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This public document was published at a total cost of \$6,755.85. 1,300 copies of this public document were published in this monthly printing at a cost of \$4,755.85. The total cost of all printings of this document including reprints is \$6,755.85. This document was published by Bourque Printing, Inc., 13112 South Choctaw Drive, Baton Rouge, LA 70815, as a service to the state agencies in keeping them cognizant of the new rules and regulations under the authority of R.S. 49:950-970. This material was printed in accordance with standards for printing by state agencies established pursuant to R.S. 43:31. Printing of this material was purchased in accordance with the provisions of Title 43 of the Louisiana Revised Statutes.

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Executive Orders

EXECUTIVE ORDER BR 88-15

WHEREAS, the citizens of this state have a right to know about the presence of hazardous chemicals in their communities; and

WHEREAS, for the protection and overall well-being of the citizens of this state it is important to strive to minimize the likelihood of hazardous chemical accidents or emergencies; and

WHEREAS, for the protection and overall well-being of the citizens of this state it is important to strive to minimize the impact on human health or the environment from hazardous chemical accidents or emergencies; and

WHEREAS, Section 301(a) of Title III, of the Superfund Amendments and Reauthorization Act of 1986, which title is known as the "Emergency Planning and Community Right-To-Know Act of 1986" or "SARA Title III," requires that the governor of each state shall appoint a state emergency response commission; and

WHEREAS, the state emergency response commission is responsible for appointing members to the local emergency planning committees, supervising and coordinating the activities of the local emergency planning committees, establishing procedures for receiving and processing requests from the public for information, and reviewing emergency plans; and

WHEREAS, the Louisiana Emergency Response Commission was created within the Department of Public Safety and Corrections, Public Safety Services;

NOW THEREFORE I, BUDDY ROEMER, governor of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: The Louisiana Emergency Response Commission shall consist of no more than 21 members who shall be appointed by and serve at the pleasure of the governor.

SECTION 2: The governor shall appoint the chairman of the commission.

SECTION 3: The designated representatives from the following agencies or organizations shall be members of the commission:

- 1) Louisiana Department of Public Safety and Corrections, Office of State Police;
- 2) Louisiana Department of Public Safety and Corrections, Office of Emergency Preparedness;
- 3) Louisiana Department of Environmental Quality; and
- 4) Louisiana Department of Agriculture and Forestry.

SECTION 4: The governor shall appoint individuals to serve on the commission who have expertise in hazardous materials emergency response, hazardous materials contingency planning, toxicology, environmental epidemiology, emergency management, emergency medical services, information management, computer-aided management of emergency operations, industrial safety, chemical accident prevention, hazardous materials training, environmental management, public information and education, community planning, public policy or other areas of expertise pertinent to the implementation of the Emergency Planning and Community Right-To-Know Act of 1986.

SECTION 5: The duties of the commission are to:
(1) appoint members to the local emergency planning committees;

(2) supervise and coordinate the activities of the local emergency planning committees;

(3) establish procedures for receiving and processing requests from the public for information;

(4) review emergency plans; and

(5) conduct all other activities required by the Emergency Planning and Community Right-To-Know Act of 1986.

SECTION 6: Members of the commission shall serve without compensation.

SECTION 7: A majority of the members of the commission shall constitute a quorum.

SECTION 8: The chairman shall appoint any committees, standing or special, that the commission deems necessary to carry out its duties. The chairman shall be ex-officio a member of all committees.

SECTION 9: The commission may receive grants, donations, or gifts of money, equipment, supplies, and services from any public or private source to carry out its duties.

SECTION 10: This order shall remain in effect until amended or modified by the governor or until terminated by operation of law.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the state of Louisiana, at the Capitol, in the city of Baton Rouge, on this 27th day of June, 1988.

Buddy Roemer
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

EXECUTIVE ORDER BR 88-16

WHEREAS, the citizens of this state have a right to know about the release of toxic chemicals into the environment; and

WHEREAS, Section 313(a) of Title III, of the Superfund Amendments and Reauthorization Act of 1986, which title is known as the "Emergency Planning and Community Right-To-Know Act of 1986" or "SARA Title III," requires that the governor of each state shall designate the official or officials of the state to whom the owners or operators of facilities must submit their toxic chemical release forms, on or before July 1, 1988, and annually thereafter on July 1, which shall contain data reflecting releases during the preceding calendar year; and

WHEREAS, the toxic chemical release forms are intended to provide information to the federal, state and local governments and the public, including citizens of communities surrounding covered facilities;

NOW THEREFORE I, BUDDY ROEMER, governor of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: The Louisiana Department of Environmental Quality is the state agency to whom owners or operators of

facilities must submit their toxic chemical release forms in accordance with Section 313 of the Emergency Planning and Community Right-To-Know Act of 1986.

SECTION 2: The Louisiana Department of Environmental Quality may make the toxic chemical release forms available, consistent with Section 324(a) of the Emergency Planning and Community Right-To-Know Act of 1986, to inform persons about releases of toxic chemicals to the environment; to assist governmental agencies, researchers, and other persons in the conduct of research and data gathering; to aid in the development of appropriate regulations, guidelines, and standards; and for other similar purposes.

SECTION 3: The Louisiana Department of Environmental Quality may make recommendations to the governor regarding requests to the administrator of the U.S. Environmental Protection Agency for discretionary application of Section 313 to additional facilities in accordance with Section 313(b)(2) of the Emergency Planning Community Right-To-Know Act of 1986.

SECTION 4: The Louisiana Department of Environmental Quality may make recommendations to the governor regarding petitions to the administrator of the U.S. Environmental Protection Agency to add or delete chemicals from the list of toxic chemicals covered in accordance with Section 313(e)(2) of the Emergency Planning and Community Right-To-Know Act of 1986.

SECTION 5: This order shall remain in effect until amended or modified by the governor or until terminated by operation of law.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the state of Louisiana, at the Capitol, in the city of Baton Rouge, on this 27th day of June, 1988.

Buddy Roemer
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

EXECUTIVE ORDER BR 88-17

WHEREAS, it has not been possible to include merit increases for classified employees in the 1988-89 budget; and

WHEREAS, the 1988-89 budget also reflects a 10 percent reduction in the salaries of certain unclassified employees; and

WHEREAS, in the spirit of equity, the 10 percent reduction in the salaries of certain unclassified employees should be implemented regardless of the source of funding or whether the state entity is specifically contained in the General Appropriations Act;

NOW THEREFORE I, BUDDY ROEMER, governor of the state of Louisiana, do hereby order and direct:

SECTION I. That the salaries of unclassified employees appointed and/or commissioned directly by the governor shall be reduced by 10 percent effective July 1, 1988, regardless of the source of funding or the presence of the entity in the General Appropriations Act.

The positions affected by this Section shall include, but not be limited to, department secretary, undersecretary, assistant secretary and their equivalents in addition to salaried members of boards and commissions.

SECTION II. All elected officials are urged and requested to comply with the spirit of this executive order with respect to their unclassified appointees.

SECTION III. This order is effective upon the signature of the governor.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the state of Louisiana, at the Capitol, in the city of Baton Rouge, on this 1st day of July, 1988.

Buddy Roemer
Governor of Louisiana

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State

Emergency Rules

DECLARATION OF EMERGENCY

Department of Commerce Office of Commerce and Industry Finance Division

The Department of Commerce, Office of Commerce and Industry, is exercising the emergency provision of the Administrative Procedure Act, R.S. 49:953B, to amend and add rules to the Louisiana Capital Companies Tax Credit Program, effective July 1, 1988. The amended Rule 4 includes changes in the equity requirement effected by Act 695 of 1986, and will correct the existing rule to emulate the language in the enabling statute. The addition to Rule 5 is to include provisions added by Act 915 of 1986. The change to Rule 7(2) results from House Bill 1 of the First Extraordinary Session 1988. The addition to Rule 10 is to include Act 703 of 1987.

LOUISIANA CAPITAL COMPANIES TAX CREDIT PROGRAM R.S. 51:1921-1932

RULE 4. The Tax Credit For An Eligible Individual

The credit shall be calculated by the department as 35 percent of the person's cash, not the value of property or services contributed, investment into a certified Louisiana capital company, if said company's initial capitalization at the time of seeking certification or within one year thereafter is two hundred thousand dollars or more, up to a total of 20 million dollars.

RULE 5. Enterprise Zone and Other Credits

B. Any corporation that is a certified Louisiana capital company shall be exempt from the corporation income tax and the corporation franchise tax for five consecutive taxable periods. The exemption from corporation income tax shall commence

with the taxable period in which certification as a Louisiana capital company is obtained from the department. The exemption from corporation franchise tax shall commence with the taxable period next following the taxable period in which certification as a Louisiana capital company is obtained from the department.

C. In the case of a corporation obtaining certification as a Louisiana capital company prior to the beginning of its first taxable period, the exemption from corporation income tax provided for above shall commence with the corporation's first taxable period and shall continue through its next four consecutive taxable periods. The exemption from corporation franchise tax shall commence with the corporation's second taxable period and shall continue through its next four consecutive taxable periods.

RULE 7. Application Process

(2) An application fee shall be submitted with the application base on 0.2% of the estimated total amount of taxes to be exempted.

RULE 10. Voluntary Decertification

C. After 10 years of continual certification, a capital company may voluntarily decertify itself by sending written notice of decertification to the secretary and shall be exempt thereafter from repaying the tax credits claimed by investors under this program.

Questions should be directed to Robert Paul Adams, Director of the Finance Division of the Office of Commerce and Industry, Box 94185, Baton Rouge, LA 70804-9185, Telephone 504/342-5398.

Robert Paul Adams
Director

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Fee Schedule for Maritime Instruction

In accordance with R. S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the fee schedule listed below for maritime instruction currently conducted at Louisiana Marine and Petroleum Institute Branch of South Louisiana Vocational-Technical Institute.

**PROPOSED TUITION AND FEES FOR TRAINING
AT SOUTH LA VO-TECH INSTITUTE**

Core Program - Same tuition and fees as other programs in the vocational-technical schools of this state. Due to the OJT training, fees are collected initially for a minimum of one full school quarter.

License Renewal Assistance	\$25
Upgrading Courses:	
Annual Registration Fee	\$25
Additional Course Registration	\$10
Re-entry	\$10
Non-Resident Surcharge	50% of tuition

Tuition is based upon volume of material covered, the depth of knowledge required and estimated time to complete course:

Deck License Modules (score to pass)	
Unlimited Oceans Navigation (90%)	\$200
Rules of the Road (90%)	80
Coastal/Inland Navigation (90%)	80
All C.G. Partial Examinations	80
All other deck modules (70%)	40 each

Thus the Deck License courses tuition becomes:

	Residents	Others
M/M 500/1600 NC	\$ 280	\$ 420
M/M 1600 Inland	240	360
M/M 200	240	360
OUTV NC/Inland	240	360
M/M 100	200	300
OUTV WR	200	300
OUPV	200	300

Other Deck Department Courses tuition:

Unlimited Oceans Endorsement	\$ 200	\$ 300
Able Seaman/Lifeboat	100	150
Able Seaman (OSV)	60	90
Lifeboatman	40	60
Signalling	60	90
FCC Marine Operator	20	30
Radar Unlimited	150	225
Radar Renewal	60	90
Firefighting (pending)	140	210

Engineering Courses tuition:

Chief Engineer - Limited	\$ 240	\$ 360
Assistant Engineer - Limited	200	300
D.D.E., Any HP	200	300
D.D.E., 1000/4000 HP	150	225
Crossover-DDE to Asst. Eng.	50	75
Oiler-Diesel Only	80	120
Tankerman, All Grades	100	150
LFG Endorsement	40	60

This emergency adoption is necessary in order to continue maritime instruction at South Louisiana Vocational Technical Institute since the Executive Budget eliminated all State General Fund money for instruction at Louisiana Marine and Petroleum Institute along with the closure of that facility. Maritime instruction will be offered at South Louisiana Vocational Technical Institute. Effective date of this emergency adoption is July 20, 1988.

Em Tampke
Executive Director

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Tuition Fees for Vocational Technical Schools

In accordance with R.S. 49:950, et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved a tuition fee increase to \$20 per month for full-time vocational technical students for the 1988-89 school year. (Tuition fees for 3/4 time students will be \$15 per month; and, for half-time students, tuition fees will be \$10 per month.) Effective date for this tuition fee increase will be July 1, 1988.

This emergency adoption is necessary in order that the policy will be in place for the beginning of the fiscal year 1988/89.

Em Tampke
Executive Director

DECLARATION OF EMERGENCY

Department of Health and Hospitals Office of Public Health

CHAPTER IX SEAFOOD

(MARINE FRESH WATER ANNUAL FOOD PRODUCTS)

The Department of Health and Hospitals, Office of Public Health pursuant to LSA-R.S. 40:5.3 as amended and reenacted by Act I of the First Regular Legislative Session of 1988 hereby adopts the following emergency regulations to amend Chapter IX (Seafood) of the Sanitary Code of Louisiana. This emergency rule pertains to molluscan shellfish growing areas, specifically regarding (1) Louisiana growing areas survey and classification rules, (2) laboratory analysis of shellfish growing waters-methods and techniques, (3) shellfish transplant permits. These regulations are adopted under the provisions of LSA-R.S. 49:953 B and 49:954 B (2), relative to emergency rulemaking, so as to comply with said act and provide a proper foundation for law enforcement with regard to the illegal harvesting of molluscan shellfish. They shall be effective as of the date of their adoption, which date is July 20, 1988. It is also anticipated that these amendments should reduce the incidence of shellfish-related disease outbreaks. Language in the following sections of Chapter IX shall be amended as follows:

9:001. Definitions

Unless otherwise specifically provided herein the following words and terms used in this Chapter of the Sanitary Code, and all other Chapters which are adopted or may be adopted, are defined for the purposes thereof as follows:

Approved Area: The classification of a Louisiana shellfish growing area which has been approved by the state health officer with the assistance of the secretary of the Department of Wildlife and Fisheries for growing or harvesting shellfish for direct marketing. The classification of an approved area is determined through a sanitary survey conducted by the Department of Health and Hospitals in accordance with the guidelines set out in this rule and as hereafter amended and duly promulgated. An approved shellfish growing area may be temporarily made a closed area when a public health emergency resulting from, for instance a hurricane or flooding, is declared by the state health officer.

Central Laboratory in New Orleans - Public Health Laboratory for the State: It is the reference laboratory for the state and is certified for water, milk and shellfish analysis. This laboratory is also the certifying laboratory for the state. The central laboratory is with the Department of Health and Hospitals, Office of Public Health.

Certified Laboratory: Laboratory conducting analysis for Louisiana State Shellfish Sanitation Program that has received a

satisfactory rating during an on-site evaluation by the shellfish evaluation officer for the state of Louisiana for FDA evaluation officer. The purpose of the evaluation will be to assure the uniform application of standard procedures and methods in the sampling and analytical examination of shellfish growing waters and to determine and assure the adequacy of facilities, equipment and personnel to perform analytical testing necessary to meet the requirements recommended by the National Shellfish Sanitation Program and found to be acceptable by the Louisiana State Shellfish Sanitation Program. This evaluation only certifies that the laboratory facility and its staff meet the specifications of the National Shellfish Sanitation Program at the time of the evaluation.

Certified Laboratory Personnel: Individuals administratively attached to an officially designated laboratory of the shellfish sanitation laboratory system for the purpose of conducting microbiological analysis for LSSP who have achieved a satisfactory rating during an on-site evaluation by the shellfish evaluation officer for the state of Louisiana for the FDA evaluation officer.

Closed Area: A growing area where the *harvesting* of shellfish is temporarily or permanently not permitted. A closed area status is or may be placed on any of the four classified area designations - approved, conditionally approved, restricted, or prohibited.

Coliform Group: The coliform group includes all of the aerobic and facultative anaerobic, Gram-negative, non-spore-forming bacilli which ferment lactose with gas formation within 48 hours at 35° C.

Conditionally Approved Area: The classification of a Louisiana shellfish growing area determined by the state health officer to meet approved area criteria for a predictable period. A conditionally approved shellfish growing area is a closed area when the area does not meet the approved growing area criteria and is temporarily closed by the state health officer.

Edible Crustaceans: Include any edible, commercially distributed shrimp, crab, crayfish, lobster or other member of the animal kingdom classified as crustaceans (Crustacea).

FDA Evaluation Officer: Individual attached to the Department of Health and Human Services, Public Health Service, Food and Drug Administration, Bureau of Food Technology, Shellfish Sanitation Branch for the purpose of conducting on-site evaluations of an officially designated laboratory of the shellfish sanitation laboratory system.

Fecal Coliform Group: The fecal coliform group includes bacteria of the coliform group which will produce gas from lactose in a suitable multiple tube procedure liquid medium (EC or A-1) within 24 ± 2 hours at 44.5 ± 0.2 degrees C in a water bath.

Growing Area: An area which supports or could support live shellfish.

Harvester: A person who takes shellfish by any means from a growing area.

Louisiana State Shellfish Sanitation Laboratory System: All laboratories that have been successfully evaluated during an on-site evaluation by the shellfish evaluation officer for the state of Louisiana or FDA evaluation officer and have been consequently officially designated as a shellfish sanitation laboratory for the Louisiana State Shellfish Sanitation Program.

Louisiana State Shellfish Sanitation Program, Oyster Water Monitoring Program: That program which regulates and monitors the growing, harvesting, handling and shipping of shellfish in the state of Louisiana. The program is with the Depart-

ment of Health and Hospitals, Office of Public Health, Division of Environmental Health Services.

Marine Biotoxins: Poisonous compounds accumulated by shellfish feeding upon toxin-containing dinoflagellates such as *Gonyaulax catanella*, *G. tamarensis* and *Ptychodiscus brevis* (formerly *Gymnodinium breve*).

Marine and Fresh Water Animal Food Products: As used in these regulations shall include any or all of the above defined products and, in addition, any animal used as food for human consumption whose normal life span, in whole or in part, is spent in fresh, brackish or salt water.

Most Probable Number (abbreviated MPN): The MPN is a statistical estimate of the number of bacteria per unit volume and is determined from the number of positive results in a series of fermentation tubes.

Narrative Report: Report submitted by the Shellfish Evaluation Officer for the state of Louisiana or FDA evaluation officer following an on-site evaluation. The report shall include the identity of the laboratory, the date of evaluation, name of evaluator, information on personnel and procedures and conclusions and shall precisely and accurately describe the conditions which existed during the evaluation, including what recommendations were made to correct deficiencies and proposed timetable for any corrective action necessary to bring the laboratory into substantial conformity with the requirements of NSSP as approved by the Louisiana State Shellfish Sanitation Program.

National Shellfish Sanitation Program (NSSP): The cooperative State-FDA-Industry program for the certification of interstate shellfish shippers as described in the National Shellfish Sanitation Program Manual of Operations, Parts I and II. The National Shellfish Sanitation Program Manuals of Operation may be obtained by purchase from the Interstate Shellfish Sanitation Conference, Box 4460, Austin, Texas 78765.

On-Site Evaluation: Inspection and evaluation of a laboratory and all appropriate personnel at the physical laboratory site by the shellfish evaluation officer or FDA evaluation officer for the purpose of ascertaining if there is substantial compliance with all requirements as listed in the Shellfish Laboratory Evaluation Check List (See Form C, Appendix A) provided by the Federal Department of Health and Human Services, Public Health Service, Food and Drug Administration, Bureau of Food Technology, Shellfish Sanitation Branch, if the laboratory complies with recommended procedures and capabilities and if the analytical results produced by the laboratory are in support of the Louisiana Shellfish Sanitation Program and are acceptable to FDA.

Person: Person includes any individual, partnership, corporation, association or other legal entity.

Poisonous or Deleterious Substance: A toxic compound occurring naturally or added to the environment that may be found in shellfish for which a regulatory tolerance or action level has been established or may be established to protect public health. Examples of naturally occurring substances would be paralytic shellfish toxins and trace elements geologically leached from the environment, such as mercury; examples of added substances would be agricultural pesticides and polynuclear aromatics from oil spills.

Pollution: The contamination of the shellfish waters by the discharge of noxious substances into these waters - (chemicals, bacterial, or biotoxins).

Prohibited Area: Louisiana waters that have been classified by the state health officer as prohibited for the harvesting of shellfish for any purpose except depletion. A prohibited shellfish

growing area is a closed area for the harvesting of shellfish at all times. Harvesting of shellfish from a closed area may result in criminal charges pursuant to R.S. 56:254.

Relaying: The transfer of shellfish from restricted areas to approved areas for natural biological cleansing using the ambient environment as a treatment system.

Restricted Area: Louisiana waters that have been classified by the state health officer as an area from which shellfish may be harvested only if permitted and subjected to a suitable and effective purification process.

Sanitary Survey: The evaluation of all actual and potential pollution sources and environmental factors having a bearing on shellfish growing area water quality.

Satisfactory Rating: An indication that, during an on-site evaluation by the shellfish evaluation officer for the state of Louisiana or FDA evaluation officer that the laboratory and laboratory personnel were found to be in substantial compliance with all requirements as listed in the Shellfish Laboratory Evaluation Check List provided by the Federal Department of Health and Human Services, Public Health Service, Food and Drug Administration, Bureau of Food Technology, Shellfish Sanitation Branch, that FDA recognizes that the laboratory complies with recommended procedures and capabilities and that the analytical results produced by the laboratory are in support of the Louisiana Shellfish Sanitation Program and are acceptable to FDA.

Shellfish: All edible species of oysters, clams, or mussels; either shucked or in the shell, fresh or frozen; whole or in part. Some of the common bivalves included in this definition are:

COMMON NAME	SCIENTIFIC NAME
Cockle	<i>Clinoridium nuttalli</i> <i>Cardium corbis</i> (Pacific)
Geoduck	<i>Panope generosa</i>
Freshwater clam	<i>Rangia cuneata</i>
Soft shell clam	<i>Mya arenaria</i>
Hard or quahog clam	<i>Mercenaria mercenaria</i> <i>Mercenaria campechiensis</i>
Surt clam	<i>Spisula solidissima</i>
Mahogany or Ocean quahog, clam	<i>Arctica islandica</i>
Gaper or Horse clam	<i>Tresus nuttalli</i> and <i>T. capax</i>
Razor clam	<i>Solen resaceus</i> , <i>Ensis directus</i> (Atlantic) <i>Solen viridis</i> , <i>Tagelus plebeius</i> and <i>Siliqua patula</i> (Pacific)
Bent-nose clam	<i>Macoma nasuta</i>
Pismo clam	<i>Tivela stultorum</i>
Butter clam	<i>Saxidomus giganteus</i>
Calico clam	<i>Macrocallista maculata</i>
Sunray venus	<i>Macrocallista nimbosa</i>
Pacific littleneck clam	<i>Protothaca tenerrima</i> and <i>Protothaca staminea</i>
Manila clam	<i>Tapes semidecussata</i>
Pacific (Japanese) oyster	<i>Crassostrea gigas</i>
Eastern oyster	<i>Crassostrea virginica</i>
Olympia or yaquina oyster	<i>Ostrea lurida</i>
European oyster	<i>Ostrea edulis</i>
Blue or bay mussel	<i>Mytilus edulis</i>
California sea mussel	<i>Mytilus californianus</i>
Green lipped mussel	<i>Perna canaliculus</i> (New Zealand)

Shellfish Evaluation Officer for the State of Louisiana: State health officer or his/her designee approved by letter by the Federal Department of Health and Human Services, Public Health Service, Food and Drug Administration, Bureau of Food Technology, Shellfish Sanitation Branch to conduct on-site evaluations of laboratories deserving official recognition as a member of the shellfish sanitation laboratory system other than the Central Laboratory in New Orleans. Official approval is based upon the individual meeting the requirements of Shellfish Sanitation Interpretation S.S. 35 entitled "Evaluation of Laboratories by State Shellfish Laboratory Evaluation Officers."

State Shellfish Patrol Agency: The enforcement agents of the Department of Wildlife and Fisheries having the responsibility for the enforcement of lines concerning harvesting of shellfish.

State Waters: Waters that belong wholly to the state of Louisiana, including the territorial sea.

Transplanting: The moving of shellfish from one area to another area for improving growth, stocking depleted areas and leases, and for other aquaculture purposes.

Worst Pollution Conditions: Conditions determined by changes in meteorological, hydrographic, seasonal, and point source conditions that have been historically demonstrated to adversely impact a particular growing area.

9:002-1. Harvesting and/or Sales Shellfish - Approved Areas

No shellfish shall be harvested and/or sold in the state of Louisiana for food unless taken from areas approved by the state health officer, or if taken from sources outside of the state, from areas approved by the state authorities having jurisdiction, and unless secured from shellfish dealers whose state certification have been endorsed by the United States Food and Drug Administration, Public Health Service, for interstate shipment.

9:002-2. Sanitary Surveys of Growing Areas SATISFACTORY COMPLIANCE

This item will be satisfied when the following requirements are met:

A. Before an area is classified as approved, conditionally approved, or restricted, a sanitary survey shall be made. The survey is made prior to allowing harvesting from the area.

B. Each sanitary survey shall identify and evaluate all actual and potential sources of pollution which may affect the growing area; determine the distance of such sources to the growing area; assess the effectiveness and reliability of sewage treatment systems; and ascertain the presence of poisonous or deleterious substances, e.g., industrial and agricultural wastes, pesticides or radionuclides. The presence and location of small sources of pollution such as boats which might contribute direct fresh fecal matter and poisonous or deleterious substances to the area shall be evaluated. The presence of domestic, wild animal, or migrating bird populations shall be considered for possible adverse effects upon water quality. Offshore growing areas located in the vicinity of ocean dump sites shall be evaluated for biological and chemical wastes and radiological materials. Other environmental health factors that may affect the quality of the shellfish resources should also be evaluated in the sanitary survey.

C. Each sanitary survey shall evaluate any meteorological and hydrographic effects and geographic characteristics that may affect the distribution of pollutants over the growing area. These factors shall be assessed to determine their maximum effect on water quality.

D. Each sanitary survey shall include the collection of growing area water samples and their analysis for bacteriological quality. The number and location of sampling stations selected shall be adequate to produce the data necessary to effectively evaluate all point and non-point pollution sources. Recommended that sampling stations shall be established to evaluate all freshwater discharges into the growing area. The collection of samples shall form a profile for periods defining worst pollution conditions which reflect adverse meteorological, hydrographic, seasonal, and point sources of pollution to assure that the requirements for classifying growing areas as approved (paragraph 3), conditionally approved (paragraph 4), or restricted (paragraph 5) are met.

E. The sanitary survey shall be maintained on an annual basis in order to assure that data is current and sanitary conditions are unchanged. If actual or potential pollution sources impact upon the area, it is necessary to annually update sanitary survey data including the field review of pollution sources and the collection of at least five water quality samples from each station selected to accurately represent shellfish sanitation in the area under consideration.

F. The sanitary survey shall be reviewed and the growing area classification reevaluated at least every three years to assure the accurate classification of each growing area. The reevaluation shall include an analysis of laboratory results pertinent to at least the last 15 water samples. The reevaluation may require further investigation of pollution sources, hydrographic studies, collection of additional water samples, and other field work as deemed necessary to evaluate fully any changes in the sanitary conditions of the area and to make a determination as to the appropriate classification for the area.

G. A report shall be prepared for each sanitary survey and each reevaluation. Reports shall contain an analysis of the sanitary survey data, and a determination that the area classification conforms with the applicable criteria.

H. Areas classified as approved, conditionally approved, or restricted that do not comply with the sanitary requirements of the designated classification shall be immediately reclassified to the appropriate category.

I. The central sanitary survey file shall contain all information related to the classification of each area including sanitary survey reports, updated sanitary survey data, and reevaluation reports.

9:002-3. Classification of Growing Areas SATISFACTORY COMPLIANCE

This item will be satisfied when:

A. All actual and potential shellfish growing waters in the state of Louisiana are correctly designated with one of the following classifications on the basis of sanitary survey information: approved, conditionally approved, or restricted.

B. A permanently closed safety zone shall be established adjacent to each sewage treatment plant outfall and other waste discharges into approved, conditionally approved, or restricted areas as appropriate.

C. An upward revision of an area classification shall be supported by an adequate sanitary survey and documented in a sanitary survey report. This report shall include a written analysis of the data and shall be part of the growing area central file. The reopening of an area temporarily closed because of an emergency, the failure to meet the performance standards for a conditional area, or the presence of biotoxins shall be supported by

appropriate data showing that the original classification criteria are met, and documented by a written record in the central file of the Oyster Water Monitoring Section, Office of Health, Department of Health and Hospitals.

D. Maps showing the boundaries and classification of each shellfish growing area are maintained in the central file by the Oyster Water Monitoring Section, Office of Health, Louisiana Department of Health and Hospitals.

