.713 Transmission lines: permanent field repair of imperfections and damages.

(a) Except as provided in paragraph (b) of this section, each imperfection or damage that impairs the serviceability of a segment of steel transmission line operating at or above 40 percent of SMYS must be repaired as follows:

(1) If it is feasible to take the segment out of service, the imperfection or damage must be removed by cutting out a cylindrical piece of pipe and replacing it with pipe of similar or greater design strength.

(2) If it is not feasible to take the segment out of service, a full encirclement welded split sleeve of appropriate design must be applied over the imperfection or damage.

(3) If the segment is not taken out of service, the operating pressure must be reduced to a safe level during the repair operations.

(b) Submerged offshore pipelines and submerged pipelines in inland navigable waters may be repaired by mechanically applying a full encirclement split sleeve of appropriate design over the imperfection or damage.

Sec. 192.715 Transmission lines: permanent field repair of welds.

Each weld that is unacceptable under Sec. 192.241(c) must be repaired as follows:

(a) If it is feasible to take the segment of transmission line out of service, the weld must be repaired in accordance with the applicable requirements of Sec. 192.245.

(b) A weld may be repaired in accordance with Sec. 192.245 while the segment of transmission line is in service if—

(1) The weld is not leaking;

(2) The pressure in the segment is reduced so that it does not produce a stress that is more than 20 percent of the SMYS of the pipe; and

(3) Grinding of the defective area can be limited so that at least $\frac{1}{8}$ -inch thickness in the pipe weld remains.

(c) A defective weld which cannot be repaired in accordance with paragraph (a) or (b) of this section must be repaired by installing a full encirclement welded split sleeve of appropriate design.

Sec. 192.717 Transmission lines: permanent field repair of leaks.

(a) Except as provided in paragraph (b) of this section, each permanent field repair of a leak on a transmission line must be made as follows:

(1) If feasible, the segment of transmission line must be taken out of service and repaired by cutting out a cylindrical piece of pipe and replacing it with pipe of similar or greater design strength.

(2) If it is not feasible to take the segment of transmission line out of service, repairs must be made by installing a full encirclement welded split sleeve of appropriate design, unless the transmission line—

(i) Is joined by mechanical couplings; and

(ii) Operates at less than 40 percent of SMYS.

(3) If the leak is due to a corrosion pit, the repair may be made by installing a properly designed bolt-on-leak clamp; or, if the leak is due to a corrosion pit and on pipe of not more than 40,000 p.s.i. SMYS, the repair may be made by fillet welding over the pitted area a steel plat patch with rounded corners, of the same or greater thickness than the pipe, and not more than one-half of the diameter of the pipe in size.

(b) Submerged offshore pipelines and submerged pipelines in inland navigable waters may be repaired by mechanically applying a full encirclement split sleeve of appropriate design over the leak.

Sec. 192.719 Transmission lines: testing of repairs.

(a) Testing of replacement pipe.

(1) If a segment of transmission line is repaired by cutting out the damaged portion of the pipe as a cylinder, the replacement pipe must be tested to the pressure required for a new line installed in the same location.

(2) The test required by subparagraph (1) of this paragraph may be made on the pipe before it is installed, but all field girth butt welds that are not strength tested must be tested after installation by nondestructive tests meeting the requirements of Sec. 192.243.

(b) Testing of repairs made by welding. Each repair made by welding in accordance with Secs. 192.713, 192.715, and 192.717 must be examined in accordance with Sec. 192.241.

Sec. 192.721 Distribution systems: patrolling.

(a) The frequency of patrolling mains must be determined by the severity of the conditions which could cause failure or leakage, and the consequent hazards to public safety.

(b) Mains in place or on structures where anticipated physical movement or external loading could cause failure or leakage must be patrolled at intervals not exceeding 4 $\frac{1}{4}$ months, but at least four times each calendar year.

Sec. 192.723 Distribution systems: leakage surveys and procedures.

(a) Each operator of a distribution system shall provide for periodic leakage surveys in its operating and maintenance plan.

(b) The type and scope of the leakage control program must be determined by the nature of the operations and the local

conditions, but it must meet the following minimum requirements:

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

(2) Leakage surveys of the distribution system outside of the principal business areas must be made as frequently as necessary, but at intervals not exceeding 5 years.

Sec. 192.725 Test requirements for reinstating service lines.

(a) Except as provided in paragraph (b) of this section, each disconnected service line must be tested in the same manner as a new service line, before being reinstated.

(b) Each service line temporarily disconnected from the main must be tested from the point of disconnection to the service line valve in the same manner as a new service line, before reconnecting. However, if provisions are made to maintain continuous service, such as by installation of a bypass, any part of the original service line used to maintain continuous service need not be tested.

Sec. 192.727 Abandonment or inactivation of facilities.

(a) Each operator shall provide in its operating and maintenance plan for abandonment or deactivation of pipelines, including provisions for meeting each of the requirements of this section.

(b) Each pipeline abandoned in place must be disconnected from all sources and supplies of gas; purged of gas; in the case of offshore pipelines, filled with water or inert materials; and sealed at the ends. However, the pipeline need not be purged when the volume of gas is so small that there is no potential hazard.

(c) Except for service lines, each inactive pipeline that is not being maintained under this part must be disconnected from all sources and supplies of gas; purged of gas; in the case of offshore pipelines, filled with water or inert materials; and sealed at the ends. However, the pipeline need not be purged when the volume of gas is so small that there is not potential hazard.

(d) Whenever service to a customer is disconnected, one of the following must be complied with:

(1) The valve that is closed to prevent the flow of gas to the customer must be provided with a locking device or other means designed to prevent the opening of the valve by persons other than those authorized by the operator.

(2) A mechanical device or fitting that will prevent the flow of gas must be installed in the service line or in the meter assembly.

(3) The customer's piping must be physically disconnected from the gas supply and the open pipe ends sealed.

(e) If air is used for purging, the operator shall insure that a combustible mixture is not present after purging.

(f) Each abandoned vault must be filled with a suitable compacted material.

Sec. 192.729 Compressor stations: procedures for gas compressor units.

Each operator shall establish starting, operating, and shut-down procedures for gas compressor units.

Sec. 192.731 Compressor stations: inspection and testing of relief devices.

(a) Except for rupture discs, each pressure relieving device in a compressor station must be operated periodically to determine that it opens at the correct set pressure.

(b) Any defective or inadequate equipment found must be promptly repaired or replaced.

(c) Each remote control shutdown device must be inspected and tested, at intervals not exceeding 15 months, but at least once each calendar year, to determine that it functions properly.

Sec. 192.733 Compressor stations: isolation of equipment for maintenance or alterations.

Each operator shall establish procedures for maintaining compressor stations, including provisions for isolating units or sections of pipe and for purging before returning to service.

Sec. 192.735 Compressor stations: storage of combustible materials.

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

(b) Aboveground oil or gasoline storage tanks must be protected in accordance with National Fire Protection Association Standard No. 30.

Sec. 192.737 Pipe-type and bottle-type holders: plan for inspection and testing.

Each operator having a pipe-type or bottle-type holder shall establish a plan for the systematic, routine inspection and testing of these facilities, including the following:

(a) Provision must be made for detecting external corrosion before the strength of the container has been impaired.

(b) Periodic sampling and testing of gas storage must be made to determine the dew point of vapors contained in the stored gas, that if condensed, might cause internal corrosion or interfere with the safe operation of the storage plant.

(c) The pressure control and pressure limiting equipment must be inspected and tested periodically to determine that it is in a safe operating condition and has adequate capacity.

Sec. 192.739 Pressure limiting and regulating stations: inspection and testing.

Each pressure limiting station, relief device (except rupture discs), and pressure regulating station and its equipment must be subjected, at intervals not exceeding 15 months, but at least once each calendar year, to inspections and tests to determine that it is—

(a) In good mechanical condition;

(b) Adequate from the standpoint of capacity and reliability of operation for the service in which it is employed;

(c) Set to function at the correct pressure; and

(d) Properly installed and protected from dirt, liquids, or other conditions that might prevent proper operation.

Sec. 192.741 Pressure limiting and regulating stations: telemetering or recording gages.

(a) Each distribution system supplied by more than one district pressure regulating station must be equipped with telemetering or recording pressure gages to indicate the gas pressure in the district.

(b) On distribution systems supplied by a single district pressure regulating station, the operator shall determine the necessity of installing telemetering or recording gages in the district, taking into consideration the number of customers supplied, the operating pressures, the capacity of the installation, and other operating conditions.

(c) If there are indications of abnormally high- or low-pressure, the regulator and the auxiliary equipment must be inspected and the necessary measures employed to correct any unsatisfactory operating conditions.

Sec. 192.743 Pressure limiting and regulating stations: testing of relief devices.

(a) If feasible, pressure relief devices (except rupture discs) must be tested in place at intervals not exceeding 15 months, but at least once each calendar year, to determine that they have enough capacity to limit the pressure on the facilities to which they are connected to the desired maximum pressure.

(b) If a test is not feasible, review and calculation of the required capacity of the relieving device at each station must be made,

at intervals not exceeding one year, and these required capacities compared with the rated or experimentally determined relieving capacity of the device for the operating conditions under which it works.

(c) If the relieving device is of insufficient capacity, a new or additional device must be installed to provide the additional capacity required.

Sec. 192.745 Valve maintenance: transmission lines.

Each transmission line valve that might be required during any emergency must be inspected partially operated at intervals not exceeding 15 months, but at least once each calendar year.

Sec. 192.747 Valve maintenance: distribution systems.

Each valve, the use of which may be necessary for the safe operation of a distribution system, must be checked and serviced at intervals not exceeding 15 months, but at least once each calendar year.

Sec. 192.749 Vault maintenance.

(a) Each vault housing pressure regulating and pressure limiting equipment, and having a volumetric internal content of 200 cubic feet or more, must be inspected at intervals not exceeding 15 months, but at least once each calendar year, to determine that it is in good physical condition and adequately ventilated.

(b) If gas is found in the vault, the equipment in the vault must be inspected for leaks, and any leaks found must be repaired.

(c) The ventilating equipment must also be inspected to determine that it is functioning properly.

(d) Each vault cover must be inspected to assure that it does not present a hazard to public safety.

Sec. 192.751 Prevention of accidental ignition.

Each operator shall take steps to minimize the danger of accidental ignition of gas in any structure or area where the presence of gas constitutes a hazard of fire or explosion, including the following:

(a) When a hazardous amount of gas is being vented into open air, each potential source of ignition must be removed from the area and a fire extinguisher must be provided.

(b) Gas or electric welding or cutting may not be performed on pipe or on pipe components that contain a combustible mixture of gas and air in the area of work.

(c) Post warning signs, where appropriate.

Sec. 192.753 Caulked bell and spigot joints.

(a) Each cast-iron caulked bell and spigot joint that is subject to pressures of 25 p.s.i.g. or more must be sealed with:

(1) A mechanical leak clamp; or

(2) A material or device which—

(i) Does not reduce the flexibility of the joint;

(ii) Permanently bonds, either chemically or mechanically, or both, with the bell and spigot metal surfaces or adjacent pipe metal surfaces; and

(iii) Seals and bonds in a manner that meets the strength, environmental, and chemical compatibility requirements of Secs. 192.53(a) and (b) and 192.143.

(b) Each cast iron caulked bell and spigot joint that is subject to pressures of less than 25 p.s.i.g. and is exposed for any reason, must be sealed by a means other than caulking.

Sec. 192.755 Protecting cast-iron pipelines.

When an operator has knowledge that the support for a segment of a buried cast-iron pipeline is disturbed:

(a) That segment of the pipeline must be protected, as necessary, against damage during the disturbance by:

(1) Vibrations from heavy construction equipment, trains, trucks, buses, or blasting;

(2) Impact forces by vehicles;

(3) Earth movement;

(4) Apparent future excavations near the pipeline; or

(5) Other foreseeable outside forces which may subject that segment of the pipeline to bending stress.

(b) As soon as feasible, appropriate steps must be taken to provide permanent protection for the disturbed segment from damage that might result from external loads, including compliance with applicable requirements of Secs. 192.317(a), 192.319, and 192.361(b)-(d).

APPENDIX A - INCORPORATED BY REFERENCE

(46 FR 10157, Feb. 2, 1981 and 46 FR 10706, Feb. 4, 1981, effective March 31, 1981).

I. List of organizations and address.

- A. American National Standards Institute (ANSI)
1430 Broadway
New York, N.Y. 10018
- B. American Petroleum Institute (API)
1801 K Street N.W.
Washington, D.C. 20006 or
300 Corrigan Tower Building
Dallas, TX 75201
- C. The American Society of Mechanical Engineers (ASME)
United Engineering Center
345 East 47th Street
New York, N.Y. 10017
- D. American Society for Testing and Materials (ASTM)
1916 Race Street
Philadelphia, PA 19103
- E. Manufacturers Standardization Society of the Valve and Fittings Industry (MSS)
5203 Leesburg Pike
Suite 502
Falls Church, VA 22041

F. National Fire Protection Association (NFPA)
470 Atlantic Avenue
Boston, Massachusetts 02110

II. Documents incorporated by reference. Numbers in parentheses indicate applicable editions.

A. American Petroleum Institute:

1. API Specification 5A "API Specification for Casing, Tubing, and Drill Pipe" (1979).
2. API Specification 6A "API Specification for Wellhead Equipment" (1979).
3. API Specification 6D "API Specification for Pipeline Valves" (1977).
4. API Specification 5L "API Specification for Line Pipe" (1980).
5. API Specification 5LS "API Specification for Spiral-Weld Line Pipe" (1980).
6. API Specification 5LX "API Specification for High-Test Line Pipe" (1980).
7. API Recommended Practice 5LI "API Recommended Practice for Railroad Transportation of Line Pipe" (1972).
8. API Standard 1104 "Standard for Welding Pipelines and Related Facilities" (1980).

B. The American Society for Testing and Materials:

1. ASTM Specification A53 "Standard Specification for Pipe, Steel, Black and Hot-Dipped, Zinc-Coated Welded and Seamless" (A53-79).
2. ASTM Specification A106 "Standard Specification for Seamless Carbon Steel Pipe for High-Temperature Service" (A106-79b).
3. ASTM Specification A134 "Standard Specification for Electric-Fusion (Arc)-Welded Steel Plate Pipe, Sizes 16 inches and over" (A134-74).
4. ASTM Specification A135 "Standard Specification for Electric Resistance-Welded Steel Pipe" (A135-79).
5. ASTM Specification A139 "Standard Specification for Electric-Fusion (Arc)-Welded Steel Pipe (Sizes 4 inch and over)" (A139-74).
6. ASTM Specification A671 "Electric-Fusion-Welded Steel Pipe for Atmospheric and Lower Temperatures" (A671-77).
7. ASTM Specification A672 "Electric-Fusion-Welded Steel Pipe for High-Pressure Service at Moderate Temperatures" (A672-79).
8. ASTM Specification A691 "Carbon and Alloy Steel Pipe, Electric Fusion-Welded for High-Pressure Service at High Temperatures" (A691-79).
9. ASTM Specification A211 "Standard Specification for Spiral-Welded Steel or Iron Pipe" (A211-75).
10. ASTM Specification A333 "Standard Specification for Seamless and Welded Steel Pipe for Low Temperature Service" (A333-79).
11. ASTM Specification A372 "Standard Specification for Carbon and Alloy Steel Forgings for Thin-Walled Pressure Vessels" (A372-78).
12. ASTM Specification A377 "Standard Specifications for Grey Iron and Ductile Iron Pressure Pipe" (A377-79).
13. ASTM Specification A381 "Standard Specification for Metal-Arc-Welded Steel Pipe for use with High-Pressure Transmission Systems" (A381-79).
14. ASTM Specification A539 "Standard Specification for Electric Resistance-welded Coiled Steel Tubing for Gas and Fuel Oil Lines" (A539-79).
15. ASTM Specification B42 "Standard Specification for Seamless Copper Pipe, Standard Sizes" (B42-80).
16. ASTM Specification B68 "Standard Specification for Seamless Copper Tube, Bright Annealed" (B68-80).

17. ASTM Specification B75 "Standard Specification for Seamless Copper Tube" (B75-80).
 18. ASTM Specification B88 "Standard Specification for Seamless Copper Water Tube" (B88-80).
 19. ASTM Specification B251 "Standard Specification for General Requirements for Wrought Seamless Copper and Copper-Alloy Tube" (B251-76).
 20. ASTM Specification D638 "Standard Test Method for Tensile Properties of Plastic" (D638-77a).
 21. ASTM Specification D2513 "Standard Specification for Thermoplastic Gas Pressure Pipe, Tubing, and Fittings" (D2513-78ES).
 22. ASTM Specification D2517 "Standard Specification for Reinforced Epoxy Resin Gas Pressure Pipe and Fittings" (D2517-73) (Reapproved 1979).
- C. The American National Standards Institute, Inc.:
1. ANSI A21.11 "Rubber-Gasket Joints for Ductile-Iron, and Grey Iron Pressure Pipe and Fittings" (A21.11-1979).
 2. ANSI A21.50 "Thickness Design of Ductile-Iron Pipe" (1976).
 3. ANSI A21.52 "Ductile-Iron Pipe, Centrifugally Cast, in Metal Molds or Sand-Lined Molds for Gas" (1976).
 4. ANSI B16.1 "Cast-Iron Pipe Flanges and Flanged Fittings" (1975).
 5. ANSI B16.5 "Steel Pipe Flanges and Flanged Fittings" (1977).
 6. ANSI B16.24 "Bronze Pipe Flanges and Flanged Fitting" (1979).
 7. ANSI B36.10 "Wrought Steel and Wrought Iron Pipe" (1979).
 8. ANSI C101-67 "Thickness Design of Cast-Iron Pipe" (C101-67-1977).
- D. The American Society of Mechanical Engineers:
1. ASME Boiler and Pressure Vessel Code, Section VIII "Pressure Vessels Division 1" (1977).
 2. ASME Boiler and Pressure Vessel Code, Section IX "Welding Qualifications" (1977).
- E. Manufacturer's Standardization Society of the Valve and Fittings Industry:
1. MSS SP-25 "Standard Marking System for Valves, Fittings, Flanges, and Union" (1978).
 2. MSS SP-44 "Steel Pipe Line Flanges" (1975).
 3. MSS SP-70 "Cast-Iron Gate Valves, Flanged and Threaded Ends" (1976).
 4. MSS SP-71 "Cast-Iron Swing Check Valves, Flanged and Threaded Ends" (1976).
 5. MSS SP-78 "Cast-Iron Plug Valves" (1977).
- F. National Fire Protection Association:
1. NFPA Standard 30 "Flammable and Combustible Liquids Code" (1977).
 2. NFPA Standard 58 "Standard for the Storage and Handling of Liquefied Petroleum Gases" (1979).
 3. NFPA Standard 59 "Standard for the Storage and Handling of Liquefied Petroleum Gases at Utility Gas Plants" (1979).
 4. NFPA Standard 59A "Storage and Handling Liquefied Natural Gas" (1979).
 5. "National Electrical Code" NFPA-70 (ANSI) (1978).