E. Maps showing the boundaries and classification of each shellfish growing areas are posted at designated locations. These locations are listed in the *Louisiana Register* Vol. 13, Page 413.

9:002-4. Approved Areas

Growing areas may be designated as approved when the sanitary survey and marine biotoxin surveillance data indicates that fecal material, pathogenic microorganisms, poisonous and deleterious substances are not present in the area in dangerous concentrations.

SATISFACTORY COMPLIANCE

This item will be satisfied when:

A. The bacteriological quality of every sampling station in those portions of the area exposed to fecal contamination shall meet one of the following standards:

1. The total coliform median or geometric mean MPN of the water does not exceed 70 per 100 ml and not more than 10 percent of the samples exceed an MPN of 230 per 100 ml for a five-tube decimal dilution test (or an MPN of 330 per 100 ml for a three-tube decimal dilution test).

2. The total coliform standard need not be applied if it can be shown by detailed study verified by certified laboratory findings that the coliforms are not of direct fecal origin and are associated with discharge of domestic sewage.

3. The fecal coliform median or geometric mean MPN of the water does not exceed 14 per 100 ml and not more than 10 percent of the samples exceed an MPN of 43 for a five-tube dilution test (or an MPN of 49 per 100 ml for a three-tube decimal dilution test).

4. Bacteriological quality of the effluent

5. Physical and chemical quality of the effluent

6. Identification of conditions which cause plant failure;

and
7. Operation of any treatment plant or sewage collection system bypasses.

B. Critical wastewater treatment facilities shall be designed, constructed, and maintained so that chances of failure to meet the established performance standards because of mechanical failure or overloading are minimized.

C. A written management plan shall be developed for each conditionally approved area. The plan shall be developed by the Louisiana state health officer with assistance from the secretary of the Louisiana Department of Wildlife and Fisheries, the local shellfish industry (Task Force), the individuals with responsibilities for the operation of the sewage or other waste treatment systems and the Louisiana Department of Environmental Quality.

1. The management plan shall include an evaluation of each of the potential sources of pollution that may affect the area and their correlation with predictable environmental conditions or other factors affecting the distribution of pollutants into the area.

2. The plan shall include:

a. performance standards for sources of pollution;
b. procedures for inspecting and monitoring pollution sources;
c. a routine patrol system to prevent illegal harvesting;
and

d. an alert system for immediately notifying the state health officer and the secretary of the Department of Wildlife and Fisheries of an adverse change in the pollution source.

3. The management plan shall include criteria and procedures for area closure and subsequent reopening:

a. The conditionally approved area shall be immediately closed to shellfish harvesting when the criteria established in the management plan are not met.

b. A conditionally approved area closed because of failure of its management plan shall not be reopened to shellfish harvesting until:

(i.) the criteria established in the management plan are fully met;

(ii.) a time interval of fourteen days to permit natural biological cleansing of the shellfish has elapsed; and

(iii.) where adequate water samples have been taken with verification of bacteriological quality of the water, and verification that shellfish feeding activity is sufficient to achieve natural cleansing.

4. The management plan shall specify the frequency and thoroughness with which the conditionally approved area will be reevaluated.

a. The conditionally approved area must be evaluated at least once each year.

b. The evaluation shall include:

(i.) an evaluation of compliance with the management plan;

(ii.) a determination as to adequacy of reporting;

(iii.) a review of the cooperation of the persons involved;

(iv.) a determination of compliance with approved growing area criteria;

(v.) a field inspection of critical pollution sources;

(vi.) collection of water quality samples at least monthly;

(vii.) a written analysis of the findings of the evaluation and recommendations based on the analysis.

5. The purpose of the conditionally approved area and the conditions of its management plan shall be understood and agreed upon by the Louisiana Department of Health and Hospitals, the Louisiana Department of Wildlife and Fisheries, and oyster industry.

D. A prohibited area is established as a closed safety zone between any sewage or other waste treatment plant and the conditionally approved area. The closed safety zone shall be sufficiently large enough in size to afford the time necessary to permit the Louisiana state health officer to stop harvesting before the pollution discharge could travel through the closed safety zone to the conditionally approved harvesting area.

9:002-6. Restricted Area

An area may be classified as restricted when a sanitary survey indicates a limited degree of pollution. This option may arise when levels of fecal pollution or poisonous or deleterious substances are low enough that relaying or depuration will make the shellfish safe to market.

SATISFACTORY COMPLIANCE

This item will be satisfied when the following criteria are met in areas designated as restricted:

A. Sanitary surveys of restricted areas are conducted, maintained, and reevaluated in the same manner and frequency as for approved areas

B. The area is not so contaminated with fecal material, poisonous or deleterious substances that consumption of the shellfish might be hazardous after controlled purification or relaying. Verification of these findings shall be done by a certified laboratory

C. For restricted areas to be used for harvest of shellfish for controlled purification the bacteriological quality of every sampling station in those portions of the area exposed to fecal contamination during the worst pollution conditions shall meet one of the following standards.

1. The total coliform median or geometric mean MPN of the water does not exceed 700 per 100 ml and not more than 10 percent of the samples exceed an MPN of 2,300 per 100 ml for a five-tube decimal dilution test (or 3,300 per 100 ml for a three-tube decimal dilution test).

2. The fecal coliform median or geometric mean MPN of water does not exceed 88 per 100 ml and not more than 10 percent of the samples exceed an MPN of 260 per 100 ml for a five-tube decimal dilution test (or 300 per 100 ml for a three-tube decimal dilution test).

D. Shellfish quality specifications are established by the Louisiana state health officer for the use in classifying areas. These specifications are based on the data obtained from surveys, water samples and product samples taken from the potential restricted area. With this information the Louisiana state health officer may evaluate the bacteriological and chemical quality of the shellfish and determine whether the shellfish may be used for relaying or depuration.

E. The Louisiana state health officer with the secretary of the Louisiana Department of Wildlife and Fisheries have effective protocols for assuring that shellfish are not harvested from restricted areas except by special permit and under the effective supervision of the Louisiana Department of Wildlife and Fisheries.

F. All data, criteria, and protocols relating to the operation of a restricted area including survey reports, purification effectiveness studies, classification criteria, harvesting permits, and harvesting control records are maintained in a central file.

9:002-7. Prohibited Areas

SATISFACTORY COMPLIANCE

A. Louisiana state shellfish growing water areas are classified as prohibited if a sanitary survey or marine biotoxin surveillance report indicates that:

1. pollution sources may unpredictably contaminate the shellfish, or

2. the area is contaminated with poisonous or deleterious substances whereby the shellfish may be adulterated, or

3. the area is polluted with fecal waste to such an extent that shellfish may contain excessive filth or be vectors of disease-causing microorganisms, or

4. The area contains shellfish wherein the concentration of paralytic shellfish poison (PSP) equals or exceeds 80 micrograms per 100 grams of edible portion of raw shellfish, or when neurotoxic shellfish poison is found in detectable levels.

B. No shellfish shall be taken from prohibited areas for human food use.

9:002-8. Control of Areas Due to Marine Biotoxins

SATISFACTORY COMPLIANCE

This item will be satisfied when;

A. Areas affected by marine biotoxins shall be the subject

of an effective control plan developed by the Louisiana state health officer and the secretary of the Louisiana Department of Wildlife and Fisheries. The plan shall define those administrative procedures and resources necessary to: (1) initiate an emergency shellfish sampling and assay program, (2) close areas and embargo shellfish, and (3) prevent harvesting of contaminated species. The Louisiana state health officer and the secretary of the Louisiana Department of Wildlife and Fisheries may designate such affected areas as conditionally approved.

B. During the harvesting season in those areas where shellfish toxins are likely to occur, representative samples of shellfish shall be collected from indicator stations and assayed for the presence of toxins.

C. A quarantine shall be imposed against the taking of shellfish when the concentration of paralytic shellfish poison equals or exceeds 80 micrograms per 100 grams of edible portion of raw shellfish, or when neurotoxic shellfish poison is found in detectable levels. To implement this quarantine, the growing area shall be closed, and the prohibition on harvesting shall be enforced.

D. The quarantine shall remain in effect until such time as the Louisiana state health officer has analytical data to show that the poison content of shellfish involved is below the quarantine level. The determination to reopen an area shall consider whether marine biotoxin levels in the shellfish from adjacent areas are decreasing; and whether environmental factors such as water temperature, upwelling of bottom sediments, and numbers of toxic cysts in the sediment are such that conditions can be expected to be stable. This analysis and determination shall be adequately documented.

E. The central file shall contain all information relating to the levels of poison in the growing areas including monitoring data, closure notices, evaluation reports, and reopening notices.

F. If heat processing is practiced, a control procedure shall be developed. This procedure shall define the following: (1) toxicity limits for processing, (2) controls for harvesting and transporting the shellstock to processor, (3) special marking for unprocessed shellstock, (4) scheduled processes, and (5) end product controls on the processed shellfish.

9:002-9. Procedures for Receipt Shellfish Growing Water Samples

A. Samples of shellfish growing waters, properly collected and labeled in accordance with criteria stipulated in the current edition of American Public Health Association (APHA) *Recommended Procedures for the Examination of Sea Water and Shellfish* and appropriate sections in *Official Methods of Analysis* of the Association of Official Analytical Chemists (A.O.A.C.), shall be brought to a certified Louisiana shellfish sanitation laboratory immediately after collection and preferably within one hour after collection. When conditions necessitate delay in the transport of samples, the samples shall be kept at a temperature at or below 100° C until bacteriologic examination. In no case shall samples be tested if they have been held for more than 30 hours.

B. The submitter shall bring the samples which must be clearly identified directly to the shellfish laboratory. The submitter shall transfer possession of the sample to the laboratory scientist on duty or place the samples in a secured, designated area of the laboratory.

C. The receiving laboratory scientist shall verify the receipt of the samples and record the data and temperature of receipt in an appropriate manner. Analysis should begin immedi-

ately after receipt and preferably within one hour after collection. When conditions necessitate delay in the analysis of samples, the samples shall be kept at a temperature at or below 10° C until microbiologic examination. In no case shall samples be tested if they have been held for more than 30 hours.

D. Samples shall be held at a temperature at or below 10° C for a minimum of 30 hours after collection before being discarded.

9:002-10. Preparation for Laboratory Analysis of Shellfish Growing Waters

A. Laboratory apparatus used in the analysis of shellfish growing waters shall conform to the criteria stipulated in the current edition of American Public Health Association (APHA) *Recommended Procedures for the Examination of Sea Water and Shellfish* and appropriate sections in *Official Methods of Analysis* of the Association of Official Analytical Chemists (A.O.A.C.):

1. Air incubators used in the preliminary incubation of tubes of test media shall maintain a uniform and constant temperature of $35 \pm .5^{\circ}$ C at all times.

2. Covered, circulating water baths used to incubate tubes of test media for the remaining incubation period shall maintain a uniform and constant temperature of $44.5 \pm .2^{\circ}$ C at all times.

3. Hot air ovens used in the heat sterilization of glassware and related supplies shall be of sufficient size to prevent overcrowding, maintain uniform and adequate sterilizing temperature, and be equipped with suitable thermometers able to accurately register in the range of 160°-180° C.

4. Autoclaves used in the sterilization of test media shall be sufficiently large enough to prevent interior crowding, provide uniform temperature within the chambers, and include the sterilizing temperature of 121° C, and be equipped with accurate temperature and pressure recording devices. Pressure gauges and properly adjusted safety valves should be connected directly to either the saturated steam power lines or to a suitable steam generator. The autoclave should be capable of reaching the desired temperature within 30 minutes.

5. Electrometric pH meters used in the preparation of test media and reagents shall have an accuracy of ± 0.1 pH unit.

6. Balances used in the preparation of test media and reagents shall provide a sensitivity of at least 0.1 g at a load of 150 g and be used with standardized weights. When less than 2 g of materials is weighed, the analytical balance used must have a sensitivity of 1 mg under a load of 10 g.

7. Water deionization units should be fitted with a 0.22 μ m-pore diameter filter.

B. Laboratory glassware, reagents and media used in the analysis of shellfish growing waters shall conform to the criteria stipulated in the current edition of American Public Health Association (APHA) *Recommended Procedures for the Examination of Sea Water and Shellfish* and appropriate sections in *Official Methods of Analysis* of the Association of Official Analytical Chemists (A.O.A.C.).

1. Pipets shall be 1.0 mL serological pipets with 0.1 mL graduations and 10.0 mL pipets with .1 mL graduations. Pipets with damaged tips are not to be used. The error calibration shall not exceed 2.5 percent. Pipets that conform to APHA standards as given in "Standard Methods For the Examination of Dairy Products," 14th ed. 1978, American Public Health Association, 1015 18th St., N.W. Washington, DC 20036 may also be used.

2. Dilution bottles or tubes used in the analysis of shellfish growing waters shall be for borosilicate glass or other material resistant to the solvent action of the water. The bottles shall be

fitted with glass or rubber stoppers or polyethylene screw caps equipped with Teflon or equivalent liners that do not produce bacteriostatic compounds on sterilization.

3. Distilled water shall be used in the preparation of culture media and reagents and shall be tested and found free from traces of dissolved metals and bactericidal or inhibitory compounds as described in the latest edition of *Standard Methods for the Examination of Water and Wastewater*.

4. Butterfield's buffered phosphate diluent used in the analysis of shellfish growing waters shall be prepared as follows: Dissolve 34.0 g of potassium phosphate, monobasic, in 500 mL of distilled water. Adjust with distilled water to make a stock solution. Dilute 1.25 mL of stock solution to 1 L with distilled water and dispense into dilution bottles in amounts necessary to achieve the desired quantity after sterilization with a 2 percent tolerance. Autoclave the bottles at 121° C for 15 minutes. Store in a cool, dry place at room temperature.

5. A-1 media is to be prepared from individual components as follows: Dissolve 5g lactose, 20 g tryptone, 5g NaCl, and 0.5g salicin in 1 L distilled water. Heat to dissolve ingredients, pipet in 1mL Triton-X-100 and adjust pH $6.9 \pm .1$ with 1 N NaOH solution. For 10 mL sample aliquots, prepare and use double strength medium. Uniformly dispense mL portions of single strength medium into appropriate tubes containing fermentation vials to achieve the same level of medium and inoculum in all tubes. Autoclave media for 10 minutes at 121° C. Store in dark at room temperature away from possibility of excessive evaporation and contamination. Use media within seven days.

6. All laboratory glassware used in the analysis of shellfish growing waters must be thoroughly cleaned using a suitable detergent and hot water (160° F), then rinsed in hot water (180° F) to remove all traces of residual detergent, and then rinsed four times with a complete change of water, the final rinse being distilled water. The effectiveness of the rinse should be established by testing as described in the current edition of *Standard Methods for the Examination of Water and Wastewater*. Glassware should be autoclaved or should be sterilized for not less than 60 minutes at 170° C. If glassware is in metal containers, it must be heated to a temperature of 170° C for not less than two hours. Plasticware may be sterilized with low-temperature ethylene oxide gas. However precautions should be taken to assure that all of the gas has been removed from containers before using.

7. Bromothymol blue (BTB) indicator solution used in the quality control of glassware shall be prepared by adding 16 mL 0.01 N NaOH to 0.1 g BTB and diluted to 250 mL with distilled water to equal a 0.04 percent solution.

9:002-11. Procedures for the Analysis of Shellfish Growing Waters

A. Analysis of shellfish growing waters for the Louisiana State Shellfish Sanitation Program shall be performed by a laboratory officially designated as part of the Louisiana shellfish sanitation laboratory system. Procedures and methods for analysis of shellfish growing waters shall conform to criteria stipulated in the current edition of American Public Health Association (APHA) *Recommended Procedures for the Examination of Sea Water and Shellfish* and appropriate sections in *Official Methods of Analysis*, of the Association of Official Analytical Chemists (A.O.A.C.).

1. Microbiological examinations shall be conducted as follows: Appropriate dilutions shall be made with Butterfield's buffered phosphate diluent. Shake the sample and each successive bottle vigorously using up and down movements of about 30 cm

in seven seconds. Inoculate the water sample directly into tubes containing A-1 medium in suitable decimal dilutions using three or five tubes/dilution and a minimum of three dilutions. Place inoculated tubes into air incubator and incubate three hours at $35 \pm .5^\circ$ C. Transfer tubes to water bath and incubate 21 ± 2 hours at $44.5 \pm .2^\circ$ C. Maintain the water level above the level of liquid in the inoculated tubes. Examine the inoculated tubes at the end of this period.

9:002-12. Determination of Results, Records and Data Reporting

A. Test result date for use by the Louisiana State Shellfish Sanitation Program shall be generated by an officially designated laboratory of the Louisiana shellfish sanitation laboratory system.

B. Determination of results of microbiological analysis of shellfish growing waters shall conform to criteria stipulated in the current edition of American Public Health Association (APHA) *Recommended Procedures for the Examination of Sea Water and Shellfish* and appropriate sections in *Official Methods of Analysis*, of the Association of Official Analytical Chemists (A.O.A.C.).

1. The presence of gas in the inverted vial or of dissolved gas which can be removed by slight agitation of the test medium test tube shall constitute a positive test. The number of positive tests in each dilution shall be recorded for determination of the Most Probable Number (MPN).

2. The standard Most Probable Number (MPN) tables as found in the appropriate tables in the current edition of American Public Health Association (APHA) *Recommended Procedures for the Examination of Sea Water and Shellfish* and *Official Methods of Analysis*, of the Association of Official Analytical Chemists (A.O.A.C.) shall be used to determine MPN values.

C. All test result data shall be verified and documented and shall be reported by the laboratory as fecal coliform (MPN/100 mL sample) to the proper authorities.

D. A record of all test result data shall be maintained by the laboratory or remain accessible to the laboratory for a period of five years. Records may be in tabular and/or electronic form and should include date, place and time of sampling, name of person collecting sample, identification of sample, date of receipt of sample and analysis, laboratory person responsible for performing analysis, analytical technique used, and results of analysis.

9:002-13. Qualification for Laboratories Conducting Analysis of Shellfish Growing Waters for the Louisiana State Shellfish Sanitation Program

A. Laboratories conducting microbiological analysis of shellfish growing waters for the Louisiana Shellfish Sanitation Program shall be officially designated as part of the Louisiana state shellfish sanitation laboratory system. To be so designated, laboratories shall be evaluated by the shellfish evaluation officer for the state of Louisiana or the FDA evaluation officer, Department of Health and Human Services, Public Health Service, Food and Drug Administration, Bureau of Food Technology, Shellfish Sanitation Branch and shall maintain a satisfactory rating.

1. The Central Laboratory in New Orleans shall be evaluated by the FDA evaluation officer, Department of Health and Human Services, Public Health Service, Food and Drug Administration, Bureau of Food Technology, Shellfish Sanitation Branch.

B. Evaluations shall be conducted at a minimum of every

three years or more frequently if necessary. Loss of satisfactory reevaluation will result in loss of said designation. More frequent evaluations will be required under the following circumstances.

1. A previous marginal or low evaluation rating.
2. Notable deviations from acceptable or established methods.
3. Major changes in workloads or priorities.
4. A substantial turnover of personnel.
5. At the request of the FDA, Chief, Shellfish Sanitation Branch or Louisiana Shellfish Sanitation Program control authorities.

C. The laboratory shall meet all requirements as described in this document and be found to be in substantial conformity with the National Shellfish Sanitation (NSSP) as approved by the Louisiana Shellfish Sanitation Program (LSSP).

D. Analysts, supervisory and administrative personnel involved in the generation, verification and reporting of laboratory data for the LSSP shall meet qualifications described in the following section.

E. The laboratory facilities shall meet the following criteria:

1. Work space shall be adequate (200 ft. two and six linear feet of bench/analyst to accommodate peak workloads).
2. Work space shall include sufficient bench top area for processing samples, storage space for media, glassware, and portable equipment, floor space for stationary equipment and instrumentation, and associated areas for cleaning glassware and for sterilizing materials.
3. Facilities shall be clean, air-conditioned, and have adequate lighting at the bench top (100 ft. candles).

F. The laboratory shall demonstrate a conscious effort to safeguard against electrical, fire and accidental chemical spills and to minimize microbiological hazards, facility deficiencies and equipment failures.

G. The laboratory shall have an established quality control program to substantiate the validity of analytical data. The quality control procedures in effect shall conform to the criteria stipulated in the current edition of *Standard Methods for the Examination of Water and Wastewater* and/or *APHA Recommended Procedures for the Examination of Sea Water and Shellfish* and *Official Methods of Analysis* of the Association of Official Analytical Chemists (A.O.A.C.). Compliance with procedures shall be recorded and documented and records maintained by or be accessible to the laboratory for a period of five years.

The following constitute minimal quality assurance procedure requirements for the laboratory.

1. Water deionization units shall be monitored daily or continuously with a conductivity meter and analyzed at least annually for trace metals. Cartridges shall be replaced at intervals recommended by the manufacturer or as indicated by analytical results. Units shall be monitored for effectiveness in removing bacterial contamination monthly with heterotrophic plate counts and filters shall be changed when the count exceeds 1,000/mL.

2. The suitability and bacteriological quality of pure water used in the analysis of shellfish growing waters shall be tested annually and shall meet the acceptable limits of water quality as stipulated in the table of requirements for quality of purified water used in microbiology testing, current edition of *Standard Methods for the Examination of Water and Wastewater*.

3. Media dispensing units shall be checked for accuracy of dispensing with a graduated cylinder at the start of each volume

change and periodically through extended runs.

4. The performance of hot air ovens shall be tested for performance quarterly with commercially available spore strips or spore. The temperature shall be monitored and recorded with a thermometer accurate to 160° to 180° C range. Heat-indicating taps should be used to identify supplies and material that have been exposed to sterilization temperatures.

5. The temperature, pressure, and time for each autoclave run shall be recorded. Operating temperature shall be checked weekly with a minimum/maximum thermometer and the autoclave performance shall be tested with spore strips or suspensions monthly. Heat-sensitive tape shall be used to identify supplies and material that have been sterilized.

6. The temperature of air incubators shall be checked and recorded twice daily (morning and afternoon) on the shelf areas in use. If a glass thermometer is used, the bulb and stem shall be submerged in water or glycerin to the stem mark. Ideally, a recording thermometer and an alarm system should be used. Locate incubator where room temperature is in the range of 16° to 27° C.

7. Batches of clean glassware shall be spot checked for pH reaction as follows: Add a few drops of 0.04 percent Bromothymol blue or other pH indicator and observe the color reaction. Bromothymol blue may be yellow (acid) to blue-green (neutral) to blue (alkaline), in the pH range of 6.5 to 7.3.

8. Glassware and prewashed, presterilized plasticware shall be tested annually and before using a new supply of detergent for inhibitory residues from wetting agents or detergents that may contain bacteriostatic or inhibiting substances according to procedures in the current edition of *Standard Methods for the Examination of Water and Wastewater*.

9. Each new lot of media shall be checked with known positive and negative control cultures for the organisms under test. For media prepared, the date of preparation, type of medium, lot number, sterilization and temperature, final pH and preparing technician shall be recorded.

10. A representative sample from each batch of media, dilution water and buffers and glassware shall be verified for sterility according to procedures in the current edition of *Standard Methods for the Examination of Water and Wastewater*.

11. In laboratories where there is more than one analyst, analysts shall make parallel analyses on at least one positive sample monthly.

12. Balances shall be calibrated monthly using Class S or S-1 reference weights or weights traceable to Class S or S-1 reference weights. If non-reference weights are used they shall be calibrated annually with Class S or S-1 reference weights.

13. Glass/mercury thermometer calibration should be checked quarterly against a reference NBS thermometer or one which meets the requirements of NBS monograph 150.

14. The temperature of refrigerators used to store samples, media, reagents and other laboratory supplies shall be recorded once daily for days in use.

15. Air quality in the laboratory should be monitored weekly with air density plates and bench tops with RODAC plates or the swab method.

16. Electrometric pH meters shall be standardized each use period with pH 7.0 standard buffer.

17. The accurate transfer of test result data from the bench worksheet to the final report and/or electronic information storage and retrieval systems shall be verified and initialed by the analyst.

9:002-14. Qualifications for Personnel Conducting Analysis of Shellfish Growing Waters

A. Laboratory personnel conducting microbiological analysis for LSSP shall be administratively attached to an officially designated laboratory of the shellfish sanitation laboratory system, shall be evaluated by the shellfish evaluation officer for the state of Louisiana for the FDA evaluation officer during an on-site evaluation and shall maintain a satisfactory rating.

1. Analysts in the Central Laboratory in New Orleans shall be evaluated by the FDA evaluation officer, Department of Health and Human Services, Public Health Service, Food and Drug Administration, Bureau of Food Technology, Shellfish Sanitation Branch.

B. Laboratory analysts eligible for evaluation shall have qualifications equal to or greater than required for employment in an entry level position as a state laboratory scientist under the Louisiana Civil Service system.

1. Minimum qualifications include a baccalaureate degree with 24 semester hours in a biological science, microbiology, chemistry, nuclear science, physical science or any combination.

2. Any laboratory analyst with three years experience conducting microbiological analysis and who is so employed on the effective date of these regulations shall be exempt from the requirements of Paragraph 1 above.

C. Supervision in the laboratory shall be by a professional laboratory scientist experienced in shellfish sanitation microbiology and with qualifications equal to or greater than required for employment as a state laboratory scientist, first-line supervisor under the Louisiana Civil Service system. If a supervisor is not available, a consultant having the same qualifications may be substituted.

1. Minimum qualifications include a baccalaureate degree with 24 semester hours in a biological science, microbiology, chemistry, nuclear science, physical science or any combination followed by three years of full time professional experience in a laboratory facility performing microbiological, chemical or nuclear science procedures.

2. Any laboratory supervisor so employed on the effective date of these regulations and who has the other qualifications specified in Paragraph 1 above shall be exempt from the requirement of a baccalaureate degree.

9:002-15. Qualifications, Requirements for Shellfish Evaluation Officer for the State of Louisiana

A. The shellfish evaluation officer for the state of Louisiana shall be so designated by letter by the federal Department of Health and Human Services, Public Health Service, Food and Drug Administration, Bureau of Food Technology, Shellfish Sanitation Branch. Designation is based upon meeting the requirements of Shellfish Sanitation Interpretation S.S. 35 entitled "Evaluation of Laboratories by State Shellfish Laboratory Evaluation Officers."

1. The individual shall be administratively attached to a state central shellfish sanitation laboratory which has been found by the FDA to be in substantial conformity with the National Shellfish Sanitation Program (NSSP).

2. The individual shall be an experienced analyst and should have supervisory experience.

3. If deemed necessary by an FDA laboratory evaluation officer, the individual shall conduct several laboratory evaluations jointly with FDA Shellfish Sanitation Branch Laboratory Evaluation Officers.

4. During a joint on-site evaluation with an FDA Labora-

tory Evaluation Officer, the individual shall demonstrate competence in evaluating analysts' performance of the applicable shellfish laboratory test methods in the current edition of the APHA *Recommended Procedures for the Examination of Sea Water and Shellfish* and the *Official Methods of Analysis* of the Association of Official Analytical Chemists (A.O.A.C.). The evaluation will be recorded on the FDA Shellfish Standard Laboratory Evaluation Form.

5. The individual shall submit a written report of all evaluations conducted to the FDA Division of Cooperative Programs, Shellfish Sanitation Branch with a copy to the appropriate FDA regional shellfish specialist. The report should consist of the FDA Shellfish Standard Laboratory Evaluation Form, a summary list of qualified analysts and a narrative discussion for each laboratory evaluated. The narrative discussions shall include the identity of the laboratory, the date of evaluation, name of evaluator, a precise and accurate description of the conditions which existed during the evaluation, including what recommendations were made to correct deviations necessary to bring the laboratory into substantial conformity with the requirements of NSSP as approved by the Louisiana State Shellfish Sanitation Program and appropriate information on personnel and procedures and conclusions.

B. The evaluation shall be valid for a period of three years and reevaluation will be held triennially. Satisfactory reevaluation is based on the individual satisfying the following criteria:

1. The individual shall continue to be administratively attached to a state central shellfish sanitation laboratory which has been found by the FDA to be in conformity with the National Shellfish Sanitation Program (NSSP) requirements.

2. The individual shall demonstrate continued satisfactory competence in evaluating the shellfish laboratory test methods of analysts during a joint laboratory evaluation with an FDA laboratory evaluation officer.

3. The individual shall submit a written report of the joint laboratory evaluation to the FDA Division of Cooperative Programs Shellfish Sanitation Branch with a copy to the appropriate FDA regional shellfish specialist.

4. The individual shall have all state laboratory evaluations, quality control examinations, and reports up-to-date.

5. The individual shall receive continuing training, as necessary, in laboratory evaluations and analytical procedures.

C. Laboratory Evaluation Officers who fail to meet the recertification requirements shall lose their certification until it is demonstrated that all necessary requirements, including training, are met.