APPENDIX B - QUALIFICATION OF PIPE

- I. Listed Pipe Specifications. Numbers in parantheses indicate applicable editions.

(46 FR 10157, Feb. 2, 1981 and 46 FR 10706, Feb. 4, 1981 effective March 31, 1981)

API 5L - Steel pipe (1980).
 API 5LS - Steel pipe (1980).
 API 5LX - Steel pipe (1980).
 ASTM A53 - Steel pipe (1979).
 ASTM A106 - Steel pipe (1979).
 ASTM A134 - Steel Pipe (1974).
 ASTM A135 - Steel pipe (1979).
 ASTM A139 - Steel pipe (1974).
 ASTM A211 - Steel and iron pipe (1975).
 ASTM A333 - Steel pipe (1979).
 ASTM A377 - Cast iron pipe (1979).
 ASTM A381 - Steel pipe (1979).
 ASTM A539 - Steel tubing (1979).
 ASTM Specification A671 - Steel pipe (1977).
 ASTM Specification A672 - Steel pipe (1979).
 ASTM Specification A691 - Steel pipe (1979).
 ASTM B42 - Copper pipe (1980).
 ASTM B68 - Copper tubing (1980).
 ASTM B75 - Copper tubing (1980).
 ASTM B88 - Copper tubing (1980).
 ASTM B251 - Copper pipe and tubing (1976).
 ASTM D2513 - Thermoplastic pipe and tubing (1978).
 ASTM D2517 - Thermosetting plastic pipe and tubing (1973).
 ANSI A21.52 - Ductile iron pipe (1971).

- II. Steel pipe of unknown or unlisted specification.
- A. Bending properties. For pipe 2 inches or less in diameter, a length of pipe must be cold bent through at least 90 degrees around a cylindrical mandrel that has a diameter 12 times the diameter of the pipe without developing cracks at any portion and without opening the longitudinal weld. For pipe more than 2 inches in diameter, the pipe must meet the requirements of the flattening tests set forth in ASTM A53, except that the number of tests must be at least equal to the minimum required in paragraph II-D of this appendix to determine yield strength.
 - B. Weldability. A girth weld must be made in the pipe by a welder who is qualified under Subpart E of this part. The weld must be made under the most severe conditions under which welding will be allowed in the field and by means of the same procedure that will be used in the field. On pipe more than 4 inches in diameter, at least one test weld must be made for each 100 lengths of pipe. On pipe 4 inches or less in diameter, at least one test weld must be made for each 400 lengths of pipe. The weld must be tested in accordance with API Standard 1104. If the requirements of API Standard 1104 cannot be met, weldability may be established by making chemical tests for carbon and manganese, and proceeding in accordance with section IX of the ASME Boiler and Pressure Vessel Code. The same number of chemical tests must be made as are required for testing a girth weld.
 - C. Inspection. The pipe must be clean enough to permit adequate inspection. It must be visually inspected to ensure that it is reasonably round and straight and there are no defects which might impair the strength or tightness of the pipe.
 - D. Tensile Properties. If the tensile properties of the pipe are not known, the minimum yield strength may be taken as 24,000 psig or less, or the tensile properties may be established by performing tensile tests as set forth in API Standard 5LX. All test specimens shall be selected at random and the following number of tests must be performed:

Number of Tensile Tests - All Sizes:
 10 lengths or less1 set of tests for each length.
 11 to 100 lengths1 set of tests for each 5 lengths,
 but not less than 10 tests.

Over 100 lengths.....1 set of tests for each 10 lengths,
but not less than 20 tests.

If the yield-tensile ratio, based on the properties determined by those tests, exceeds 0.85, the pipe may be used only as provided in 192.55(c).

- III. Steel pipe manufactured before November 12, 1970, to earlier editions of listed specifications. Steel pipe manufactured before November 12, 1970, in accordance with a specification of which a later edition is listed in section I of this appendix, is qualified for use under this part if the following requirements are met:
- A. Inspection. The pipe must be clean enough to permit adequate inspection. It must be visually inspected to ensure that it is reasonably round and straight and that there are no defects which might impair the strength or tightness of the pipe.
 - B. Similarity of specification requirements. The edition of the listed specification under which the pipe was manufactured must have substantially the same requirements with respect to the following properties as a later edition of that specification listed in section I of this appendix:
 - 1. Physical (mechanical) properties of pipe, including yield and tensile strength, elongation, and yield to tensile ratio, and testing requirements to verify those properties.
 - 2. Chemical properties of pipe and testing requirements to verify those properties.
 - C. Inspection or test of welded pipe. On pipe with welded seams, one of the following requirements must be met:
 - 1. The edition of the listed specification to which the pipe was manufactured must have substantially the same requirements with respect to nondestructive inspection of welded seams and the standards for acceptance or rejection and repair as a later edition of the specification listed in section I of this appendix.
 - 2. The pipe must be tested in accordance with Subpart J of this part to at least 1.25 times the maximum allowable operating pressure if it is to be installed in a class 1 location and to at least 1.5 times the maximum allowable operating pressure if it is to be installed in a class 2, 3, or 4 location. Notwithstanding any shorter time period permitted under Subpart J of this part, the test pressure must be maintained for at least 8 hours.

APPENDIX C - QUALIFICATION OF WELDERS FOR LOW STRESS LEVEL PIPE

- I. Basic test. The test is made on pipe 12 inches or less in diameter. The test weld must be made with the pipe in a horizontal fixed position so that the test weld includes at least one section of overhead position welding. The beveling, root opening, and other details must conform to the specifications of the procedure under which the welder is being qualified. Upon completion, the test weld is cut into four coupons and subjected to a root bend test. If, as a result of this test, two or more of the four coupons develop a crack in the weld material, or between the weld material and base metal that is more than 1/8-inch long in any direction, the weld is unacceptable. Cracks that occur on the corner of the specimen testing are not considered.

- II. Additional tests for welders of service line connections to mains. A service line connection fitting is welded to a pipe section with the same diameter as a typical main. The weld is made in the same position as it is made in the field. The weld is unacceptable if it shows a serious undercutting or if it has rolled edges. The weld is tested by attempting to break the fitting off the run pipe. The weld is unacceptable if it breaks and shows incomplete fusion, overlap, or poor penetration at the junction of the fitting and run pipe.
- III. Periodic tests for welders of small service lines. Two samples of the welder's work, each about 8 inches long with the weld located approximately in the center, are cut from steel service line and tested as follows:
1. One sample is centered in a guided bend testing machine bent to the contour of the die for a distance of 2 inches on each side of the weld. If the sample shows any breaks or cracks after removal from the bending machine, it is unacceptable.
 2. The ends of the second sample are flattened and the entire joint subjected to a tensile strength test. If failure occurs adjacent to or in the weld metal, the weld is unacceptable. If a tensile strength testing machine is not available, this sample must also pass the bending test prescribed in subparagraph (1) of this paragraph.

APPENDIX D - CRITERIA FOR CATHODIC
PROTECTION AND DETERMINATION OF MEASUREMENTS

I. Criteria for cathodic protection

A. Steel, cast iron, and ductile iron structures.

1. A negative (cathodic) voltage of at least 0.85 volt[§], with reference to a saturated copper-copper sulfate half cell. Determination of this voltage must be made with the protective current applied, and in accordance with sections II and IV of this appendix.
2. A negative (cathodic) voltage shift of at least 300 millivolts. Determination of this voltage shift must be made with the protective current applied, and in accordance with sections II and IV of this appendix. This criterion of voltage shift applies to structures not in contact with metals of different anodic potentials.
3. A minimum negative (cathodic) polarization voltage shift of 100 millivolts. This polarization voltage shift must be determined in accordance with sections III and IV of this appendix.
4. A voltage at least as negative (cathodic) as that originally established at the beginning of the Tafel segment of the E-log-I curve. This voltage must be measured in accordance with section IV of this appendix.
5. A net protective current from the electrolyte into the structure surface as measured by an earth current technique applied at predetermined current discharge (anodic) points of the structure.

B. Aluminum structures.

1. Except as provided in subparagraphs (3) and (4) of this paragraph, a minimum negative (cathodic) voltage shift of 150 millivolts, produced by the application of protective current. The voltage shift must be determined in accordance with sections II and IV of this appendix.
2. Except as provided in subparagraphs (3) and (4) of this paragraph, a minimum negative (cathodic) polarization voltage shift of 100 millivolts. This polarization voltage shift must be determined in accordance with sections III and IV of this appendix.

3. Notwithstanding the alternative minimum criteria in subparagraphs (1) and (2) of this paragraph, aluminum, if cathodically protected at voltages in excess of 1.20 volts as measured with reference to a copper-copper sulfate half cell, in accordance with section IV of this appendix, and compensated for the voltage (IR) drops other than those across the structure electrolyte boundary may suffer corrosion resulting from the build-up of alkali on the metal surface. A voltage in excess of 1.20 volts may not be used unless previous test results indicate no appreciable corrosion will occur in the particular environment.
 4. Since aluminum may suffer from corrosion under high pH conditions, and since application of cathodic protection tends to increase the pH at the metal surface, careful investigation or testing must be made before applying cathodic protection to stop pitting attack on aluminum structures in environments with a natural pH in excess of 8.
- C. Copper structures. A minimum negative (cathodic) polarization voltage shift of 10 millivolts. This polarization voltage shift must be determined in accordance with sections III and IV of this appendix.
 - D. Metals of different anodic potentials. A negative (cathodic) voltage, measured in accordance with section IV of this appendix, equal to that required for the most anodic metal in the system must be maintained. If amphoteric structures are involved that could be damaged by high alkalinity covered by subparagraphs (3) and (4) of paragraph B of this section, they must be electrically isolated with insulating flanges, or the equivalent.
- II. Interpretation of voltage measurements. Voltage(IR) drops other than those across the structure-electrolyte boundary must be considered for valid interpretation of the voltage measurement in paragraph A(1) and (2) and paragraph B(1) of section I of this appendix.
- III. Determination of polarization voltage shift. The polarization voltage shift must be determined by interrupting the protective current and measuring the polarization decay. When the current is initially interrupted, an immediate voltage shift occurs. The voltage reading after the immediate shift must be used as the base reading from which to measure polarization decay in paragraphs A(3), B(2), and C of section I of this appendix.
- IV. Reference half cells.
- A. Except as provided in paragraphs B and C of this section, negative (cathodic) voltage must be measured between the structure surface and a saturated copper-copper sulfate half cell contacting the electrolyte.
 - B. Other standard reference half cells may be substituted for the saturated copper-copper sulfate half cell. Two commonly used reference half cells are listed below along with their voltage equivalent to 0.85 volt as referred to a saturated copper-copper sulfate half cell:
 1. Saturated KCl calomel half cell: 0.78 volt.
 2. Silver-silver chloride half cell used in sea water: 0.80 volt.
 - C. In addition to the standard reference half cells, an alternate metallic material or structure may be used in place of the saturated copper-copper sulfate half cell if its potential stability is assured and if its voltage equivalent referred to a saturated copper-copper sulfate half cell is established.

Herbert W. Thompson
Commissioner

RULE

**Department of Natural Resources
Office of the Secretary
Fishermen's Gear Compensation Fund**

In accordance with Louisiana Revised Statutes 46:700.1 through 56:700.5, the Fishermen's Gear Compensation Fund, and pursuant to Notice of Intent published May 20, 1984, the Department of Natural Resources has adopted a fee of \$300 per state mineral lease and \$300 per state right-of-way for those leases and rights-of-way located in the Coastal Zone of Louisiana. The fee will be assessed on July 20, 1984, and will apply to all leases and rights-of-way in effect on that date.

William C. Huls
Secretary

9. In Rule 16, amend the second sentence to read:
All JTPA employees of the Service Delivery Area grant recipient and its subrecipients shall be covered by the aforementioned bond.

Also add: Each subrecipient contracted directly with the recipient shall execute a fidelity bond in favor of the Governor in the amount of \$50,000 or the total amount of subgrant/contract, whichever is less. That bond shall cover all JTPA funded employees.

Johnny L. Hodges
Assistant Secretary

RULE

**Department of Transportation and Development
Materials Laboratory**

Notice is hereby given that the Louisiana Department of Transportation and Development has adopted specifications for Gasohol or 10 percent Ethanol Enriched Gasoline, as follows:

Specifications for Gasohol or
10 percent Ethanol Enriched Gasoline

General Description: This specification covers a mixture of gasoline and ethanol in a 90-10 volume mixture for use in automotive internal combustion engines. A green dye shall be used in this mixture to color it so as to differentiate it from normal gasolines, when the gasohol or 10 percent ethanol enriched gasoline qualifies for Louisiana tax exemption.

Detailed Requirements: Gasohol or 10 percent ethanol enriched gasoline shall conform to the following detailed requirements:

Property	
Ethanol, %	9.2-13
Gasoline, %	87-90.8
Flash Point, °F, max.	110
Suspended Matter	None
Water, %, max.	0.30
Sulfur, %, max.	0.25
Reid Vapor Pressure, lbs., max.	13.5
Octane Number, $\left(\frac{R + M}{2}\right)$ Reg. Unleaded	87 89 91
Distillation Data	
Percent Distilled (0-167) °F, min.	10
Percent Distilled (0-284) °F, min.	50
Percent Distilled (0-392) °F, min.	90
Residue, %, max.	2.0
Recovery, %, min.	95
End Point, °F, max.	437
Purity	99.0
Effects on seals, gaskets, packing	None
Effects on human flesh	None
Chemicals used to denature alcohol, %, max.	5.0
Water, %, max.	1.0

RULE

**Department of Labor
Office of Labor**

The following is a list of proposed additions and amendments to the State Job Training Partnership Act Rules and Regulations.

1. Rule 1(0)(2)(2), change the wording "handicapped adult" to "handicapped individual". This will allow handicapped youths to be considered as a family of one.

2. Add Rule 33 to read as follows:

The Governor or his designee reserves the right to issue directives, instructions, or other issuances to the Service Delivery Areas (SDA's), Grant Recipients, Administrative Entities and other sub-recipients in order to carry out his responsibility as required by the Act.

3. Add Rule 34 to read as follows:

All existing nonexpendable Comprehensive Employment and Training Act (CETA) property with an acquisition cost of less than \$1,000 per unit may be used by the possessing recipient, SDA grant recipient, administrative entity, or State agency holding title, to satisfy the matching requirements of the Act in accordance with State Rules No. 1(MM) and 1(NN).

4. Amend Rule 1(MM) as indicated below:

After the words "matching funds" in the first sentence, add the words "for Title III".

5. Add Rule 1(NN) to read as follows:

Matching funds for 8% programs shall include all non-JTPA funds, whether in cash or in kind, used in direct support of employment or training services provided by State or local educational agencies.

6. Add Rule 1(AA)(3) to read as follows:

For State operated programs, the area of demonstrated performance may include the entire State.

7. Amend Rule 9 to add the following:

Other subrecipients contracted directly by the recipient will be audited every two years by an organization selected by the recipient.

8. Amend Rule 11 to add the following to the last sentence:

"If such provisions is included in their subgrant/contract".

Labeling on the face of the pumps with the word gasohol or 10 percent ethanol enriched gasoline using black letters at least one inch in height on yellow background is required.

Methods of blending at jobber top-loading rack: Loading arm must be equipped with the drop pipes and flow deflectors. Fill the tank truck compartment 90 percent of the compartment's volume with gasoline. Complete the filling of the compartment with 10 percent ethanol. Due to the slow loading rate of jobbers' racks, it is recommended that the alcohol and the gasoline be at approximately the same temperature.

Methods of blending at bottom-load terminals: Fill the transport compartment 10 percent of compartment's volume with alcohol. Bottom-load to the compartment's capacity with gasoline. The difference in product's temperatures is not as critical here as in tank wagon top-loading.

Storage stability in previously used gasoline tanks: The alcohol in gasohol or 10 percent ethanol enriched gasoline will remove, very efficiently, varnish oxidized gasoline, and rust from the inside walls of previously used gasoline tanks. Because of this fact, any tank must be RESTED FOR 24 HOURS AND THE BOTTOM THIEFED before this product can be dispensed. Due to the vapor pressure of this product, it is recommended that a P-V vent be placed on all tanks which have a slow product withdrawal rate in order to protect and maintain the octane number. It is a #548A 2 inch thread 16-ounce pressure, 1-ounce vacuum #6 mesh screen. The standard vapor recovery P-V vent is not applicable for gasohol or 10 percent ethanol enriched gasoline service.

Storage stability in new gasoline tanks: Any new tank must be graded down three inches to the fill stack at the "A" end of the tank. This is so that the water bottom can be thiefed out. The suction stub should not be any farther than three inches from the bottom of the tank. Under no circumstances should a fill stack be placed in the center of a tank unless an opening is provided to thief the tank at the low ("A") end. Due to high vapor pressure of alcohol blending stocks, a P-V vent should be placed on the vent riser discharge. All fill stacks must have interior drop tubes. All gasohol or 10 percent ethanol enriched gasoline storage tanks over 1,500 gallons must also have drop tubes.

Robert G. Graves
Secretary

RULE

Department of Urban and Community Affairs Office of Planning and Technical Assistance

Louisiana Community Development Block Grant (LCDBG) Program FY 1984 Final Statement

I. PROGRAM OBJECTIVES. The Small Cities Program provides grants to units of general local government in nonentitlement areas to undertake community development activities. The Small Cities Program, however, is competitive in nature and the demand for funds far exceeds the amount available. Therefore, eligible applicants selected for funding will be those communities having the greatest need as evidenced by poverty, and whose applications most adequately address locally-determined needs of low and moderate income persons, consistent with one or more of the following LCDBG Program objectives and consistent with the national objectives as defined in the Housing and Community Development Act of 1974 (Section 104 (b) (3)), as amended:

(1) Strengthen community economic development through the creation of jobs, stimulation of private investment, and community revitalization.

(2) Elimination of slums and blight and the prevention of blighting influences.

(3) Elimination of conditions which are detrimental to health, safety, and public welfare.

(4) Benefit low to moderate income persons.

II. GENERAL.

A. DEFINITIONS. For the purpose of the LCDBG program or as used in the regulations, the term:

(a) "Unit of general local government" means any municipality or parish government of the State of Louisiana.

(b) "Low-Moderate Income Persons" are defined as those having income within the Section 8 income limits as determined by the Secretary of Housing and Urban Development. (See Appendices 1 and 2.)

(c) "General Distress" means a combination of indices which reflect the overall fiscal status of a locality. Factors included are: percentage (%) and number of poverty persons. (Data compiled from state and federal sources.)

(d) "Auxiliary Activities" means a minor activity which directly supports a major activity in one program area (Housing, Public Facilities). Note: The State will make the final determination of the validity (soundness) of such actions in line with the program intent and funding levels.

(e) "Slums and Blight" is defined as in Act 590 of the 1970 Parish Redevelopment Act, Section Q-8. (See Appendix 3.)

B. ELIGIBLE APPLICANTS. Eligible applicants are units of general local government, that is, municipalities and parishes, excluding the following areas: Alexandria, Baton Rouge, Bossier City, Houma, Jefferson Parish (including Grand Isle, Gretna, Harahan, Jean Lafitte, and Westwego), Kenner, Lafayette, Lake Charles, Monroe, New Orleans, Shreveport, Slidell and Thibodaux. Each unit of general local government, be it a municipality or a parish, must submit an application on its own behalf. Applications submitted on behalf of one unit of local government, by another unit of local government, will not be considered for funding. Joint projects shall necessitate a meeting with state staff prior to submitting the application to determine who would be the correct applicant. Although the applications involving joint projects can be submitted by only one applicant, all local governing bodies involved must be eligible according to the threshold criteria.

C. ELIGIBLE ACTIVITIES. Eligible activities will be only those as defined in Section 105 (a) of Title I of the Housing and Community Development Act of 1974, as amended. (See Appendix 4 for a listing of the eligible activities.) Ineligible activities are identified in Section 570.207 of the September 23, 1983, issue of the *Federal Register*.

D. TYPES OF GRANTS. Recognizing that needs of communities vary widely, the Small Cities Program has two types of grants—Multi-Purpose and Single Purpose. Single purpose and multi-purpose grants will be used for two program areas: Housing and Public Facilities. Only single purpose grants can be applied for under an Economic Development Grant. When more than one of the two areas (Housing or Public Facilities) has major expenditures in an application, it is classified as a Multi-Purpose application. It is then classified as a Multi-Purpose Housing or Public Facilities application depending on which area (Housing or Public Facilities) has the largest expenditure. Final determination of the classification will be made by the State. For example, if more money is requested for housing, it would be classified as a Multi-Purpose housing application.

E. DISTRIBUTION OF FUNDS BETWEEN GRANTS. Figure 1 shows how the funds available will be allocated between the various type grants. Of the total CDBG funds allocated to the State of Louisiana, up to two percent will be used to administer the program. Since creation and retention of permanent jobs is so crit-

ical to the economy of the State of Louisiana, 25 percent of the total LCDBG funds will be allocated specifically for economic development type grants. Only economic development applications will compete for these funds. There will be three separate Economic Development Funding cycles. The 25 percent set-aside will be allocated among the three cycles. If at the end of each Economic Development funding cycle(s), monies remain in the Economic Development fund, those monies will be transferred into the subsequent Economic Development cycle. If at the end of the third cycle, monies remain, those monies may be transferred into the grant category deemed feasible.

Public Facilities and Housing applications will be funded with 60 percent of the available CDBG funds. This fund will be divided into two parts, one specifically for Public Facilities applications and the other for Housing. The exact distribution of these funds will be based upon the number of applications received and amount of funds requested in each category. Half of the money will be allocated based on the number of applications received in each category and half based on the amount of funds requested in each category. This same procedure will be followed in allocating monies for single and multi-purpose applications under the two program areas of housing and public facilities. The remaining 15 percent of available CDBG funds will be used to fund communities that have never received CDBG monies from either HUD or the State. This fund will be divided into two pots, one specifically for public facilities applications and the other for housing. The exact distribution of these funds will be based upon the number of applications received and amount of funds requested in each category. Half of the money will be allocated based on the number of applications received in each category and half based on the amount of funds requested in each category. This same procedure will be followed in allocating monies for single and multi-purpose applications under the two program areas of housing and public facilities.

F. SIZE OF GRANTS.

(1) Ceilings. The State has established funding ceilings of \$750,000 for Single Purpose and \$750,000 for Multi-Purpose Grants.

(2) Individual grant amounts. Both Single Purpose and Multi-Purpose Grants for specific grantees will be provided in amounts commensurate with the applicant's program. In determining appropriate grant amounts for each applicant, the State may consider an applicant's need, proposed activities, and ability to carry out the proposed program. (Figure 1)

G. RESTRICTIONS ON APPLYING FOR GRANTS.

(1) Each eligible unit of general local government may apply for one Single Purpose or one Multi-Purpose Housing or Public Facilities Grant in each fiscal year. Any eligible applicant may apply for an Economic Development grant within any or all cycle(s), even those previously funded under the Housing and Public Facilities components.

(2) Capacity and performance: threshold considerations for grant approval. No grant will be made to an applicant that lacks the capacity to undertake the proposed program. In addition, applicants which have participated in the Block Grant Program previously must have performed adequately. Performance and capacity determinations are made as of the deadline date the application is due to the State and may be the basis for rejecting an application from further consideration. In determining whether an applicant has performed adequately, the State will examine the applicant's performance in the following areas:

(a) Units of general local government will not be eligible to receive funding if past CDBG programs awarded by HUD have not been closed out as of the deadline for receipt of LCDBG applications by the State.

(b) Units of general local government (excluding Jobs Bill and Economic Development recipients for performance criteria b. only) will not be eligible to receive funding if past LCDBG programs awarded by the State have not met the following performance thresholds as of the deadline for submittal of the application:

(i) FY 1982 LCDBG recipients must have expended no less than 95 percent of the total grant amount,

(ii) FY 1983 LCDBG recipients must have expended no less than 75 percent of the total grant amount.

(c) The applicant's compliance with the laws, regulations and Executive Orders applicable to the Community Development Block Grant Program and/or HUD's monitoring. Audit and monitoring findings made by the State or HUD must be cleared prior to the deadline for receipt of applications by the State. If an applicant feels that there are extenuating circumstances beyond its control which prevents resolution of the findings, then the applicant must submit a request for waiver to the State prior to the application deadline.

The State is not responsible for notifying applicants as to their performance status regarding these prohibitions prior to submittal of the application. The applicant must request the waiver from the State prior to the application deadline date. The State may provide waivers to these prohibitions, but in no instance shall a waiver be provided when funds are due to HUD or the State unless a satisfactory arrangement for repayment of the debt has been made.

III. METHOD OF SELECTING GRANTEEES. The State has established selection and rating systems for both Multi-Purpose and Single Purpose Grants which identify the criteria used in selecting applicants. Applications are required for both types of grants. An applicant must include sufficient information in its application to permit the State to rate the application against the various selection criteria and must document to the State the source of information and the method used to compile the information for the application. The State will provide the information necessary to rate applications on the general indicators of distress. Existing sources of information, such as areawide analyses, State plans or needs assessments, and data from the Bureau of the Census, should be used whenever possible. Local surveys may be necessary to document the information submitted in the application. Documentation of the State's selection process and copies of applicant ratings will be made available upon request for public review.

The State shall establish deadlines for submission of applications and notify all eligible units of local government through a direct mailing.

A. DATA

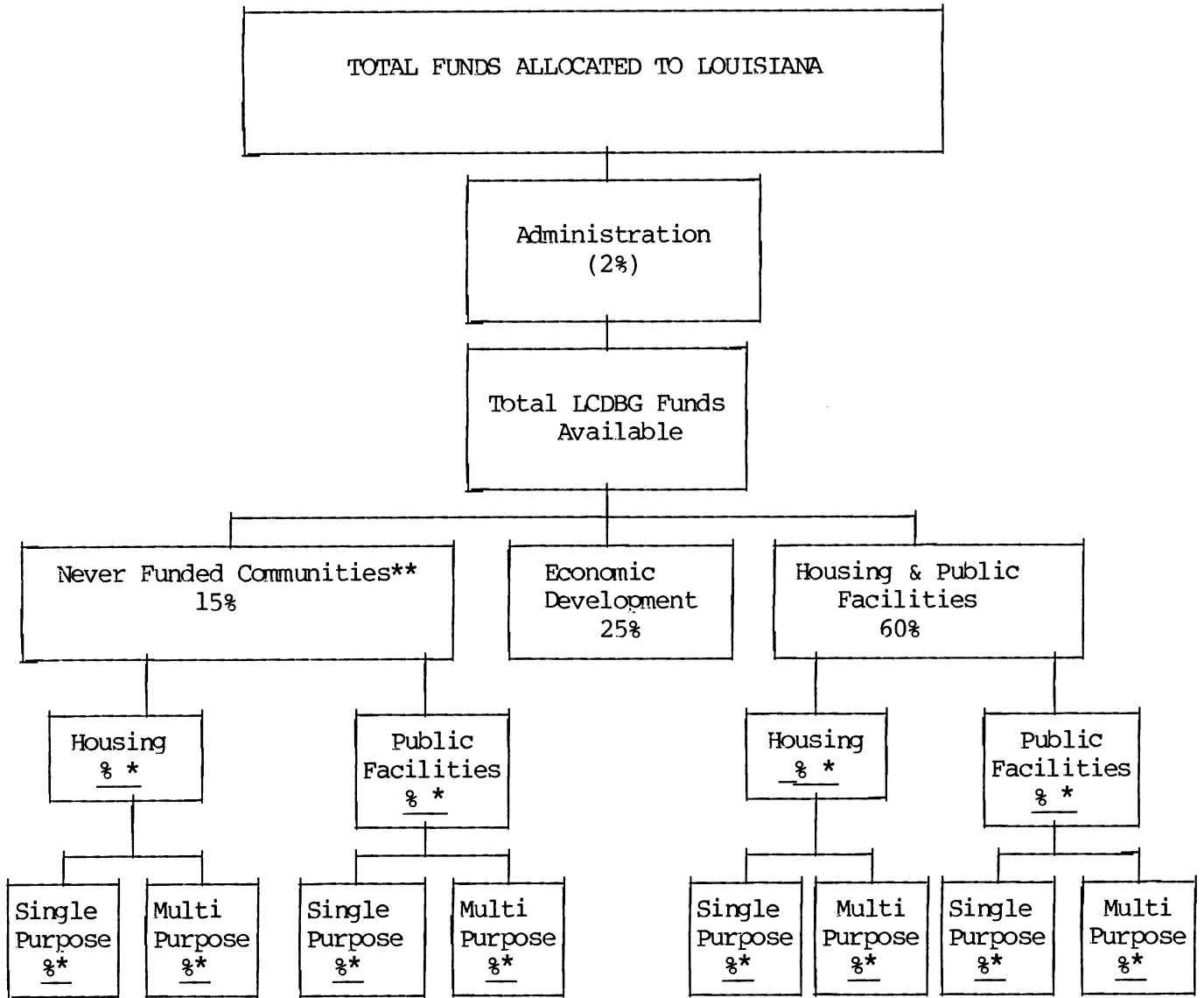
(1) General Distress. Data used in the general indicators is derived from the United States Bureau of the Census. The State will provide this data.

(2) Low-Moderate Income. The low-moderate income limits are defined as being within the Section 8 income limits as established by HUD. In order to determine the benefit to low-moderate income persons for a public facility project, the applicant must utilize either census data or conduct a local survey.

(a) Census Data. If 1980 census data on income is available by enumeration district, then the State will calculate the applicant's low and moderate income percentages. If the applicant chooses to utilize census data, the low-moderate income levels as shown in Appendix 2 will be followed. However, the applicant must request this data prior to submittal of the application. If 1980 enumeration district data is not available, then a survey must be conducted to obtain the income data.

(b) Local Survey. If the applicant chooses to conduct a local survey, the survey sheet in the FY 1984 application package

FIGURE 1



*The percentage distribution between Housing and Public Facilities will be based upon the number of applications received and amount requested in each category. Half of the funds will be distributed based on percentage of applications received in each category and half on the basis of amount of funds requested in each category. The same procedure will be followed in allocating monies for single and multi-purpose in each category.

**This category is set-aside for communities that have never received CDBG monies from either HUD or the State.

must be used. Local surveys must be conducted for all housing activities. (Note: See Submission Requirement section for requirements that original survey sheets must be submitted with the application.)

The annual income limits for low-moderate income persons when conducting a survey are shown in Appendix 1. The low-moderate income figures shown in Appendix 1 may be used regardless of family size. If the applicant chooses to determine low-moderate income based on family size, the following sliding scale must be used:

No. of Persons in Household	Percent of Parish/MSA* Median Income
1	50
2	64
3	72
4	80
5	85
6	90
7	95
8 or more	100

*MSA = Metropolitan Statistical Area

The following percentages must be used as a guideline in meeting the required number of responses for a statistically reliable random sample for public facilities projects:

Number of Occupied Housing Units In Target Area	Sample Size Needed	Percent
No.	No.	Percent
25,000	378	1.5
15,000	374	2.5
10,000	370	3.7
5,000	357	7.1
4,000	351	8.8
3,000	341	11.4
2,000	322	16.1
1,000	278	27.8
750	254	33.9
500	217	43.4
250	152	60.8
100	80	80.0
50	44	88.7
25	24	96.0

Whenever the applicant's occupied housing count falls within two of the established ranges in column one, the applicant must use the percentage requirement for column three for the number in column one that is closest to the actual count in the target area. Surveys conducted for housing activities must involve 100 percent of the total houses within the target area.

Local surveys which have been conducted within twelve months prior to the application submittal date will be accepted, provided the survey conforms to current program requirements.

B. PROGRAM DESIGN. The program as a whole must principally benefit low and moderate income persons and directly address and have an impact on the applicant's needs. Each activity contained within such programs must meet one of the following two National Objectives:

(1) Principal benefit to low-moderate income persons. At least 51 percent of the total persons benefiting must be individuals who are low to moderate income as defined in the Final State-

(2) Elimination of prevention of slums and blight. In order

to claim that the proposed activity meets this objective the following must be met.

(a) An area must be delineated by the grantee which:

(1) meets the definition of slums and blight as defined in Act 570 of the 1970 Parish Redevelopment Act, Section Q-8 (See Appendix 3); and

(2) contains a substantial number of deteriorating or dilapidated buildings or improvements throughout the area delineated.

The grantee must describe in the application the area boundaries and the conditions of the area at the time of its designation and how the proposed activity will eliminate the conditions which qualify the area as slum and blight.

C. SINGLE PURPOSE GRANTS.

(1) Definition. A Single Purpose Housing and Public Facilities Grant provides funds for one need (water or sewer or housing, etc.) consisting of an activity which may be supported by auxiliary activities. Single Purpose Economic Development grants are one project, consisting of one or more activities. Funds are available to address serious problems with housing and economic conditions or public facilities which affect both the public health and safety, all of which principally benefit persons of low and moderate income or aid in the prevention or elimination of slums and blight.

(2) Selection System for Single Purpose Grants. All Single purpose applications will be rated and scored in two major categories: General Indicators of Distress (maximum of 50 possible points for all applications) and the Specific Program Category (maximum of 150 possible points for housing and public facilities grant and 200 points for economic development applications). The total possible points for a single purpose housing or public facilities grant is 200 points. The total possible points for a single purpose economic development grant is 250 points.

(a) General Indicators of Distress. (50 Points)

Each applicant will be rated against all other applicants in each of the following categories:

1. Percentage of Poverty Persons	25
2. Number of Poverty Persons	<u>25</u>
TOTAL POSSIBLE POINTS	50

(i) Percentage of Poverty Persons - 25 points. All applicants are compared in terms of the percentage of their population below the poverty level. Individual scores are obtained by dividing each applicant's percentage of persons in poverty by the highest percentage of persons in poverty of any applicant and multiplying by 25.

(ii) Number of Poverty Persons - 25 points. All applicants are compared in terms of the number of persons whose incomes are below the poverty level. Individual scores are obtained by dividing each applicant's absolute number of persons in poverty by the greatest number of persons in poverty of any applicant and multiplying by 25.

(b) Specific Program Criteria. There will be three specific program categories: 1) Economic Development (200 points); 2) Public Facilities (150 points); and 3) Housing (150 points).

Each applicant will be rated against all other applicants proposing projects in the same specific program category. The criteria for rating each of the specific programs are as follows:

1) ECONOMIC DEVELOPMENT

i) PROGRAM IMPACT (Maximum Possible Points - 75)

(1) Number of permanent jobs created or retained 30 pts

(2) Private/Public ratio: Firm Private sector financial commitments/LCDBG funds 25 pts

(3) Percent of funds recaptured by unit of local government 20 pts.

A firm financial commitment from the private sector inves-

tor will be required upon submission of the application. Any application lacking a firm financial commitment will not be considered for funding. Each application will be given preliminary points for each of the above items, relative to other applicants' performance for that specific item. Once the preliminary points for all four categories are determined and summed for all applicants, the applicants will again be ranked from highest to lowest number of total preliminary points. The top ranked application will receive 75 points. All other applicants will receive points based on how they score relative to that highest score:

$$\text{Program Impact Points} = \frac{\text{applicant's score}}{\text{highest score}} \times 75$$

(total possible points)

If a project creates or retains fewer than 10 permanent jobs, or has a private funds/public funds ratio of less than 2:1, the application will not be considered for funding. Although an application may be determined to be eligible, the State will make the final determination as to whether or not the proposed activity is viable.

ii. COST EFFECTIVENESS (Maximum Possible Points - 25)

This will be calculated by dividing total LCDBG funds used by the number of permanent jobs created or retained to determine LCDBG cost per permanent job created or retained. Raw scores will be arrayed and the top ranked application will receive 25 points. All other applicants will receive points based on how they score relative to the lowest cost per job created:

$$\text{Cost Effective Points} = \frac{\text{lowest cost per job}}{\text{applicant's cost per job}} \times 25$$

If cost per job created or retained exceeds \$15,000, applications will not be considered for funding.

iii. BENEFIT TO LOW-MODERATE INCOME PERSONS

(Maximum Possible Points - 50)

This will be calculated by determining the number of permanent jobs created or retained that are or will be held by low-moderate income persons and dividing that number by the total number of permanent jobs created or retained. Raw scores will be arrayed and the top ranked applicant will receive 50 points. All other applicants will receive points based on how they score relative to that highest score:

$$\text{Low/Mod Benefit Points} = \frac{\text{applicant's score}}{\text{highest score}} \times 50$$

iv. PROJECT FEASIBILITY (Maximum Possible Points - 50)

Based on the State's review, each applicant will be assigned points based on such factors as economic feasibility, soundness of the "deal", risk, diversification of the State's economy, financial viability, and other factors deemed appropriate to the State.