9:002-16. Requirements for Laboratory Certification

A. The laboratory and laboratory analysts are required to receive a satisfactory evaluation during an on-site visit by the shellfish evaluation officer for the state of Louisiana or FDA laboratory evaluation officer in order to be certified.

1. The purpose of the evaluation will be to assure the uniform application of standard procedures and methods in the sampling and analytical examination of shellfish growing waters and to determine and assure the adequacy of facilities, equipment and personnel to perform analytical testing necessary to meet the requirements recommended by the National Shellfish Sanitation Program and found to be acceptable by the Louisiana State Shellfish Sanitation Program, administered by the Department of Health and Hospitals, Office of Public Health. Evaluation is not an endorsement of the laboratory facility, its staff or the operation as this implies continuing guarantee of perform-

ance.

2. A satisfactory rating is achieved by demonstration during an on-site evaluation that the laboratory and laboratory personnel are in compliance with all requirements as listed in the Shellfish Laboratory Evaluation Check List provided by the federal Department of Health and Human Services, Public Health Service, Food and Drug Administration, Bureau of Food Technology, Shellfish Sanitation Branch. A satisfactory rating indicates that FDA recognizes that the laboratory complies with recommended procedures and capabilities and that the analytical results produced by the laboratory are in support of the Louisiana Shellfish Sanitation Program and are acceptable to FDA.

3. No reference shall be made in any advertising or sales promotion which would indicate or imply that the Louisiana state shellfish evaluation officer or FDA laboratory evaluation officer evaluated this laboratory or approves, endorses or recommends any proprietary materials, services, or publications mentioned herein or which has as its purpose and intent to cause directly or indirectly the advertised materials or services to be used or purchased because of the evaluation.

B. An applicable, currently dated, (i.e. the last satisfactory on-site evaluation shall be documented to have been held within the prior three-year period) satisfactory FDA Shellfish Standard Laboratory Evaluation Form and narrative report submitted by the appropriate laboratory evaluation officer to the FDA Division of Cooperative Programs, Shellfish Sanitation Branch with a copy to the appropriate FDA regional shellfish specialist and the public health laboratory director shall be on file or available upon request.

1. Said narrative report shall include the identify of the laboratory, the date of evaluation, name of evaluator, information on personnel and procedures and conclusions and shall precisely and accurately describe the conditions which existed during the evaluation, including what recommendations were made to correct deficiencies and proposed timetable for any corrective action necessary to bring the laboratory into substantial conformity with the requirements of NSSP as approved by the Louisiana State Shellfish Sanitation Program.

2. If any deficiencies or recommendations were noted in the narrative report, the laboratory shall demonstrate that the stated deficiencies and/or recommendations have been satisfactorily corrected or addressed within the proposed timetable stated and that the laboratory is substantially in compliance with the requirements of NSSP as approved by the Louisiana State Shellfish Sanitation Program.

3. Failure to achieve a satisfactory rating during the on-site evaluation by the appropriate laboratory evaluation officer and/or failure to correct or address deficiencies or recommendations as noted in the narrative report within the stated timetable shall result in loss of satisfactory evaluation.

C. As samples are available, the laboratory shall periodically participate in a split-sample program to test laboratory proficiency and shall receive a grade of satisfactory.

1. Refusal to participate and/or repeated failure to receive a satisfactory grade shall result in loss of satisfactory evaluation.

D. The laboratory shall maintain a list of qualified analysts who have received a satisfactory rating as a result of the evaluation procedures and who are consequently approved to conduct analysis in the laboratory.

9:002-17. Fees for Service

A. Fees for evaluations, analysis, determination, process-

ing and reporting of results shall be incorporated into the Louisiana State Shellfish Sanitation Program fee and assessed in accordance with rules and regulations controlling their collection.

9:002-18. References

a. Where the "current edition" of the following works is referred to in these regulations, such shall mean:

1. *Recommended Procedures for the Examination of Sea Water and Shellfish*, fourth edition, American Public Health Association, Inc., 1970.

2. *Official Methods of Analysis, of the Association of Official Analytical Chemists*, edition 14, Sections 46.017-46.019, 1984.

3. *Official Methods of Analysis of the Association of Analytical Chemists*, edition 14, Table 46:01 and Table 46:02, 1984.

4. *Standard Methods for the Examination of Water and Wastewater*, sixteenth edition, 1985, part 900.

5. Shellfish Sanitation Interpretation S.S. 35 entitled "Evaluation of Laboratories by State Shellfish Laboratory Evaluation Officers," Part III, Section B (i), 1985.

9:004. Transplanting of Shellfish

No person shall engage wholly or part-time in the business of transplanting of shellfish from waters not approved for direct market harvesting by the state health officer prior to obtaining a permit for that purpose by the state health officer. Applications shall be completed and submitted with a fee as specified in the official state journal (*Baton Rouge Morning Advocate*) which said fee shall be paid by cashier's check or money order and filed not less than 14 days prior to the beginning of such proposed transplanting. Transplanting of shellfish shall be permitted only during the first two weeks of each calendar month.

9:004-1

A \$5,000.00 cash performance bond consisting of a bank cashier's check made payable to the Department of Health and Hospitals shall be submitted with each completed application. In addition to the bond, a permittee, at his expense shall secure the services of a bonded security guard, from an agency licensed by the state of Louisiana, for the purpose of monitoring all harvesting, transporting, and planting of unapproved shellfish.

9:004-2

Permits shall be granted at the discretion of the Department of Health and Hospitals and the Department of Wildlife and Fisheries with the following restrictions:

A. That shellfish relaid from polluted waters, as established by the state health officer from sanitary surveys of the area and bacteriological examination of the water, shall remain down in approved waters for the remainder of the permitted month and no part of the leases on which oysters were relaid may be worked during that month.

B. That shellfish harvested from any polluted waters shall not be laid down within 500 feet of any adjoining lease where shellfish may be taken for sale as food.

C. That culling of shellfish, sacking of shellfish, storage of empty shellfish sacks on board permitted or authorized harvesting vessels and/or the direct marketing of shellfish taken from waters not approved for that purpose by the state health officer shall be strictly prohibited.

D. That only two leases, each pre-approved by the Department of Health and Hospitals, shall be utilized for the harvesting and bedding of shellfish.

E. That there must be daily telephone contact with the Department of Wildlife and Fisheries by the permittee of his boat

captain during the active period of permit, including those days when harvesting activities are cancelled. The Department of Wildlife and Fisheries Toll Free Number is 1-800-442-2511.

F. That harvesting on weekends and official state holidays is prohibited.

G. That all leases shall be "red flagged" so that they may be easily spotted by both aircraft and boats. "Red flagged," as used in this paragraph, means that the four outside corners of the lease must be marked with polls and red flags attached.

H. That harvesting, transporting, and bedding of unapproved shellfish is permitted only during daylight hours with all activities completed by 5 p.m. each day.

I. That a copy of the transplant permit shall be on board each authorized harvesting vessel at all times during the period of transplant.

9:004-3

Records shall be maintained in triplicate indicating the total quantity of shellfish transplanted each day, and submitted to the Department of Health and Hospitals, Seafood Sanitation Unit, and the Department of Wildlife and Fisheries, Enforcement and Seafood Divisions, at the conclusion of each transplant permit.

9:004-4

Failure to comply with any of the shellfish transplant permitting rules or restrictions outlined in Sections 9:004-2 or 9:004-3 shall be considered just cause for this agency or the Department of Wildlife and Fisheries to suspend one's permit to transplant shellfish for a period of one year. Additionally, harvesting, transporting or planting of unapproved shellfish while not under the immediate supervision of a bonded security guard, or violation of Section 9:004-2 or 9:004-3 shall also result in the forfeiture of the \$5,000.00 cash bond.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, L.R. 14: 1988.

**FDA LABORATORY EVALUATION FORMS
APPENDIX A**

Current FDA Laboratory Evaluation Forms used in on-site inspection in evaluation procedures toward designation as an official laboratory of the Louisiana shellfish sanitation laboratory system.

FOOD AND DRUG ADMINISTRATION
Shellfish Sanitation Branch

FORM A

Northeast Technical Services Unit
Davisville, Rhode Island 02824

LABORATORY EVALUATION REPORT

STATE _____
LABORATORY _____
DATE EVALUATED _____ DATE OF REPORT _____
DATE OF PREVIOUS EVALUATION _____
LABORATORY REPRESENTED BY: _____
TITLE _____

FOOD AND DRUG ADMINISTRATION REPRESENTED BY:

LABORATORY EVALUATIONS OFFICER

SHELLFISH SPECIALIST, REGION

TITLE

OTHER OFFICIALS PRESENT DURING EVALUATION:

TITLE

COPY OF CHECKLIST LEFT AT THE LABORATORY EVALUATED? YES NO

SUMMARY OF PROCEDURAL

FORM B

NONCONFORMITY

NONCONFORMITY**

RECOMMENDED PROCEDURE*

Table with 2 columns: NONCONFORMITY** and RECOMMENDED PROCEDURE*. Multiple rows for recording data.

* Part and page number in "Recommended Procedures for the Examination of Sea Water and Shellfish", Fourth Edition, 1970. American Public Health Association, Inc., 1740 Broadway, New York, New York 10019.

** Part and page number in "Shellfish Laboratory Evaluation Check List", 1969 Revision.



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE PUBLIC HEALTH SERVICE FOOD AND DRUG ADMINISTRATION

FORM C

BUREAU OF FOODS DIVISION OF FOOD TECHNOLOGY SHELLFISH SANITATION BRANCH

SHELLFISH SANITATION BRANCH NORTHEAST TECHNICAL SERVICES UNIT 601 CENTER BUILDING 5-77 DAVISVILLE, RHODE ISLAND 02834

SHELLFISH LABORATORY EVALUATION CHECK LIST

The following check list is in keeping with the precepts of the Recommended Procedures for the Examination of Sea Water and Shellfish, Fourth Edition, 1970. American Public Health Association.

Conformity to the recommended procedures outlined in the above standards booklet rates a "C" in the check list below. Points which do not conform are indicated by an "X".

LABORATORY DATE BY

PART I - APPARATUS AND MEDIA

A. Apparatus

1. Incubators

- a. Temperature maintained at 35°C ± 0.5°C.
b. Air mechanically circulated.
c. Temperature uniform throughout under any loading capacity.
d. Recording thermometer used.
e. Daily temperature records maintained.
f. Thermometers (immersed) calibrated against National Bureau of Standards thermometer.
g. Culture dishes limited to stacks of four with spaces of one inch between stacks or between stacks and incubator walls.

2. Water Baths

- a. Temperature maintained at 44.5°C ± 0.2°C.
b. Water mechanically circulated.
c. Temperature uniform throughout under any loading capacity.
d. Recording thermometer used.
e. Daily temperature records maintained.
f. Thermometers (immersed) calibrated against National Bureau of Standards thermometer.

3. Hot-Air Sterilizing Ovens

- a. Of sufficient size and construction to give uniform and adequate sterilizing temperatures within a range of 160-180°C.
b. Thermometer capable of determining accurate temperatures in the range of 160-180°C.
c. Recording thermometer used (optional).
d. Daily temperature records maintained.
e. Thermometers (not immersed) calibrated against National Bureau of Standards thermometer.

1969 Revision

4. Autoclave

- a. Sufficient size to prevent crowding.
b. Provide sterilizing temperature of 121°C.
c. Pressure gages and properly adjusted safety valves connected to suitable steam supply.
d. Capable of reaching desired temperature in less than 30 minutes.
e. Periodic tests to evaluate effectiveness of sterilizing process. Method

5. Colony Counter

- a. Quebec Colony Counter or its equivalent providing necessary magnification and visibility.

6. pH Equipment

- a. Electrometric pH meter with standard accuracy of 0.1 units.
b. Color comparators may be used for determining pH of media other than those containing dyes or organic indicators.

7. Balances

- a. Provide a sensitivity of at least 0.1 g at a load of 150 g.

8. Media Preparation Utensils

- a. Borosilicate glassware or noncorrosive material free from foreign materials.
b. Metalware does not contain toxic materials.
c. Enamelware not used.

9. Pipets

- a. Deliver accurately and readily.
b. Distinctly marked with unbroken tips.
c. Pipets conform to latest edition of "Standard Methods for the Examination of Dairy Products."

10. Pipet Containers

- a. Metal boxes of aluminum or stainless steel.

11. Dilution Bottles or Tubes

- a. Resistant glass, glass stoppers, rubber stoppers or screw cap with non-toxic liners.
b. Graduation levels distinctly readable.
c. Cotton plugs not used as closures.

12. Petri Dishes

- a. Glass dishes 100 mm diameter with side wall of bottom at least 15 mm high or non-toxic plastic dishes used.
b. Bottoms free from bubbles and scratches.

13. Fermentation Tubes

- a. Suitable size to meet requirements for concentration of nutritive ingredients.

14. Sample Bottles

- a. Glass or other material resistant to solvent action of water.
b. Suitable size and shape.
c. Capable of being properly washed and sterilized.
d. Contains sufficient volume for sample and adequate shaking.
e. Maintains sample uncontaminated.
f. Closure is water tight.

15. Washing and Sterilization

- a. Glassware sterilized for 60 minutes at 170°C.
b. Glassware contained in metal containers sterilized at 170°C for not less than 2 hours.
c. Sample bottles sterilized as above or autoclaved 121°C for 30 minutes.
d. Detergent thoroughly rinsed from glassware by utilizing a succession of four fresh water rinses.
e. Effectiveness of rinse established by testing.

16. Work Area

- a. Adequate for work load.
b. Clean, well lighted and ventilated.
c. Reasonably free from dust and drafts.
d. Adequate storage space.

B. Materials

1. Water

- a. Use of distilled or demineralized water.
b. Free from traces of dissolved metals, bactericidal or inhibitory compounds.
c. Tested periodically for freedom from toxic contaminants. Method

2. Media

- a. Commercial dehydrated media used.

C. Preparation of Culture Media

1. Storage of Culture Media

- a. Stored in a clean, dry space where excessive evaporation and danger of contamination have been eliminated.
b. Media not refrigerated.
c. Storage at 25°C (i.e., room temperature) does not exceed 7 days.

2. Adjustment of Reaction
 - a. Reaction expressed as pH values.
 - b. Adjustment of pH before sterilization.
 - c. pH checked after sterilization.
 - d. pH records are maintained.
3. Sterilization
 - a. Media sterilized as to specific instructions for each media.
 - b. Materials packed loosely and in small containers.
 - c. Total time of exposure of sugar broths to any heat level does not exceed 30 minutes.
 - d. Media cooled as soon as possible after sterilization.

2. Definition
Demonstration of a gram negative, aerobic or facultative anaerobic, non-spore forming bacillus constitutes the completed test for members of the coliform group.

- C. Membrane Filter Procedures for Estimating Coliform Density
 1. Parallel tests have demonstrated that the MF procedure yields equivalent information relative to the sanitary quality given by the MPN Procedure for the waters being tested.
 2. Analytical methods as described in APHA Recommended Procedures are strictly observed in all respects.
 3. Counts are computed and reported in terms of coliforms per 100 ml sample.

PART II - PROCEDURES FOR BACTERIOLOGICAL EXAMINATION OF SEA WATER AND SHELLFISH

A. Examination of Sea Water

1. Collection and Transportation of Samples
 - a. Collected in clean, sterile bottles.
 - b. Correct sampling procedures requires immediate cooling to not more than 10°C.
 - c. Suitable sampling device for depth sampling.
 - d. Bacteriological examination initiated immediately or refrigerated at or below 10°C until examined.
 - e. Samples not tested if over 30 hours old regardless of refrigeration.
2. Presumptive Tests
 - a. Lactose broth or lauryl tryptose broth used.
 - b. Volume and media concentration suitable for size of sample.
 - c. Sterile phosphate buffered dilution water used.
 - d. Sample shaken vigorously (25 times in a 12-inch arc in 7 seconds).
 - e. Not less than 3 tubes used per dilution, 5 tubes recommended.
 - f. Dilution ranges adequate to assure end point.
 - g. Fermentation tubes read at 24 and 48 hours.
3. Confirmed Test
 - a. One to three loopfuls of 24 and 48 hour gas positive presumptive broth are transferred to BCG broth.
 - b. Inside diameter of transfer loop no less than 3 millimeters.
 - c. BCG tubes incubated 48 hours \pm 3 hours at 35°C \pm 0.5°C.
 - d. Production of gas recorded.
 - e. All positive presumptive tubes submitted to confirmed test or an acceptable alternate procedure for selection of tubes to be confirmed can be used.
4. Computing and Recording the Results
 - a. Results of tests for coliform by the multiple tube dilution method are reported in terms of the "Most Probable Number" (MPN).
5. Standard Plate Count
 - a. Routinely performed (yes or no).
 - b. If so, are recommended procedures strictly followed.

B. Examination of Shellfish

1. Collection and Transportation of Samples
 - a. When possible, samples are examined within 6 hours after collection.
 - b. Samples not examined after 24 hours from collection.
 - c. Area, date, time, and place of collection reported.
 - d. Samples immediately cooled at time of collection to 10°C or below but above 0°C until examined.
2. Shell Stock (Shellfish in Shell)
 - a. Samples are collected in waterproof sterilized containers.
 - b. Samples maintained in dry storage above freezing (32°-50°F or 0-10°C).
 - c. Representative sample of shellfish is taken.

3. Other than Shell Stock
 - a. APHA Recommended Procedures are followed for the examination of freshly shucked and frozen shellfish meats.

C. Preparation of Sample for Examination

1. Shellfish in the Shell
 - a. Prior to cleaning the shell, the hands of the examiner are thoroughly scrubbed with soap and water.
 - b. All growth and loose material is scraped from shell and then shell is scrubbed with a stiff sterile brush.
2. Removal of Shell Contents
 - a. The hands of the examiner are thoroughly scrubbed with soap and water and rinsed with 70% alcohol prior to the removal of shell contents.
 - b. Contents of shellfish are placed in a sterile blender.
3. Dilution and Grinding
 - a. The samples are weighed to the nearest gram.
 - b. The weighed samples are transferred to a sterile blender and an equal amount by weight, of sterile phosphate buffered dilution water is added.
 - c. Specimens are ground to permit optimum blending. To be confirmed by visual observation, not to exceed 120 seconds optimum time 60-90 seconds.

D. Tests for Members of the Coliform Group

1. Presumptive Test
 - a. Immediately after the completion of the grinding period, the ground sample is cultured.
 - b. A series of dilutions sufficient to determine the end point is used, a 5 tube-4 dilution setup is recommended.
 - c. Fermentation tubes incubated at 35°C \pm 0.5°C and read at 24 and 48 hours.
2. Confirmed Test
 - a. As directed under Examination of Sea Water.
3. Expression of Results
 - a. Computed as directed under Examination of Sea Water.
4. Standard Plate Count
 - a. Amounts of sample planted to give 30-300 colonies per plate.
 - b. Four plates per sample are used (duplicate plates in at least 2 dilutions).
 - c. Not more than 1 ml per sample is planted.
 - d. Sample bottles and solutions shaken according to APHA Recommended Procedures.
 - e. Control plates to check sterility of dilution water of the sterilized plates and agar medium are used.
 - f. At least 10 ml liquefied Standard Methods Agar per plate is used.

PART III - SUPPLEMENTARY BACTERIOLOGICAL METHODS

A. Liquid Confirmatory Procedure for the Fecal Coliform Test

1. Procedure
 - a. 1 to 3 loopfuls from positive presumptive broth is transferred to EC Medium.
 - b. All gas-positive presumptive tubes are submitted to test.
 - c. The elimination of positive tubes in a lower dilution is not applicable.
 - d. Tubes are incubated in a water bath at 44.5°C \pm 0.2°C for 24 hours \pm 2 hours.
 - e. MPN values are computed from standard tables and reported as Fecal Coliform MPN.

B. Completed Test for Coliform Organisms

1. Procedure
 - a. One or more Endo or eosin methylene blue plates are streaked from each primary tube showing gas formation or from selected tubes as described in I, A, 3 Confirmed Test.
 - b. An inoculating needle slightly curved at the tip is used.
 - c. The fermentation tube is tapped and inclined to avoid picking up membrane or scum on needle.
 - d. Sterilized needle is inserted into liquid to a depth of 5.0 mm.
 - e. The needle is lifted from the liquid and shaken to remove droplets of medium.
 - f. Plate is streaked by bringing only the curved section of the needle into contact with the agar.
 - g. Plate is inverted and incubated at 35°C \pm 0.5°C for 24 \pm 2 hours.
 - h. 1 or more typical coliform colonies are picked from each of the plates.
 - i. Separate lactose broth or LST tubes and nutrient agar slants are inoculated from each picking.
 - j. When removing colonies from plates only the end of the inoculating needle is touched to the top of the colony.
 - k. Agar slants and broth tubes are incubated at standard temperatures.
 - l. Gas formation is recorded at the end of 24 hours and if no gas is present it is re-incubated an additional 24 hours.
 - m. Gram stained slides are made from the agar slants and gas production is recorded.

David L. Ramsey
Secretary

DECLARATION OF EMERGENCY

**Department of Health and Hospitals
Division of Medical Assistance**

The Department of Health and Hospitals, Division of Medical Assistance, has exercised the emergency provisions of the Administrative Procedure Act, R.S. 49:953 B to adopt the following rule in the Title XIX Long Term Care Program.

Currently, when a change of ownership occurs, a minimum of ten percent of the final vendor payment to the old legal entity is withheld pending the fulfillment of the following requirements:

- o completion of a limited scope audit of the facility;
- o the facility's compliance with the recommendations of the limited scope audit; and
- o submittal of an acceptable cost report covering the period to the date of ownership change.

Once these requirements are met the portion of the payment withheld is released. However, if the new owners provide the Division of Medical Assistance with a notarized document attesting that they shall be responsible for compliance with the recommendations of the limited scope audit and the cost report, the portion of the payment withheld is released. In the past, limited scope audits were performed by the department at no cost to the facility. However, beginning in FY 88/89 the department will no longer provide auditing services.

Under this rule, providers will be required to submit limited scope audit findings with recommendations of a CPA to the department. This rule is necessary to assure compliance with 42 CFR 442.14 which mandates procedures to be followed when a change in ownership occurs. This rule shall be effective for audits which have not begun by July 5, 1988.

RULE

When a change in ownership occurs, a minimum of ten percent of the final vendor payment to the old legal entity is withheld pending the fulfillment of the following requirements:

completion of a limited scope audit of the facility, with findings and any recommendations of a certified public accountant of the old legal entity's choice submitted to the Division of Medical Assistance;

the facility's compliance with the recommendations of the limited scope audit with the following exception:

if the new legal entity disputes the finding of the limited scope audit, said entity may engage an independent auditor (CPA) and submit any findings and recommendations to the Division of Medical Assistance for review. In such instances, the independent auditor must certify his independence and submit a written opinion to the Division of Medical Assistance. Compliance with the findings and recommendations of the independent auditor shall be required.

Submittal of an acceptable cost report covering the period to the date of ownership change.

Once these requirements are met, the portion of the payment withheld shall be released.

EXCEPTION: New owners may provide the Division of Medical Assistance with a notarized document attesting that they shall be responsible for compliance with the limited scope audit findings submitted by the old legal entity. When this notarized statement and the cost report are received, the portion of the payment withheld shall be released.

David L. Ramsey
Secretary

DECLARATION OF EMERGENCY

Department of Justice Office of the Attorney General Electronic Video Bingo Panel

In accordance with the emergency provisions of the Administrative Procedure Act R.S. 49:953(B) and R.S. 33:4861.17, the Attorney General's Electronic Video Bingo Panel has adopted the emergency rules detailed below, changing the fees assessed on permitted machines. The attorney general is authorized by R.S. 33:4861.17(G) to assess whatever fees may be necessary to carry out regulation and control of electronic

video bingo machines. These fees are necessary in order to assure that there is adequate personnel to maintain the integrity of charitable gaming and that the machines themselves are operated in a legal manner. Therefore, the following rules previously adopted June 20, 1988 are amended to continue providing essential regulation of electronic video bingo machines and to avoid imminent peril to charities of the state, the public who play the machines or the manufacturers and distributors of the machines.

Title 22 CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT Part VII. Department of Justice

Chapter 1. Electronic Video Bingo

§103. Definitions and Terms (Amend)

The definitions are amended to add the following definition:

Permit Stamp Fee means the amount paid by the permittee to the department for each machine permitted.

Delete Net Proceeds Fee definition.

§107. Permitting Process (Amend)

B. Application for Permit Stamp

3. The first installment (\$150) of the \$600 permit fee must accompany each application.

E. Expiration or Renewal of Permit

3. The department will consider the same criteria for renewal of permits as for the original issuance of permits. Failure to satisfy permit criteria contained in the Act and these rules may result in denial of renewal of a permit, except for permits requested in fiscal year 1988-89; for said year the panel will develop a particular timeline for permit renewal and publish this timeline to all interested persons.

§113. Fees (Amend)

C. Permit Stamp Fee

1. A nonrefundable fee of \$600 shall be paid by the permittee to the department to cover the cost of the permit stamp and the cost of the application for each machine, as well as the regulation of the machine throughout the permitted year.

2. This nonrefundable fee must be submitted in the following manner:

a. the initial \$150 paid at the time of application for permit.

b. the balance of the annual \$600 fee paid in equal installments on July 1, October 1, January 1, and April 1 in each fiscal year.

§115. Reporting and Record Requirements (Amend)

A. Reporting Requirements

1. For each machine the permittee must file with the department a monthly video bingo machine report signed by the permittee. The forms for said reporting will be prescribed by the department. The report will be used to verify the winning percentage of the machine. The following requirements apply:

a. the report must be delivered to the Electronic Video Bingo Panel at the Office of the Attorney General, Box 94005, Capitol Station, Baton Rouge, Louisiana 70804-9005 or post marked no later than midnight of the tenth day of the month following the reporting month. A reporting month for these purposes shall be considered the first day of the month through the last day of the month.

§117. **Enforcement and Regulation** (Amend)

- F. Civil Violations
- 2. A violation may be issued for, but is not limited to the following acts:
 - d. The failure to report and pay timely the fees assessed.

William J. Guste, Jr.
Attorney General

Rules

RULE

Department of Civil Service Board of Ethics for Elected Officials

The Board of Ethics for Elected Officials, acting in its capacity as the Supervisory Committee on Campaign Finance Disclosure pursuant to La. R.S. 18:1511.1.A, adopted the following rules concerning the names used by political committees at its May 31, 1988 meeting.

- 1. The name of a political committee shall not be the same as, nor deceptively similar to, the name of any other political committee.
- 2. The name of a political committee organized to support one candidate shall contain the name of that candidate.
- 3. The name of a political committee supporting or opposing more than one candidate shall not contain the name of an individual, unless the name of the committee in some way clearly reflects that it is not a committee supporting or opposing only that individual.
- 4. When a political committee uses an acronym in addition to its complete name, each document filed with the Supervisory Committee shall contain the complete name of the political committee with the acronym in parentheses.
- 5. When the name of a political committee contains a number, the number shall be spelled out in the name and the numerical symbol(s) placed in parentheses.

R. Gray Sexton
Executive Secretary

RULE

Board of Elementary and Secondary Education

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to Notice of Intent published April 20, 1988 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the rule listed below:
Rule 3.01.51.uu

Add Standard 1.027.02 as follows:

ANNUAL FINANCIAL AND STATISTICAL REPORT

- 1.027.02 On dates specified by the State Department of Education, the local superintendent shall forward the information required for the completion of the annual financial and statistical report to the State Department of Education, on forms provided for that purpose.
Refer to R.S. 17:22.7

Amend Standard 2.027.02 as follows:

ANNUAL FINANCIAL AND STATISTICAL REPORT

- 2.027.02 Information required for the completion of the annual financial and statistical report shall be recorded on report forms furnished by the local education agency.
Refer to R.S. 17:22.7

A completed form shall be sent to the local superintendent's office and a copy shall be filed in the principal's office, the local superintendent's office, and shall be available to the State Department of Education upon request.

Em Tampke
Executive Director

RULE

Board of Elementary and Secondary Education

Notice is hereby given that the Board of Elementary and Secondary Education, pursuant to Notice of Intent published April 20, 1988 and under the authority contained in Louisiana State Constitution (1974), Article VIII, Section 3, Act 800 of the 1979 Regular Session, adopted the amendment to Bulletin 741 (Child Protection Act) as listed below:
Rule 3.01.51.vv

EMPLOYMENT OF PERSONNEL

- 1.014.00 No person who has been convicted of or has plead nolo contendere to a crime listed in R.S. 15:587.1(c) shall be hired by a public school system for a position of supervisory or disciplinary authority over school children unless approved in writing by a district judge of the parish and the district attorney.

Any employee hired after September 30, 1987, must request in writing, a criminal history review through the Department of Health and Human Resources on the form prepared by the Bureau of Criminal Identification.

All costs for providing the information required shall be borne by the individual applicant.

- 6.014.00 Same wording as above, except change "public school system" to "nonpublic".

Em Tampke
Executive Director

RULE

Department of Environmental Quality
Office of Solid and Hazardous Waste
Hazardous Waste Division

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:1051 et seq. and in accordance with the provisions in the Administrative Procedure Act, R.S. 49:950 et seq., the secretary of the Department of Environmental Quality adopted revisions to the Louisiana Hazardous Waste Rules and Regulations (LHWRR). The effective date of these regulations will be July 20, 1988.

The amendments to the LHWRR are intended to add Chemical Abstract Service (CAS) registry numbers as an identification aid while several corrections are also being encompassed and an additional six compounds are being added in these amendments as follows.

Title 33
ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials
Subpart 1. Department of Environmental Quality - Hazardous Waste

Chapter 31. Incinerators (previously Chapter 17) as follows:

Add chemical abstract numbers to Chapter 31, TABLE 1. HAZARDOUS CONSTITUENTS.

Chapter 49. Lists of Hazardous Wastes

§4901. Category I Hazardous Wastes

Amend Chapter 49 (previously Chapter 24) as follows:

E. (previously 24.1d):

Add chemical abstract numbers in TABLE 3. ACUTE HAZARDOUS WASTES.

Correct specific listings to listed hazardous wastes in TABLE 3. ACUTE HAZARDOUS WASTES, as indicated by bold-type entries.

F. (previously 24.1e):

Add chemical abstract numbers in TABLE 4. TOXIC WASTES. Correct specific listings to listed hazardous wastes in TABLE 4. TOXIC WASTES, as indicated by bold-type entries.

Paul H. Templet, Ph.D.
Secretary

TABLE 1. HAZARDOUS CONSTITUENTS
Chemical Abstract Number
Acetonitrile (Ethanenitrile)
Acetophenone (Ethanone, 1-phenyl)
3-(alpha-Acetyloxybenzyl)-4-hydroxycoumarin and salts (Warfarin)
2-Acetylaminofluorene [Acetamide, N-(9H-fluoren-2-yl)]
Acetyl chloride (Ethanoyl chloride)
1-Acetyl-2-thiourea [Acetamide, N-(aminothioxomethyl)]
Acrolein (2-Propenal)
Acrylamide (2-Propenamido)
Acrylonitrile (2-Propenenitrile)
Aflatoxins
Aldicarb (Propanal, 2-methyl-2-(methylthio)-, 0-((methylamino)carbonyl)oxime)
Aldrin (1,2,3,4,10,10-Hexachloro-1,4,4a,5,8,8a,8b-hexahydro-endo-exo-1.4:5.8-Dimethanonaphthalene)
Allyl alcohol (2-Propen-1-ol)
Allyl chloride (1-Propane, 3-chloro-)
Aluminum phosphide
4-Aminobiphenyl [(1,1-Biphenyl)-4-amine]
6-Amino-1,1a,2,8,8a,8b-hexahydro-8-(hydroxymethyl)-8a-methoxy-5-methyl-carbamate azirino(2',3':3,4)pyrrolo(1,2-a)indole-4,7-dione(ester)(Mitomycin C)[Azirino-(2':3,4)pyrrolo(1,2-a)indole-4,7-dione,6-amino-8-((amino-carbonyloxy)methyl)-1,1a,2,8,8a,8b-hexahydro-8amethoxy-5-methyl-]
5-(Aminomethyl)-3-isoxazol(3,2H)-isoxazolone,5-(aminomethyl)-4-Aminopyridine(4-Pyridinane)
4-Aminopyridine (4-Pyridinamine)
Amitrole(1H-1,2,4-Triazol-3-amine)
Aniline (Benzenamine)
Antimony and compounds, N.O.S.*
Aramite (Sulfurous acid, 2-chloroethyl-2-[4-(1,1-dimethylethyl)phenoxy]-1-methyl- ethyl ester)
Arsenic and compounds, N.O.S.*
Arsenic acid (Orthoarsenic acid)
Arsenic pentoxide [Arsenic (V) oxide]
Arsenic trioxide [Arsenic (III) oxide]
Auramine [Benzenamine,4,4'-carbonimidoylbis(N,N-Dimethyl-monohydrochloride)]
Azaserine [L-Serine, diazoacetate (ester)]
Barium and compounds, N.O.S.*
Barium cyanide
Benz(c)acridine(3,4-Benzacridine)
Benz(a)anthracene(1,2-Benzanthracene)

71-43-2 Benzene
Benzene (Cyclohexatriene)
Benzeneearsonic acid (Arsonic acid, phenyl-)
Benzene, dichloromethyl- (Benzal chloride)
Benzenethiol (Thiophenol)
Benzidine [(1,1'-Biphenyl)-4,4'diamine]
Benzo(b)fluoranthene(2,3-Benzofluoranthene)
Benzo(f)fluoranthene(1,8-Benzofluoranthene)
Benzo(a)pyrene(3,4-Benzopyrene)
p-Benzoquinone(1,4-Cyclohexadienedione)
Benzotrichloride (Benzene, trichloromethyl-)
Benzyl chloride [Benzene,(chloromethyl)-]
Beryllium and compounds, N.O.S.*
Bis(2-chloroethoxy)methane [Ethane,1,1'-(methyleneoxy)bis(2-chloro-)]
Bis(2-chloroethyl)ether [Ethane,1,1'-oxybis(2-chloro-)]
N,N-Bis(2-chloroethyl)-2-naphthylamine (Chloromaphazine)
Bis(2-chloroisopropyl) ether [Propane,2,2'-oxybis(2-chloro-)]
Bis(chloromethyl) ether [Methane, oxybis(chloro-)]
Bis(2-ethylhexyl) phthalate [1,2-Benzenedicarboxylic acid, bis(2-ethylhexyl)ester]
Bromocetone (2-Propanone, 1-bromo-)
Bromoform (Methane, tribromo-)
Bromomethane (Methyl bromide)
4-Bromophenyl phenyl ether [Benzene,1-bromo-4-phenoxy-)
Bromo (Strychnidin-20-one,2,3-dimethoxy-)
2-Butanone peroxide (Methyl ethyl ketone, peroxide)
Brucine (Strychnidin-10-one, 2,3-dimethoxy)
Butyl benzyl phthalate (1,2-Benzenedicarboxylic acid, butyl phenylmethyl ester)
2-sec-Butyl-4,6-dinitrophenol (DNBP) [Phenol,2,4-dinitro-6-(1-methylpropyl)-]
Caecodyic acid (Arsenic acid, dimethyl)
Cadmium and compounds, N.O.S.* (Cadmium)
Calcium chromate (Chromic acid, calcium salt)
Calcium cyanide
Carbon disulfide (Carbon bisulfide)
Carbon oxyfluoride (Carbonyl fluoride)
Chloral (Acetaldehyde, trichloro-)
Chlorambucil [Butanoic acid,4-bis(2-chloroethyl)amino]benzene-1
Chloro(alpha and gamma isomers)(4,7-Methanoindan, 1,2,4,5,6,7,8,8-octachloro-3,4,7a-tetrahydro-(alpha and gamma isomers)
Chlorinated benzenes, N.O.S.*
Chlorinated ethane, N.O.S.*
Chlorinated fluorocarbons, N.O.S.*
Chlorinated naphthalene, N.O.S.*
Chlorinated phenol, N.O.S.*
Chlorobenzene (2-Naphthalenamine, N,N-bis(2-chloroethyl)-
Chloroacetaldehyde (Acetaldehyde, chloro-)
Chloroalkyl ethers, N.O.S.*
p-Chloroaniline (Benzenamine,4-chloro-)
Chlorobenzene (Benzene, chloro-)
Chlorobenzoate [Benzeneacetic acid,4-chloro-alpha-(4-chlorophenyl)-alpha-hydroxy-ethyl ester] 2-Chloro-1,3-butadiene (chloroprene)
p-Chloro-o-cresol (Phenol,4-chloro-3-methyl)
1-Chloro-2,3-epoxypropane [Oxirane,2-(chloromethyl)-]
2-Chloroethyl vinyl ether [Ethane,(2-chloroethoxy)-]
Chloroform (Methane, trichloro-)
Chloromethane (Methyl chloride)
Chloromethyl methyl ether (Methane, chloromethoxy-)
2-Chloronaphthalene (Naphthalene, beta-chloro-)
2-Chlorophenol (Phenol, o-chloro-)
1-(o-Chlorophenyl)thiourea [Thiourea,(2-chlorophenyl)-]
Chloroprene (2-Chloro-1,3-butadiene)
3-Chloropropene (allyl chloride)
3-Chloropropionitrile (Propenenitrile,3-chloro-)
Chromium and compounds, N.O.S.*
Chrysene (1,2-Benzphenanthrene)
Citrus red No. 2 [2-Naphthol,1-(2,5-dimethoxyphenyl)azo]-]
Coal tars
544-92-3 Copper cyanide
8001-58-9 Creosote (Creosote, wood)
1319-77-3 Cresols (Cresylic acid) (Phenol, methyl-)
4170-30-3 Crotonaldehyde (2-Butenal)
Cyanides (soluble salts and complexes), N.O.S.*
Cyanogen (Ethanedinitrile)
Cyanogen bromide (Bromine cyanide)
Cyanogen chloride (Chlorine cyanide)
Cyeasin [beta-D-Glucopyranoside,(methyl-ONN-azoxy)methyl-]
2-Cyclohexyl-4,6-dinitrophenol (Phenol,2-cyclohexyl-4,6-dinitro-)
Cyclophosphamide [2H-1,3,2-Oxazaphosphorine,(bis(2-chloroethyl)amino)-tetrahydro-, 2-oxide]
20830-81-3 Daunomycin (5,12-Naphthacenedione,(8S-cis)-8-acetyl-10-(3-amino-2,3,6-trideoxy)-alpha-L-lyxo-hexopyranosyloxy)-7,8,9,10-tetrahydro-6,8,11-trihydroxy-1-methoxy-)
72-54-8 DDD (Dichlorodiphenyldichloroethane) [Ethane,1,1-dichloro-2,2-bis(p-chloro-phenyl)-]
72-55-9 DDE [Ethylene,1,1-dichloro-2,2-bis(4-chlorophenyl)-]
50-29-3 DDT (Dichlorodiphenyltrichloroethane) [Ethane,1,1,1-trichloro-2,2-bis(p-chloro- phenyl)-]
2303-16-4 Diallate [S-(2,3-dichloroallyl) diisopropylthiocarbamate]
226-36-8 Dibenz(a,h)acridine (1,2,5,6-Dibenzacridine)
224-42-0 Dibenz(a,l)acridine (1,2,7,8-Dibenzacridine)
33-70-3 Dibenz(a,h)anthracene (1,2,5,6-Dibenzanthracene)
194-59-2 7H-Dibenzo(c,g)carbazole (3,4,5,6-Dibenzcarbazole)
192-65-4 Dibenzo(a,e)pyrene (1,2,4,5-Dibenzpyrene)
189-64-0 Dibenzo(a,h)pyrene (1,2,5,6-Dibenzpyrene)
183-55-9 Dibenzo,i)pyrene (1,2,7,8-Dibenzpyrene)
96-12-8 1,2-Dibromo-3-chloropropane (Propane,1,2-dibromo-3-chloro-)
1,2-Dibromomethane (Ethylene dibromide)
Dibromomethane (Methylene bromide)
84-74-2 Di-n-butyl phthalate (1,2-Benzenedicarboxylic acid, dibutyl ester)
95-50-1 o-Dichlorobenzene (Benzene,1,2-dichloro-)
541-73-1 m-Dichlorobenzene (Benzene,1,3-dichloro-)
106-46-7 p-Dichlorobenzene (Benzene,1,4-dichloro-)
25321-22-6 Dichlorobenzene, N.O.S.* (Benzene, dichloro-, N.O.S.*)
91-94-1 3,3'-Dichlorobenzidine [(1,1'-Biphenyl)-4,4'-diamine,3,3'-dichloro-)
764-41-0 1,4-Dichloro-2-butene (2-Butene,1,4-dichloro-)
75-71-8 Dichlorodifluoromethane (Methane, dichlorodifluoro-)
1,1-Dichloroethane (Ethylidene dichloride)
1,2-Dichloroethane (Ethylene dichloride) trans-1,2-Dichloroethene (1,2-Dichloro-ethylene)
25323-30-2 Dichloroethylene, N.O.S.* (Ethene, dichloro-, N.O.S.*)
75-35-4 1,1-Dichloroethylene (Ethene, 1,1-dichloro-)
Dichloromethane (Methylene chloride)
120-83-2 2,4-Dichlorophenol (Phenol, 2,4-dichloro-)
87-65-0 2,6-Dichlorophenol (Phenol, 2,6-dichloro-)
2,4-Dichlorophenoxyacetic acid (2,4-D), salts and esters (Acetic acid, 2,4-dichloro-phenoxy- salts and esters)
696-28-6 Dichlorophenylarsine (Phenyl dichloroarsine)
26638-19-7 Dichloropropane, N.O.S.* (Propane, dichloro-, N.O.S.*)
1,2-Dichloropropane (Propylene dichloride)
26545-73-3 Dichloropropanol, N.O.S.* (Propanol, dichloro-, N.O.S.*)
26952-23-8 Dichloropropene, N.O.S.* (Propene, dichloro-, N.O.S.*)
542-75-6 1,3-Dichloropropene (1-Propene, 1,3-dichloro-)
60-57-1 Dieldrin (1,2,3,4,10,10-hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octa-hydro-endo, exo-1,4,5,8-Dimethanonaphthalene)
1464-53-5 1,2,3,4-Diepoxybutane (2,2'-Bioxirane)
692-42-2 Diethylarsine (Arsine, diethyl-)
129-91-1 1,4 Diethyleneoxide (1,4 Dioxane)
1615-80-1 N,N-Diethylhydrazine, Hydrazine,1,2-diethyl)
3288-58-2 O,O-Diethyl S-methyl ester of phosphorodithioic acid (Phosphorodithioic acid, O,O-diethyl S-methyl ester)

311-45-5 O,O-Diethylphosphoric acid,O-p-nitrophenyl ester (Phosphoric acid, diethyl p-nitrophenyl ester)

84-65-2 Diethylphthalate (1,2-Benzenedicarboxylic acid, diethyl ester)

297-97-2 O,O-Diethyl 0-pyrazinyl phosphorothioate (Phosphorodithioic acid, 0,0-diethyl S-methyl ester)

58-53-1 Diethylstilbestrol [4,4'-Stilbenediol, alpha,alpha-diethyl, bis(dihydrogen phosphate),(E)-]

94-58-6 Dihydrosofrole (Benzene, 1,2-methylenedioxy-4-propyl-)

329-65-7 3,4-Dihydroxy-alpha-(methylamino)methyl benzyl alcohol [1,2-Benzenediol, 4-(1-hydroxy-2-(methylamino)ethyl)-]

55-91-4 Diisopropylfluorophosphate (DFP) (Phosphorofluoric acid, bis(1-methylethyl) ester)

60-51-5 Dimethoate (Phosphorodithioic acid, O, O-dimethyl S-[2-(methylamino)-2-oxoethyl] ester, 3,3'-dimethoxybenzidine (1,1'-Biphenyl)-4,4'-diamine, 3,3'-dimethoxy-)

119-90-4 p-Dimethylaminoazobenzene (Benzenamine, N,N-dimethyl-4-(phenylazo)-)

57-97-6 7,12-Dimethylbenzanthracene (1,2-Benzanthracene, 7,12-dimethyl-)

119-93-7 3,9-Dimethylbenzidine [(1,1'-Biphenyl)-4,4'-diamine, 3,9'-dimethyl-]

79-44-7 Dimethylcarbamoyl chloride (Carbamoyl chloride, dimethyl-)

57-14-7 1,1-Dimethylhydrazine (Hydrazine, 1,1-dimethyl-)

340-73-8 1,2-Dimethylhydrazine (Hydrazine, 1,2-dimethyl-)

3,3-Dimethyl-1-(methylthio)-2-butanone, O-((methylamino)carbonyl)oxime (Thiofanox) alpha, alpha-Dimethylphenylamine (Ethanamine, 1,1-dimethyl-2-phenyl-)

105-67-9 2,4-Dimethylphenol (Phenol, 2,4-dimethyl-)

131-11-3 Dimethylphthalate (1,2-Benzenedicarboxylic acid, dimethyl ester)

77-78-1 Dimethyl sulfate (Sulfuric acid, dimethyl ester)

25154-54-5 Dinitrobenzene, N.O.S.* (Benzene, dinitro-, N.O.S.*)

534-52-1 4,6-Dinitro-o-cresol and salts (Phenol, 2,4-dinitro-6-methyl-, and salts)

51-28-5 2,4-Dinitrophenol (Phenol, 2,4-dinitro-)

121-14-2 2,4-Dinitrotoluene (Benzene, 1-methyl-2,4-dinitro-)

605-20-2 2,6-Dinitrotoluene (Benzene, 1-methyl-2,6-dinitro-)

88-85-7 Dinoseb (Phenol, 2-(1-methoxypropyl)-4,6-dinitro-)

117-84-0 Di-n-octyl phthalate (1,2-Benzenedicarboxylic acid, dioctyl ester)

1,4-Dioxane (1,4-Diethylene oxide)

122-39-4 Diphenylamine (Benzenamine, N-phenyl-)

122-66-7 1,2-Diphenylhydrazine (Hydrazine, 1,2-diphenyl-)

621-64-7 Di-n-Propylnitrosamine (N-Nitroso-di-n-propylamine)

296-04-4 Disulfoton [O,O-dimethyl S-(ethyl thio)ethylphosphorodithioate]

541-53-7 2,2-Dichloburet (Thioimidocarbonyl diamide)

115-29-7 Endosulfan (5-Norbornene, 2,3-dimethanol, 1,4,5,6,7,7-hexachloro-, cyclic sulfite)

145-73-3 Endothal (7-Oxabicyclo(2.2.1)heptane-2,3-dicarboxylic acid)

72-20-8 Endrin and metabolites (1,2,3,4,10,10-hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octa-hydro-endo,endo-1,4,5,8-dimethanonaphthalene, and metabolites)

51-79-6 Ethyl carbamate (Urethan) (Carbamic acid, ethyl ester)

107-15-0 Ethyl cyanide (Propanenitrile)

111-54-6 Ethylenedisithiocarbamic acid, salts and esters (1,2-Ethanediybis(carbamodithioic acid, salts and esters)

106-93-4 Ethylene dibromide (Ethane, 1,2-dibromo)

107-06-2 Ethylene dichloride (Ethane, 1,2-dichloro)

110-80-5 Ethylene glycol monoethyl ether (Ethanol, 2-ethoxy-)

151-56-4 Ethylene oxide (Oxirane)

75-21-8 Ethylene oxide (Oxirane)

96-45-7 Ethylenethiourea (2-Imidazolidinethione)

75-34-3 Ethylidene dichloride (Ethane, 1,1-dichloro-)

97-63-2 Ethyl methacrylate (2-Propenoic acid, 2-methyl-ethyl ester)

62-50-0 Ethyl methanesulfonate (Methanesulfonic acid, ethyl ester)

52-85-7 Famphur (Phosphorothioic acid, 0-(4-(dimethylamino) sulfonyl) phenyl) 0,0-dimethyl ester)

206-44-0 Fluoranthene (Benzo(j,k)fluorene)

7782-41-4 Fluorine

640-19-7 2-Fluoroacetamide (Acetamide, 2-fluoro-)

62-74-8 Fluoroacetic acid, sodium salt (Acetic acid, fluoro-, sodium salt)

50-00-0 Formaldehyde (Methylene oxide)

Formic acid (Methanoic acid)

765-34-4 Glycidialdehyde (1-Propanol-2,3-epoxy)

Halomethane, N.O.S.*

76-44-8 Heptachlor (4,7 Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-3a,4,7,7-tetrahydro-)

1024-57-3 Heptachlor epoxide (alpha, beta, and gamma isomers) (4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-2,3-epoxy-3a,4,7,7-tetrahydro-, alpha, beta, and gamma isomers)

118-74-1 Hexachlorobenzene (Benzene, hexachloro-)

87-68-3 Hexachlorobutadiene (1,3-Butadiene, 1,1,2,3,4,4-hexachloro-)

Hexachlorocyclohexane (all isomers) (Lindane and isomers)

77-47-4 Hexachlorocyclopentadiene (1,3-Cyclopentadiene, 1,2,3,4,4,5,5-hexachloro-)

hexachlorodibenzo-p-dioxins

hexachlorodibenzofurans

67-72-1 Hexachloroethane (Ethane, 1,1,1,2,2,2-hexachloro-)

1,1,2,3,4,10,10-Hexachloro-1,4,4a,5,8,8a-hexachloro-1,4,5,8-endo, endo-dimethanonaphthalene (Hexachlorohexahydro-endo, endo-dimethanonaphthalene)

70-30-4 Hexachlorophene (2,2'-Methylenebis(3,4,6-trichlorophenol))

1888-71-7 Hexachloropropene (1-Propene, 1,1,2,3,3,3-hexachloro-)

757-58-4 Hexaethyl tetraphosphate (Tetraphosphoric acid, hexaethyl ester)

302-01-2 Hydrazine (Diamine)

74-90-8 Hydrocyanic acid (Hydrogen cyanide)

684-39-3 Hydrofluoric acid (Hydrogen fluoride)

7783-06-4 Hydrogen sulfide (Sulfur hydride)

Hydroxydimethylarsine oxide (Caecodylic acid)

193-39-5 Indeno (1,2,3-cd)pyrene (1,10-(1,2-phenylene)pyrene)

Iodomethane (Methyl iodide)

9004-66-4 Iron dextran (Ferric dextran)

Isoeyanic acid, methyl ester (Methyl isocyanate)

78-83-1 Isobutyl alcohol (1-Propanol, 2-methyl-)

120-58-1 Isosole (Benzene, 1,2-methylenedioxy-4-allyl-)

143-50-0 Kepone (Decachlorooctahydro-1,3,4-Methano-2H-cyclobuta(ed)pentalen-2-one)

303-34-4 LAsiocarpine (2-Butenoic acid, 2-methyl-, 7-(2,3-dihydroxy-2-(1-methoxyethyl)-3-methyl-1-oxobutoxy)methyl-2,3,4,7a-tetrahydro-1H-pyrrolizin-1-yl ester)

7439-92-1 Lead and compounds, N.O.S.*

301-04-2 Lead acetate (Acetic acid, lead salt)

7446-27-7 Lead phosphate (Phosphoric acid, lead salt)

1335-32-6 Lead subacetate (Lead, bis(acetate-O)tetrahydroxytri-)

58-89-9 Lindane (Cyclohexane, 1,2,3,4,5,6-Hexachloro-)

108-31-6 Maleic anhydride (2,5-Furandione)

123-33-1 Maleic hydrazide (1,2-Dihydro-3,6-pyridazinedione)

109-77-3 Malononitrile (Propanedinitrile)

148-82-3 Melphalan [Alanine, 3-p-bis(2-chloroethoxy)lamino]phenyl-, L-]

628-86-4 Mercury fulminate (Fulminic acid, mercury salt)

7439-97-6 Mercury and compounds, N.O.S.*

126-96-7 Methacrylonitrile (2-Propanenitrile, 2-methyl-)

Methanethiol (Thiomethanol)

91-80-5 Methacrylonitrile (Pyridine, 2-[(2-dimethylamino)ethyl]-2-thenylamino-)

16752-77-5 Metholmyl (Acetimidic acid, N-(methylcarbamoyloxy)thio-, methyl ester)

72-43-5 Methoxychlor [Ethane, 1,1,1-trichloro-2,2'-bis(p-methoxyphenyl)-]

74-83-9 Methyl bromide (Methane, dibromo-)

75-09-2 Methyl chloride (Methane, dichloro-)

2-Methylazidine (1,2-Propylenimine)

71-55-6 Methyl Chloroform (Ethane, 1,1,1-trichloro-)

56-49-5 3-Methylolanthrene (Benz[aceanthrylene, 1,2-dihydro-3-methyl-)

79-22-1 Methyl chlorocarbonate (Carbonochloric acid, methyl ester)

101-14-3 4,4'-Methylenebis(2-chloroaniline) (Benzenamine, 4,4'-methylenbis(2-chloro-))

74-95-3 Methylene bromide (Methane, dibromo-)

75-09-2 Methylene chloride (Methane, dichloro-)

78-93-3 Methyl ethyl ketone (MEK) 2-Butanone)

1338-23-4 Methyl ethyl ketone peroxide (2-Butanone, peroxide)

60-34-4 Methyl hydrazine (Hydrazine, methyl-)

74-88-4 Methyl iodide (Methane, iodo-)

624-83-9 Methyl isocyanate (Methane, isocyanato-)

75-86-5 2-Methylacetone (Propanenitrile, 2-hydroxy-2-methyl-)

80-62-6 Methyl methacrylate (2-Propenoic acid, 2-methyl-, methyl ester)

66-27-3 Methyl methanesulfonate (Methanesulfonic acid, methyl ester)

2-Methyl-2-(methylthio)propionaldehyde-o-(methylcarbonyl) oxime (Propanal, 2-methyl-2-(methylthio)-O-((methylamino)carbonyl)oxime)

70-25-7 N-Methyl-N'-nitro-N-nitrosoguanidine [Guanidine, N-nitroso-N-methyl-N'-nitro-]

298-00-0 Methyl parathion (O,O-dimethyl O-(4-nitrophenyl) phosphorothioate)

56-04-2 Methyl thiouracil (4-1H-Pyrimidinone, 2,3-dihydro-6-methyl-2-thioxo-)

50-07-7 Mitomycin C (Azirino (2',3',4')pyrrolo(1,2-a)indole-4,7-dione, 6-amino-8-((aminocarbonyloxy)methyl)-1,1a,2,8,8a,8b-hexahydro-8a-methoxy-5-methyl- (1aR)-(1alpha,8alpha)alpha))

505-60-2 Mustard gas [Sulfide, bis(2-chloroethyl)-]

91-20-3 Naphthalene

130-15-3 1,4-Naphthoquinone (1,4-Naphthalenedione)

134-32-7 1-Naphthylamine (alpha-Naphthylamine)

91-59-8 2-Naphthylamine (beta-Naphthylamine)

86-88-4 1-Naphthyl-2-thiourea (Thiourea, 1-naphthalenyl-)

7440-02-0 Nickel and compounds, N.O.S.*

13463-39-3 Nickel carbonyl (Nickel tetracarbonyl)

557-10-9 Nickel cyanide [Nickel (II) cyanide]

54-11-5 Nicotine and salts (Pyridine, (S)-3-[(1-methyl-2-pyrrolidinyl)-, and salts)

10102-43-9 Nitric oxide [Nitrogen (II) oxide]

100-01-6 p-Nitroaniline (Benzenamine, 4-nitro-)

98-95-3 Nitrobenzene (Benzene, nitro-)

10102-44-0 Nitrogen dioxide [Nitrogen (IV) oxide]

51-75-2 Nitrogen mustard and hydrochloride salt [Ethanamine, 2-chloro-, N-(2-chloroethyl)-N-methyl-, and hydrochloride salt]

126-85-2 Nitrogen mustard N-Oxide and hydrochloride salt [Ethanamine, 2-chloro-, N-(2-chloroethyl)-N-methyl-, and hydrochloride salt]

55-63-0 Nitroglycerine (1,2,3-Propanetriol, trinitrate)

100-02-7 4-Nitrophenol (Phenol, 4-nitro-)

79-46-9 2-Nitropropane (Propane, 2-nitro-)

56-55-2 4-Nitroquinoline N-oxide (Quinoline, 4-nitro-1-oxide-)

35576-91-1 Nitrosamine, N.O.S.*

924-16-3 N-Nitrosodi-n-butylamine (1-Butanamine, N-butyl-N-nitroso-)

1116-54-7 N-Nitrosodiethanolamine (Ethanol, 2,2'-(nitrosimino)bis-)

55-18-5 N-Nitrosodiethylamine (Ethanamine, N-methyl-N-nitroso-)

62-75-9 N-Nitrosodimethylamine (Dimethylnitrosamine)

759-73-9 N-Nitroso-n-ethylurea (Carbamide, N-methyl-N-nitroso-)

10595-95-6 N-Nitrosomethylamine (Ethanamine, N-methyl-N-nitroso-)

684-93-5 N-Nitroso-N-methylurea (Carbamide, N-methyl-N-nitroso-)

115-53-2 N-Nitroso-N-methylurethane (Carbamic acid, methylnitroso-, ethyl ester)

105-95-6 N-Nitroso-N-methylurethane (Ethanamine, N-methyl-N-nitroso-)