In addition, priority will be given to those applicants who have not been funded under a previous ED cycle in FY 1984.

(2) PUBLIC FACILITIES

i. PROGRAM IMPACT

Maximum Impact, 100 points

The project would bring a community's substandard infrastructure into conformance with state or national standards and/or would completely remedy documented infrastructure deficiencies in a particular geographic area which threaten public health

and safety, and are cost effective. All proposed improvements must be documented. The State has rated most communities' water supply, sewer, and solid waste and utility systems. Also, each community has a fire insurance rating. Projects which would bring substandard systems into compliance with the state or national standards would receive 100 points. Projects which would remedy documented threats to public health and safety would also receive 100 points. The applicant must document the threat or noncompliance with standards, by using independent and appropriate sources such as letters from cognizant state or federal agencies. For example, a water project that proposes treatment and supply improvements must have documentation from a cognizant state or federal agency for both quality and supply.

Moderate Impact, 65 points

The project would result in substantial progress being made towards achieving local conformance with state or national standards and/or towards remedying infrastructure deficiencies that pose documented threats to public health and safety, and is cost effective. All proposed improvements must be documented.

Projects which would not bring substandard systems into total compliance with the State or national standards would receive 65 points.

Projects which would make substantial progress remedying documented threats to public health and safety, but which would not completely resolve them, would also receive 65 points. Documentation of threats or noncompliance must come from independent and appropriate sources such as letters from cognizant state or federal agencies.

Minimal Impact, 30 points

The project would improve a community's infrastructure but would address only documented needs which are not a threat to public health and safety and is cost effective, or the threat to health and safety is inadequately documented.

Projects which involve improvements or facilities which do not pose threats to public health and safety would receive 30 points. Inadequately documented projects will also receive 30 points.

For example, a water project involving water quality and water distribution which only includes documentation on the quality will receive 30 points.

Insignificant Impact, 0 points.

The project would improve a community's infrastructure but has insignificant documentation of the necessity of such improvements.

Projects which involve public improvements or facilities which do not include sufficient documentation will receive 0 points.

Documentation letters from the independent and appropriate sources must have been prepared within the 12 months prior to application submittal date. It is the applicant's responsibility to ascertain that the documentation letters address the criteria required to receive the maximum points. No activity will be funded that receives less than 65 points on program impact.

ii. BENEFIT TO LOW-MODERATE INCOME PERSONS (Maximum Possible Points - 50)

This will be calculated by dividing the number of low-moderate persons benefiting (as defined by the State) by the total persons benefiting. The resulting raw scores will be arrayed and the top ranked applicant will receive 50 points. All other applicants will receive points based on how they score relative to that highest score:

$$\text{Low-Mod Benefit Points} = \frac{\text{applicant's score}}{\text{highest score}} \times 50$$

For improvements which involve different numbers of beneficiaries, the percentages must be identified separately.

(3) HOUSING

i. PROGRAM IMPACT (Maximum Possible Points - 75)

This will be determined by dividing the total number of proposed units to be rehabilitated and replaced plus vacant units to be demolished, by the total number of owner-occupied substandard units in need of rehab and replacement, plus vacant units in need of demolition in the total area in which rehabilitation and/or demolition will be permitted, that is:

$$\frac{\begin{array}{l} \# \text{ of units to be rehabed and replaced} \\ \text{inside the target area} \\ + \# \text{ of vacant units to be demolished} \end{array}}{\begin{array}{l} \# \text{ of owner-occupied substandard} \\ \text{units including those in need of demolition and replacement} + \\ \text{vacant units in need of demolition inside the target area} \end{array}} = \text{Raw Score}$$

The raw scores of each housing application will be ranked and the top ranked applicant(s) will receive 75 points. All other applicants will receive points based on how they score relative to that high score:

$$\text{Program Impact Points} = \frac{\text{applicant's score}}{\text{highest score}} \times 75$$

No activity will be funded that meets less than 75 percent of the identified need.

This system also permits up to 10 percent of the rehabs to be located outside of target areas without affecting impact scores in any way. Rental units which will be occupied by low-moderate income persons are eligible as long as the number of rental units to be treated does not exceed ten percent of the total owner occupied units proposed for rehab. Ten percent of the total rehab monies may also be used for emergency repairs. All units, except the emergency rehabs, must be brought up to at least the Section 8 Existing Housing Quality Standards and HUD's Cost Effective Energy Conservation Standards. The number of housing target areas cannot exceed three.

ii. COSTEFFECTIVENESS (Maximum Possible Points - 25)

Cost effectiveness will be measured by dividing actual funds budgeted for rehab (i.e., loans, grants, acquisitions, relocations, demolitions) by the number of proposed rehabilitations and demolition. That is:

$$\frac{\text{loan, grant, acquisition, relocation, demolition costs}}{\text{Number of units affected}} = \text{Raw Score}$$

These scores will be arrayed and the top ranked applicant will receive 25 points. All other applicants will receive points based on how they score relative to that highest score:

$$\text{Cost Effective Points} = \frac{\text{lowest cost per unit}}{\text{applicant's cost per unit}} \times 25$$

iii. BENEFIT TO LOW-MODERATE INCOME (Maximum Possible Points - 50)

Benefit to low-moderate income will be calculated by dividing total number of households directly benefiting into the number of low-moderate income households (as defined by the State) directly benefiting, that is:

$$\frac{\text{Number of low-moderate households directly benefiting}}{\text{Total number of households directly benefiting}} = \text{Raw Score}$$

These scores will be arrayed and the top ranked applicant will receive 50 points. All other applicants will receive points based on how they score relative to that highest score:

$$\text{Low-Mod Benefit Points} = \frac{\text{applicant's score}}{\text{highest score}} \times 50$$

Households directly benefiting are only those scheduled for rehab and/or replacement.

D. MULTI-PURPOSE GRANT

(1) Definition. A multi-purpose Housing or Public Facilities grant provides funds for two or more needs and has major expenditures in more than one activity in one or more of the two program areas (Housing and Public Facilities).

(2) Selection System for Housing and Public Facilities Multi-Purpose Grants. All Public Facilities multi-purpose applications will be rated and scored in two major categories, as will all Housing multi-purpose applications: 1) General Indicators of Distress (Maximum of 50 possible points) and 2) Specific Program categories (maximum of 150 points).

(a) General Indicators of Distress. (50 points) Each applicant will be rated against all other applicants on the same criteria listed under General Indicators of Distress for Single Purpose Grants.

(b) Specific Program Criteria. (150 points) Multi-purpose applicants will be rated on the same specific program criteria as the single purpose grants. The final scores received by the applicants will be based on the number of points they attain from each separate activity (maximum of 150 for each activity), weighted by the ratio of that activity's cost to the total cost of all activities, making the maximum number of points 150, regardless of the number of activities included.

E. SUBMISSION REQUIREMENTS

Applications shall be submitted in a form prescribed by the State to the Department of Urban and Community Affairs and shall consist of the following:

(1) Community Development Plan. A description of the applicant's community development and housing needs, including those of low and moderate income persons; and a brief description of the applicant's community development and housing needs to be served by the proposed activity(ies).

(2) Program Narrative Statement. This shall consist of:

i. Identification of the national objectives that the activity will address.

ii. A description of each activity to be carried out with LCDBG assistance. A detailed cost estimate for each public facilities activity including information necessary for considering the cost-effectiveness factor. If the proposed activity is dependent on other funds for completion, the source of funds and the status of the commitment must also be indicated.

iii. A statement describing the impact the activity will have on the problem area selected and the needs of low and moderate income persons, including information necessary for considering the program impact factor.

iv. A statement on the percent of funds requested that will benefit low and moderate income persons. The statement should indicate the total number of persons to be served and the number of such persons that meet the definition of low and moderate income, as defined by the State.

(3) Maps. A map of the local jurisdiction which identifies by project area:

- i. census tracts and/or enumeration districts;
- ii. location of areas with minorities, showing number and percent by census tracts and/or enumeration districts;
- iii. location of areas with low and moderate income persons, showing number and percent by census tracts and/or enumeration districts;
- iv. boundaries of areas in which the activities will be concentrated.
- v. specific location of each activity.

(4) Program Schedule. Each applicant shall submit, in a format prescribed by the State, a listing of dates for major milestones for the activity to be funded.

(5) Title VI Compliance. All applicants shall submit, in a form prescribed by the State, evidence of compliance with Title VI of the Civil Rights Act of 1964. This enables the State to determine whether the benefits will be provided on a nondiscriminatory basis and will achieve the purposes of the program for all persons, regardless of race, color, or national origin.

(6) Certification of Assurances. The certification of assurances required by the State, relative to Federal and State Statutory requirements, shall be submitted by all applicants; this certification includes, but is not limited to, Title VI, Title VIII, and affirmatively furthering fair housing.

(7) Certification To Minimize Displacement. The applicant must certify that it will minimize displacement as a result of activities assisted with LCDBG funds. In addition to minimizing displacement, the applicant must certify that when displacement occurs reasonable benefits will be provided to persons involuntarily and permanently displaced as a result of the CDBG assistance to acquire or substantially rehabilitate property. This provision applies to all displacement with respect to residential and nonresidential property not governed by the Uniform Relocation Act.

(8) Certification Prohibiting Special Assessments. The applicant must submit a certification prohibiting the recovery of capital costs for public improvements financed in whole or part with LCDBG funds, through assessments against properties owned and occupied by low and moderate income persons. The prohibition applies also to any fees charged or assessed as a condition of obtaining access to the public improvements.

(9) Certification of Citizen Participation. Applicants shall provide adequate information to citizens about the Community Development Block Grant Program. Applicants shall provide citizens with an adequate opportunity to participate in the planning and assessment of the application for Community Development Block Grant Program funds. One public hearing must be held prior to application submittal in order to obtain the citizen's views on community development and housing needs. Citizens must be provided with the following information at the hearing:

- a. The amount of funds available for proposed community development and housing activities;
- b. The range of activities that may be undertaken, including the estimated amount proposed to be used for activities that will benefit persons of low and moderate income;
- c. The plans of the applicant for minimizing displacement of persons as a result of activities assisted with such funds and the benefits to be provided to persons actually displaced as a result of such activities.
- d. If applicable, the applicant must provide citizens with information regarding the applicant's performance or prior LCDBG programs funded by the State.

A second notice must be published after the public hearing has been held but before the application is submitted. The second notice must inform citizens of the proposed objectives, proposed activities, the location of the proposed activities and the amounts to be used for each activity. Citizens must be given the opportunity to submit comments on the proposed application. The notice must further provide the location at which and hours when the application is available for review. The notice must state the submittal date of the application.

Applicants must submit notarized proofs of publication of each public notice.

(10) Local Survey Data. Those applicants who conduct a local survey to determine specific data required for the application must include a copy of all completed survey forms.

(11) Submission of Additional Data. Only that data received by the deadline established for applications will be considered in the selection process unless additional data is specifically requested, in writing, by the State. Unrequested material received after the deadline will not be considered as part of the application.

F. APPLICATION REVIEW PROCEDURE

(1) The application must be received prior to the deadline that has been established by the State. The applicant must obtain a "Certificate of Mailing" from the Post Office, certifying the date mailed. The State may require the applicant to submit this Certificate of Mailing to document compliance with deadline for mailing, if necessary.

(2) The application submission requirements must be complete.

(3) The funds requested must not exceed the amount of the invitation by the State.

(4) Review and notification. Applications will be reviewed. Following the review of all applications, the State will promptly notify the applicant of the actions taken with regard to its application.

(5) Criteria for conditional approval. The State may make a conditional approval; in which case the grant will be approved, but the obligation and utilization of funds is restricted. The reason for the conditional approval and the actions necessary to remove the condition shall be specified. Failure to satisfy the condition may result in a termination of the grant. Conditional approval may be made:

- i. Where local environmental reviews have not yet been completed;
- ii. Where the requirements regarding the provision of flood or drainage facilities have not yet been satisfied.
- iii. To ensure that actual provision of other resources required to complete the proposed activities will be available within a reasonable period of time;
- iv. To ensure the project can be completed within estimated costs.

(6) Criteria for disapproval of an application. The State may disapprove an application if:

- i. Based on review of the application, it is determined that general administrative costs exceed seven percent of total public facilities costs or housing rehabilitation administrative costs exceed 12 percent of total housing costs.
- ii. Based on field review of the applicant's proposal or other information received, it is shown that the information was incorrect, and the application was improperly rated, and no longer rates sufficiently high to warrant approval when compared with other applications in the competition, given funds available.
- iii. On the basis of significant facts and data generally available and pertaining to community and housing needs and objectives, the State determines that the applicant's description of such needs and objectives is plainly inconsistent with such facts and data. The data to be considered may be published data accessible to both the applicant and State such as census data, or other data available to both the applicant and State, such as recent local, areawide, or State comprehensive planning data.
- iv. Other resources necessary for the completion of the proposed activity are no longer available or will not be available within a reasonable period of time.
- v. The activities cannot be completed within the estimated costs or resources available to the applicant.
- vi. Any of the items identified under E. Submission Requirements are not included in the application.

G. PROGRAM AMENDMENTS FOR SINGLE PURPOSE AND MULTI-PURPOSE GRANTS.

The State may consider amendments if they are necessitated by actions beyond the control of the applicant. Recipients shall request prior State approval for all program amendments involv-

ing new activities or alteration of existing activities that will change the scope, location, or objectives of the approved activities or beneficiaries.

(1) New or altered activities are rated in accordance with the criteria for selection applicable at the time the original application was rated. The rerated score of the total program, because of the program amendment, must be no less than the lowest rating received by a funded program in that category during that cycle of application ratings.

(2) Consideration shall be given to whether any new activity proposed can be completed promptly.

STATE'S PAST USE OF FUNDS

Federal regulations require the State to provide a description of the past use of funds within the Final Statement. The description includes both FY 1982 and FY 1983 State-awarded grants. Appendix 5 provides:

a. A description of the use of funds under each previous allocation;

b. An assessment of the relationship of the use of funds to the community development objectives identified by the State in each prior Final Statement; and

c. An assessment of the relationship of the use of funds to

the requirements of Section 104 (b) (3) of the Act, as they existed at the time of the certification.

ADMINISTRATION

A. Rule for Policy Determination. In administering the program, while the State is cognizant of the intent of the program, certain unforeseeable circumstances may arise which may require the exercise of administrative discretion. The State reserves the right to exercise this discretion in either interpreting or establishing new policies.

B. Innovative or Pilot Projects. The State may develop criteria and guidelines for innovative or pilot projects and establish a special fund for their implementation, if need, interest and available money warrant.

These regulations are to be effective on July 20, 1984, and are to remain in force until they are amended or rescinded. Anyone having comments should contact: Colby LaPlace, Assistant Secretary, Office of Planning and Technical Assistance, Department of Urban and Community Affairs, Box 44455, Baton Rouge, LA 70804.

Dorothy M. Taylor
Secretary

APPENDIX 1:

**1984 Median Family Income
By Parish and MSA**

<u>Parish</u>	<u>1983 Median Family Income</u>	<u>Low/Mod Income Limit</u>
Acadia	\$ 21,650	\$ 17,300
Allen	21,200	16,950
Ascension	See MSA - Baton Rouge	
Assumption	24,800	19,850
Avoyelles	16,200	12,950
Beauregard	23,500	18,800
Bienville	18,650	14,900
Bossier	See MSA - Shreveport	
Caddo	See MSA - Shreveport	
Calcasieu	See MSA - Lake Charles	
Caldwell	16,800	13,450
Cameron	27,800	22,250
Catahoula	17,000	13,600
Claiborne	19,500	15,600
Concordia	20,300	16,250
DeSoto	19,900	15,900
East Baton Rouge	See MSA - Baton Rouge	
East Carroll	16,200	12,950
East Feliciana	23,150	18,500
Evangeline	17,200	13,750
Franklin	16,200	12,950
Grant	21,000	16,800
Iberia	27,400	21,900

Iberville	24,700	19,750
Jackson	18,500	14,800
Jefferson	See MSA - New Orleans	
Jefferson Davis	23,900	19,100
Lafayette	See MSA - Lafayette	
Lafourche	See MSA - Houma-Thibodaux	
La Salle	20,300	16,250
Lincoln	22,300	17,850
Livingston	See MSA - Baton Rouge	
Madison	16,200	12,950
Morehouse	17,300	13,850
Natchitoches	17,900	14,300
Orleans	See MSA - New Orleans	
Ouachita	See MSA - Monroe	
Plaquemines	27,500	22,000
Pointe Coupee	21,300	17,050
Rapides	See MSA - Alexandria	
Red River	16,900	13,500
Richland	16,200	12,950

1984 Median Family Income
By Parish and MSA

Sabine	\$ 18,150	\$ 15,400
St. Bernard	See MSA - New Orleans	
St. Charles	See MSA - New Orleans	
St. Helena	16,200	12,950
St. James	29,150	23,300
St. John the Baptist	See MSA - New Orleans	
St. Landry	19,150	15,300
St. Martin	See MSA - Lafayette	
St. Mary	29,400	23,500
St. Tammany	See MSA - New Orleans	
Tangipahoa	20,150	16,100
Tensas	16,200	12,950
Terrebonne	See MSA - Houma-Thibodaux	
Union	18,700	14,950
Vermilion	23,500	18,800
Vernon	16,650	13,300
Washington	19,150	15,300
Webster	24,400	19,500
West Baton Rouge	See MSA - Baton Rouge	
West Carroll	16,200	12,950
West Feliciana	20,400	16,300
Winn	16,650	13,300

MSA - Metropolitan
Statistical Areas

MSA Alexandria, LA ¹	21,150	16,900
MSA Baton Rouge, LA ²	28,300	22,650
MSA Houma-Thibodaux, LA ³	28,400	22,700
MSA Lafayette, LA ⁴	30,200	24,150
MSA Lake Charles, LA ⁵	28,900	23,100
MSA Monroe, LA ⁶	22,700	18,150
MSA New Orleans, LA ⁷	27,500	22,000
MSA Shreveport, LA ⁸	25,700	20,550

Footnotes:

¹Includes Rapides Parish only.

²Includes East Baton Rouge, West Baton Rouge, Livingston, and Ascension Parishes.

³Includes Terrebonne and Lafourche Parishes.

⁴Includes St. Martin and Lafayette Parishes.

⁵Includes Calcasieu Parish only.

⁶Includes Ouachita Parish only.

⁷Includes Jefferson, Orleans, St. Tammany, St. Bernard, St. John the Baptist and St. Charles Parishes.

⁸Includes Caddo, and Bossier Parishes.

Source: Section 8 Median Income Data, provided by HUD Area Office, March 1, 1983.

APPENDIX 2

1980 Median Family Income
By Parish and MSA

Parish	1980 Median Family Income	LOW/MOD INCOME LIMIT	
		Families	Unrelated Individuals
Acadia	\$ 15,792	\$ 12,634	\$ 8,844
Allen	15,685	12,548	8,784
Ascension	21,572	17,258	12,080
Assumption	17,334	13,867	9,707
Avoyelles	11,987	9,590	6,713
Beauregard	17,417	13,934	9,754
Bienville	13,850	11,080	7,756
Bossier	See MSA - Shreveport		
Caddo	See MSA - Shreveport		
Calcasieu	See MSA - Lake Charles		
Caldwell	12,624	10,099	7,069
Cameron	20,562	16,450	11,515
Catahoula	12,770	10,215	7,151
Claiborne	14,538	11,630	8,141
Concordia	15,208	12,166	8,516
DeSoto	14,887	11,910	8,337
East Baton Rouge	See MSA - Baton Rouge		
East Carroll	10,388	8,310	5,817
East Feliciana	16,184	12,947	9,063
Evangeline	12,540	10,032	7,022
Franklin	11,937	9,550	6,685
Grant	See MSA - Alexandria		
Iberia	19,268	15,414	10,790
Iberville	17,340	13,872	9,710
Jackson	13,919	11,135	7,795
Jefferson	See MSA - New Orleans		
Jefferson Davis	17,657	14,126	9,888
Lafayette	See MSA - Lafayette		
Lafourche	19,947	15,958	11,170
LaSalle	15,250	12,200	8,540
Lincoln	16,660	13,328	9,330
Livingston	See MSA - Baton Rouge		
Madison	10,679	8,543	5,980
Morehouse	12,949	10,359	7,251
Natchitoches	13,343	10,674	7,472
Orleans	See MSA - New Orleans		
Ouachita	See MSA - Monroe		
Plaquemines	19,884	15,907	11,135
Pointe Coupee	14,913	11,930	8,351
Rapides	See MSA - Alexandria		
Red River	12,482	9,986	6,990
Richland	12,112	9,690	6,783
Sabine	13,519	10,815	7,571

1980 Median Family Income
By Parish and MSA

<u>Parish</u>	<u>1980 Median Family Income</u>	<u>LOW/MOD INCOME LIMIT</u>	
		<u>Families</u>	<u>Unrelated Individuals</u>
St. Bernard	See MSA - New Orleans		
St. Charles	\$ 23,223	\$ 18,578	\$ 13,005
St. Helena	11,370	9,096	6,367
St. James	21,044	16,835	11,785
St. John the Baptist	21,818	17,454	12,218
St. Landry	13,893	11,114	7,780
St. Martin	16,612	13,290	9,303
St. Mary	20,688	16,550	11,585
St. Tammany	See MSA - New Orleans		
Tangipahoa	14,315	11,452	8,016
Tensas	10,447	8,358	5,850
Terrebonne	20,918	16,734	11,714
Union	14,027	11,222	7,855
Vermilion	16,951	13,561	9,493
Vernon	12,951	10,361	7,253
Washington	13,641	10,913	7,639
Webster	See MSA - Shreveport		
West Baton Rouge	See MSA - Baton Rouge		
West Carroll	10,807	8,646	6,052
West Feliciana	14,289	11,431	8,002
Winn	12,445	9,956	6,969
<u>MSA-Metropolitan Statistical Areas</u>			
Alexandria, LA ¹	\$ 15,741	\$ 12,593	\$ 8,815
Baton Rouge, LA ²	21,301	17,041	11,929
Lafayette, LA ³	21,472	17,178	12,024
Lake Charles, LA ⁴	21,316	17,053	11,937
Monroe, LA ⁵	17,140	13,712	9,598
New Orleans, LA ⁶	19,196	15,357	10,750
Shreveport, LA ⁷	18,158	14,526	10,168

FOOTNOTES

¹Includes Rapides and Grant Parishes

²Includes East Baton Rouge, West Baton Rouge, Livingston and Ascension Parishes

³Includes Lafayette Parish Only

⁴Includes Calcasieu Parish Only

⁵Includes Ouachita Parish Only

⁶Includes Jefferson, Orleans, St. Bernard and St. Tammany Parishes

⁷Includes Bossier, Caddo and Webster Parishes

Source: 1980 Census and Formula provided by U. S. Department of Housing and Urban Development.

APPENDIX 3

Act 590 of the 1970 Parish Redevelopment Act - Section 0-8

(8) "Slum area" means an area in which there is a predominance of buildings or improvements, whether residential or non-residential, which by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open space, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or an area of open land which, because of its location and/or platting and planning development, for predominantly residential uses, or any combination of such factors is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime, and is detrimental to the public health, safety, morals or welfare.

(i) "Blighted area" means an area which by reason of the presence of a substantial number of slum, deteriorated or deteriorating structures, predominance of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility or usefulness, insanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors substantially impairs or arrests the sound growth of the municipality, retards the provision of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety, morals, or welfare in its present condition and use; but if the area consists of any disaster area referred to in Subsection C (5), it shall constitute a "blighted area."

APPENDIX 4

Eligible Activities

Sec.105.(a) Activities assisted under this title may include only—

(1) the acquisition of real property (including air rights, water rights, and other interests therein) which is (A) blighted, deteriorated, deteriorating, undeveloped, or inappropriately developed from the standpoint of sound community development and growth; (B) appropriate for rehabilitation or conservation activities; (C) appropriate for the preservation or restoration of historic sites, the beautification of urban land, the conservation of open spaces, natural resources, and scenic areas, the provision of recreational opportunities, or the guidance of urban development; (D) to be used for the provision of public works, facilities, and improvements eligible for assistance under this title; or (E) to be used for other public purposes;

(2) the acquisition, construction, reconstruction, or installation (including design features and improvements with respect to such construction, reconstruction, or installation that promote energy efficiency) of public works, facilities (except for buildings for the general conduct of government), and site or other improvements;

(3) Code enforcement in deteriorated or deteriorating areas in which such enforcement, together with public improvements and services to be provided, may be expected to arrest the decline of the area;

(4) clearance, demolition, removal, and rehabilitation (including rehabilitation which promotes energy efficiency) of buildings and improvements (including interim assistance, and financing public or private acquisition for rehabilitation, and rehabilitation, of privately owned properties and including the renovation of closed school buildings);

(5) special projects directed to the removal of material and architectural barriers which restrict the mobility and accessibility of elderly and handicapped persons;

(6) payments to housing owners for losses of rental income incurred in holding for temporary periods housing units to be utilized for the relocation of individuals and families displaced by activities under this title;

(7) disposition (through sale, lease, donation, or otherwise) of any real property acquired pursuant to this title or its retention for public purposes;

(8) provisions of public services, including but not limited to those concerned with employment, crime prevention, child care, health, drug abuse, education, energy conservation, welfare or recreation needs, if such services have not been provided by the unit of general local government (through funds raised by such unit, or received by such unit from the State in which it is located) during any part of the twelve-month period

immediately preceding the date of submission of the statement with respect to which funds are to be made available under this title, and which are to be used for such services, unless the Secretary finds that the discontinuation of such services was the result of events not within the control of the unit of general local government, except that not more than 15 per centum of the amount of any assistance to a unit of general local government under this title may be used for activities under this paragraph unless such unit of general local government used more than 15 percent of the assistance received under this title for fiscal year 1983 for such activities (excluding any assistance received pursuant to Public Law 98-8), in which case such unit of general local government may use not more than the percentage or amount of such assistance used for such activities for such fiscal year, whichever method of calculation yields the higher amount;

(9) payment of the non-Federal share required in connection with a Federal grant-in-aid program undertaken as part of activities assisted under this title;

(10) payment of the cost of completing a project funded under title I of the Housing Act of 1949;

(11) relocation payments and assistance for displaced individuals, families, businesses, organizations, and farm operations, when determined by the grantee to be appropriate;

(12) activities necessary (A) to develop a comprehensive community development plan, and (B) to develop a policy-planning-management capacity so that the recipient of assistance under this title may more rationally and effectively (i) determine its needs, (ii) set long-term goals and short-term objectives, (iii) devise programs and activities to meet these goals and objectives, (iv) evaluate the progress of such programs in accomplishing these goals and objectives, and (v) carry out management, coordination, and monitoring of activities necessary for effective planning implementation;

(13) payment of reasonable administrative costs and carrying charges related to the planning and execution of community development and housing activities, including the provision of information and resources to residents of areas in which community development and housing activities are to be concentrated with respect to the planning and execution of such activities, and including the carrying out of activities as described in section 701(e) of the Housing Act of 1954 on the date prior to the date of enactment of the Housing and Community Development Amendments of 1981;

(14) activities which are carried out by public or private nonprofit entities, including (A) acquisition of real property; (B) acquisition, construction, reconstruction, rehabilitation, or installation of (i) public facilities (except for buildings for the general conduct of government), site improvements, and utilities, and (ii) commercial or industrial buildings or structures and other commercial or industrial real property improvements; and (C) planning;

(15) grants to neighborhood-based nonprofit organizations, local development corporations, or entities organized under section 301(d) of the Small Business Investment Act of 1958 to carry out a neighborhood revitalization or community economic development or energy conservation project in furtherance of the objectives of section 101(c), including grants to neighborhood-based nonprofit organizations, or other private or public nonprofit organizations, for the purpose of assisting, as part of neighborhood revitalization or other community development, the development of shared housing opportunities (other than by construction of new facilities) in which elderly families (as defined in section 3(b)(3) of the United States Housing Act of 1937) benefit as a result of living in a dwelling in which the facilities are shared with others in a manner that effectively and efficiently meets the housing needs of the residents and thereby reduces their cost of housing;

(16) activities necessary to the development of comprehensive community-wide energy use strategy, which may include items such as —

(A) a description of energy use and projected demand by sector, by fuel type, and by geographic area;

(B) an analysis of the options available to the community to conserve scarce fuels and encourage use of renewable energy resources;

(C) an analysis of the manner in, and the extent to, which the community's neighborhood revitalization, housing, and economic development strategies will support its energy conservation strategy;

(D) an analysis of the manner in, and the extent to, which energy conservation objectives will be integrated into local government operations, purchasing and service delivery, capital improvements budgeting, land use planning and zoning, and traffic control, parking, and public transportation functions;

(E) a statement of the actions the community will take to foster energy conservation and the use of renewable energy resources in the private sector, including the enactment and enforcement of local codes and ordinances to encourage or mandate energy conservation or

use of renewable energy resources, financial and other assistance to be provided (principally for the benefit of low- and moderate-income persons) to make energy conserving improvements to residential structures, and any other proposed energy conservation activities;

(F) appropriate provisions for energy emergencies;

(G) identification of the local governmental unit responsible for administering the energy use strategy;

(H) provision of a schedule for implementation of each element in the strategy; and

(I) a projection of the savings in scarce fossil fuel consumption and the development and use of renewable energy resources that will result from implementation of the energy use strategy;

(17) provision of assistance to private, for-profit entities, when the assistance is necessary or appropriate to carry out an economic development project; and

(18) the rehabilitation or development of housing assisted under Section 17 of the United States Housing Act of 1937.

(b) Upon the request of the recipient of assistance under this title, the Secretary may agree to perform administrative services on a reimbursable basis on behalf of such recipient in connection with loans or grants for the rehabilitation of properties as authorized under subsection (a)(4).

(c)(1) In any case in which an assisted activity described in paragraph (14) or (17) of subsection (a) is identified as principally benefitting persons of low and moderate income, such activity shall —

(A) be carried out in a neighborhood consisting predominantly of persons of low and moderate income and provide services for such persons; or

(B) involve facilities designed for use predominantly by persons of low and moderate income; or

(C) involve employment of persons, a majority of whom are persons of low and moderate income.

(2) In any case in which an assisted activity described in subsection (a) is designed to serve an area generally and is clearly designed to meet identified needs of persons of low and moderate income in such area, such activity shall be considered to principally benefit persons of low and moderate income if (A) not less than 51 percent of the residents of such area are persons of low and moderate income; or (B) in any jurisdiction having no areas meeting the requirements of subparagraph (A), the area served by such activity has a larger proportion of persons of low and moderate income than not less than 75 percent of the other areas in the jurisdiction of the recipient.

(3) Any assisted activity under this title that involves the acquisition or rehabilitation of property to provide housing shall be considered to benefit persons of low and moderate income only to the extent such housing will, upon completion, be occupied by such persons.

APPENDIX 5

Allocation of Funds in Relation to Category
and National and State Objectives

The following is a chart reflecting the allocation of LCDBG funds by category for FY 1982 and FY 1983. A portion of the funds are currently unallocated, as indicated, due to cancellation of some grants.

CATEGORY	FY 1982		FY 1983	
	\$	%	\$	%
Prior Year Commitment	13,213,528	42.83	6,579,549	23.68
Economic Development	962,500	3.12	1,084,000	3.90
Housing	4,601,999	14.92	4,311,920	15.52
Public Facilities	9,563,651	31.00	11,654,065	41.94
Planning	196,767	.64	0	.00
Imminent Threat	1,713,300	5.55	2,089,520	7.52
Innovative Housing	0	.00	1,100,000	3.96
Administration	308,484	1.00	333,444	1.20
Unallocated	288,144	.94	634,502	2.28
TOTAL	30,848,373	100.00	27,787,000	100.00

The applicants selected for funding in FY 1982 and FY 1983 were required to meet one or more of the national objectives. The national objectives are:

1. Elimination of slums and blight and the prevention of blighting influences.
2. Elimination of conditions which are detrimental to health, safety, and public welfare.
3. Benefit to low-moderate income persons.

The following table is a breakdown of the total grants for FY 1982 and FY 1983 as they apply to each national objective. Each recipient's administrative monies are not included.

NATIONAL OBJECTIVES AND FUNDING

National Objective	FY 1982		FY 1983	
	\$	%	\$	%
Elimination of Slums & Blight	253,455	.89	109,714	.43
Conditions detrimental to health, safety, and public welfare	1,626,800	5.70	2,033,050	8.02
Benefit to low-mod	26,642,673	93.41	23,213,063	91.55
Total	28,522,928	100.00	25,355,827	100.00

A state objective was also included to strengthen economic development through the creation of jobs, stimulation of private investment, and community revitalization. In 1982, \$1,242,878 was funded for economic development, excluding recipient administrative funds, to meet this state objective. FY 1983 funds of \$1,185,563 met this objective. The economic development grants also met the national objective of benefit to low and moderate income persons; therefore, the amount of \$1,185,563 is also shown under that national objective.

Notices of Intent

NOTICE OF INTENT
Department of Agriculture
Seed Commission

In accordance with the provisions of LSA 49:951, et seq., the Administrative Procedure Act, and LSA 3:1433, relative to the authority of the Seed Commission, notice is hereby given that the Department of Agriculture, Seed Commission, will conduct a public hearing at 10 a.m. August 1, 1984, at the State Capitol, Baton Rouge, LA, to consider adoption of the following amendments to the Louisiana Seed Certification Standards:

Rule 22.2 Crimson Clover Seed Standards will be amended by adding standards for other varieties:

Breeder	Foundation	Registered	Certified
None	0.1	0.25	1.0

Rule 24.2 Red Clover Seed Standards will be amended by adding standards for other varieties:

Breeder	Foundation	Registered	Certified
None	0.1	0.25	1.0

Rule 25.3 Cottonseed Seed Standards will be amended by adding standards for other varieties:

Breeder	Foundation	Registered	Certified
None	0.03	0.05	0.1

Rule 26.2 Dallisgrass Seed Standards will be amended by adding standards for other varieties:

Foundation	Registered	Certified
0.1	1.0	2.0

Rule 27.2 Gulf Ryegrass Seed Standards will be amended by adding standards for other varieties:

Foundation	Registered	Certified
0.1	1.0	2.0

Rule 28.2 Harding Grass seed Standards will be amended by adding standards for other varieties:

Foundation	Registered	Certified
0.1	1.0	2.0

Rule 32.1 Okra Seed Standards will be amended by revising field isolation distances:

Foundation	Registered	Certified
1320 ft.	1320 ft.	825 ft.

Rule 33.4 Onion Seed Standards will be amended by adding standards for other varieties:

Foundation	Registered	Certified
0.0	0.5	1.0

Rule 34.2 Rescue Grass Seed Standards will be amended by adding standards for other varieties:

Foundation	Registered	Certified
0.1	1.0	2.0

Rule 40.0 Small Grain (Oats, Wheat, Rye) Seed Standards will be amended by revising field isolation distances for Rye:

Breeder	Foundation	Registered	Certified
660 ft.	660 ft.	660 ft.	660 ft.

Rule 47.2 Tall Meadow Fescue Seed Standards will be amended by adding standards for other varieties:

Foundation	Registered	Certified
0.1	1.0	2.0

Rule 51.4 Vetch Seed Standards will be amended by adding standards for other varieties:

Foundation	Registered	Certified
0.1	0.25	1.0

The Seed Commission may consider amendment to other provisions of the Louisiana Seed Certification Standards at the said public hearing.

Comments will be accepted by John Armstrong, State Seed Analyst, Box 16390-A, Baton Rouge, LA 70813, or in person at his office at the Harry D. Wilson Building, LSU Campus, Baton Rouge, LA.

All interested persons will be afforded an opportunity to submit data or arguments, orally or in writing, at the said public hearing.

Bob Odom
Commissioner

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Certified Seed Regulations

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
Implementation of this regulation will cause no additional costs or savings to state or local government units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
Implementation of this regulation will not affect revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
Implementation of this regulation will not cause any additional economic costs or benefits for directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
The proposed rule change will have no effect on competition or employment, because all growers will still follow the same procedures and will be subject to the same regulatory oversight which exists prior to the proposed rule change.

John W. Impson Assistant Commissioner, Office of Agricultural & Environmental Sciences	Mark C. Drennen Legislative Fiscal Officer
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NOTICE OF INTENT

**Department of Commerce
Board of Architectural Examiners**

Under the authority of La. R.S. 37:144 and in accordance with the provisions of La. R.S. 49:951 et seq., the Board of Architectural Examiners submits the following proposed adoptions for legislative review and approval.

PROPOSED RULES

The Louisiana State Board of Architectural Examiners op-

erates pursuant to the below listed rules, to be adopted under the authority of R.S. 1950, Title 37, Chapter 3 as amended.