4519-40-0 N-Nitrosomethylvinylamine (Vinylamine, N-methyl-N-nitroso-)

59-89-2 N-Nitrosomorpholine (Morpholine, N-nitroso-)

16543-055-8 N-Nitrosopyrrolidine (Pyrrolidine, N-nitroso-)

100-75-4 N-Nitrosopyrrolidine (Pyrrolidine, hexahydro-, N-nitroso-)

930-55-2 Nitrosopyrrolidine (Pyrrole, tetrahydro-, N-nitroso-)

13256-22-9 N-Nitrososarcosine (Sarcosine, N-nitroso-)

99-55-8 5-Nitro-o-toluidine (Benzenamine, 2-methyl-5-nitro-)

152-16-9 Octamethylpyrophosphoramide (Diphosphoramide, octamethyl-)

20816-12-0 Osmium tetroxide [Osmium (VIII) oxide]

82-69-8 Pentachloronitrobenzene (PCNB) (Benzene, pentachloronitro-)

123-63-7 Paraldol (1,3,5-Trioxane, 2,4,6-trimethyl-)

56-38-2 Parathion (Phosphorothioic acid, O,O-diethyl O-(p-nitrophenyl) ester)

608-93-5 Pentachlorobenzene (Benzene, pentachloro-)

pentachlorodibenzo-p-dioxins

pentachlorodibenzofurans

75-01-7 Pentachloroethane (Ethane, pentachloro-)

82-69-8 Pentachloronitrobenzene (PCNB) (Benzene, pentachloronitro-)

87-85-5 Pentachlorophenol (Phenol, pentachloro-)

62-44-2 Phenacetin [Acetamide, N-(4-ethoxyphenyl)-]

108-95-2 Phenol (Benzene, hydroxy-)

25265-76-3 Phenylethylamine (Benzenediamine)

62-38-4 Phenylmercury acetate (Mercury, acetatophenyl-)

103-85-6 N-Phenylthiourea (Thiourea, phenyl-)

75-44-5 Phosgene (Carbonyl chloride)

7803-51-2 Phosphine (Hydrogen phosphide)

298-02-2 Phosphorodithioic acid, O,O-diethyl S-(ethylthio)methyl ester (Phorate)

Phosphorothioic acid, O,O-dimethyl O-[p-(dimethylaminosulfonyl)phenyl] ester (Famphur)

Phthalic acid esters, N.O.S.* (Benzene, 1,2-dicarboxylic acid, esters, N.O.S.*)

Phthalic anhydride (1,2-Benzenedicarboxylic acid anhydride)

85-44-9 2-Picoline (Pyridine, 2-methyl-)

109-06-8 Polychlorinated biphenyl, N.O.S.*

151-50-8 Potassium cyanide

506-61-6 Potassium silver cyanide [Argentate(-1), dicyano-, potassium]

23950-58-3 Pronamide [3,5-Dichloro-N-(1,1-dimethyl-2-propenyl)benzamide]

1120-71-4 1,3-Propane sultone (1,2-Oxathiolane, 2,2-dioxide)

107-10-8 n-Propylamine (1-Propanamine)

51-52-5 Propylthiouracil (Undecamethylenediamine, N,N'-bis(2-chlorobenzyl)-, dihydrochloride)

107-19-7 2-Propyn-1-ol (Propargyl alcohol)

110-96-1 Pyridine

50-55-5 Reserpine [Yohimban-16-carboxylic acid, 11,17-dimethoxy-18-(3,4,5-trimethoxybenzoyloxy)- methyl ester]

108-46-3 Resorcinol (1,3-Benzenediol)

81-07-2 Saccharin and salts (1,2-Benzisothiazolin-3-one, 1,1-dioxide, and salts)

94-59-7 Salfrole (Benzene, 1,2-methylenedioxy-4-allyl-)

7783-00-8 Selenious acid (Selenium dioxide)

7782-91-5 Selenium and compounds, N.O.S.*

7446-34-6 Selenium sulfide (Sulfur selenide)

630-10-4 Selenourea (Carbamimidoseleonic acid)

7440-22-4 Silver and compounds, N.O.S.*

506-64-9 Silver cyanide

93-72-1 Silvex (2,4,5-TP) (Propanoic acid, 2-(2,4,5-trichlorophenoxy-)

143-33-9 Sodium amide

18883-66-4 Streptozotocin [D-Glucopyranose, 2-deoxy-2-(3-methyl-3-nitrosoureido)]

1314-96-1 Strontium sulfide

57-24-9 Strychnine and salts (Strychnidin-10-one, and salts)

95-94-3 1,2,4,5-Tetrachlorobenzene (Benzene, 1,2,4,5-tetrachloro-)

1746-01-6 2,3,7,8-Tetrachlorodibenzo-p-dioxin (TCDD) (Dibenzo-p-dioxin, 2,3,7,8-tetrachloro-)

tetrachlorodibenzofurans

25322-20-7 Tetrachloroethane, N.O.S.* (Ethane, tetrachloro-, N.O.S.*)

630-20-6 1,1,1,2-Tetrachloroethane (Ethane, 1,1,1,2-tetrachloro-)

79-34-5 1,1,2,2-Tetrachloroethane (Ethane, 1,1,2,2-tetrachloro-)

127-18-4 Tetrachloroethylene (Ethene, 1,1,2,2-tetrachloro-)

Tetrachloromethane (Carbon tetrachloride)

2,3,4,5-Tetrachlorophenol (Phenol, 2,3,4,5-tetrachloro-)

3639-24-5 Tetraethylthiopyrophosphate (Dithiopyrophosphoric acid, tetraethyl-ester)

78-00-2 Tetraethyl lead (Plumbane, tetraethyl-)

107-49-3 Tetraethylpyrophosphate (Pyrophosphoric acid, tetraethyl ester)

509-14-8 Tetranitromethane (Methane, tetranitro-)

7440-28-0 Thallium and compounds, N.O.S.*

1314-321-5 Thallous oxide [Thallium (III) oxide]

563-86-8 Thallium (I) acetate (Acetic acid, thallium (I) salt)

6533-73-9 Thallium (I) carbonate (Carbonic acid, dithallium (I) salt)

Thallium (I) chloride

10102-45-1 Thallium (II) nitrate [Nitric acid, thallium (II) salt]

12039-52-0 Thallium selenite

10031-59-1 Thallium (I) sulfate [Sulfuric acid, thallium (I) salt]

Thioacetamide (Ethanethioamide)

39196-18-4 Thiofanox (2-Butanone, 3,3-dimethyl-1-(methylthio)-0-((methylamino)carbonyl)oxime-)

79-19-6 Thiosemicarbazide (Hydrazinecarbothioamide)

62-56-6 Thiourea (Carbamide thio-)

Thiuram [Bis(dimethylthiocarbamoyl)disulfide]

108-88-33 Toluene (Benzene, methyl-)

25376-45-8 Toluenediamine (Diaminotoluene)

95-80-7 2,4-Toluenediamine (1,3-Benzenediamine, 4-methyl-)

823-40-5 2,6-Toluenediamine (1,3-Benzenediamine, 2-methyl-)

496-72-0 3,4-Toluenediamine (1,2-Benzenediamine, 4-methyl-)

79-19-6 o-Toluidine hydrochloride (Benzenamine, 2-methyl-, hydrochloride)

106-49-0 p-Toluidine (Benzenamine, 4-methyl-)

584-84-9 Toluene diisocyanate (Benzene, 1,3-diisocyanatomethyl-)

88001-35-2 Toxaphene (Camphene, octachloro-)

Tribromomethane (Bromoform)

120-82-1	1,2,4-Trichlorobenzene (Benzene, 1,2,4-trichloro-)
79-00-5	1,1,1-Trichloroethane (Methyl chloroform)
79-01-6	1,1,2-Trichloroethane (Ethane, 1,1,2-trichloro-)
75-70-7	Trichloroethene (Trichloroethylene)
75-69-4	Trichloromethanethiol (Methanethiol, trichloro-)
95-95-4	Trichloromethane (Methane, trichloro/fluoro-)
88-06-2	2,4,5-Trichlorophenol (Phenol, 2,4,5-trichloro-)
93-76-5	2,4,5-Trichlorophenol (Phenol, 2,4,5-trichloro-)
	2,4,5-Trichlorophenoxyacetic acid (2,4,5-T) (Acetic acid, 2,4,5-trichlorophenoxy-)
	2,4,5-Trichlorophenoxypropionic acid (2,4,5-TP)(Silvex)(Propionic acid, 2-(2,4,5-trichlorophenoxy-))
96-18-4	Trichloropropane, N.O.S.* (Propane, trichloro-, N.O.S.*)
126-68-1	1,2,3-Trichloropropane (Propane, 1,2,3-trichloro-)
99-35-4	O,O,O-Triethyl phosphorothioate (Phosphorothioic acid, O,O,O-triethyl ester)
52-24-4	sym-Trinitrobenzene (Benzene, 1,3,5-trinitro-)
126-72-7	Tris(1-aziridinyl) phosphine sulfide [Phosphine sulfide, tris(1-aziridinyl-)]
72-57-1	Tris(2,3-dibromopropyl) phosphate(1-Propanol, 2,3-dibromo-, phosphate)
66-75-1	Trypan blue (2,7-Naphthalenedisulfonic acid, 3,3'-[[3,3'-dimethyl(1,1'-biphenyl-4, 4'-diyl)bis(azo)]bis(5-amino-4-hydroxy-, tetrasodium salt)
2056-25-9	Uracil mustard [Uracil 5-bis(2-chloroethylamino)-]
1314-62-1	Vanadic acid, ammonium salt (ammonium vanadate)
75-01-4	Vanadium pentoxide [Vanadium (V) oxide]
81-81-2	Vinyl chloride (Ethene, chloro-)
557-21-1	Warfarin (2 H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-)
1314-84-7	Zinc cyanide
	Zinc phosphide

*N.O.S.: Not otherwise specified; signifies those members of the general class not specifically listed by name in this table.

	EPA hazardous waste number	Hazardous waste
P037		1,2,3,4,10,10-Hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octahydro-endo, exo-1,4,5,8-dimethanonaphthalene
P060		1,2,3,4,10,10-Hexachloro-1,4,4a,5,8,8a-hexahydro-1,4,5,8-endo, endo dimethanonaphthalene
P004		1,2,3,4,10,10-Hexachloro-1,4,4,4a,5,8,8a-hexahydro-1,4,5,8-endo, exo-dimethanonaphthalene
P060		Hexachlorohexahydro-endo, endo-dimethanonaphthalene
P062	757-58-4	Hexaethyl tetraphosphate
P118	79-19-6	Hydrazinecarbothioamide
P068	60-34-4	Hydrazine, methyl-
P063	74-90-8	Hydrocyanic acid
P063	74-90-8	Hydrogen cyanide
P096	7803-51-2	Hydrogen phosphide
P064	524-83-9	Isocyanic acid, methyl ester
P060	465-73-6	Isodrin
P007	2763-96-4	3(2H)-isoxazolone, 5-(4-aminomethyl)-
P092	62-38-4	Mercury, (acetato-O)phenyl-
P065	628-86-4	Mercury fulminate (R,T)
P062	62-75-9	Methamine, N-Methyl-N-Nitroso-
P016	542-88-1	Methane, oxybis(chloro-)
P112	509-14-8	Methane, tetranitro-(R)
P118	75-70-7	Methanethiol, trichloro-
P050	115-29-7	6,9-Methano-2,4,3-benzodioxathiepen,6,7,8,9,10-10-hexachloro-1,5,5a,6,9,9,10-hexahydro-,3-oxide
P059	76-44-8	4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-3a, 4,7,7a-tetrahydro-
P066	16752-77-5	Methomyl
P087	75-55-8	2-Methylaziridine
P068	60-34-4	Methyl hydrazine
P064	624-83-9	Methyl isocyanate
P069	75-86-5	2-Methylacetonitrile
P071	296-00-0	Methyl parathion
P072	86-88-4	alpha-Naphthylthiourea
P073	13463-39-3	Nickel carbonyl
P074	557-19-7	Nickel cyanide
P074		Nickel (II) cyanide
P073	13463-39-3	Nickel tetracarbonyl (T-4)
P075	54-11-5	Nicotine and salts
P076	10102-43-9	Nitric oxide
P077	100-01-6	p-Nitroaniline
P078	10102-44-0	Nitrogen dioxide
P078	10102-43-9	Nitrogen (II) oxide
P078	10102-44-0	Nitrogen (IV) oxide
P081	55-63-0	Nitroglycerine (R)
P082	62-75-9	N-Nitrosodimethylamine
P084	4549-40-0	N-Nitrosomethylvinylamine
P050		5-Norbornene-2,3-dimethanol, 1,4,5,6,7,7-hexachloro,cyclic sulfite
P085	152-16-9	Octamethylpyrophosphoramide
P087	20616-12-0	Osmium oxide
P087	20616-12-0	Osmium tetroxide
P088	145-73-3	7-Oxabicyclo(2.2.1)heptane-2,3-dicarboxylic acid
P089	56-38-2	Parathion
P034	131-89-5	Phenol, 2-cyclohexyl-4,6-dinitro-
P048	51-28-5	Phenol, 2,4-dinitro-
P047	534-52-1	Phenol, 2-methyl-4, 6-dinitro- and salts
P020	88-85-7	Phenol, 2,4-dinitro-6-(1-methylpropyl)-
P009	131-74-8	Phenol, 2,4,6-trinitro-,ammonium salt (R)
P036		Phenyl dichloroarsine
P092	62-38-4	Phenylmercuric acetate
P093	103-85-5	N-Phenylthiourea
P094	296-02-2	Phorate
P095	75-44-5	Phosgene
P096	7803-51-2	Phosphine
P041	311-45-5	Phosphoric acid, diethyl p-nitrophenyl ester
P039	296-04-4	Phosphorodithioic acid, 0,0-dimethyl S-2-(methylamino)-2-oxoethyl-ester
P044	60-51-5	Phosphorodithioic acid, O, O-dimethyl S-2-(methylamino)-2-oxoethyl-ester
P043	55-91-4	Phosphoro-fluoridic acid, bis(1-methylethyl)-ester
P094	296-02-2	Phosphorothioic acid, O, O-diethyl S-(ethylthio)methyl ester
P089	56-38-2	Phosphorothioic acid, O, O-diethyl O-(p-nitrophenyl) ester
P040	297-97-2	Phosphorothioic acid, O, O-diethyl O-pyrazinyl ester
P097	52-85-7	Phosphorothioic acid, O, O-dimethyl O-(p-((dimethylamino)sulfonyl)-phenyl) ester
P071	296-00-0	Phosphorothioic acid, 0,0-dimethyl O-4-nitrophenyl)ester
P110	76-00-2	Plumbane, tetraethyl-
P098	151-50-8	Potassium cyanide
P099	506-61-6	Potassium silver cyanide
P070	116-06-3	Propanal, 2-methyl-2-(methylthio)-, O-((methylamino)carbonyl)oxime
P101	107-12-0	Propanenitrile
P027	542-76-7	Propanenitrile, 3-chloro-
P069	75-86-5	Propanenitrile, 2-hydroxy-2-methyl-
P081	55-63-0	1,2,3-Propanetriol, trinitrate-(R)
P017	598-31-2	2-Propanone, 1-bromo-
P102	107-19-7	Propargyl alcohol
P003	107-02-8	2-Propenal
P005	107-18-6	2-Propen-1-ol
P087	75-55-8	1,2-Propylenimine
P102	591-08-2	2-Propyn-1-ol
P008	504-24-5	4-Pyridinamine
P075	54-11-5	Pyridine, (S)-3-(1-methyl-2-pyrroliidinyl)-, and salts
P111	107-49-3	Pyrophosphoric acid, tetraethyl ester
P103	630-10-4	Selenourea
P104	506-64-9	Silver cyanide
P105	26828-22-8	Sodium azide
P106	143-33-9	Sodium cyanide
P107	1314-96-1	Strontium sulfide
P108	57-24-9	Strychnidin-10-one, and salts
P018	357-57-3	Strychnidin-10-one, 2,3-dimethoxy-
P108	57-24-9	Strychnine and salts
P115	10031-59-1	Sulfuric acid, thallium (I) salt
P109	3680-24-5	Tetraethylthiopyrophosphate
P110	78-00-2	Tetraethyl lead
P111	107-49-3	Tetraethylphosphite
P112	509-14-8	Tetranitromethane (R)
P062	757-58-4	Tetraphosphoric acid, hexaethyl ester
P113	1314-32-5	Thallic oxide
P113	1314-32-5	Thallium(III) oxide
P114	12039-52-0	Thallium(I) selenide
P115	10031-59-1	Thallium(I) sulfate
P109	3690-24-5	Thiodiphosphoric acid, tetraethyl ester
P045	39196-18-4	Thiofanox
P049	541-53-7	Thioimidodicarbonic diamide
P014	106-96-5	Thiophenol
P116	79-19-6	Thiosemicarbazide
P026	5344-82-1	Thiourea, (2-chlorophenyl)-
P072	86-88-4	Thiourea, 1-naphthalenyl-
P093	103-85-5	Thiourea, phenyl
P123	8001-35-2	Toxaphene
P118	75-70-7	Trichloromethanethiol
P119	7803-55-6	Vanadic acid, ammonium salt
P120	1314-62-1	Vanadium pentoxide
P120	1314-62-1	Vanadium(V) oxide
P084	454-40-0	Vinylamine, N-methyl-N-Nitroso-
P001	81-81-2	Warfarin, when present at concentrations greater than 0.3%
P121	557-21-1	Zinc cyanide
P122	1314-84-7	Zinc phosphide (R,T), when present at concentrations greater than 10%

TABLE 3. ACUTE HAZARDOUS WASTES.

EPA Hazardous Waste Number	Chemical Abstract Number	Hazardous waste
P023	107-20-0	Acetaldehyde, chloro
P002	591-08-2	Acetamide, N-(aminothioxomethyl)-
P057	640-19-7	Acetamide, 2-fluoro-
P058	62-74-8	Acetic acid, fluoro-, sodium salt
P066	16752-77-5	Acetic acid, N-(methylcarbamoyloxy)thio-, methyl ester
P001	81-81-2	3-(alpha-Acetylbenzyl)-4-Hydroxycoumarin and salts, when present at concentrations greater than 0.3%
P002	591-08-2	1-Acetyl-2-thiourea
P003	107-02-8	Acrolein
P070	116-06-3	Aldicarb
P004	309-00-2	Aldrin
P005	107-18-6	Allyl alcohol
P006	20859-73-8	Aluminum phosphide (R,T)
P007	2763-96-4	5-(aminomethyl)-3-isoxazolol
P008	504-24-5	4-alpha-Aminopyridine
P009	131-74-8	Ammonium picrate (R)
P119	7803-55-6	Ammonium vanadate
P010	7778-39-4	Arsenic acid
P012	1327-53-3	Arsenic (III) oxide
P011	1303-28-2	Arsenic (V) oxide
P011	1327-53-2	Arsenic pentoxide
P012	1327-53-3	Arsenic trioxide
P036	696-28-6	Arsonos dichloride phenyl
P038	692-42-2	Arsine, diethyl-
P054	151-56-4	Aziridine
P013	542-62-1	Barium cyanide
P024	106-47-8	Benzenamine, 4-chloro-
P077	100-01-6	Benzenamine, 4-nitro-
P028	100-44-7	Benzene, (chloromethyl)-
P042	51-43-4	1,2-Benzenediol, 4-(1-hydroxy-2-(methylamino)ethyl)
P046	122-99-5	Benzenethanamine, Alpha, Alpha dimethyl
P014	108-96-5	Benzenethiol
P028	100-44-7	Benzyl chloride
P015	7440-41-7	Beryllium dust
P016	542-88-1	Bis(chloromethyl) ether
P017	596-31-2	Bromoacetone
P018	357-57-3	Bruceine
P021	592-01-8	Calcium cyanide
P123		Camphene, octachloro-
P103		Carbamimidoseleonic acid
P022	75-15-0	Carbon bisulfide
P022	75-15-0	Carbon disulfide
P095	75-44-5	Carbonyl chloride
P033	506-77-4	Chlorine cyanide
P023	107-20-0	Chloroacetaldehyde
P024	106-47-8	p-Chloroaniline
P026		1-(o-Chlorophenyl)thiourea
P027		3-Chloropropionitrile
P029	544-92-3	Copper cyanide
P030		Cyanides (soluble cyanide salts), not elsewhere specified
P031	460-19-5	Cyanogen
P033	506-77-4	Cyanogen chloride
P034	131-89-5	2-Cyclohexyl-4-dinitrophenol
P036	696-28-6	Dichlorophenylarsine
P037	60-57-1	Dieldrin
P038	692-42-2	Diethylarsine
P039		O,O-Diethyl S-(2-ethylthio)ethyl phosphorodithioate
P041	311-45-5	Diethyl-p-nitrophenyl phosphate
P040	297-97-2	O,O-Diethyl O-pyrazinyl phosphorothioate
P043	55-91-4	Diisopropyl fluorophosphate
P044	60-15-5	Dimethoate
P045	39196-18-4	3,3-Dimethyl-1-(methylthio)-2-butanone, O-((methylamino)carbonyl) oxime
P071		O,O-Dimethyl O-p-nitrophenyl phosphorothioate
P082		Dimethyltinrosamine
P046	122-09-8	alpha, alpha-Dimethylphenethylamine
P047	534-52-1	4,6-Dinitro-cresol and salts
P048	51-28-5	2,4-Dinitrophenol
P020	88-85-7	Dinoseb
P085	152-16-9	Diphosphoramidate, octamethyl-
P039	296-04-4	Disulfoton
P049	541-53-7	2,4-Dithiobiuret
P109		Dithiopyrophosphoric acid, tetraethyl ester
P050	115-29-7	Endosulfan
P088	145-73-3	Endothal
P051	72-20-8	Endrin
P042	51-43-4	Epinephrine
P046	39196-18-4	Ethanamine, 1,1-dimethyl-2-phenyl-
P084	107-12-0	Ethanamine, N-methyl-N-nitroso-
P101	151-56-4	Ethyl cyanide
P054	151-56-4	Ethyleneimine
P097	52-85-7	Famphur
P056	7782-41-4	Fluorine
P057	640-19-7	Fluoroacetamide
P058	62-74-8	Fluoroacetic acid, sodium salt
P065	628-86-4	Fulminic acid, mercury (II) salt (R,T)
P059	76-44-8	Hepachlor
P051		1,2,3,4,10,10-Hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octahydro-endo,endo-1,4,5,8-dimethanonaphthalene

TABLE 4. TOXIC WASTES.