For purposes of these rules, the term "architect" means a person who is technically and legally qualified to practice architecture in Louisiana including a professional architectural corporation certified by the Board pursuant to the provisions of La. R.S. 12:1086 et seq. and an architectural-engineering corporation certified by the Board pursuant to the provisions of La. R.S. 12:1171 et seq. The term "Board" means the Louisiana State Board of Architectural Examiners.

**LAC 11-14:1
ORGANIZATION**

§1.1 The name and address of the person designated by the Board upon whom service of process may be served in judicial procedures against the Board is the Executive Director at the address of the official place of business of the Board.

§1.2 The Board shall elect a President and a Secretary, each to hold office until their successors shall have been elected. The term of office shall be for one year beginning the first day of January the ensuing year.

§1.3 The President shall preside at all meetings; appoint all committees; sign all certificates of registration issued; sign all checks, with the Executive Director; and perform all other duties pertaining to his office.

§1.4 The Secretary shall, with the assistance of such executive and clerical help as may be required, keep a record of all the proceedings of the Board and of all monies received or expended by the Board, which record shall be open to public inspection at all reasonable times. He shall sign all certificates of registration.

§1.5 The Board may employ such executive, stenographic, and office assistance, including an Executive Director, as is necessary and such professional assistance at examinations as is required, and shall rent office space as necessary to house the staff and records.

§1.6 The Board shall employ an Executive Director who shall have possession on behalf of the Secretary of all the official records of the Board and who may, under the supervision of the Board, perform such administrative and ministerial duties as the Board authorizes.

§1.7 In discharging its responsibilities, the Board may engage private counsel, or, as prescribed in law, utilize the services of the Attorney General.

§1.8 There shall be at least four regular meetings each year. If the Executive Director or the President decide additional meetings are necessary, a special meeting may be called by due notification of all members of the Board. A special meeting of the Board shall be called by the President upon the request of any two members by giving at least a ten days written notice to each member of the time and place of such meeting.

§1.9 Unless required otherwise, by law or by these rules, Robert's Rules of Order shall be used in the conduct of business by the Board.

§1.10 Three members of the Board constitute a quorum.

§1.11 The minutes of all meetings shall be prepared and signed by the Secretary and the President at the next regular meeting. As soon as the minutes are prepared, the Executive Director shall mail them to the membership for their comments.

§1.12 Among other official records required by law, or by rules of other agencies in support of law, there shall be kept in the Board offices accurate and current records including, but not limited to:

§1.12.1 A record containing, in proper order, minutes of all meetings of the Board.

§1.12.2 A record containing the name and registration number of all persons to whom certificates of registration are is-

sued, the last known address of all registrants, and a record of all current renewals effected through annual registrations.

§1.12.3 An individual file for each registrant containing the original application, relevant verification and evaluation data, records of examinations and grades, date of original registration and a record of annual registrations and fees received after original registration, and when applicable, records of alleged violations and any revocation, rescission and suspension of licenses.

§1.12.4 A system of record keeping correctly and currently indicating funds budgeted, committed, spent, and remaining, as well as projections of appropriate requests for consideration in budget development.

§1.13 The Board shall maintain membership in the National Council of Architectural Registration Boards (NCARB) and its Regional conference. Up-to-date information on the examinations and policies adopted from time to time by NCARB shall be developed by the staff, and reported to the Board regularly.

§1.14 The Board will cooperate with NCARB in furnishing transcripts of records, giving examinations and rendering other assistance calculated to aid in establishing uniform standards of professional qualification throughout the jurisdiction of NCARB.

§1.15 If funds are available, the Board may pay the expenses of the board members, director and legal counsel attending the NCARB national and committee meetings, Southern Conference meetings, and other designated meetings at which the member, director and legal counsel is representing the Board.

LAC 11-14:2

APPLICATIONS FOR EXAMINATION

§2.1 Applications will be received at the office of the Board and shall be filed no less than 90 days prior to date of examination.

§2.2 Applications shall be made on a form, furnished by the Board, which indicates the applicant has completed an internship of practical working experience, as defined by NCARB, and as outlined by the Intern Development Program Administration by NCARB.

§2.3 If an applicant fails to take the examination at the time for which he has applied, two-thirds of his fee will be returned and he will be required to file a new application, for future examination.

§2.4 The Board may request additional evidence or information, or a personal appearance of the Applicant before the Board. Failure to comply within 30 days from the date of written request by the Board may be considered as just and sufficient cause for disapproval of the application.

LAC 11-14:3

REGISTRATION AND EXAMINATION REQUIREMENTS

§3.1 If an applicant has passed the examination given by another state, the Board will accept NCARB certification as evidence of qualification for registration.

§3.2 The NCARB requirements for determining the qualifications and eligibility of an applicant to take the written examinations are adopted by the Board.

§3.3 The Architectural Registration Examination as prepared by the NCARB, is adopted by this Board as the examination required to obtain registration.

§3.4 The Board will not reverse the grade received by a candidate from NCARB.

LAC 11-14:4

REGISTRATION PROCEDURE

§4.1 To obtain information regarding registration to practice architecture in Louisiana an individual shall write the Board, giving a brief statement of his education, experience, and professional practice. A corporation which satisfies the requirements of the Professional Architectural Corporations Law, La. R.S. 12:1086 et seq., and an architectural-engineering corporation which satis-

fies the requirements of the Architectural-Engineering Corporation Law, La. R.S. 12:1171 et seq. may be registered. The letter to the Board shall indicate whether the applicant seeks to be registered as an architect, a professional architectural corporation, or an architectural-engineering corporation. The applicant will then receive instructions on the procedure to follow.

§4.2 Individuals who are registered in other states may apply for registration in Louisiana on the basis of an NCARB (blue cover) certificate, provided the examination taken and the record of the applicant meets the requirements for registration of architects in Louisiana. The Board will act upon the application at the next Board meeting. If the decision of the Board is favorable, a certificate of registration will be issued.

§4.3 Upon granting registration and issuance of a license to practice architecture, a copy of the Licensing Law and the Rules of the Board shall be forwarded to the registrant.

§4.4 Only individuals, professional architectural corporations, and architectural-engineering corporations who have met the statutory registration requirements through established Board Rules shall receive certificates of registration.

§4.5 Each holder of a certificate shall maintain the certificate in his principal office or place of business in this state.

§4.6 A replacement certificate will be issued to a registrant to replace one lost or destroyed, provided the current annual registration renewal is in effect, the registrant makes proper request and submits an acceptable explanation of the loss or destruction of the original certificate, and the registrant pays a fee to be set by the Board.

§4.7 Registrants sixty-five years of age or older, who have retired from active practice may request emeritus status. The annual renewal fee for approved emeritus registrants will be five dollars. Revocation and reinstatement rules will otherwise apply to emeritus registrants, just as they do to all other registrants.

LAC 11-14:5

RENEWAL PROCEDURE

§5.1 Certificates of licensure for individuals shall expire and become invalid on December 31 of each year. Certificates of licensure for professional architectural corporations and architectural-engineering corporations shall expire and become invalid on June 30 of each year. An architect who desires to continue his license in force shall annually renew same.

§5.2 It is the responsibility of the architect to obtain, complete, and timely return a renewal form and fee to the Board office, which forms are available upon request from said office.

§5.3 Prior to December 1 of each year the Board shall mail to all individuals currently licensed a renewal form. An individual who desires to continue his license in force shall complete said form and return same with the renewal fee prior to December 31. The fee shall be determined by the Board, not to exceed \$50. Upon payment of renewal fee the Executive Director shall issue a renewal certificate.

§5.4 Prior to June 1 of each year the Board shall mail to all professional architectural corporations and all architectural-engineering corporations currently licensed a renewal form. A professional architectural corporation and an architectural-engineering corporation which desires to continue its license in force shall complete said form and return same with the renewal fee prior to June 30. The fee shall be determined by the Board, not to exceed \$50. Upon payment of the renewal fee, the Executive Director shall issue a renewal certificate.

§5.5 The failure to renew a license timely shall not deprive the architect of the right to renew thereafter.

§5.6 An individual who transmits his renewal form and fee to the Board subsequent to December 31 and a professional architectural corporation or an architectural-engineering corpora-

tion who transmits its renewal form and fee to the Board subsequent to June 30 shall be required to pay a delinquent fee to be determined by the Board, not to exceed \$60.

LAC 11-14:6
ADMINISTRATION

§6.1 All registrants must affix their seal or stamp to all drawings and to the title page and index page of all specifications and to other documents of service as well, which are developed and issued under direction or authorship of the registrant.

§6.2 It is recognized that in certain fields of practice there is a broad overlap between the work of architects and engineers. This is particularly true in the field of buildings and similar structures. It is recognized that an architect, who has complied with all of the current laws of Louisiana relating to the practice of architecture has a right to engage in activities properly classifiable as professional engineering insofar as it is necessarily incidental to his work as an architect. Likewise, it is recognized that the professional engineer, who has complied with all of the current laws of Louisiana, and is properly registered in that branch of engineering for which he may be qualified, has a right to engage in activities classifiable as architectural insofar as is necessarily incidental to his work as an engineer. Furthermore, the architect or the professional engineer, as the case may be, shall assume all responsibility for compliance with all laws or ordinances relating to the designs of projects with which he may be engaged.

§6.3 The seal or stamp of the architect shall contain the name of the architect, the architect's registration numbers, and identify the architect as a registered architect.

LAC 11-14:7

TITLES, FIRM NAMES, AND ASSUMED NAMES

§7.1 Persons holding certificates of registration issued by this Board are authorized to employ the title "architect", "architectural corporation", or "architectural-engineering corporation", as applicable, and use the word architect, or various constructions thereof, in describing or identifying services solicited, offered, or executed. No other person, firm, partnership, corporation, or groups of persons may employ the title "architect" or constructions of the word architect to describe persons or services, nor do such unregistered persons have authority to solicit, offer, or execute architectural services in this state.

§7.2 No person, firm, partnership, corporation, or group of persons is authorized to solicit, offer, or execute architectural services in this state without certificates of registration issued by this Board to practice architecture in Louisiana.

§7.3 Registrants holding current certificates of registration may organize or engage in any form of individual partnership, firm, group, or corporate practice of architecture allowed by the statutes of this state, provided the firm name:

§7.3.1 If a professional architectural corporation, ends with one of the phrases: "A Professional Architectural Corporation", "A Professional Corporation", or "An Architectural Corporation", which phrase may be in parenthesis, and complies with the other requirement of La. R.S. 12:1087.

§7.3.2 If an architectural-engineering corporation, ends with language sufficient to identify the corporation as a corporation, such as, but not by way of limitation, "Incorporated", "Inc.", "Limited", or "Ltd.", and complies with the other requirements of La. R. S. 12:1172.

§7.3.3 If under any firm title other than the real name or names of a registered architect, whether individually, or as an association, partnership, or corporation, has been identified in a certificate filed in the office of this Board stating the full name and residence of each person engaging in that practice, the place (including street, number, city, and zip code) where that practice is principally conducted, and the title under which it is conducted.

§7.4 It is the responsibility of all architects engaged in the practice of architecture as a firm, partnership, corporation, or group of persons to advise the Board of any name change.

LAC 11-14:8
PROFESSIONAL ARCHITECTURAL CORPORATIONS

§8.1 The practice of architecture by professional architectural corporations is only permissible when lawfully constituted under the laws pertaining to professional architectural corporations, La. R.S. 12:1086, et seq.

§8.2 No person, firm, partnership, corporation, or group of persons shall solicit, offer, execute, or perform architectural services in this state as a professional architectural corporation without first receiving a certificate from the Board authorizing the corporation to do so.

§8.3 Any person seeking to be certified to practice architecture as a professional or professional corporation shall request in writing an application to do so from the office of the Board. The request shall state the name of the proposed corporation. The applicant is required to complete said application fully and return same to the Executive Director. Upon receipt of such application and the fee, the Board shall promptly either approve said application and certify the applicant as a professional architectural corporation or disapprove said application advising the applicant of the reasons therefor.

§8.4 Architectural services rendered on behalf of a professional architectural corporation must be performed by or under the direct supervision of a natural person duly licensed to practice architecture in this state.

§8.5 The architects licensed in this state who perform such architectural services or directly supervise such services will be responsible to this Board for all acts and conduct of such corporation.

§8.6 It will be the responsibility of all architects named in an application to be certified as a professional architectural corporation to advise the Board of any organizational change that would relate to the authority granted under this Rule. Failure to do so could result in disciplinary action leading to suspension, revocation, or rescission of the registrants' license.

LAC 11-14:9

ARCHITECTURAL-ENGINEERING CORPORATIONS

§9.1 The practice of architecture by architectural-engineering corporations is only permissible when lawfully constituted under the laws pertaining to architectural-engineering corporations, La. R.S. 12:1171 et seq.

§9.2 No person, firm, partnership, corporation, or group of persons shall solicit, offer, execute, or perform architectural services in this state as an architectural-engineering corporation without first receiving a certificate from the Board authorizing the corporation to do so.

§9.3 Any person seeking to be certified to practice architecture as an architectural-engineering corporation shall request in writing an application to do so from the office of the Board. The request shall state the name of the proposed corporation. The applicant is required to complete said application fully and return same to the Executive Director. Upon receipt of such application and the fee, the Board shall promptly either approve said application and certify the applicant as an architectural-engineering corporation or disapprove said application advising the applicant of the reasons therefor.

§9.4 Architectural services rendered on behalf of an architectural-engineering corporation must be performed by or under the direct supervision of a natural person duly licensed to practice architecture in this state.

§9.5 The architects licensed in this state who perform such architectural services or directly supervise such services will be re-

sponsible to this Board for all acts and conduct of such corporation.

§9.6 It will be the responsibility of all architects named in an application to be certified as an architectural-engineering corporation to advise the Board of any organizational change that would relate to the authority granted under this Rule. Failure to do so could result in disciplinary action leading to suspension, revocation, or rescission of the registrants' license.

LAC 11-14:10 VIOLATIONS

§10.1 Complaints alleging violation of law or rules and regulations, the enforcement of which is a responsibility of this Board, should be addressed to the Board office and should be in writing and in the form of a sworn affidavit. The Board, upon its own motion, may file a complaint against any architect.

§10.2 Complaints shall be preliminarily investigated by the Executive Director, with the assistance of counsel and the President, who shall either dismiss the charges, so notifying the complainant, or refer the matter to the Board for hearing. The Board may also refer alleged violations to the appropriate district attorney and/or file suit pursuant to the provisions of La. R.S. 37:156.

§10.3 The Board may obtain the services of a reporter to make a record of the hearing. The respondent may contact the Executive Director to determine whether a reporter will be provided by the Board.

§10.4 Hearings before the Board shall be in accordance with La. R.S. 37:141 et seq. and the Administrative Procedure Act, La. R.S. 49:951 et seq.

§10.5 In all cases the Board's Executive Director stands instructed to support and cooperate with counsel and the courts in any manner possible, and to keep the Board advised of relevant matters as the case develops.

§10.6 In the Board office there shall be maintained a current file of all complaints alleging violations, reflecting all information and action pertinent thereto.

§10.7 Upon its own motion, the Board may reopen any such case on record and direct a reinvestigation of the respondent's actions subsequent to resolution of the original complaint.

LAC 11-14:11 RULES OF CONDUCT

§11.1 In practicing architecture, an architect shall act with reasonable care and competence, and shall apply the technical knowledge and skill which is ordinarily applied by architects of good standing, practicing in the same locality.

§11.2 An architect shall undertake to perform professional services only when he or she, together with those whom the architect may engage as consultants, are qualified by education, training, and experience in specific technical areas involved.

§11.3 An architect shall not accept compensation for his or her services from more than one party on a project unless the circumstances are fully disclosed to and agreed to, by all involved parties.

§11.4 If an architect has any business association or direct or indirect financial interest which is substantial enough to influence his or her judgment in connection with his or her performance of professional services, the architect shall fully disclose in writing to his or her client or employer the nature of the business association or financial interest, and if the client or employer objects to such association or financial interest, the architect will either terminate such association or interest or offer to give up the commission or employment.

§11.5 An architect shall not solicit or accept compensation from material or equipment suppliers in return for specifying or endorsing their products.

§11.6 When acting as the interpreter of building contract documents and the judge of contract performance, an architect shall render decisions impartially, favoring neither party to the contract.

§11.7 An architect, making public statements on architectural questions, shall disclose when he or she is being compensated for making such statement.

§11.8 An architect shall accurately represent to a prospective or existing client or employer his or her qualifications and the scope of his or her responsibility in connection with work for which he or she is claiming credit.

§11.9 If in the course of his or her work on a project, an architect becomes aware of a decision taken by his or her employer or client, against the architect's advice, which violates applicable State or municipal building laws and regulations, the architect shall report the decision to the local building inspector or other public official charged with the enforcement of the applicable State or municipal building laws and regulations; refuse to consent to the decision; and in circumstances where the architect reasonably believes that other such decisions will be taken notwithstanding his objection, terminate his services with reference to the project. In the case of a termination, the architect shall have no liability to his or her client on account of such termination.

§11.10 An architect shall not deliberately make a materially false statement or fail deliberately to disclose a material fact requested in connection with his or her application for registration or renewal.

§11.11 An architect shall not assist the application for registration of a person known by the architect to be unqualified in respect to education, training, experience, or character.

§11.12 An architect shall not, in the conduct of his or her architectural practice, knowingly violate any local, State or Federal criminal law.

§11.13 An architect shall neither offer nor make payment or gift to a government official (whether elected or appointed) with the intent of influencing the official's judgment in connection with a prospective or existing project in which the architect is interested.

§11.14 An architect shall comply with the registration laws and regulations governing his or her professional practice in any United States jurisdiction.

§11.15 An architect shall not sign or seal drawings, specifications, reports or other professional work for which he or she does not have direct professional knowledge and direct supervisory control; provided, however, that in the case of the portions of such professional work prepared by the architect's consultants registered under this or under another professional registration law of this jurisdiction, the architect may sign or seal the consultants' portions of the professional work if the architect has reviewed such portion, has coordinated its preparation, and intends to be responsible for its adequacy.

§11.16 An architect shall not engage in conduct involving fraud or wanton disregard of the rights of others.

LAC 11-14:12 ARCHITECTS SELECTION BOARD ELECTION

§12.1 As provided in La. R.S. 38:2310 et seq. the Board will accept nominations for the Architects Selection Board on the following basis:

§12.1.1 Spring Election (Two persons elected to serve a one year term beginning July 1)—Beginning March 1, any resident architect holding a current Louisiana license desiring nomination must furnish a petition (sample may be obtained from Board Office) by certified mail to the Board Office by 4:15 p.m. on or before the first Friday in April.