EPA hazardous waste number	Chemical Abstract Number	Hazardous waste	EPA hazardous waste number	Hazardous waste
U001	75-07-0	Acetaldehyde(I)	U176	Carbamide, N-ethyl-N-nitroso-
U034	75-87-6	Acetaldehyde, trichloro-	U177	Carbamide, N-methyl-N-nitroso-
U187	62-44-2	Acetamide, N-(4-ethoxyphenyl)-	U219	Carbamide, thio-
U005	53-96-3	Acetamide, N-9H-fluoren-2-yl-	U097	Carbamoyl chloride, dimethyl-
U112	141-78-6	Acetic acid, ethyl ester (I)	U114	Carbamodithioic acid, 1,2-ethenediylbis, salts and esters
U144	301-04-0	Acetic acid, lead salt	U062	Carbamodithioic acid, bis(1-methylethyl)-S-(2,3-dichloro-2-propenyl) ester
U214	563-68-8	Acetic acid, thallium(I) salt	U215	Carbonic acid, dithallium (I) salt
U232	93-76-5	Acetic acid, (2,4,5-trichloroethoxy)-	U158	Carbonyl chloride acid, methyl ester (I, T)
U002	67-64-1	Acetone(I)	U033	Carbon oxyfluoride (R, T)
U003	75-05-8	Acetonitrile (I, T)	U211	Carbon tetrachloride
U004	96-86-2	Acetophenone	U033	Carbonyl fluoride (R, T)
U005	53-96-3	2-Acetylaminofluorene	U034	Chloral
U006	75-36-5	Acetyl chloride (C, R, T)	U035	Chlorambucil
U007	79-06-1	Acrylamide	U036	Chlorandene, technical
U008	79-10-7	Acrylic acid (I)	U025	Chlorazepazine
U009	107-13-1	Acrylonitrile	U037	Chlorobenzene
U150		Alanine, 3-(p-bis(2-chloroethyl)amino)phenyl-, L-	U039	4-Chloro-m-cresol
U248		3-(Alpha-Acetylbenzyl)-4-Hydroxycoumarin and salts, when present at concentrations of 0.3% or less.	U041	1-Chloro-2,3-epoxypropane
U011	61-82-5	Amriole	U042	2-Chloroethyl vinyl ether
U012	62-53-3	Aniline (I, T)	U044	Chloroform
U014	492-80-8	Auramine	U046	Chloromethyl methyl ether
U015	115-02-6	Azaserine	U047	beta-Chloronaphthalene
U010	50-07-7	Azino(2',3',3',4')pyrrolo[1,2-a]indole-4,7-dione, 6-amino-8-(aminoacarbonyloxy)methyl-1,1a,2,8,8a,8b-hexahydro-8a-methoxy-5-Benz[1]aceanthrylene, 1,2-dihydro-3-methyl-Benz[1]acridine	U048	o-Chlorophenol
U157	50-49-5	3,4-Benzacridine	U049	4-Chloro-o-toluidine, hydrochloride
U016	225-51-4	Benzal chloride	U032	Chromic acid, calcium salt
U017	96-87-3	Benzamide, 3,5-dichloro-N-(1,1-diethtyl-2-propynyl)	U050	Chrysene
U192	23950-58-5	Benz(a)anthracene	U051	Creosote
U018	56-55-3	1,2-Benzanthracene	U052	Creosols (creylic acid)
U094	57-97-6	1,2-Benzanthracene, 7,12-dimethyl-	U053	Crotonaldehyde
U012	62-53-3	Benzenamine (I, T)	U055	Cumene (I)
U014	492-80-8	Benzenamine, 4,4'-carbonimidobis(N,N-dimethyl-)	U246	Cyanogen bromide
U049	3165-93-3	Benzenamine, 4-chloro-2-methyl-	U197	1,4-Cyclohexadienedione-
U093	60-11-7	Benzenamine, N,N-dimethyl-4-(phenylazo)-	U056	Cyclohexane (I)
U228	95-53-4	Benzenamine, 2-methyl-	U057	Cyclohexanone (I)
U353	105-49-0	Benzenamine, 4,4'-methylenebis(2-chloro-)	U130	1,3-Cyclopentadiene, 1,2,3,4,5,5-hexa-chloro-
U158	101-14-4	Benzenamine, 4,4'-methylenebis(2-chloro-)	U058	Cyclophosphazene
U222	636-21-5	Benzenamine, 2-methyl-, hydrochloride	U240	2,4-D, salts and esters
U181	99-55-8	Benzenamine, 2-methyl-5-nitro	U059	Daunomycin
U019	71-43-2	Benzene (I, T)	U060	DDD'
U038	510-15-6	Benzenoacetic acid, 4-chloro-alpha-(4-chlorophenyl)-alpha-hydroxy, ethyl ester	U061	DDT
U030	101-55-3	Benzene, 1-bromo-4-phenoxy-	U142	1,3,4-Metheno-2H-cyclobuta(ed)pentalen-2-one, 1,1,8,3,8a,4,5,5,5a,5b,6-decachlorooctahydro-
U035	305-03-3	Benzenebutanoic acid, 4(bis(2-chloroethyl)amino)	U062	Diallate
U037	106-90-7	Benzene, chloro	U133	Diamine (R, T)
U221	25376-45-8	Benzenediamine, ar-methyl-	U221	Diaminotoluene
U190		1,2-Benzenedicarboxylic acid anhydride	U063	Dibenz(a,h)anthracene
U028	117-81-7	1,2-Benzenedicarboxylic acid, bis(2-ethylhexyl) ester	U064	1,2,5,6-Dibenzanthracene
U069	84-74-2	1,2-Benzenedicarboxylic acid, diethyl ester	U064	1,2,7,8-Dibenzanthracene
U088	84-66-2	1,2-Benzenedicarboxylic acid, diethyl ester	U064	Dibenz(a,h)pyrene
U102	131-11-3	1,2-Benzenedicarboxylic acid, dimethyl ester	U064	1,2-Dibromo-3-chloropropane
U107	117-84-0	1,2-Benzenedicarboxylic acid, di-n-octyl ester	U069	Dibutyl phthalate
U070	95-50-1	Benzene, 1,2-dichloro-	U062	S-(2,3-Dichloroallyl) diisopropylthiocarbamate
U071	541-73-1	Benzene, 1,3-dichloro-	U070	o-Dichlorobenzene
U072	106-46-7	Benzene, 1,4-dichloro-	U071	m-Dichlorobenzene
U080	72-54-8	Benzene, 1,1'-(2,2-dichloroethylenedioxy)bis(4-chloro-	U072	p-Dichlorobenzene
U017	96-87-3	Benzene, (dichloromethyl)-	U073	3,3'-Dichlorobenzidine
U223	26471-62-5	Benzene, 1,3-diisocyanatomethyl-(R, T)	U074	1,4-Dichloro-2-butene (I, T)
U239	1330-20-9	Benzene, dimethyl-(I, T)	U075	Dichlorodifluoromethane
U201	106-46-3	1,3-Benzenedioxole	U192	3,5-Dichloro-N-(1,1-dimethyl-2-propynyl) benzamide
U127	118-74-1	Benzene, hexachloro-	U060	Dichloro diphenyl dichloroethane
U056	110-82-7	Benzene, hexahydro-(I)	U061	Dichloro diphenyl trichloroethane
U188		Benzene, hydroxy-	U078	1,1-Dichloroethylene
U220	108-88-3	Benzene, methyl-	U079	1,2-Dichloroethylene
U105	121-14-2	Benzene, 1-methyl-2,4-dinitro-	U025	Dichloroethyl ether
U106	606-20-2	Benzene, 1-methyl-2,6-dinitro-	U081	2,4-Dichlorophenol
U203		Benzene, 1,2-methylenedioxy-4-allyl-	U082	2,6-Dichlorophenol
U141		Benzene, 1,2-methylenedioxy-4-propenyl-	U240	2,4-Dichlorophenoxyacetic acid, salts and esters
U090		Benzene, 1,2-methylenedioxy-4-propyl-	U083	1,2-Dichloropropane
U055	96-82-8	Benzene, (1-methylethyl)-(I)	U084	1,3-Dichloropropane
U169	96-95-3	Benzene, nitro-(I, T)	U085	1,2,3,4-Diepoxybutane (I, T)
U183	606-93-5	Benzene, pentachloro-	U108	1,4-Diethylene dioxide
U185	82-69-8	Benzene, pentachloronitro-	U086	N,N-Diethylhydrazine
U020	96-09-9	Benzenesulfonic acid chloride (C, R)	U087	O,O-Diethyl-S-methyl-dithiophosphate
U020	96-09-9	Benzenesulfonyl chloride (C, R)	U088	Diethyl phthalate
U207	95-94-3	Benzene, 1,2,4,5-tetrachloro-	U089	Diethylstilbestrol
U061	50-29-3	Benzene, 1,1'-(2,2,2-trichloroethylenedioxy)bis(4-chloro-	U148	1,2-Dihydro-3,6-pyridazinone
U247	72-43-5	Benzene, 1,1'-(2,2,2-trichloroethylenedioxy)bis(4-methoxy-	U090	Dihydrosofrole
U203	96-07-7	Benzene, (trichloroethyl)-(C, R, T)	U091	3,3'-Dimethoxybenzidine
U234	96-35-4	Benzene, 1,3,5-trinitro-(R, T)	U092	Dimethylamine (I)
U021	92-87-5	Benzenidine	U093	Dimethylaminoazobenzene
U202	81-07-2	1,2-Benzisothiazolin-3-one, 1,1-dioxide, and salts	U094	7,12-Dimethylbenz(a)anthracene
U203	94-59-7	1,3-Benzodioxole, 5-(2-propenyl)-	U095	3,3'-Dimethylbenzidine
U141	120-58-1	1,3-Benzodioxole, 5-(1-propenyl)-	U096	alpha, alpha-Dimethylbenzylhydroperoxide (R)
U090	94-08-6	1,3-Benzodioxole, 5-propyl-	U097	Dimethylcarbamoyl chloride
U064	189-55-9	Benzof(a)pentaphene	U098	1,1-Dimethylhydrazine
U120		Benzo(f,k)fluorene	U099	1,2-Dimethylhydrazine
U022	50-32-8	Benzo(a)pyrene	U101	2,4-Dimethylphenol
U022		3,4-Benzopyrene	U102	Dimethyl phthalate
U197	106-51-4	p-Benzoquinone	U103	Dimethyl sulfate
U023	96-07-7	Benzo(b)fluorene	U105	2,4-Dinitrotoluene
U050		1,2-Benzphenanthrene	U106	2,5-Dinitrotoluene
U085	1464-53-5	2,2'-Bioxirane (I, T)	U107	Di-n-octyl phthalate
U021	92-87-5	(1,1'-Biphenyl)4,4'-diamine	U108	1,2-Dioxane
U073	91-94-1	(1,1'-Biphenyl)4,4'-diamine, 3,3'-dichloro-	U109	1,2-Diphenylhydrazine
U091	119-90-4	(1,1'-Biphenyl)4,4'-diamine, 3,3'-dimethoxy-	U110	Dipropylamine (I)
U095	119-93-7	(1,1'-Biphenyl)4,4'-diamine, 3,3'-dimethyl-	U111	Di-n-propylnitrosamine
U024	111-91-1	Bis(2-chloroethoxy) methane	U001	Ethanal (I)
U027	39638-32-9	Bis(2-chloroisopropyl)ether	U174	Ethanamine, N-ethyl-N-nitroso-
U244		Bis(dimethylthiocarbamoyl) disulfide	U175	1,2-Ethanediamine, N,N-dimethyl-N-2pyridinyl-N-(2-Thienylmethyl)-
U028	117-81-7	Bis(2-ethylhexyl) phthalate	U067	Ethane, 1,2-dibromo-
U246		Bromine cyanide	U077	Ethane, 1,2-dichloro-
U225	75-25-2	Bromoform	U114	1,2-Ethanediybis(carbamodithioic acid
U030	101-55-3	4-Bromophenyl phenyl ether	U131	Ethane, 1,1,1,2,2,2-hexachloro-
U128	87-68-3	1,3-Butadiene, 1,1,2,3,4,4-hexachloro-	U024	Ethane, 1,1'-(methylenebis(oxy))bis(2-chloro-
U172	924-16-3	1-Butanamine, N-butyl-N-nitroso-	U003	Ethanenitrile (I, T)
U035		Butanoic acid, 4-(bis(2-chloroethyl)amino)benzene-	U117	Ethane, 1,1'-oxybis-(I)
U031	71-36-3	1-Butanol (I)	U025	Ethane, 1,1'-oxybis (2-chloro-
U159	78-93-3	2-Butanone (I, T)	U184	Ethane, pentachloro-
U160	1338-23-4	2-Butanone peroxide (R, T)	U208	Ethane, 1,1,1,2-tetrachloro-
U032	75-80-5	2-Butenal	U209	Ethane, 1,1,2,2-tetrachloro-
U074	764-41-0	2-Butene, 1,4-dichloro-(I, T)	U218	Ethanethioamide
U143	303-34-4	2-Butenoic acid, 2-methyl-, 7-(2,3-dihydroxy-2-(1-Methoxyethyl)-3-methyl-1-oxobutoxy)methyl) 2,3,5,7-tetrahydro-1-pyrrolizin-1-7(alpha)-n-Butyl alcohol (I)	U227	Ethane, 1,1,2-trichloro-
U031	71-36-3	Caecodylic acid	U359	Ethane, 1,1,2-trichloro-
U136	75-80-5	Calcium chromate	U173	Ethanol, 2,2-(nitrosoimino)bis-
U032	13765-19-0	Carbamic acid, ethyl ester	U247	Ethane, 1,1,1-trichloro-2,2-bis(p-methoxy-phenyl)
U238	51-79-6	Carbamic acid, methyl ester	U043	Ethane, chloro-
U178	615-53-2	Carbamic acid, methyl nitroso-, ethyl ester	U042	Ethane, 2-chloroethoxy-

EPA hazardous waste number	Hazardous waste	EPA hazardous waste number	Hazardous waste
U038	510-15-6	U180	930-55-2
U114	111-54-6	U181	99-55-8
U087	106-83-4	U193	1120-71-4
U077	107-06-2	U058	50-18-0
U359	110-80-5		
U115	75-21-8	U115	75-21-8
U116	86-45-7	U126	765-34-4
U117	60-20-7	U041	106-89-8
U076	75-34-3	U182	123-63-7
U118	97-63-2	U183	608-93-5
U119	62-50-0	U184	76-01-7
U120	206-44-0	U185	82-68-5
U139		U242	87-86-5
U122	50-00-0	U186	504-80-9
U123	64-18-6	U187	62-44-2
U124	110-00-9	U188	106-95-2
U125	96-01-1	U048	95-57-8
U147	106-31-6	U039	59-50-7
U213	109-99-0	U081	120-83-2
U125	96-01-1	U082	87-65-0
U124	110-00-9	U089	56-53-1
U206	18883-66-4	U101	105-67-9
U126	785-34-4	U052	1319-77-3
U163	70-25-7	U132	70-30-4
U127	118-74-1	U170	100-02-7
U128	87-68-3	U242	87-86-5
U129	58-88-9	U122	58-90-2
U130	77-47-4	U230	95-94-4
U131	67-72-1	U121	68-06-2
U132	70-30-4	U150	148-82-3
U243	1888-71-7	U137	
U133	302-01-2	U145	7446-27-7
U086	1615-80-1	U087	3288-58-2
U098	57-14-7	U189	106-95-2
U099	540-73-8	U190	85-44-9
U109	122-66-7	U191	109-06-8
U134	7864-39-3	U179	106-75-4
U134	7864-39-3	U192	23950-58-5
U135	7783-06-4	U194	107-10-8
U096	80-15-9	U111	621-64-7
U136	75-60-5	U110	142-84-7
U116	96-45-7	U066	96-12-8
U137	193-39-5	U149	189-71-3
U139	9004-66-4	U171	79-46-9
U190	85-44-9	U027	39638-32-9
U140	78-83-1	U193	1120-71-4
U141	120-58-1	U235	126-72-7
U142	143-50-0	U128	
U143	303-34-4	U126	78-83-1
U144	301-44-2	U002	67-64-1
U145	7446-27-7	U007	79-06-1
U146	1335-32-6	U084	542-75-6
U129	58-89-9	U243	1888-71-7
U147	108-31-6	U009	107-13-1
U148	123-33-1	U152	126-98-7
U149	109-77-3	U008	79-10-7
U150	148-82-3	U113	140-88-5
U151	7439-97-6	U118	97-63-2
U152	126-98-7	U162	80-66-2
U092	124-40-3	U233	93-72-1
U029	74-83-9	U194	107-10-8
U045	74-87-3	U148	123-33-1
U046	107-30-2	U083	78-87-5
U068	74-85-3	U166	110-86-1
U080	75-09-2	U155	
U075	75-71-6	U179	
U138	74-88-4	U191	109-06-8
U119	62-50-0	U237	66-75-1
U211	56-23-5	U164	56-04-2
U153	74-83-1	U180	930-55-2
U225	75-25-2	U290	50-55-5
U044	67-66-3	U201	108-46-3
U121	75-69-4	U202	81-07-2
U123	64-18-6	U203	94-59-7
U154	67-56-1	U204	7783-00-8
U155	81-80-5	U204	7783-00-8
U142	143-60-0	U205	7446-34-6
		U015	115-09-6
		U233	93-72-1
U247	72-43-5	U089	
U154	67-56-1	U206	18883-66-4
U029	74-83-9	U135	
U186	504-80-9	U103	77-78-1
U045	74-87-3	U189	1314-80-3
U156	75-22-1	U205	
U226	71-55-6	U232	93-76-5
U157	58-49-5	U207	95-94-3
U158	101-14-4	U208	630-20-6
U132		U209	79-34-5
U088	74-95-3	U210	127-18-4
U080	75-09-2	U212	58-90-2
U122		U213	109-99-9
U159	78-93-3	U214	15843-14-8
U160	1338-23-4	U215	6533-73-9
U138	74-88-4	U216	7791-12-0
U161	108-10-1	U217	10102-45-1
U162	80-62-6	U218	62-55-5
U163	70-25-7	U153	107-26-8
U161	106-10-1	U244	107-26-8
U164	56-04-2	U219	62-56-6
U010	50-07-7	U220	108-88-3
U059	20830-81-3	U221	25376-45-8
		U222	26471-62-5
		U228	95-53-4
		U236	106-49-0
U165	91-20-3	U222	636-21-6
U047	91-58-7	U011	61-82-5
U166	130-15-4	U226	71-55-6
U236	72-57-1	U227	79-00-5
		U228	79-01-6
U166	130-15-4	U230	95-95-4
U167	134-32-7	U231	88-06-2
U168	91-59-8	U232	
U026	494-03-1	U232	
U167	134-32-7	U233	
U168	91-59-8	U234	99-35-4
U217	10102-45-1	U182	123-63-7
U169	96-95-3	U233	126-72-7
U170	100-02-7	U236	72-57-1
U171	79-46-9	U237	
U172	924-16-3	U237	66-75-1
U173	1116-54-7	U176	759-73-9
U174	55-18-5	U077	684-93-5
U111		U043	75-01-4
U176	759-73-9	U248	81-81-2
U177	684-93-5	U239	1330-20-7
U178	615-53-2		
U179	100-75-4		

EPA hazardous waste number		Hazardous waste
U200	50-55-5	Yohimban-16-carboxylic acid, 11,17-dimethoxy-18-(3,4,5-trimethoxybenz-oyloxy)-, methyl ester
U249	1314-84-7	Zinc phosphide, when present at concentrations of 10% or less

Paul H. Templet, Ph.D.
Secretary

RULE

Office of the Governor Division of Administration Commissioner's Office

The Commissioner of Administration adopted the following rule pursuant to the authority of R.S. 39:1572B.

Title 34

GOVERNMENT CONTRACTS PROCUREMENT AND PROPERTY CONTROL

Part I. Purchasing

Chapter 29. Education

§2901. Department of Education Procurement

The Department of Education shall conduct the procurement of all supplies, services, and major repairs, as defined by the Louisiana Procurement Code, LSA-R.S. 39:1551 et seq., through the central purchasing agency of the Division of Administration. This rule does not extend to those items exempted in LSA-R.S. 39:1572A(2).

Steve Cochran
Commissioner

RULE

Office of the Governor Division of Administration Office of State Planning

Louisiana Community Development
Block Grant (LCDBG) Program
FY 1988 Final Statement - Amended

The following section of the FY 1988 LCDBG Final Statement will be amended as follows:

Section III. METHOD OF SELECTING GRANTEEES

D. DEMONSTRATED NEEDS FUND

A \$1.5 million reserve fund will be established to alleviate critical/urgent community needs.

An application cannot be submitted for consideration under the fund if the same application is currently under consideration for funding under any other LCDBG program category.

Subject to the availability of funds, projects that meet the following criteria will be funded:

(a) General Eligibility

Proposed activities must be eligible under Section 105 (a) of the Housing and Community Development Act of 1974, as

amended. Each proposed activity must address one of the national objectives.

(b) Critical/Urgent Need - Project Severity

Each activity must address a critical/urgent need which can be verified by an appropriate authority, (cognizant state or federal agency) other than the applicant as having developed within six months prior to submittal of the application.

The project evaluation request will be submitted to the appropriate cognizant agency by the DOA. In addition to the stipulation that the critical/urgent need must have developed within six months prior to submittal, the cognizant agency will rate the severity or urgency of the project on a scale of 1 to 5, based on the following:

1 - Project is urgently needed and is of a health threatening potential.

2 - Project is worthwhile and needed, health risk is moderate, urgency is moderate.

3 - Most of project is worthwhile.

4 - Portions of project are worthwhile.

5 - Project is not worthwhile.

Only those projects receiving a 1 rating will be fundable.

(c) Application Requirements

All items and forms necessary for a regular public facilities application will also be required for Demonstrated Needs.

Steve Cochran
Commissioner

RULE

Office of the Governor Division of Administration State Purchasing

Title 4 ADMINISTRATION

Part V. Policy and Procedure Memoranda

Chapter 27. Printing Procedures – PPM No. 64

Subchapter A. Introduction

§2701. Repeal of Prior Rules

This Policy and Procedure Memorandum rescinds, supersedes, and cancels revised Policy and Procedure Memorandum No. 64 dated February 1, 1984. This memorandum also cancels all previous delegation of authority, delegated under 43:1(B)(2), and special exemption previously granted prior to December 29, 1987, for any printing under R.S. 43:31(A).

Subchapter B. R.S. 43:1 Purchase of Printing and Engraving; Central Purchasing; Louisiana Procurement Code; Power and Authority of Chief Procurement Officer

§2703. Provisions

A. All administrative boards, commissions, departments, agencies, institutions, and offices within the executive branch of the state government shall purchase all requirements of printing and engraving through a central purchasing agency in the division of administration, which hereafter in this Chapter is referred to simply as the purchasing agent. This provision, however, shall not apply to Louisiana State University and Agricultural and Mechanical College, the Department of Transportation and Devel-

opment, the port authorities of the state, the legislature, the office of state bond commission in the Department of the Treasury, or the judiciary, except that it shall apply to the office of the attorney general. All procurement of such printing and engraving for the executive departments of state government shall be done under and in accordance with the provisions of the Louisiana Procurement Code.

B. In order to carry out the duties and functions imposed upon him by this Chapter, in conjunction with the Louisiana Procurement Code, the chief procurement officer shall have the power and authority:

1. to consult, review, and make recommendations with regard to all printing requirements in order that the best and most economical methods may be employed;

2. to delegate the purchase of printing to any instrumentality covered by this Chapter whenever in his written opinion the best interests of the state will be served thereby;

3. to use any and all powers and authority granted to him by law or otherwise delegated to him by competent authority.

Explanation (43:1)

C. All requirements for printing and engraving shall be submitted directly by the agency to State Purchasing, Division of Administration, and shall not be handled at the agency level through the printing vendors or their representative.

Act 306 of 1983 requires Central Purchasing to procure all printing and engraving in accordance with the provisions of the Louisiana Procurement Code. All printing requests are to be forwarded to State Purchasing and the following procedures will be used in handling small purchases:

1. If the item requested can be produced by the Administrative Services Print Shop it will be forwarded to them for processing and no purchase order will be issued by the State Purchasing Office. Otherwise, if the item requested is covered under a contract the requisition will be assigned to that contract and State Purchasing will issue a purchase order.

a. Administrative Services (Division of Administration's Print Shop). If a state agency is certain their printing will be handled by Administrative Services, they can fill out an Administrative Services printing request DA-200 (Rev. 3/86). This form, along with an original sample, may be sent directly to Administrative Services; a DA 101 or FACS 101 does not have to be included with this request. The state agencies may request form DA-200 (Rev. 3/86) from Administrative Services which can be reached at 504-925-6518 or LINC 427-6518.

b. Forms Management. Forms that are warehoused by the state for state agencies are ordered on a warehouse requisition (DA FM 1). These requisitions are sent directly to Forms Management. If you do not have a forms register or the warehouse requisition, request these from Forms Management at 504-922-0160 or LINC 427-0160.

c. Classes of Printing. The state printing contracts cover approximately 23 categories of printing and engraving. State Central Purchasing, Division of Administration, reserves the right to assign each request for printing to the proper contractor, to the Administrative Services Section of the Division of Administration, or to award to a commercial printer as a result of competitive bids taken by the state printing agent.

2. If the item requested is not covered under contract it will be competitively bid by the State Purchasing Office or the requisition may be returned to the agency with State Purchasing's approval to process at agency level in accordance with all laws, rules and regulations, and executive order. The dollar level

at which this delegation will take place will be described by the director in writing.

3. In all printing contracts, the right shall be reserved for all state boards, commissions, departments, institutions, and offices to obtain any printing, mimeographing, copying, and similar work from any state agency which has existing facilities to produce such materials instead of utilizing one of the printing contracts.

E. Requisition

1. All items of printing, and engraving shall be requisitioned on a Purchase Requisition (Form DA 101 for Non Facs Agencies and FACS 101 for Facs Agencies). Keep the same types of printing on one requisition. Do not combine printing items from any two or more of the following categories:

a. Printed letterheads

b. Engraving (letterheads, envelopes, business cards)

c. Flat forms

d. Snap sets (Same general size)

e. Continuous forms (excluding mailers)

f. Card Forms, Posters and Folders

g. Envelopes (Kraft)

h. Envelopes (Sulphite Commercial, standard size, white and color)

i. Leaflets

j. Books (6" x 9" and smaller)

k. Books (larger than 6" x 9")

l. Certificates

m. Mailers

n. Business Cards (Printed)

2. Each requisition must be accompanied by complete specifications (size, color, and kind of paper, construction, numbering information, etc.) and two original samples or clean layouts. A copy of a sample or a reference to a previous order only will not be acceptable. Agencies are also required to reference the previous requisition number and state the previous vendor that supplied the requested item in order to prevent delays in requesting negatives.

3. In order to minimize waste in obsolete printed materials the following guidelines are to be strictly adhered to by all agencies unless special exemption is granted.

a. Should the printed material contain the agency's name and address it is to be the post office box address only (no street address).

b. Any executives, officers, officials, etc., shall not have their individual names imprinted on the printed material unless required by law or granted special exemption.

4. When preparing a requisition, the agencies must use a 14-digit requisition number (first three digits agency number, next five agency cost center, next five requisition number, final digit will be last number of the fiscal year in which money is to be encumbered).

5. If your requisition does not have all the above information the requisition may be returned to the agency or your order could be delayed until the information is obtained.

F. Delegation of Authority

1. The state director of Purchasing may delegate the purchase of printing to any instrumentality whenever the best interest of the state will be served; however, the delegation of this authority does not preclude the procurement of these items through the Purchasing Section when the state director of Purchasing deems it more desirable or practical to do so.

2. Where unusual problems are encountered, and an

agency considers additional delegated authority necessary, an application for this authority may be submitted to the state director of Purchasing, or his designated representative. However, application for such exceptions must be in writing and must present detailed information in support of such request.

3. Authority is delegated to all agencies covered by this Act to purchase the following items without prior approval by the printing office.

a. Agencies have unlimited authority to purchase publications such as textbooks, newspapers, subscription or foreign publications, WHEN PURCHASED DIRECTLY FROM THE PUBLISHER. All files must have documentation that the contractor is the publisher. (Subscription services MUST be bid).

b. Agencies may purchase within their designated purchasing authority and in accordance with proper procurement procedures the following types of items:

- i. blueprints
- ii. plaques, name plates, award pins, etc. (Class 080)
- iii. imprinted novelty items such as pencils, caps, balloons, pot holders, key chains, etc. (Class 080)
- iv. stock item labels - These are pre-printed stock items which are inventoried by suppliers; not custom printed
- v. standard sizes of computer paper which are stock items (check to see if item is available from Division of Administration - Forms Management before bidding). Any requests for customized sizes should be forwarded to the State Purchasing Office.

4. All purchases, whether made by the division or by the agency under the delegated authority provision, shall be made in compliance with R.S. 43 and the Louisiana Procurement Code.

Subchapter C. Suspension

§2705. R.S. 43:31 - Printed Matter Prohibitions; Uniform Standards; Election Material

A. 1. No branch, department, agency, official, employee, or other entity of state government for which a budget has been approved and for which an appropriation has been made or a transfer of funds effected pursuant to law shall print or cause to be printed any bulletin, leaflet, Christmas card, personalized memorandum stationery, or other similar communication, house organ, circular, book, report or similar publication, except those required by law.

2. All printed matter so required shall be effected in a uniform manner as to basic content, size, quality of paper, and use of color as contained in standards to be established by the Division of Administration, the legislative budgetary control council, and the judicial budgetary control council. The Division of Administration, legislative budgetary control council, and the judicial budgetary control council shall be empowered to make such exceptions affecting their respective branch of government to the provisions of this Subsection as may be in the best interest of the state of Louisiana.

3. In addition, the provisions of this Subsection shall not be construed to prohibit the printing or publication of any printed matter required by any federal law or regulation in order that the state or any department or agency thereof may obtain or receive federal funds, grants, or assistance. The provisions of this Section shall apply to printed matter printed pursuant to any such federal law or regulation to the extent that this Section does not conflict with any such law or regulation.

Explanation [43:31 (A)]

B. Agencies seeking to print public documents not required by state or federal law must send copies, facsimiles, or descriptions of these documents with a detailed justification of

need for printing and distributing these documents to their respective undersecretaries.

C. The public document printing requests that pass the undersecretary's screening process shall be sent to Division of Administration, State Purchasing, Box 94095, Baton Rouge, LA 70804-9095 along with a signed copy of the Public Document Printing Request Form (see Exhibit A) for review and forwarding to the commissioner's office for approval. (Note: This does not apply to forms, letterheads, internal memorandums, envelopes, etc.)

D. **Important** - when submitting a printing request to Central Purchasing the following information **must** be included on the requisition:

1. The federal or state law that requires you to print this material;

2. Division of Administration special exception documentation.

§2707. Uniform Standards

A. All printed matter, except documentation in connection with proceedings of the executive, legislative, and judicial branches of state government, printed or caused to be printed by any branch, department, agency, official, employee, or other entity of state government, shall contain the following statement, with required information inserted, printed on the publication adjacent to the identification of the agency responsible for publication:

"This public document was published at a total cost of \$_____. (Number) copies of this public document were published in this (number) printing at a cost of \$_____. The total cost of all printing of this document including reprint is \$_____. This document was published by (name and address of person, firm or corporation or agency which printed the material) to (statement of purpose) under authority of (citation of law requiring publication or of special exception by Division of Administration, the legislative budgetary control council, or the judicial budgetary control council as provided in Subchapter C, §2705.A.). This material was printed in accordance with the standards for printing by state agencies established pursuant to R.S. 43:31." If the printing of the material was not done by a state agency, the above statement shall include the following additional language: "Printing of this material was purchased in accordance with the provisions of Title 43 of the Louisiana Revised Statutes." This statement shall be printed in the same size type as the body copy of the document and shall be set in a box composed of a one-point rule. The provisions of this Subsection shall not apply to printed matter used by the following entities: the Department of Commerce for the purpose of attracting new industry to locate within the state of Louisiana; the Office of Tourism of the Department of Culture, Recreation and Tourism, relative to new promotional materials; and public colleges and universities, and vocational technical schools.

The following three factors shall be utilized in computing cost data:

1. Preparation of the public document for publication;
2. Printing, including all expenditures for reproduction, whether on bid or in-house;
3. Circulation, including all estimated expenditures for postage and distribution of the public document.

Explanation [43:31 (B) (C)]

B. Printed Matter

1. All *printed matter* referred to in Subsection A is assumed by the Division of Administration to refer to types of print-

ing material described in R.S. 43:31(A).

2. The required cost statement can be placed on the title page of books. On leaflets, brochures and other publications, it should be placed below the agency name. Preparation of the cost statement is enumerated below:

This public document is published at a total cost of \$ _____ . _____ copies of this

(a) (b)
public document were published in this _____ (c)

printing at a cost of \$ _____. The total (d)

cost of all printings of this document including re-prints is \$ _____. This document was (e)

published by _____ (f)

_____ to _____ (g)

_____ under authority of _____ (h)

printed in accordance with standards for printing by state agencies established pursuant to R.S. 43:31.

Printing of this material was purchased in accordance with the provisions of Title 43 of the Louisiana Revised Statutes.

a. This figure should reflect a total of the three factors listed in 43:31 (c)

- i. preparation cost of the public document for publication;
- ii. printing cost, including all expenditures for reproduction, whether acquired through bid or in-house;
- iii. circulation cost, including all estimated expenditures for postage and distribution of the public document.

b. Number of copies you are printing in this issue.

c. Number of times exact document has been published. (First, third, or tenth, etc.)

d. This figure should reflect only the printing cost for this printing.

e. This figure should include a total of all factors set forth in 43:31c for all printings. (If this is the first printing the figures for (a) and (c) should be the same. If this is a reprint then this figure should include the total cost for all publications from the beginning, example: total of first, second and third printing). A reprint would be a publication that is reprinted with no changes. Publications that are printed yearly with changes would not be considered a reprint.

f. Printing company name and address or if printed in-house, then agency's name and address.

g. The reason for publishing this document.

h. The law that authorized you to print or if there is no state or federal law you would get special permission. Then you would state "under special exception by the Division of Administration."

i. To be used if not printed in-house by state agency.

C. The cost statement shall be set in same size type as the body copy and shall be set in a box composed of a one-point rule.

D. If the printed matter is a book, print this statement on the title page and if there is not sufficient space on the title page

then it should be printed on the inside front cover.

E. If this document is a single page or a fold down leaflet then the statement should be printed under the agency's name.

F. The Division of Administration assumes that the intent of the Legislature was not to either increase administrative or printing costs with the passage of R.S. 43:31, therefore in computing cost data *estimated* costs may be used. The estimated costs should include:

1. an estimated portion of the salaries of agency personnel involved in preparing document;

2. printing costs should be given by printer, whether in-house, administrative services, or printing contract on quantity ordered;

3. estimated postage or freight for distribution.

§2709. Election Material

No funds appropriated for printing purposes or otherwise shall be used to urge any elector to vote for or against any candidate or proposition on an election ballot nor shall such funds be used to lobby for or against any proposition or matter having the effect of law being considered by the legislature or any local governing authority. This provision shall not prevent the normal dissemination of factual information relative to a proposition on any election ballot or a proposition or matter having the effect of law being considered by the legislature of any local governing authority.

§2711. Violations

Any administrative head of any branch, department, agency, or entity who violates any provision of this Section and any employee who, without the authorization of his administrative supervisor, violates any provision of this Section shall be personally liable for the cost of any printing in violation of this Section. Any state funds expended on any printing in violation of this Section may be recovered by the state in a civil action instituted by the attorney general or any taxpayer. In addition, any such person who violated the provisions of this Section shall be assessed a fine by the court of not more than \$500.

Subchapter D. Standard Specifications

§2713. State Publications [43:31 (A)(2)]

A. Books, Booklets, Pamphlets, and Brochures

1. Size: 5 1/2" x 8 1/2", 6" x 9", 8 1/2" x 11", or 9" x 12"

2. Paper

a. Text - 50 lb. or 60 lb. white offset, 60 lb. or 70 lb. enamel (gloss and dull)

b. Cover - 65 lb. No. 1 Antique cover (white and standard colors), 65 lb. embossed cover (white and colors), or 65 lb. or 80 lbs. coated covers (white only)

3. Ink

a. Text - one color

b. Cover - one or two color

4. Binding

Saddle, side stitch, perfect bind, etc. on individual basis

5. Copy

Can be typeset composition or camera ready copy.

B. Newsletters, Leaflets, etc.:

1. Size: 8 1/2" x 11", 17" x 11" or 25" x 11"

2. Stock

a. 15 lb. to 20 lb. Bond, (white and color)

b. 50 lb. to 80 lb. offset text, (white and color)

c. 60 lb. to 70 lb. enamel text, gloss and dull (white)

d. 65 lb. cover stock (white and colors)

e. 60 lb. to 80 lb. coated covers (white)

3. Ink

One or two colors (both sides)

4. Fold

Fold to meet agency's need.

5. Copy

Can be typeset composition or camera ready.

C. Agency may select type face and size from those available. Size of type will depend on amount of copy and the number of photographs that will be used in the newsletter, leaflet, etc. Photographs should be held to a limited number.

D. Alteration Requirement Procedures

1. Any document that warrants printing warrants the efforts necessary to present that document to the printer properly compiled, organized, complete, and error free.

2. Since changes made in manuscripts, layout, color, type style, etc., which are all considered *alterations* are very costly to the state once the printer has begun work, the following guidelines are hereby imposed:

a. Galley Proofs - Any changes made in the galley proof stage that total more than 25 percent of the total original lines set, will require a letter of authorization from the secretary of the department.

b. Page Proofs (Following Galleys) - Any changes made in the page proof stage that total more than 10 percent of the total lines and 25 percent of the total pages, will require a letter of authorization from the secretary of the department.

c. Page Proofs (No Galleys) - Any changes made in the page proof stage that total more than 25 percent of the total lines and 33 percent of the total pages, will require a letter of authorization from the secretary of the department.

d. Blueline Proofs - At this stage it is extremely expensive to make changes. Therefore **no** changes will be allowed without a letter of authorization from the secretary of the department.

Subchapter E. Distribution

§2715. Distribution of Printed Matter (R.S. 43:32)

A. Except for interagency distribution and distribution otherwise required by law, no state department, agency, or other instrumentality of state government shall distribute any printed materials in excess of 10 pages in length, unless the availability of such printed materials has been announced by written notice stating the title or subject matter of the printed material and that such materials shall be mailed upon receipt of a written request therefor. Such written notice may be mailed to the names on the regular mailing list and to any others deemed by the department, agency, or other instrumentality of state government to be interested parties.

B. The provisions of this Section shall not apply to the distribution of printed material by any public college or university to potential students for recruitment purposes.

§2717. Printed Matter; Missing Children Information (R.S. 43:33)

A. As a public service, each state department and agency that publishes a periodical of an informational nature that has as its intent public distribution rather than solely internal or interagency distribution is authorized to have published in each issue of such periodical the picture and name of one or more Louisiana children believed to be missing or children from other states believed to be missing in Louisiana. The periodical also may include the toll-free telephone number provided by the National Center for Missing and Exploited Children for the purpose of receiving information related to a missing child or children.

B. 1. Each state department and agency shall identify and provide to the Division of Administration a list of their periodicals that have public distribution and such other department or agency publications that have wide enough circulation to be useful for the purpose of disseminating information about such missing children.

2. The Division of Administration and the office of state police shall develop such policies, rules, and regulations as shall be necessary to implement this Section, including, but not limited to, policies, rules, and regulations concerning the nature and number of department or agency publications that shall be used for this purpose, the number of such missing child identities that may be published in each periodical, and the provision of any other information deemed pertinent to this purpose.

3. The Division of Administration is hereby authorized to consult and coordinate with the National Center for Missing and Exploited Children, any other public, quasi-public, or private organization, or agency, the purpose of which is to provide information and assistance related to missing children, and local law enforcement agencies in order to implement the provisions of this Section.

§2719. Requests for Information

All requests for information shall be directed to Division of Administration, Central Purchasing, State Printing Agent, Box 94095, Baton Rouge, LA 70804-9095. Questions regarding specifications, deliveries, and other matters pertaining to printing jobs shall be submitted directly by the agency to the Division of Administration, Central Purchasing and shall not be handled by the agency through representatives or vendors. The facilities of the printing office are available to any agency, and all requests will be handled promptly.

Dennis Stine
Commissioner

EXHIBIT A

PUBLIC DOCUMENT PRINTING REQUEST FORM

Requisition Number _____

Name of Agency _____

Mailing Address _____

Quantity _____ Estimated Amount \$ _____

Description of Public Document(s):

Size: _____

Number of pages and/or folds: _____

Paper - Cover: _____

Text: _____

Ink - Cover: _____

Text: _____

Binding: _____

Give a brief statement of why this publication needs to be printed.

I hereby certify that the above public document(s) is (are) essential to the fulfillment of the programs approved for this agency by the Appropriation Act and that funds are available to print this (these) document(s). (Attach copies, facsimiles, or descriptions of the documents along with their justifications). I am, therefore, requesting an exception as provided for in R.S. 43:31(A).

Undersecretary

RULE

Office of the Governor Division of Administration Office of Telecommunications Management

In accordance with the Notice of Intent published May 20, 1988 in the *Louisiana Register*, the Office of Telecommunications Management announces the amendment of LAC 4:IX.901.

Chapter 9. Telecommunications Use §901. General

A. All state agencies and all entities approved by the commissioner of administration to utilize state telecommunications systems are responsible for devising, implementing, and enforcing controls related to telephone usage and informing employees of such policies to preclude unnecessary charges. To assist state agencies in monitoring the usage of state telephones, OTM shall provide each billing unit with a management report detailing the calls placed on the LINC network. This report will include the telephone number (10 digit) placing the call, the telephone number (10 digit) called, the time, day and month of the call and the duration (minutes) of the call. This report will be optional for elected officials and for law enforcement units where security is required and may not be provided in some instances where there are equipment limitations. Agency policy concerning telephone usage should be consistent with the following considerations and should be appropriate for the particular needs of each agency.

B. State telephones are provided for the conduct of state business, therefore incoming and outgoing personal calls should not interfere with the purpose for which the telephones have been provided. The frequency and duration of incoming and outgoing personal calls should be minimized to reduce lost personnel time.

1. Personal long distance calls over the common carrier toll network shall not be made from state telephones unless arrangements are made with the long distance telephone operator at the time the call is placed and specific instructions are given to have the call billed to the caller's home telephone or to have the call billed as a collect call. In the event personal long distance calls are made, the agency may require the employee to reimburse the state for the cost of the call.

2. Personal long distance calls shall not be made over the state leased network (LINC).

C. Collect calls shall not be accepted on state telephones. To foster this directive, telephone serving facilities have been designed to block the reception of collect calls.

In order to receive any collect calls, a specific modification has to be made to the telephone serving facilities. The procedure for making such modifications and granting an exception to this

directive requires a written request be submitted by the agency head to the Director of OTM.

D. Third number calls billed to state telephones are prohibited. To foster this directive, telephone serving facilities have been designed to block the reception of third number calls.

In order to receive any third number calls, a specific modification has to be made to the telephone serving facilities. The procedure for making such modification and granting an exception to this directive requires a written request be submitted by the agency to the Director of OTM.

E. Credit cards should be provided only to personnel whose duties require that they frequently make long distance calls from locations other than their official domicile. Individuals assigned credit cards will be responsible for their proper use and protection. Justification for issuance of a credit card should be submitted for review to the agency's telecommunications coordinator on an annual basis. Upon approval by the telecommunications coordinator, the request should be forwarded to the Office of Telecommunications Management for final issuance.

F. The use of the state's communications facilities and/or equipment by individuals other than state personnel is prohibited.

J.A. Lanier
Acting Director

RULE

Office of the Governor Office of Elderly Affairs

In accordance with R.S. 49:950 et seq., the Governor's Office of Elderly Affairs announces the adoption of LAC 40:XIII, Chapter 11, Section 1101, effective July 20, 1988:

Title 40

LABOR AND EMPLOYMENT

Part XIII. Job Training Partnership Act

Chapter 11. Older Individual Program

§1101. Funding Formula

The total amount of funding for each JTPA Older Individual Program service area equals the percentage of the state's economically disadvantaged 55+ population residing in that service area, multiplied by the total amount of funds available for program activity, statewide.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:932(8).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 14: (July, 1988).

Vicky Hunt
Director

RULE

Department of Health and Hospitals Board of Examiners in Dietetics and Nutrition

Notice is hereby given that the Louisiana State Board of Examiners in Dietetics and Nutrition hereby establishes the rules

and regulations for operation in accordance with their powers established in R.S. 37:3081-3093; R.S. 36:259 (Q).

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LXIX. Registered Dietitians

Chapter 1. Dietitians/Nutritionists

§101. Definitions

As used in this Chapter, the following terms and phrases, which have not already been defined in the Practice Act, R.S. 37:3081 through 3093, and R.S. 36:259 (Q), shall have the meanings specified.

Act means Dietitian/Nutritionist Practice Act.

Applicant means any person who has applied to the board for a license or permit to engage in the practice of dietetics/nutrition in the state of Louisiana.

Application means a written request directed to and received by the board, upon forms supplied by the board, for a license or provisional license to practice dietetics/nutrition in the state of Louisiana, together with all information, certificate, documents, and other materials required by the board.

Association means the American Dietetic Association (ADA).

Commission on Dietetic Registration (CDR) means the Commission on Dietetic Registration that is a member of the National Commission for health certifying agencies.

Degree means a degree received from a college or university that was regionally accredited through the Council on Post-Secondary Accreditation and the U.S. Department of Education at the time the degree was conferred.

Examination means the examination administered by the Commission on Dietetic Registration. The board recognizes the examination administered by CDR and the passing score set by CDR as the board's examination.

Louisiana Association means the Louisiana Dietetic Association, an affiliate of the American Dietetic Association (ADA).

Nutritional Assessment means the evaluation of the nutritional needs of individuals and groups based upon appropriate biochemical, anthropometric, physical and dietary data to determine nutrient needs and recommend to the primary health care provider appropriate nutritional intake including enteral and parenteral nutrition regardless of setting, including but not limited to ambulatory settings, hospitals, nursing homes and other extended care facilities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3081-3093; R.S. 36:259(Q).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 10:12 (January 1984); repromulgated by the Department of Health and Hospitals, Board of Examiners in Dietetics and Nutrition, LR 14: (July 1988).

§103. Qualifications for Licensure

A. Academic Requirements

1. Applicants who are currently registered by CDR are deemed to meet the academic requirements.

2. Other persons applying for licensure must have earned a baccalaureate or post-baccalaureate degree, including a minimum of 24 semester hours from the fields of human nutrition, food and nutrition, dietetics or food systems management, or an equivalent major course of study as may be approved by the board.

3. Applicants who hold a degree in an equivalent major course of study may be required by the board to submit addi-

tional substantiating documents as defined herein.

4. Major course of study as approved by the board shall mean one which meets the current academic requirements of the American Dietetic Association.

B. Professional Experience

An applicant for licensure shall submit to the board evidence of having successfully completed a board-approved planned program of relevant professional practice experience, or minimum of 900 continuous hours of experience approved by the ADA.

A board pre-approved planned program of professional experience may constitute that experience as defined in this Section. The guidelines for qualifying experience and verification prescribed by the board must be followed and may be obtained from the board.

C. Examination for Licensure

1. An applicant for licensure shall pass an examination administered by the Commission on Dietetic Registration.

2. Waiver of Examination

a. Persons who provide evidence of current registration with the Commission on Dietetic Registration as registered dietitians may be considered to have met the requirements for licensure.

b. Grandfather Clause

The board may waive the examination and grant a license to persons holding a doctorate degree granted prior to July 1, 1988, in addition to a baccalaureate or higher degree with a major course of study in human nutrition, food and nutrition, dietetics, food systems management or biochemistry from a college or university regionally accredited through the Council on Post-Secondary Accreditation and the U.S. Department of Education. Persons who wish to be licensed under the requirements stated in this grandfather clause must complete licensure procedure within one year of the date legislation went into effect, July 1, 1988.

D. Continuing Education Requirement

The board has established a minimum requirement of 30 continuing education hours that must be completed two years prior to the license application and every two years thereafter, in order to renew the dietitian/nutritionist license.

AUTHORITY NOTE: R.S. 37:3081-3093; R.S. 36:259 (Q).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 10:12 (January 1984); repromulgated by the Department of Health and Hospitals, Board of Examiners in Dietetics and Nutrition, LR 14: (July 1988).

§105. Qualifications for Reciprocity

A. The board may grant a license by endorsement to any person who presents proof of current licensure as a dietitian or nutritionist in another state, District of Columbia, or territory of the United States which requires standards for licensure considered by the board to be equivalent to the requirements for licensure as prescribed in this Chapter.

B. All application materials shall be completed and the reciprocity and license fees shall be paid by the applicant. The board may contact the issuing agency to verify the applicant's status with that agency at the time of application.

AUTHORITY NOTE: R.S. 37:3081-3093; R.S. 36:259(Q).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR

10:12 (January 1984); repromulgated by the Department of Health and Hospitals, Board of Examiners in Dietetics and Nutrition, LR 14: (July 1988).

§107. Licensing of Dietitians/Nutritionists Trained in a Foreign Country

Any person who has been trained as a dietitian/nutritionist in a foreign country and who desires to be licensed under the Act may make application if the individual:

A. Holds a degree from an education program which has been evaluated by an approved credentialing evaluation agency, as equivalent to the baccalaureate or higher degree conferred by universities or colleges regionally accredited by the Council on Post-Secondary Accreditation and the U.S. Department of Education.

1. Any diploma or other document required to be submitted to the board by a foreign graduate applicant which is not in the English language must be accompanied by a certified translation thereof in English by an approved credentials evaluation service.

B. Submits documentary evidence to the board that he has completed a course of professional experience as described in §103.B. of these rules.

C. Any person who desires to be licensed under this Section shall also successfully complete the prescribed examination for licensure.

D. Demonstrates satisfactory proof of proficiency in the English language.

E. Applications for license shall be upon the form and in the manner prescribed by the board, accompanied by the appropriate fees.

F. At the time of making such application, the applicant shall pay the fee prescribed by the board.

AUTHORITY NOTE: R.S. 37:3081-3093; R.S. 36:259(Q).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 10:12 (January 1984); repromulgated by the Department of Health and Hospitals, Board of Examiners in Dietetics and Nutrition, LR 14: (July 1988).

§109. Application for Licensure

A. Application for license or provisional license must be upon the form and in the manner prescribed by the board.

B. Every application shall be typed or written in ink, signed under the penalty of perjury and accompanied by the appropriate nonrefundable application fee and by such evidence, statements or documents showing to the satisfaction of the board that applicant meets requirements of R.S. 37:3086 (A), (B) or (C).

C. Applications are to be submitted to the address designated by the board.

D. Approved applications and all documents filed in support thereof shall be retained by the board.

E. The board will not consider an application as officially submitted until the applicant pays the application fee.

F. The board must receive all required application material at least 120 days prior to the date the applicant wishes to take the examination.

G. The executive secretary will send a notice to an applicant who does not complete the application in a timely manner, listing the additional materials required.

H. The application for a license shall contain such information as the board may reasonably require.

I. The submission of an application for licensing to the board shall constitute and operate as an authorization and consent by the applicant to the board to disclose and release any information or documentation set forth in or submitted with the applicant's application or obtained by the board from other sources as required.

AUTHORITY NOTE: R.S. 37:3081-3093; R.S. 36:259 (Q).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 10:12 (January 1984); repromulgated by the Department of Health and Hospitals, Board of Examiners in Dietetics and Nutrition, LR 14: (July 1988).

§111. Issuance and Renewal of Licensure

The board recognizes two distinct types of licensure. Applicants may be issued a regular license or a provisional license based on compliance with requirements stated in the Dietetic/Nutritionists Practice Act and these regulations. The board shall issue a license to any person who meets the requirements upon payment of the license fee prescribed.

A. Regular License

The board may issue a regular license to any dietitian/nutritionist who qualifies in accordance with the requirements of R.S. 37:3086 (A), (B) or (C), and who practices in Louisiana, whether resident or non-resident, unless otherwise exempted as stated in R.S. 37:3093 of the Dietetic/Nutritionists Practice Act of 1987 and these regulations. The executive secretary will send each applicant whose credentials have been approved a license.

B. Provisional License

1. A provisional license shall permit the holder to practice only under the direct supervision of a licensed dietitian/nutritionist. The board may issue a provisional license to any dietitian/nutritionist who meets either of the following requirements:

- a. presents evidence of successful completion of the education requirements of R.S. 37:3086 (B)(1) for licensure, or
- b. presents evidence of having successfully completed both academic requirements of the above-stated Statute and evidence of satisfactory completion of a program of experience of not less than 900 hours supervised by a licensed dietitian/nutritionist.

2. The board may issue a provisional license to a person before he has taken the exam prescribed by the board. A provisional license may be issued for a period not exceeding one year and may be renewed from year to year for a period not to exceed five years upon payment of an annual fee and presentation of evidence satisfactory to the board that applicant is meeting the supervision requirements and continuing education requirement of at least 15 hours of continuing education per license year.

C. Supervision of Provisional Licensed Dietitian

1. The purpose of this Section is to set out the nature and scope of the supervision provided for provisional licensed dietitians/nutritionists.

2. To meet initial licensure and license renewal requirements, a provisional licensed dietitian/nutritionist shall be under the direct supervision of a licensed dietitian/nutritionist for at least 80 percent of the hours employed.

D. Upgrading a Provisional License

1. The provisionally licensed dietitian/nutritionist shall submit to the board a properly completed experience documentation form.

2. After review of all application material by the board, the executive secretary shall notify the provisionally licensed die-

titian in writing of the eligibility for examination.

3. Following the successful completion of the licensing examination, the provisionally licensed dietitian shall remit an amount equal to the license certificate replacement fee.

4. When the upgrade occurs, the licensee shall be subject to the renewal requirements for a regular licensed dietitian/nutritionist.

E. License Certificates

1. The board shall prepare and provide to each licensee a license certificate and license identification card.

2. Official license certificates shall be signed by the chairman, vice-chairman, and secretary-treasurer and be affixed with the seal of the board.

3. Any license certificate and license identification card issued by the board remains the property of the board and must be surrendered to the board on demand.

4. The license certificate must be displayed in an appropriate and public manner as follows:

a. the license certificate shall be displayed in the primary office of place of employment of the licensee; or

b. in the absence of a primary office or place of employment or when the licensee is employed in multiple locations, the licensee shall carry a current, board issued license identification card.

5. Neither the licensee nor anyone else shall display a photocopy of a license certificate or carry a photocopy of a license identification card in lieu of the original license certificate or license identification card.

6. Neither the licensee nor anyone else shall make any alteration on a license certificate or license identification card issued by the board.

7. The board shall replace a lost, damaged or destroyed license certificate or ID card upon receipt of a written request from the licensee and payment of the license replacement fee.

8. The board, upon receipt of a written request, shall re-issue a license certificate and/or license identification card in the case of name changes. Requests shall be accompanied by payment of the license replacement fee and appropriate documentation reflecting the change.

F. Abandonment of Application

An applicant shall be deemed to have abandoned the application if the requirements for licensure are not completed within one year of the date on which application is received. An application submitted subsequent to an abandoned application shall be treated as a new application.

G. Disapproved Applications

The board shall disapprove the application if the applicant:

1. has not completed the requirements in Section 3086 of the Act including academic and experience requirements;

2. has failed to pass the examination prescribed by the board;

3. has failed to remit any applicable fees;

4. has failed to comply with requests for supporting documentation prescribed by the board;

5. has deliberately presented false information on application documents required by the board to verify applicant's qualifications for licensure.

6. The board may disapprove the application if the applicant has been convicted of a felony.

H. Renewal of Licensure

1. At least 30 days prior to the expiration date of the

license, the licensee shall be sent written notice of the amount of renewal fee due, and a license renewal form which must be returned with the required fee.

2. Licensee's application for renewal must be postmarked prior to the expiration date in order to avoid the late renewal fee. Failure to receive renewal notice shall not be justification for late renewal.

3. The board shall not renew the license of a person who is in violation of the Act, or board rules at the time of application for renewal.

4. Licensed Dietitian/Nutritionist

a. Licenses will expire on June 30 of even numbered years, beginning 1990.

b. Applicants receiving an initial license in the last quarter of odd numbered years are not required to renew for the following two-year licensing period.

5. Provisional License

a. Licenses will expire on June 30 of every year.

b. Applicants receiving an initial license in the last quarter of the fiscal year (April, May, June) will not be required to renew for the following one-year licensing period.

6. Continuing Education Requirement for Renewing License

a. For renewal of licensed dietitian/nutritionist license, licensees must submit proof of holding current CDR registration or of having completed 30 hours of continuing education certified by the Commission on Dietetic Registration or the board, within the licensure period of two years.

b. For renewal of provisional dietitian/nutritionist license, licensee must submit proof of at least 15 hours of continuing education per license year.

c. Licensees must submit either Summary of Continuing Education on the form prescribed by the board or the CDR registration card.

7. Renewal license identification cards and/or renewal validation documents shall be furnished to each licensee who meets all renewal requirements by the expiration date.

8. The board may provide for the late renewal of a license upon the payment of a late fee within 60 days of the expiration date, July 1 through August 31.

a. If the license has been expired for 60 days or less, the license may be renewed by returning the license renewal form with all appropriate fees and documentation to the board, postmarked on or before the end of the 60-day grace period.

9. A person whose license has expired may not use the title or present or imply that he has the title of licensed dietitian/nutritionist or provisional licensed dietitian/nutritionist or any abbreviation or facsimile of these titles.

AUTHORITY NOTE: R.S. 37:3081-3093; R.S. 36:259 (Q).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 10:12 (January 1984); repromulgated by the Department of Health and Hospitals, Board of Examiners in Dietetics and Nutrition, LR 14: (July 1988).

§113. Rules for Professional Conduct

Licensees, under the Act shall perform their professional duties using the following code of ethics which reflect the ethical principles of the dietetic/nutrition professional and outline obligations of the licensee to self, client, society and the profession.

A. The licensee provides professional service with objectivity and with respect for the unique needs and values of indi-

viduals avoiding discrimination and provides sufficient information to enable clients to make informed decisions.

B. The licensee accurately presents professional qualifications and credentials, and does not permit the use of these credentials by an unqualified person.

C. The licensee remains free of conflict of interest and promotes or endorses products in a manner that is neither false nor misleading.

D. The licensee assumes responsibility and accountability for personal competence in practice through continuing education and recognition of the limits of his ability and adherence to accepted standards of practice.

E. The licensee presents substantiated information and interprets controversial information without personal bias recognizing legitimate differences of opinion.

F. The licensee maintains the confidentiality of information.

G. The licensee conducts himself with honesty, integrity and fairness in all aspects of professional life and advertises services in a factual and straightforward manner.

H. The licensee shall not be addicted to or dependent upon alcohol or other habit-forming drugs or be a habitual user of narcotics, barbiturates, amphetamines, hallucinogenics, or other drugs having similar effects upon the competency of the licensee unless such substances are prescribed by a physician.

I. The licensee shall be responsible for reporting alleged misrepresentation or violation of the Act and/or board rules to the board.

AUTHORITY NOTE: R.S. 37:3081-3093; R.S. 36:259 (Q).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 10:12 (January 1984); repromulgated by the Department of Health and Hospitals, Board of Examiners in Dietetics and Nutrition, LR 14: (July 1988).

§115. Denial, Revocation or Suspension of License

A. The board may refuse to issue a license or provisional license, or suspend, revoke or impose probationary conditions and restrictions on the license or provisional license of a person on a finding of any of the causes provided by §3090A and B of the Dietitian/Nutritionist Practice Act.

B. When the board has probable cause to believe that a licensee/applicant has violated any part of §3090 of the Act, the board shall so advise the applicant in writing by certified mail, setting forth the grounds for its finding of probable cause, specifying the sanctions which are mandated or permitted for such conduct by §3090 of the Act, and provide the licensee/applicant with the opportunity for hearing pursuant to R.S. 49:955-958. Unless waived by the applicant, the board's findings of fact, its conclusions of law under these rules, and its decision as to the sanctions, if any, to be imposed shall be made in writing by certified mail and served upon the applicant.

C. A suspended license shall be subject to expiration and may be renewed as provided in this Section, but such renewal shall not entitle the licensee, while the license remains suspended and until he is reinstated, to engage in the licensed activity, or in any other conduct or activity in violation of the order of judgment by which the license was suspended. If a license revoked on disciplinary grounds is reinstated, the licensee, as a condition of reinstatement, shall pay the renewal fee and any late fee that may be applicable.

AUTHORITY NOTE: R.S. 37:3081-3093; R.S. 36:259 (Q).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 10:12 (January 1984); repromulgated by the Department of Health and Hospitals, Board of Examiners in Dietetics and Nutrition, LR 14: (July 1988).

§117. Exemptions

No person shall engage in the practice of dietetics/nutrition in the state of Louisiana unless he has in his possession a current license or provisional license duly issued by the board under the provisions of Chapter 1 of these rules, unless exempted as defined in R.S. 37:3093 of the Act.

AUTHORITY NOTE: R.S. 37:3081-3093; R.S. 36:259 (Q).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of the Secretary, LR 10:12 (January 1984); repromulgated by the Department of Health and Hospitals, Board of Examiners in Dietetics and Nutrition, LR 14: (July 1988).

§119. General

In accordance with the provisions of the Act, the following fees, where applicable, are payable to the board by check or money order. Fees are nonrefundable, except for the initial license fee, if application is not approved.

Application Fee	\$45
Initial License Fee	45
License Renewal Fee - biennially	60
Provisional License Fee	50
Provisional License Renewal Fee - annually	30
Late Renewal Fee	25
Reciprocity Fee	25
Duplicate License Fee	25

Mary Tonore
Chairman

RULE

**Department of Health and Hospitals
Office of Eligibility Determination**

The Department of Health and Hospitals, Office of Eligibility Determination, adopts the following rule in the Aid to Families with Dependent Children (AFDC) Program.

This revision is mandated by federal regulations published in the *Federal Register*, Vol. 52, No. 247, Thursday, December 24, 1987, pages 48687-48689. This was adopted as an emergency rule as federal regulations mandate an implementation date of December 24, 1987.

Rule

Effective December 24, 1987, an alien meets the alien status requirement if he is granted lawful temporary resident status under Section 201 or 302 of the Immigration Reform and Control Act of 1986, (Pub.L. 99-603), if the alien is a Cuban or Haitian entrant, as defined in Section 501(e) of Public L. 96-442, or other than a Cuban or Haitian entrant who was granted temporary resident status more than five years prior to certification. An alien other than a Cuban or Haitian entrant granted

lawful temporary status is subject to a five-year disqualification period which begins the date the lawful temporary resident status is granted even if his status changes to permanent within the five-year period.

When determining eligibility, income of an alien parent who is disqualified is considered available to the otherwise eligible child by applying the stepparent deeming formula. The needs and income of disqualified alien siblings are not considered in determining the eligibility of an otherwise eligible dependent child.

David L. Ramsey
Secretary

RULE

**Department of Health and Hospitals
Office of Eligibility Determination**

The Department of Health and Hospitals, Office of Eligibility Determination, adopts the following rule in the Aid to Families with Dependent Children Program.

The Budget Reconciliation Act of 1987 amended Title IV-A of the Social Security Act to allow a state to establish and operate a fraud control program. The Office of Eligibility Determination elects to implement a fraud control program as set forth in Sec. 9102 of the Social Security Act.