§12.1.2 Fall Election (Two persons elected to serve a one year term beginning January 1)—Beginning September 1, any resident architect holding a current Louisiana license desiring

nomination must furnish a petition (sample may be obtained from Board Office) by certified mail to the Board Office by 4:15 p.m. on or before the first Friday in October.

§12.2 If only two resident architects are nominated for either the Spring Election or the Fall Election, no election shall be held. The two nominees shall be deemed elected without any further activity of the Board.

§12.3 If an election is necessary, official ballots will be mailed approximately 45 days after the closing date for accepting nominations. The ballots will be tabulated at a meeting of the Board held no less than two weeks prior to the beginning of each term.

§12.4 The two nominees elected in each election will be based on plurality. No write-in candidates will be counted.

§12.5 The Tabulation Committee shall consist of at least two members of the Board.

§12.6 Any vacancy occurring with respect to any person elected pursuant to this part shall be filled in the following manner: the Executive Director shall give notice of said vacancy to any person who has previously requested such notice in writing, and the Executive Director shall also publish in the official journal of the state an advertisement which will appear for a period of not less than ten days. The advertisement in the official journal of the state need not appear more than three times during the ten day period. The Executive Director may publish other such advertisements in his discretion. The advertisements shall state that a vacancy has occurred, that any resident architect holding a current Louisiana license desiring nomination must furnish a petition by certified mail to the Board Office, that a sample of the petition may be obtained upon request from the Board office, the deadline for filing the petition, and any other information the Board may consider necessary. The deadline for filing a petition to fill a vacancy shall be at least ten days subsequent to the expiration of the last advertisement appearing in the official journal of the state. The Board shall appoint one of the petitioners to fill the vacancy, which appointee shall serve the unexpired term.

LAC 11-14:13
AMENDMENTS

§13.1 These rules may be amended pursuant to the Administrative Procedure Act, La. R.S. 49:951 et seq.

LAC 11-14:14
SEVERABILITY

§14.1 If any provision or item of the Rules of the Board or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of the Rules of the Board which can be given effect without the invalid provisions, items or applications, and to this end the provisions of the Rules of the Board are hereby declared severable.

Interested persons may submit written comment on these Rules through August 8 to Mrs. Mary "Teeny" Simmons, Director, Board of Architectural Examiners, 1987 Dallas Drive, Baton Rouge, LA 70806.

Mrs. Mary Simmons
Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: LAC11-14:1-14:14**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There are no implementation costs/savings to this agency.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There is no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO

DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

There are no costs to any affected groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

There is no effect on competition or employment.

Mary Simmons
Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Commerce
Office of Commerce and Industry
Division of Financial Programs Administration**

The Department of Commerce, Office of Commerce and Industry, Division of Financial Programs Administration, advertizes its intent to adopt rules for administering the Louisiana capital companies tax credit program in accordance with Louisiana Revised Statutes 51:1921-1931.

Copies of the proposed rule may be obtained by telephoning the Department at 504/342-5399 or writing to Box 44185, Baton Rouge, LA 70804. This rule also appears as an emergency rule in this issue.

All interested persons may submit written comments relative to this rule through August 6, 1984.

Robert Paul Adams
Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Louisiana Capital Companies
Tax Credit Program**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
This program will be administered utilizing existing staff and current funding levels. It is estimated that \$20,240 will be the first year cost for initiating this program.
The Department of Revenue and Taxation estimates approximately \$170,000 will be required to implement the program. This figure includes computer time. Estimated cost for the second year is \$40,000. Most, if not all, of this cost can be absorbed in the agency's 1984-85 budget.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
The fiscal impact of this new program cannot be determined. Investors into capital companies will receive income tax credits, but the amount of lost revenue will depend on the number of investors and the amount of each investment. If small and medium size businesses are created or expanded, sales and use tax revenue will increase, corporate franchise tax and income tax revenue will increase. Collections of other business related taxes will also increase with the creation and expansion of these businesses.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
Investors in certified capital companies will receive income tax credits on their investments. Investor capital will be available for small and medium size businesses.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
This program will have a positive effect on competition

and employment. This program will encourage the development and expansion of small and medium size businesses by providing access to investor capital which otherwise might not be available. The economy of the state will be stimulated, new jobs will be created and existing jobs will be retained.

Robert P. Adams
Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT
Department of Commerce
Racing Commission

The Louisiana State Racing Commission hereby gives notice in accordance with law that it intends to amend rule 1) LAC 11-6:45.1 [renumbered LAC 35:9901] relative to claiming procedures and requirements of race horses, and, 2) LAC 11-6:53.37.1 [renumbered LAC 35:1775] relative to the procedures established for the taking of a split or referee blood or urine sample from a race horse.

Copies of these rules may be obtained by calling the Commission office at (504) 568-5870 or by writing to 616 Baronne Street, Second Floor, New Orleans, La. 70113-1068, or may be viewed at the Office of the State Register, 900 Riverside, Capitol Annex, Baton Rouge, La.

The office of the Commission will be open from 9 a.m. to 4 p.m., and interested persons may contact either Alan J. LeVasseur or Tom Trenchard at this time, holidays and weekends excluded, for a copy of each rule. All interested persons may submit written comments relative to these rules through August 3, 1984.

Albert M. Stall
Chairman

Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: LAC 11-6:53.37.1

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There are no implementation costs to this agency.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There is no effect on revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

The benefits of this action are to the Racing Commission and horsemen. By eliminating the addition of ascorbic acid from all samples, the perception of sample tampering is reduced or eliminated.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

There is no effect on competition or employment.

Albert M. Stall,
Chairman

Mark C. Drennen
Legislative Fiscal Officer

Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: LAC 11-6:45.1

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There are no implementation costs to this agency.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

The effect on revenue collections are not easily measurable. There is no way to determine how many new horse owners will be affected by the qualification requirements or the 30 day time limit.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

There are no costs to affected groups; however, the benefits are to the racing industry by requiring potential horse owners to be properly qualified as owners before making a claim. It is additionally beneficial to the potential horse owners who are provided with a relatively easy method of getting started in the racing business than by some other means, or by getting started in another state.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

There is no effect on competition or employment.

Albert M. Stall
Chairman

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT
Board of Elementary and Secondary Education

The Board of Elementary and Secondary Education intends to adopt the following as policy:

1. Amend Board policy 5.00.50.f to change the date of submission of federal and state budget requests to the Special Education Advisory Council to read "November 1" rather than "December 1" as it presently states.

2. The Board adopted, as amended, the Personnel Evaluation Accountability Plan entitled "A Plan for the Evaluation of All Certified and Other Professional Personnel, and Teacher Aides" for special schools under BESE's jurisdiction.

3. Amend Board Policy 3.02.37 (Section 1.3.a) to read: "The superintendent of the Board Special School is the duly appointed and authorized agent of the Board of Elementary and Secondary Education."

4. The Board approved the proposed policy as follows: "Each Board Special School superintendent is designated as appointing authority for the day-to-day operation of the Board Special School with the proviso that the hiring and termination of employees are subject to the approval of the State Board of Elementary and Secondary Education."

5. The Board adopted the *Business English* curriculum guides as submitted and recommended by the State Department of Education.

Interested persons may comment on the proposed policy change and/or additions, in writing, until 4:30 p.m., September 7, 1984 at the following address: State Board of Elementary and Secondary Education, Box 44064, Capitol Station, Baton Rouge, LA 70804.

James V. Soileau
Executive Director

Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Policy 5.00.50.f

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There is no impact.

- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There is no impact.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
There is no impact.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There is no impact.

Joseph F. Kyle
Deputy Superintendent

Mark C. Drennen
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Special Schools Accountability**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There are no implementation costs to governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There is no effect on revenue collections to governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
The proposed rule will establish a more uniform system for assessment and evaluation of certified and other professional personnel.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There is no effect on competition and employment.

James Soileau
Executive Director

Mark C. Drennen
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: 3.02.37-1.3.a and 3.02.04.g**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There are no implementation costs to governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There is no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
There are no economic costs or benefits associated with these rule changes.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
There is no effect on competition and employment.

James Soileau
Executive Director

Mark C. Drennen
Legislative Fiscal Officer

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: 2.105.04 Revised (Adopted April 26, 1984)**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
No cost or savings to state or local governmental units is anticipated. Any additional cost for textbooks for Business English should be offset by reduced expenditures for other English texts.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
No impact on revenue collections of state or local governmental units is anticipated.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)
No impact is anticipated.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)
No impact on competition and employment is anticipated.

Joseph J. Kyle
Deputy Superintendent

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Health and Human Resources
Office of Health Services and Environmental Quality**

In accordance with the laws of the State of Louisiana, R.S. 40:1103 and the provisions of the Louisiana Sanitary Code, Chapter II, section 2:020, in reference to the responsibility of any person attending at a childbirth, the State Health Officer has determined that the following prophylactic agents are acceptable for use in the eyes of all newborn infants in order to prevent ophthalmia neonatorum:

- 1) silver nitrate solution (1%) in single-dose ampules
- 2) erythromycin (0.5%) ophthalmic ointment or drops in single-use tubes or ampules,
- 3) tetracycline (1%) ophthalmic ointment or drops in single-use tubes or ampules.

In addition, it is noted that erythromycin and tetracycline are preferred because they are effective in preventing both gonococcal and chlamydial ophthalmia neonatorum.

Comments regarding the proposed rule should be addressed to: Sarah M. Braud, M.D., Health Deputy Assistant Secretary, Office of Health Services and Environmental Quality, Department of Health and Human Resources, Box 60630, New Orleans, LA 70160. A public review hearing will be held on July 25, 1984 at 10 a.m. at 325 Loyola Avenue, Room 511, New Orleans, LA to discuss comments on the rule.

Sandra L. Robinson, M.D., M.P.H.
Secretary and State Health Officer

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Ophthalmia Neonatorum Prophylaxis**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
There are no implementation costs for this rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)
This rule will have no effect on revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

There are no changed costs or economic benefits. It is assumed that single-dose/single-use tubes or ampules, ointment or drops are currently in use.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

There is no effect on competition and employment.

Sarah M. Braud
Health Deputy Assistant Secretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Natural Resources
Energy, Research and Planning Division**

The Department of Natural Resources intends to hold a public hearing relative to the development of a Commercial and Apartment Conservation Service (CACS) State Plan. The development of this CACS plan is in accordance with rules and regulations proposed or developed by the Department of Energy (Federal Register of October 26, 1983 - 10CFR part 458, pages 49622-49650) in response to Public Law 96-294, dated June 30, 1980.

1. Relevant information is as follows:

A. The purpose of this public hearing is to receive suggestions and solicit comments from Louisiana citizens concerning the proposed Commercial and Apartment Conservation Service (CACS) State Plan prior to the submission of said plan to the U.S. Department of Energy for review. This public hearing will encompass the features of the State Plan which are specifically defined in the federal CACS regulations.

B. Any written comments on the issues identified or any other appropriate aspects of the proposed plan must be received on or before August 2, 1984.

C. A public hearing will be held beginning at 9 a.m. on August 21 at the following location: Land and Natural Resources Building, 625 N 4th St., (Conservation Hearing Room - 1st floor), Baton Rouge, LA.

D. Questions concerning any aspect of the public hearing as well as any written comments addressing the issues defined or any other feature of the CACS program should be directed to: Louisiana Department of Natural Resources, Attention: Vance Edwards/CACS, Energy, Research and Planning Division, Box 44156, Baton Rouge, LA 70804.

Comments and suggestions are specifically sought for the two following criteria:

(1) What fee should the utility be allowed to recover from each customer for whom an audit is performed? (\$0, \$15, \$25, \$100? more?) The Public Service Commission (PSC) has the sole authority to establish this fee for commercial structures, but the CACS Lead Agency may recommend a fee to the PSC. Multifamily dwelling audits are limited to no more than \$15.

(2) Should CACS audits be permitted for commercial buildings, including nonprofit business buildings and state/local government administrative buildings, for which the kWh usage exceeds an average of 4000 kWh per month? If yes, to what level should it be raised? (25,000? 29,000? more?) The PSC will be the final authority if the 4,000 level is raised, but the CACS Lead Agency may recommend a level.

Copies of the CACS Plan will be available for "in-house" review at the following locations during normal duty hours as of July 20.

(1) Land and Natural Resources Building, 625 N 4th St., 10th Floor, Receptionist Area - Energy, Research and Planning.

(2) Louisiana State Library, 740 Riverside North, Baton Rouge, LA.

William C. Huls
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules**

**Rule Title: Commercial and Apartment Conservation
Service (CACS) State Plan**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

Implementation of the *CACS Program is the responsibility of the covered utilities. The Department of Natural Resources, Energy, Research & Planning Division, is functioning as an administrative agency (Lead Agency) and is essentially taking on additional duties to assure the proper implementation of this program. Lead Agency implementation costs are derived from funds of federal origin. (Major implementation costs are borne by the utilities)

*Commercial and Apartment Conservation Service

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

Adoption of this proposed rule will have no estimated effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

The Consumer Protection Agency and Louisiana Public Service Commission should not be affected beyond their normal public service functions. For those local governments which have a public utility participating in this program, some cost may inevitably be passed on to the customer. Customers of all CACS utilities will experience the expensing of program costs through rate basings, to the degree allowed by the Public Service Commission (PSC). The individual audit costs are estimated to range from \$135 to \$200, depending upon the audits methodology chosen by the utility and the number of audits provided.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

Employment in the private sector should increase because utilities will be required to provide a new service to eligible and voluntary customers. There should be no significant effect on competition under the CACS regulations. The CACS draft plan has been written with the intent of not requiring utility auditors to encroach into the more technical areas which may require the expertise of an engineer/auditor.

R. P. DeVille
Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Transportation and Development
Office of Systems Management**

Under the authority of Louisiana Revised Statutes 2:6 and 36:509F(3), the Department of Transportation and Development will publish an Operations and Policy Manual which will provide direction for the operation of aircraft owned and operated by the State of Louisiana. Those agencies which own and operate aircraft are hereby given the opportunity to participate in the development of addenda to the Operations and Policy Manual which will

address the specific areas of aviation operation unique to their own department.

Interested persons may comment on this proposal, in writing, through July 30, 1984, at the following address: c/o G. L. Ray, Maintenance Systems Engineer, Room 552, Louisiana Department of Transportation and Development, Box 44245, Capitol Station, Baton Rouge, LA 70804, telephone (504) 342-7639.

Robert G. Graves
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Flight Operations Policy**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

Cost of implementation will be minimal and will be absorbed in the Department's existing budget. Savings which will result from implementation of this program are indirect and intangible. Benefits will include improved safety of operation of state-owned aircraft.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There is no estimated effect on revenue collections of state or local governmental units as a result of this rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

There is no estimated costs or economic benefits to directly affected persons or non-governmental groups as a result of this change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

There is no estimated effect on competition and employment as a result of this rule change.

Vaughn R. Ross
Undersecretary

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of the Treasury
Board of Trustees of the
State Employees Group Benefits Program**

Notice is hereby given that the Louisiana Department of the Treasury, Board of Trustees of the State Employees Group Benefits Program intends to amend its rules to equalize accident and health and life insurance benefits for retirees. In order to equalize benefits it will be required that the reduction in the life time maximum amount of health benefits shall not occur until the July 1st following attainment of age 70, that the annual restoration of benefits shall not reduce until the July 1st following the attainment of age 70 and that the amount of life insurance for retirees in force prior to the attainment of age 65 shall reduce by only 25 percent on the July 1 following the attainment of age 65. The Board of Trustees hereby intends to amend its plan document of benefits in the following manner to reflect these changes:

1. Delete all references to retired employees on page 6.
2. On page 6, under Lifetime Maximum, first line, after the word "active," add the words "and retired."
3. On page 6, under Lifetime Maximum, fourth line, after the word "active," add the words "and retired."
4. On page 25, Article 3, Section I(E), delete Subsection 1 (the last paragraph on the page).

5. On page 26, first line, after the word "active" insert the words "or retired."

6. On page 26, second line, delete the words "retirement or."

7. On page 26, third line, delete the words ", whichever is sooner,".

8. On page 26, renumber the first two paragraphs from 2 and 3 to 1 and 2.

9. On page 57, under Individual Terminations, delete number 9, which states the insurance of an Insured Dependent shall terminate on the date the Insured Employee retires.

10. On page 61, under Accidental Death and Dismemberment Benefits, line immediately under heading (in parenthesis), after the word "active," add the words "and retired."

11. On page 64, under Dependent Life Insurance Benefits, first line in bold type, after the word "active," add the words "and retired."

12. On page 64, under Dependent Life Insurance Benefits, second subheading in bold type, after the word "active," add the words "and retired."

13. On page 64, under Dependent Life Insurance Benefits, line 13, put a period after the numeral "70" and delete the remainder of the sentence, which states "or retires, whichever occurs first."

14. On page 68, second paragraph, first line after the word "active," add the words "and retired."

15. On page 68, second paragraph, fifth line, after the word "active," add the words "and retired."

16. On page 69, delete paragraph (B) and reletter subsequent paragraphs.

17. On page 69, under Accidental Death and Dismemberment Benefits, first line (in parenthesis), after the word "active," add the words "and retired."

18. On page 69, under Accidental Death and Dismemberment Benefits, second to last line on the page, after the numeral "70," add a period and delete the remainder of the sentence.

19. On page 71, Exhibit II, in the heading, after the word "ACTIVE," add the words "AND RETIRED."

20. On page 72, change heading of Exhibit III to read "Basic and Supplemental Life Insurance Schedule for Active and Retired Employees Age 70 and Over."

Comments or objections will be accepted, in writing, by the Executive Director of the State Employees Group Benefits Program until 4:30 p.m. on Monday, September 10, 1984, at the following address: Dr. James D. McElveen, Executive Director, State Employees Group Benefits Program, Box 44036, Baton Rouge, LA. 70804.

James D. McElveen
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Amendments for Retirees**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

Implementation of this rule change will increase the Related Benefits costs to the various member agencies in the approximate aggregate amount of \$55,000 during FY 84/85.

The cost of the State Employees Group Benefits Program will increase in the Other Charges category in the approximate amount of \$556,000 in FY 84/85.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

This rule change will not affect revenue collections of the member agencies. As a result of the rule change, the revenues of the State Employees Group Benefits Program will increase in the approximate amount of \$110,000 in FY 84/85.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

The affected retired employees, those between the ages of 65-69, will pay additional life insurance premiums in the approximate annual amount of \$55,000 in FY 84/85, however, the amount of life insurance coverage they have will be 75% of the amount in force prior to age 65 rather than the 50 percent under the old rule.

Due to the anticipated increase in health claims of \$556,000 as opposed to the projected increase in premiums of only \$110,000, it is assumed that a rate adjustment may be required.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

Competition and employment will not be affected.

James D. McElveen
Executive Director

Mark C. Drennen
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of the Treasury
Board of Trustees of the
State Employees Group Benefits Program**

Notice is hereby given that the Louisiana Department of the Treasury, Board of Trustees of the State Employees Group Benefits Program intends to amend its rules to provide for the declaring and filling of vacancies by the Board of Trustees. This amended rule states:

IV Election Rules and Regulations

B. Vacancies

1. A vacancy on the Board of Trustees shall occur for the following reasons:

- Death of a Board Member;
- Resignation from the Board by a member; or
- Failure of an elected Board Member to take office.

2. The Board of Trustees may declare a vacancy on the Board for the following reasons:

a. Conviction of a Board Member of a felony as defined in La. R.S. 14:2;

- Certified medical incapacity of a Board Member; or
- Consecutive absences from Board and committee meetings for a period of six (6) months.

3. Vacancies of participant members of the Board of Trustees shall be filled in accordance with La. R.S. 42:872(E).

Comments or objections will be accepted, in writing, by the Executive Director of the State Employees Group Benefits Program until 4:30 p.m. on Monday, September 10, 1984, at the following address: Dr. James D. McElveen, Executive Director, State Employees Group Benefits Program, Box 44036, Baton Rouge, LA 70804.

James D. McElveen
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Election Regulations

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There will be no implementation costs to State or Local Governmental Units.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS - (Summary)

There will be no impact on revenue collections of State or Local Governmental Units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS - (Summary)

Implementation of this rule change will not have an Economic Cost or Economic Benefit to the directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT - (Summary)

There will be no effect on competition and employment.

James D. McElveen
Executive Director

Mark C. Drennen
Legislative Fiscal Officer

Committee Reports

COMMITTEE REPORT

**House of Representatives
House Natural Resources Committee
Oversight Review**

Pursuant to the provisions of R.S.49:968, the House of Representatives Natural Resources Committee met on April 25, 1984 and reviewed certain changes in state regulations proposed by the Louisiana Department of Environmental Quality for which notice of intent was published in the March 20, 1984 *Louisiana Register* with the following results:

1) Proposed Rules of Procedure for Solid Waste Operator Certification and Training Program. Approved by a vote of 8-0.

Clyde W. Kimball
Chairman

COMMITTEE REPORT

**House of Representatives
House Natural Resources Committee
Oversight Review**

Pursuant to the provisions of R.S.49:968, the House of Representatives Natural Resources Committee met on June 20, 1984 and reviewed certain changes in state regulations proposed by the Louisiana Department of Environmental Quality for which notice of intent was published in the May *Louisiana Register* with the following results:

1) Proposal by the Department of Environmental Quality to amend the Louisiana Hazardous Waste Regulations to provide

the state with regulations that are equivalent and consistent with the Federal Hazardous Waste Management Program.

2) Proposal by the Department of Environmental Quality to amend Chapter 22 of the Louisiana Hazardous Waste Regulations by adding new permitting and technical requirements which more fully define the responsibilities of the hazardous waste recycle, reuse industry in the state.

Approved by a vote of 6-0.

Clyde W. Kimball
Chairman

COMMITTEE REPORT

House of Representatives House Natural Resources Committee Oversight Review

Pursuant to the provisions of R.S.49:968, the House of Representatives Natural Resources Committee met on May 30, 1984 and reviewed certain changes in state regulations proposed by the Louisiana Department of Environmental Quality for which notice of intent was published in the April 20 *Louisiana Register* with the following results:

1) Proposal by the Department of Environmental Quality to implement the Louisiana Prevention of Significant Deterioration (PSD) program.

Approved by a vote of 9-0.

Clyde W. Kimball
Chairman

COMMITTEE REPORT

House of Representatives House Natural Resources Committee Oversight Review

Pursuant to the provisions of R.S.49:968, the House of Representatives Natural Resources Committee met on May 30, 1984 and reviewed certain changes in state regulations proposed by the Louisiana Department of Environmental Quality for which notice of intent was published in the April 20 *Louisiana Register* with the following results:

1) Proposed by the Department of Environmental Quality to allow Conoco Chemicals Company, Incorporated and Ethyl Corporation adequate time to implement Volatile Organic Compound (VOC) bubbles under a schedule.

Approved by a vote of 8-0.

Clyde W. Kimball
Chairman

COMMITTEE REPORT

House of Representatives House Natural Resources Committee Oversight Review

Pursuant to the provisions of R.S.49:968, the House of Representatives Natural Resources Committee met on June 20, 1984 and reviewed certain changes in state regulations proposed by the Louisiana Department of Environmental Quality for which notice of intent was published in the May *Louisiana Register* with the following results:

1) Proposal by the Department of Environmental Quality to expand on the statutory language requiring water quality cer-

tification and to clarify the procedures which are required for making application for and obtaining certification.

Approved by a vote of 7-0.

Clyde W. Kimball
Chairman

COMMITTEE REPORT

House of Representatives House Natural Resources Committee Oversight Review

Pursuant to the provisions of R.S.49:968, the House of Representatives Natural Resources Committee met on June 20, 1984 and reviewed certain changes in state regulations proposed by the Louisiana Office of Conservation for which notice of intent was published in the May *Louisiana Register* with the following results:

1) Proposal by the Office of Conservation to amend its Regulation No. 9 concerning natural gas pipeline safety by clarifying odorization responsibilities of suppliers and end users of natural gas. Such amendments also include amendments recently adopted by the U.S. Department of Transportation concerning metallic composition of pipelines.

Approved by a vote of 8-0.

Clyde W. Kimball
Chairman

COMMITTEE REPORT

House of Representatives House Natural Resources Committee Oversight Review

Pursuant to the provisions of R.S.49:968, the House of Representatives Natural Resources Committee met on May 30, 1984 and reviewed certain changes in state regulations proposed by the Louisiana Department of Natural Resources for which notice of intent was published in the April 20 *Louisiana Register* with the following results:

1) Proposal by the Department of Natural Resources to increase the prices at which certain forest tree seedlings are sold to landowners.

Approved by a vote of 9-0.

Clyde W. Kimball
Chairman

COMMITTEE REPORT

House of Representatives House Natural Resources Committee Oversight Review

Pursuant to the provisions of R.S.49:968, the House of Representatives Natural Resources Committee met on June 20, 1984 and reviewed certain changes in state regulations proposed by the Louisiana Department of Natural Resources for which notice of intent was published in the May *Louisiana Register* with the following results:

1) Proposal by the Department of Natural Resources to provide for the assessment of an additional \$300 fee per state mineral lease and state right-of-way located within the Coastal Zone of Louisiana.

Approved by a vote of 5-0.

Clyde W. Kimball
Chairman

COMMITTEE REPORT

House of Representatives House Natural Resources Committee Oversight Review

Pursuant to the provisions of R.S.49:968, the House of Representatives Natural Resources Committee met on May 30, 1984 and reviewed certain changes in state regulations proposed by the Louisiana Department of Wildlife and Fisheries for which notice of intent was published in the April *Louisiana Register* with the following results:

- 1) Proposal by the Wildlife and Fisheries Commission relative to the setting of the 1984-85 hunting seasons and bag limits. Approved by a vote of 9-0.

Clyde W. Kimball
Chairman

Potpourri

POTPOURRI

Department of Labor Office of Labor

Please be advised that on July 27, 1984, commencing at 10 a.m. in the auditorium, Administration Building, State Police Training Academy, 7901 Independence Boulevard, Baton Rouge, LA the Director of Apprenticeship or his designee will conduct a public hearing to consider the rescission of the action taken by Ulysses Williams in January, 1984, which purported to approve the Standards of Apprenticeship submitted by WYE Electric Company, Industrial Control Systems, Inc.; River City Electric Company, Inc.; and S. & S. Electric, Inc. and to consider the rescission of similar action taken by Williams in March, 1984, which purported to approve the Standards of Apprenticeship submitted by Magnon Electric, Inc.

In addition to considering the above referenced approval signed by Ulysses Williams and the validity of said approval, the Director of Apprenticeship or his designee shall consider whether the Standards of Apprenticeship submitted by the five referenced companies meet or exceed the requirements of LSA-R.S. 23:381, et. seq., and particularly R.S. 23:387.

The Director of Apprenticeship or his designee will also consider the existence of previously approved Apprenticeship Standards in the Monroe, Baton Rouge and Lafayette trade areas and their effect, if any, on the Standards submitted by the five referenced companies. Also, a determination will be made as to whether, prior to the approvals signed by Williams, there was a determination by the Local Joint Apprenticeship Committees of the need for additional apprentices in the respective trade areas and a determination by the State Joint Apprenticeship Committee regarding the employment needs in the three specified trade areas and the appropriate ratio of apprentices to journeymen.

The Director of Apprenticeship or his designee will also consider the deregistration of all apprentices enrolled by the five referenced companies since January, 1984.

The public hearing shall be held pursuant to the authority granted the Director of Apprenticeship under LSA-R.S. 23:381, et. seq., particularly R.S. 23:383, 384, 388, and 390.

All parties are invited to respond, present evidence and participate in accordance with the procedures outlined in LSA-R.S. 49:951, et. seq., particularly R.S. 49:955 and 956.

Any party desiring a full transcript of the proceedings shall make arrangements for same in advance of the hearing date and shall be responsible for the cost of said transcript.

W. Wayne Baudin
Director of Apprenticeship

POTPOURRI

Department of Natural Resources Fishermen's Gear Compensation Fund

In accordance with the provisions of the Fishermen's Gear Compensation Fund Louisiana Revised Statutes 56:700.1 through 56:700.5, and in particular, Section 700.4 thereof; regulations adopted for the fund as published in the Louisiana Register on August 20, 1980, and also the rules of the Secretary of this Department, notice is hereby given that 16 completed claims, amounting to \$12,533.35, were received during the month of June, 1984. During the same month no claims were paid.

A. Public hearings to consider completed claims against the Fishermen's Gear Compensation Fund have been scheduled as follows:

Wednesday, August 8, 1984, at 10 a.m., in Room 1203, Department of Natural Resources Building, 625 North 4th Street, Baton Rouge, LA.

CLAIM NO. 83-845

Gerald Domangue, of Barataria, LA, while trawling on the vessel, "Lady Luck", in the Barataria Waterway, at the mouth of Bayou Dupont, Jefferson Parish, encountered an unidentified submerged obstruction, on February 7, 1984, at approximately 11:30 a.m., causing damage to his vessel and trawl.

Amount of claim: \$5,000.

CLAIM NO. 83-980

George C. Reno, of Venice, LA, while trawling on the vessel, "Tidewater Red", in Breton Sound, near Sable Island, Plaquemines Parish, encountered an unidentified submerged obstruction, on June 20, 1983, at approximately 7:45 a.m., causing damage to his trawl.

Amount of claim: \$60.

CLAIM NO. 83-1176

Cliff Glockner, Jr., of Lacombe, LA, while trawling on the vessel, "Wind Song", in Lake Pontchartrain, 2½ miles east of the causeway, and 6 miles south of shore, St. Tammany Parish, encountered an unidentified submerged obstruction, on September 14, 1983, at approximately 8:30 a.m., causing damage to his trawl.

Amount of claim: \$84.

CLAIM NO. 83-1260

Donald Johnfroe, of Galliano, LA, while trawling on the vessel, "Lady Miranda", in Bay Tambour, Jefferson Parish, encountered an unidentified submerged obstruction, on October 22, 1983, at approximately 10:30 a.m., causing damage to his trawl.

Amount of claim: \$317.30.

CLAIM NO. 83-1291

Dudley Terrebonne, of Cut Off, LA, while trawling on the vessel, "Capt. Dud", in the Gulf of Mexico, east of Freshwater Bayou, at LORAN-C Readings of 27,245.2 and 46,937.5, Vermilion Parish, encountered an unidentified submerged obstruction, on October 13, 1983, at approximately 11 a.m., causing loss of his trawl.

Amount of claim: \$1,476.03.

CLAIM NO. 83-1364

Clarence R. Guidry, of Lafitte, LA, while trawling on the vessel, "Capt. Rosco", in the Gulf of Mexico, east of Southeast Pass, at LORAN-C Readings of 29,067.3 and 46,790.0, Plaquemines Parish, encountered an unidentified submerged obstruction.

tion, on November 29, 1983, at approximately 5 p.m., causing loss of his trawl.

Amount of claim: \$521.

CLAIM NO. 84-1467

Craig A. Zimmer, of New Orleans, LA, while trawling on the vessel, "Crab Ass", in Lake Borgne, north of Shell Beach, at approximate LORAN-C readings of 28,885.0 and 46,995.6, St. Bernard Parish, encountered an unidentified submerged obstruction, on February 24, 1984, at approximately 7 a.m., causing damage to his vessel.

Amount of claim: \$1,208.99.

CLAIM NO. 84-1472

George France, of Slidell, LA, while trawling on the vessel, "La Brina Jo", in Sawmill Pass, at the entrance to The Rigolets, Orleans Parish, encountered a submerged piling or tree trunk, on March 7, 1984, at approximately 10:30 a.m., causing damage to his vessel.

Amount of claim: \$1,190.49.

CLAIM NO. 84-1503

Jace Joseph Duet, boat captain for Bob Jace, Inc., Galliano, LA, while trawling on the vessel, "Bob Jace", in the Gulf of Mexico, east of Belle Pass, at approximate LORAN-C readings of 28,355.0 and 46,828.2, Lafourche Parish, encountered a submerged pipeline, on March 30, 1984, at approximately 10 a.m., causing loss of his 18 foot try nets and doors.

Amount of claim: \$400.91.

CLAIM NO. 84-1506

Ashful Authement, of Cameron, LA, while trawling on the vessel, "Capt. Ashful" in the Gulf of Mexico, east of Calcasieu Pass, at approximate LORAN-C readings of 26,758.2 and 46,978.8, Cameron Parish, encountered a removed oil well location, on April 13, 1984, at approximately 11:30 a.m., causing damage to his 35-foot trawl.

Amount of claim: \$114.

CLAIM NO. 84-1508

Malcolm Despaux, of Barataria, LA, while trawling on the vessel, "Louisiana Queen", in the Gulf of Mexico, south of Barataria Pass, at approximate LORAN-C readings of 28,564.6 and 46,861.9, Jefferson Parish, encountered a submerged pontoon, on March 15, 1984, at approximately 4 p.m., causing loss of his 40 foot trawl.

Amount of claim: \$590.

CLAIM NO. 84-1509

Malcolm A. Despaux, of Barataria, LA, while trawling on the vessel, "Louisiana Queen", in the Gulf of Mexico, Northwest of Sandy Point, at approximately 9 a.m., causing loss of his 40-foot trawl.

Amount of claim: \$590.

CLAIM NO. 84-1524

Jace Joseph Duet, of Bob Jace, Inc., Galliano, LA, while trawling on the vessel, "Bob Jace", in the Gulf of Mexico, south of Barataria Pass, at approximate LORAN-C readings of 28,526.2 and 46,838.7, Jefferson Parish, encountered an unidentified submerged obstruction, on May 1, 1984, at approximately 11:30 a.m., causing loss of his 60 foot trawl.

Amount of claim: \$1,223.35.

CLAIM NO. 84-1531

Oris Verdin, of Dulac, LA, while trawling on the vessel, "Frances Paul", in the Gulf of Mexico, southwest of Locust Bayou, at approximate LORAN-C readings of 27,728.2 and 46,885.3, Terrebonne Parish, encountered an unidentified submerged obstruction, on May 11, 1984, at approximately 12:30 p.m., causing damage to his vessel.

Amount of claim: \$4,280.51.

CLAIM NO. 84-1532

Harvey Cheramie, Sr., of Grand Isle, LA, while trawling on

the vessel, "Silver Fox", in the Gulf of Mexico, south of Caminada Pass, at approximate LORAN-C readings of 28,482.2 and 46,849.3, Jefferson Parish, encountered an unidentified submerged obstruction, on May 15, 1984, at approximately 7 a.m., causing damage to his trawl.

Amount of claim: \$331.95.

CLAIM NO. 84-1572

Jimmie Toups, of Galliano, LA, while trawling on the vessel, "Lady Joanne", in Breton Sound, north of Baptiste Collette Bayou, at approximate LORAN-C readings of 28,978.4 and 46,902.5, Plaquemines Parish, encountered a submerged barge, on June 1, 1984, at approximately 8:30 p.m., causing damage to his vessel and two trawls.

Amount of claim: \$3,042.50.

CLAIM NO. 84-1581

Bob R. Bruce, of Lafitte, LA, while trawling on the vessel, "Mr. Bruce", in Bay Ronquille, north of Quatre Bayou Pass, Plaquemines Parish, encountered an unidentified submerged obstruction, on May 28, 1984, at approximately 12 a.m., causing loss of his 50 foot trawl.

Amount of claim: \$654.91.

CLAIM NO. 84-1603

Louis Boullion, of Cameron, LA, while trawling on the vessel, "The Beak", in Calcasieu Lake, east of Long Point, Cameron Parish, encountered an unidentified submerged obstruction, on June 5, 1984, at approximately 9 a.m., causing loss of his 50-foot trawl and tickler chain.

Amount of claim: \$773.24.

Any written objections to these claims must be received by the close of business on August 7, 1984. Any person may submit evidence or make objections in person at the hearings. Written comments must be mailed to: William C. Huls, Secretary, Department of Natural Resources, Box 44124, Capitol Station, Baton Rouge, LA 70804.

William C. Huls
Secretary

Errata

ERRATA

Department of Agriculture Advisory Commission on Pesticides

The Rules and Regulations for the Implementation of R. S. 3:3201-3280 published in Volume 10, No. 3 of the *Louisiana Register* (March 20, 1984), contain a typographical error in Paragraph I, Rule 12.2, Restrictions on Application of Certain Pesticides. Therefore, the citation of "Rule 12.2F" in Paragraph I of Rule 12.2 has been changed to read "Rule 12.2C".

The corrected paragraph should read as follows:

I. Hand injections of pesticides are exempt from the requirements of Rule 12.2C.

Bob Odom
Commissioner

ERRATA

Department of Health and Human Resources Office of Family Security

There was an error in the second paragraph of the Notice of Intent proposing a change in the inpatient hospital reimburse-

ment methodology for services to Medicaid recipients which appeared in the June 20, 1984 *Louisiana Register* (Vol. 10, No. 6, p. 477). The date for the cost reporting periods to which the target rate applies was incorrectly noted as “cost reporting periods beginning on or after October 1, 1983” but should be “October 1, 1982”.

Sandra L. Robinson, M.D., M.P.H.
Secretary and State Health Officer

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