Rule

Effective August 1, 1988, the Office of Eligibility Determination will implement a fraud control program in the Aid to Families with Dependent Children (AFDC) Program.

Under this program, the Office of Eligibility Determination may:

1. claim 75 percent federal match for its costs related to the investigation, prosecution, administrative (fraud) hearing and collection of AFDC fraud cases.
2. implement an administrative hearing procedure for AFDC fraud cases, and
3. disqualify the adult found guilty of AFDC fraud by a court or in an administrative hearing.

If an individual who is a member of a family applying for or receiving AFDC is found by a federal or state court or by an administrative hearing to have intentionally made a false or misleading statement or misrepresented, concealed, or withheld facts, or committed any act intended to mislead, misrepresent, conceal or withhold facts or propound a falsity, for the purpose of establishing or maintaining the family's eligibility for aid or of increasing or preventing a reduction in benefits, then that individual's needs shall not be taken into account in making the eligibility or benefits determination. That individual shall be disqualified for a period of six months for the first offense, 12 months for the second offense, and permanently for the third or any subsequent occasion of any such offense.

Each applicant shall be provided with a written notice of the penalties for fraud at the time of AFDC application.

David L. Ramsey
Secretary

RULE

**Department of Health and Hospitals
Office of Public Health**

In accordance with the laws of the State of Louisiana, R.S. 40:4, 40:5, and the provisions of Chapter XIII of the State Sanitary Code, the state health officer has determined that the following amendments to the listing entitled "Mechanical Wastewater Treatment Plants for Individual Homes--Acceptable Units" are adopted:

1. Amend the listing to include an additional manufacturer and associated plant model, specified as follows:

Manufacturer	Plant Designation	Rated Capacity
MCC, Inc. 9584 Wallace Lake Road Shreveport, LA 71106 (318) 688-4737 1 800-367-0859	"CAJUN AIRE" Model 500	500 GPD

2. Amend the listing to include two additional series models for a currently listed manufacturer/plant, specified as follows:

Manufacturer	Plant Designation	Rated Capacity
Owens Manufacturing and Specialty Company Box 2443 Lafayette, LA 70502 (318) 235-6761	Kleen Tank Models (Including filter) 650-1000 650-1500	1000 GPD 1500 GPD

3. Amend the listing, as appropriate, to reflect current address and related information for all previously listed manufacturers, as follows:

Manufacturer	Plant Designation	Rated Capacity
Aquarobic Limited Box 704 171 Robert St. E. Penetanguishene Ontario L0K 1P0 (705) 549-7401 (formerly Eastern Environmental Controls, Inc.)	Mini-Plant Models F54291-5-S F54291-6-S F54291-7-S F54291-7.5-S F54291-8-S F54291-9-S F54291-10-S F54291-11-S F54291-12-S F54291-13-S F54291-14-S F54291-15-S	500 GPD thru 1500 GPD

NOTE: without prefix "F": concrete tank

When used in conjunction with Filter Kit Model 3000, the following Mini-Plant Models 54291-4 thru 54291-15 are approved

Models 54291-4	400 GPD
54291-5	thru
54291-6	1500 GPD
54291-7	
54291-8	
54291-9	
54291-10	
54291-11	
54291-12	
54291-13	
54291-14	
54291-15	

NOTE: with suffix "F": fiberglass tank; without suffix "F": concrete tank

Clearstream Wastewater Systems, Inc. Box 705 Silsbee, Texas 77656 (409) 385-1395	Models 500 H 1000 H 1500 H	500 GPD 1000 GPD 1500 GPD
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Delta Process Equipment, Inc. Box 969 Denham Springs, LA 70727-0969 (504) 665-1666	Models HU-0.5 HU-1.0 HU-1.5	500 GPD 1000 GPD 1500 GPD
Jet, Inc. 750 Alpha Drive Cleveland, Ohio 44143 (216) 461-2000	Model J-150 (Including filter)	500 GPD
Mo-Dad-1, Inc. Box 96 Denham Springs, LA 70726 (504) 665-2949 1-800-999-0615	Mo-Dad-1-500 Mo-Dad-1-1000 Mo-Dad-1-1500	500 GPD 1000 GPD 1500 GPD
MULTI-FLO Waste Treatment Systems, Inc. 2324 East River Road Dayton, Ohio 45439 (513) 293-1100	Models FTB-0.5 FTB-1.0 FTB-1.5	500 GPD 1000 GPD 1500 GPD
Murphy Cormier General Contractor, Inc. Route 14, Box 1935 Lake Charles, LA 70605 (318) 474-2804	"HOOT" Models 500 1000 1500	500 GPD 1000 GPD 1500 GPD
NORWECO, INC. (Norwalk Wastewater Equipment Company) 220 Republic Street Norwalk, Ohio 44857 (419) 668-4471	SINGULAIR MODEL 820 (Including filter, backwash chamber, backwash pump, and appurtenant piping)	500 GPD
Owens Manufacturing and Specialty Company Box 2443 Lafayette, LA 70502 (318) 235-6761	Kleen Tank Model 650 (Including filter)	500 GPD
Robert R. Oldham, Inc. Box 197 Sidney, Ohio 45365 (513) 492-9119	Model WOM-50 (Including filter) Model WOM-100 (Including filter)	500 GPD 1000 GPD

The specified changes are in compliance with the requirements set forth in Section 6.6 of Appendix A of Chapter XIII of the State Sanitary Code.

David L. Ramsey
Secretary

RULE

Department of Health and Hospitals Division of Medical Assistance

The Long Term Care Program is adopting the following rule which was published as a Notice of Intent in the *Louisiana Register* Vol. 14, No. 5, dated May 20, 1988.

As a result of comments received at the public hearing held on June 8, 1988, the Division of Medical Assistance is providing the following clarification of the final rule being adopted. This rule will allow new providers (those opening after 1/1/88) to receive the current weighted average rate for their first cost reporting period. Such weighted average shall be specific for facility size and level of care.

RULE

Rates for ICF-MR Facilities shall be frozen at the current rate effective July 20, 1988 to allow the department to imple-

ment new rates for FY 88/89 in accordance with the Long Term Care Program's level of care definition.

David L. Ramsey
Secretary

RULE

Department of Health and Hospitals Office of the Secretary

The Department of Health and Hospitals, Office of the Secretary has adopted the following changes to the Title XIX State Plan (pending approval of the Health Care Financing Administration). The department is conducting a facility need review for skilled nursing facility beds; intermediate care facility I and II beds; and intermediate care facility beds for the mentally retarded to determine whether there is good cause to prohibit these beds from participation in the Medicaid program. Such a review is also required as a condition of enrollment in the Medicaid program for psychiatric facility beds. This will assure the availability of long term care beds to meet the need but will contain Medicaid costs by prohibiting an unneeded supply of beds. The authorization for these reviews is provided by 42 CFR Part 442.12 (d)91), Part 442.13 (b)(2) and Part 431.51 (c)(1) and (2).

Criteria and procedures for the need review are specified in a document entitled Policies and Procedures for Facility Need Review. This document has been attached to the Title XIX State Plan (pending approval of the Health Care Financing Administration). The Policies and Procedures for Facility Need Review specifies the criteria and procedures for the Facility Need Review Program and replaces Chapter 125 of Title 48, Part I., Subpart 5 Health Planning. Copies of these rules may be viewed at either the Department of Health and Hospitals, Office of the Secretary, 200 Lafayette Street, Suite 406, Baton Rouge, LA. or the Office of the State Register, 900 Riverside N., Baton Rouge, LA.

David L. Ramsey
Secretary

RULE

Department of Labor Plumbing Board

In accordance with R.S. 37:1365-1378, the State Plumbing Board adopted the following rules.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part IV. Plumbers

Chapter 3. Licenses

§305. Licenses Required

G. An applicant for journeyman plumbers examination, who does not have sufficient education to read and write the answers to the examination questions, as required in §305(A)(2) of these revised rules and regulations, can apply to the board for a waiver of that particular requirement upon producing satisfac-

tory proof to the board that the applicant has 10 years experience in manual labor of plumbing and has no more than a fourth grade education.

1. The president of the board shall appoint special examiners to assist these applicants in the completion of the written portion of their examinations. These special examiners will not provide any information or data to the applicants, but will only complete the written portion of any examination given to such applicants by writing the answers for the applicants as provided to the special examiner. These examiners will assist these applicants in such a manner as to prevent disclosure of answers to examination questions to any other applicant participating in the examination.

2. These applicants will be granted provisional licenses. This provisional license shall permit any such applicant to engage in the work of a journeyman plumber, upon passing the special examination described herein within the geographic areas to which the Louisiana State Plumbing Law has been made applicable. However, the license issued by the board shall state that the license was issued pursuant to these provisions.

3. Applicants under these special provisions will not be relieved of any other requirements or conditions associated with the issuance of a journeyman plumber's license by this board as established under the board's revised rules and regulations and the Louisiana State Plumbing Laws, R.S. 37:1365 through 1378.

Phyllis Mouton
Secretary

RULE

Department of Natural Resources Office of Conservation Injection and Mining Division

Under the authority of the Louisiana Surface Mining and Reclamation Act, R.S. 30:901 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Office of Conservation adopted amendments to the Louisiana Surface Mining Regulations, Statewide Order No. 29-0-1 (Rules).

Amendments occur throughout the rules. The revisions add specific language to clarify and to provide more precise regulations in the rules. The Office of Surface Mining Reclamation and Enforcement (OSMRE) completed a review of Louisiana's approved permanent regulatory program in light of changes to the federal regulations as part of OSMRE's regulatory reform effort and the ensuing court decisions, pursuant to the provisions of 30 CFR 732.17(d), and notified the Office of Conservation, Injection and Mining Division, of changes in the Surface Mining Control and Reclamation Act of 1977 (P.L. 95-87) and the federal regulations promulgated pursuant to P.L. 95-87 which made it necessary for Louisiana to modify its Surface Mining Regulatory Program to remain consistent with all federal requirements.

Amendments have been added to the rules regarding inspection and enforcement, small operators assistance program, experimental practices, use of explosives, prime farmland, fish and wildlife, excess spoil, bonding, revegetation, coal exploration, lands unsuitable, hydrology and geology, diversions, siltation

structures and impoundments, coal mine waste, permitting, and roads.

The Office of Conservation initiated rulemaking procedures to adopt this rule on April 27, 1988. Prior to final adoption by the Office of Conservation, these amendments were forwarded to the House Committee on Natural Resources and the Senate Committee on Natural Resources on May 10, 1988. A public hearing was held on the rules under Docket No. LSM 88-1 on May 26, 1988. A report to the Senate and House Natural Resources Oversight Committees, pursuant to the public hearing, was filed as required by R.S. 49:968D(1)(b) on May 26, 1988. The rules are effective as of July 20, 1988.

Persons requesting copies and/or further information concerning the rules may contact A. J. Duplechin, Jr., Office of Conservation, Injection and Mining Division, Box 94275, Baton Rouge, LA. 70804.

James H. Welsh
Director

RULE

Department of Public Safety and Corrections Office of State Police

(Editor's Note: We inadvertently printed these rules incorrectly; consequently, we are reprinting them in their entirety for accuracy.)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and R.S. 32:663, notice is given that the secretary of The Department of Public Safety and Corrections adopted the following rules and regulations governing the analysis of blood and breath to determine the alcoholic content. These promulgations supersede all previous regulations and therefore upon final acceptance and publication should be considered as the only rules in effect relating to alcohol analysis in accordance with R.S. 32:663.

Title 55 PUBLIC SAFETY Part I. State Police

Chapter 5. Breath and Blood Alcohol Analysis Methods and Techniques

Subchapter A. Analysis of Breath

§501. Approval of Instruments to Conduct Breath Alcohol Analysis

A. After the Louisiana Department of Public Safety and Corrections has approved a prototype breath testing device as an acceptable model for chemical analysis in breath alcohol testing, it shall be necessary for each individual instrument of the approved model to be inspected and approved for use by the Office of State Police, Applied Technology Unit, and an instrument certification form shall be maintained for each individual instrument in the Applied Technology Unit. At least once every four months thereafter, each individual instrument shall be inspected, checked, and certified by the applied technology director, breath analysis supervisor, breath analysis instructor specialist, or applied technology specialist of the Applied Technology Unit and a recertification form shall be maintained in the Applied Technology Unit. A copy of this certificate may be filed with the clerk of the applicable court in the respective parish in which each device

is used for breath testing, and this copy shall be prima facie evidence as to the proper working order of the instrument. The inspecting applied technology director, breath analysis supervisor, breath analysis instructor specialist, or applied technology specialist's permit number shall also be affixed to this certificate. Any manufacturer of any apparatus, device, or equipment made for the purpose of analyzing the alcoholic contents of the breath may request the Applied Technology Unit to approve such apparatus, device, or equipment. The Applied Technology Unit will consider such a request upon submission of such information, instructions for use, exemplars and other pertinent data as the Applied Technology Unit may request. Before any breath alcohol testing device will be approved, it must have undergone inspection and testing by the Applied Technology Unit. This period of testing and evaluation is for the purpose of assuring that an instrument is free of any design error, malfunction or operating problems.

B. Approval of Instrumentation. The following is the instrument approved by the Louisiana Department of Public Safety and Corrections, the Office of State Police, Applied Technology Unit for analysis of breath specimens for the determination of the alcoholic contents therein.

1. Intoxilyzer 5000, manufactured by C.M.I. of Minturn, Colorado and distributed by Federal Signal Corporation of Chicago, Illinois.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:663.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 4:390-393 (October 1978), amended LR 6:660 (November 1980), amended LR 11:256 (March 1985), amended LR 14 (June 1988).

§503. Operator Qualification

Qualifications for the certification of individuals to conduct breath analysis are as follows.

A. Employee of a Louisiana or federal law enforcement agency.

B. Resident of the state of Louisiana at the time of application, and at least 18 years of age.

C. Graduation from a state accredited high school or satisfactory passing of the General Education Development (G.E.D.) test or an equivalent educational background.

D. Successful completion of a 40-hour operator's training course conducted by the Applied Technology Unit or any other course approved by the Applied Technology Unit. Course material to be covered will be taken from the Chemical Test for Intoxication Training Manual and/or the Training Manual for the Intoxilyzer 5000. However, if an individual has already successfully completed a training course in chemical testing, the individual may attend a specified course in the operation of the Intoxilyzer 5000.

E. To successfully complete the 40-hour training course and be certified to conduct breath analysis, the individual must:

1. obtain a 75 percent score on the written examination covering course material;

2. obtain a 75 percent score on the actual operation of the instrument and practical examination (running of an unknown alcohol solution). Both the written and the practical examination will be made up by the instructors of the Applied Technology Unit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:663.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 4:390-393 (October 1978), amended LR 6:660 (November 1980), amended LR 11:256 (March 1985), amended LR 14 (June 1988).

§505. Instructor Qualification

Qualification for certification of individuals as instructors shall be as follows:

A. Certified as an operator on the approved instrument by the Applied Technology Unit.

B. Attendance of an additional 40-hour course approved by the Applied Technology Unit.

C. Involved in a chemical testing program approved by the Applied Technology Unit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:663.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 4:390-393 (October 1978), amended LR 6:660 (November 1980), amended LR 11:256 (March 1985), amended LR 14 (June 1988).

§507. Qualification of Individuals for Instrument Maintenance and Inspection

Qualification of individuals to perform maintenance and inspection on the approved instrument shall be as follows:

A. Employee of the Office of State Police, Applied Technology Unit in the capacity of Applied Technology Director, Breath Analysis Supervisor, Breath Analysis Instructor Specialist, or Applied Technology Specialist. In order to be employed in the capacity of applied technology director, breath analysis supervisor, breath analysis instructor specialist, or applied technology specialist, the employee must have met all of the requirements as stated by the Department of Civil Service pertaining to the classification of applied technology director, breath analysis supervisor, breath analysis instructor specialist, or applied technology specialist.

B. Graduation from a state accredited high school or the satisfactory passing of the General Education Development (G.E.D.) test or an equivalent educational background.

C. Successful completion of a 40-hour Operator's Training Course.

D. Successful completion of a course on maintenance conducted by the manufacturer of the approved instrument used in breath alcohol testing whereby the individual has received a satisfactory certificate stating such.

E. Complete six months "on-the-job training" whereby the individual shall undergo instructions on the following, but not limited to:

1. calibration of the instrument;

2. checking calibration of the instrument;

3. trouble shooting of the instrument;

4. performance of preventive and regular maintenance;

5. preparation and use of any wet bath simulator and solutions used in the calibration and calibration check;

6. inspection of the instrument received from the manufacturer to insure proper assembly, calibration and the overall proper functioning of the instrument.

F. After the individual has completed on-the-job training and qualified on the above specification, then and only then may he be certified to perform maintenance and inspection on the approved breath alcohol testing instrument. The individual will then be certified by the Louisiana Department of Public Safety

and Corrections and issued a permit stating such. This permit shall then be prima facie evidence of the individual's qualification to perform such maintenance.

G. The maintenance and/or repair work shall be performed by applied technology director, breath analysis supervisor, breath analysis instructor specialist, or applied technology specialist of the Applied Technology Unit, who are certified by the Louisiana Department of Public Safety and Corrections to perform such. The instrument recertification form that is filed with the clerks of the respective courts every four months shall also have the inspecting applied technology director, breath analysis supervisor, breath analysis instructor specialist, or applied technology specialist permit number affixed to this certificate. This permit number shall be proof as to the certification of the inspecting applied technology director, breath analysis supervisor, breath analysis instructor specialist, or applied technology specialist by the Louisiana Department of Public Safety and Corrections.

H. The procedure used by applied technology director, breath analysis supervisor, breath analysis instructor specialist, or applied technology specialist in the inspections of the instrument at least every four months for the checking of the calibration shall be as follows:

1. A wet bath breath alcohol simulator will be used.
2. Use of this simulator and preparation of the contents shall be performed according to the instructions as per the manufacturer of the simulator's operating manual.
3. Solutions used in the simulators may also be produced by using a certified stock solution.
4. Once the simulator is made, the known alcohol value shall be determined by the use of a Gas Chromatograph and this will be the "known alcohol value." Calibration check of the instrument shall be within plus or minus .010g percent of the established "known alcohol value."
5. After the inspections are made by the applied technology director, breath analysis supervisor, breath analysis instructor specialist, or applied technology specialist, and all items are performed according to the maintenance section as listed under the instrument, the inspecting applied technology director, breath analysis supervisor, breath analysis instructor specialist, or applied technology specialist will then certify that the instrument was in proper working order.
6. Records, or a copy covering maintenance, etc., on the instrument will be kept by the Applied Technology Unit.

I. Personnel of the Applied Technology Unit shall have the authority to instruct individuals as breath/alcohol testing field supervisors. These individuals will be able to perform minor service, repair and transport the instrument to various locations, run known alcohol solutions, testify in court, monitor the chemical testing program on a local level, and confer with the Applied Technology Unit on any related matters pertaining to chemical testing. These individuals will have attended an additional training course whereby they have undergone instructions to perform their outlined duties. These individuals' permit shall state their authority to conduct such duties.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:663.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 4:390-393 (October 1978), amended LR 6:660 (November 1980), amended LR 11:256 (March 1985), amended LR 14 (June 1988).

§509. Permits

Upon determining the qualification of individuals to perform such analysis and duties, and after submitting an application for certification, the Louisiana Department of Public Safety and Corrections shall issue permits which shall be effective for the following periods with respect to classification.

A. Operators Certification

1. Operators shall be certified for a period of two years following successful completion of the 40-hour *Operator's Training Course*. These permits may be renewed after a *Refresher Course* given by the Applied Technology Unit, or any other agency approved by the Applied Technology Unit.

2. In addition to being certified on any instrument currently approved by the Applied Technology Unit, an operator may also attend a specified course for certification on any new instrument that may be approved by the Applied Technology Unit. These permits shall also be in effect for a period of two years.

B. Breath Alcohol Testing Field Supervisors

1. Breath Alcohol Testing Field Supervisors shall be certified for a period of two years.

C. Instructors

1. Instructors shall be certified for a period of five years. However, once he is no longer involved in a chemical testing program, his certification shall terminate and then only be recertified after he has once again become involved in a chemical testing program and demonstrated his knowledge of instructions to the Applied Technology Director.

D. Maintenance

1. Once an applied technology director, breath analysis supervisor, breath analysis instructor specialist, or applied technology specialist is initially certified, his permit shall remain effective for the duration of his employment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:663.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 4:390-393 (October 1978), amended LR 6:660 (November 1980), amended LR 11:256 (March 1985), amended LR 14 (June 1988).

§511. Recording Analysis and Recertification Date

A. After each breath analysis, the results shall be recorded in the Breath Alcohol Testing Log Book, a copy of which is to be sent to the Applied Technology Unit at the end of each month and a copy to be retained at the testing agency.

B. Each time the approved instrument is inspected and certified, the date of certification shall be placed on the instrument and the operator will record said dates on the operational *check list*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:663.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 4:390-393 (October 1978), amended LR 6:660 (November 1980), amended LR 11:256 (March 1985), amended LR 14 (June 1988).

§513. Procedure for Analysis Using the Intoxilyzer 5000

A. General observation of the subject for a period of not less than 15 minutes prior to testing whereby the subject shall not have ingested alcohol, alcoholic beverages, regurgitated, vomited, or taken anything by mouth.

B. The operator conducting breath analysis shall conduct

such analysis in accordance with the "Intoxilyzer 5000 operational check list" which contains, but, is not limited to the following:

1. completing the information section concerning such things as name and driver's license number of the subject, date, instrument number, and certification date;
2. press the start button, insert test record card and check the display panel for instructions;
3. new and clean mouthpiece attached to the breath inlet hose.
4. subject instructed to blow through the mouthpiece sufficiently until the instrument accepts the proper breath sample;
5. remove the test record card and attach it to the check-list.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:663.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 4:390-393 (October 1978), amended LR 6:660 (November 1980), amended LR 11:256 (March 1985), amended LR 14 (June 1988).

§515. Maintenance Inspection for the Intoxilyzer 5000

Maintenance inspection shall be performed on a routine basis at least once every four months by the applied technology director, breath analysis supervisor, breath analysis instructor specialist, or applied technology specialist. Items to be inspected shall include, but not be limited to the following:

- A. clean instrument;
- B. running of a known alcohol value thereby checking the instrument and calibration. Results shall be within plus or minus .010g percent of the known alcohol value;
- C. insure that the instrument is locked;
- D. check printer to see if it is printing out properly;
- E. check breath tube inlet hose;
- F. in event repair work is needed, it shall be recorded in detail.

Marlin Flores
Deputy Secretary

RULE

Department of Public Safety and Corrections Office of State Police Division of Charitable Gaming Control

In accordance with LRS 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Department of Public Safety and Corrections, Office of State Police, Division of Charitable Gaming Control promulgated and adopted permanent rules relative to the Charitable Raffles, Bingo and Keno Law, LRS 33:4861.1 et seq. and LRS 40:1485.1 et seq. and more specifically LRS 33:4861.21. These rules affect the operation of Cable Television Bingo as a charitable fundraiser in the Parish of Orleans.

Copies of the rules may be viewed at the Division of Charitable Gaming Control, 9624 Brookline Avenue, Baton Rouge, LA 70809, between 8:30 a.m. and 4:30 p.m. daily.

Title 55 PUBLIC SAFETY Part I. State Police

Chapter 20. Cable Television Bingo Subchapter A. New Orleans Organizations §2001. General Provisions

A. Organizations shall be licensed by the division prior to being eligible for a local license.

B. License to conduct New Orleans Cable Television Bingo shall only be issued to:

1. an organization meeting qualifications as required by Louisiana's Raffles, Bingo, Keno Licensing Law, R.S. 33:4861.1 et seq. and R.S. 40:1485.1 et seq., Administrative Rules, and,
2. an organization/member organizations actively domiciled in the state of Louisiana for minimum of two consecutive years immediately preceding their application; and,
3. the organization, in addition, making application must prove to the division by a preponderance of the evidence to be a charitable, religious, non-profit educational, public service, or civic organization. An organization's own determination that it is such an organization is not a controlling factor. In the division's determination, the division shall consider factors such as the group's stated purpose; the group's actual activities; the amount and proportion of its activities and monies that are devoted to its charitable, religious, non-profit educational, public service, or civic activities; the amount and proportion of its revenue devoted to salaries, overhead, or other items, and whether it has qualified for non-profit status with the Internal Revenue Service. Because of the exceptions to the state's constitutional prohibitions of gambling, the division shall carefully scrutinize all these factors and considerations. With respect to non-profit status with the Internal Revenue Service, in particular, having such status with the Internal Revenue Service is a factor but will not be determinative alone.

§2003. Applicant Suitability and Business Relationships

A. The division may deny an application or revoke, suspend, restrict, or limit an organization's license when it finds that the applicant, or a business relationship between an applicant and another person or business entity, is unsuitable or endangers the health, safety, or welfare of the citizens of this state. In determining the suitability of an applicant, or other persons or business entities in a business relationship, the division may consider the person or business entity's:

1. general character, including honesty and integrity;
2. financial security and stability, competency and business experience in the capacity of the relationship;
3. record, if any, of violations which may affect the legal and proper operation of charitable gaming including a violation affecting another licensee or applicant; or any violation of the laws of this state, other states, federal government, and countries without limitations as to the nature of the violation;
4. refusal to provide records, information, equipment, or access to premises to any member of the division or any peace officer when such access is reasonably necessary in the performance of duty or to ensure or protect public health, safety, or welfare;
5. association or relationship to a licensed manufacturer, distributor, charitable organization, commercial lessor, non-commercial lessor, or private contractor; and,
6. compliance with Louisiana's Code for Governmental Ethics.

§2005. Organization Application for a License to Conduct New Orleans Cable Television Bingo

A. An application to conduct cable television bingo must be submitted to the division upon forms prescribed and provided by the division.

B. The application shall include names, dates of birth, current office holders, current home addresses of original incorporators, members participating in gaming activity, federal tax identification number, federal tax exemption certificate, latest federal income tax return. Each applicant must also produce a description of accounting policies and procedures, and internal accounting controls.

C. The application is not complete unless dated and signed by the president of the organization in the presence of a notary public attesting to truthfulness of the information contained therein.

D. A fee in the amount of \$50 must accompany each application. Fee is not refundable should the application be denied.

§2007. Expiration of License/Renewal

A. All licenses issued pursuant to these rules expire at midnight, June 30 of each year.

§2009. Volunteer Worker I.D. - Application/Requirements

A. No person shall sell, attempt to sell or otherwise furnish to any consumer, any cable TV bingo cards, or supplies unless that person has a valid identification card issued by the division and displayed conspicuously on his person.

B. An application shall be submitted to the division upon forms prescribed and provided by the division, before an ID card is issued.

C. The application is not complete unless it is signed and dated by the applicant in the presence of a notary public attesting to its truthfulness.

D. A fee in the amount of \$15 made payable to the Louisiana State Police shall accompany each application to defray the cost of processing.

E. An application for a license must be submitted to the division on forms prescribed by the division, the fee paid and the I.D. issued before the applicant can assist in the sale of cable bingo supplies.

F. No person under the age of 18 shall be issued an I.D. to sell cable television bingo supplies.

§2011. Volunteer/Worker License I.D. Not Transferable

A. A worker/volunteer I.D. is valid only for the applicant and applicant organization.

B. The I.D. is further restricted for use only regarding cable television bingo and shall not be used by the holder of such as an I.D. for any other purpose than in matters associated with cable television bingo.

C. Any I.D. issued pursuant to this Act and administrative rules is a privilege and not personal property and must be surrendered to the division upon request.

§2013. Transfer of Surplus Supplies

A. A licensee of cable television bingo shall not transfer any surplus supplies except upon written application to and written approval of the division.

B. Licensees may only sell or distribute cable television bingo cards in the Parish of Orleans.

§2015. Minimum Internal Accounting Controls

A. All licensees must establish and maintain an internal accounting control system which meets minimum standards es-

tablished or approved by the Division of Charitable Gaming Control. The system must provide reasonable assurance that all transactions associated with cable television bingo are properly and accurately recorded, that gaming proceeds are disbursed in accordance with established policy of the licensee and that assets are protected against loss or theft.

§2023. Reporting Requirements for License Holders

A. Each licensee shall file with the division a quarterly report signed by the member-in-charge or head of the organization as described in 1715 on forms prescribed and supplied by the division. The report shall also be signed by the person preparing the report. The report must be postmarked, or if hand-delivered, received in the division's office, no later than the last business day of the first month following the end of the quarter. Business days are defined as Monday through Friday, not including state holidays. Quarters are on a calendar year basis and begin and end as follows: The first quarter begins January 1 and ends March 31; the second quarter begins April 1 and ends June 30; the third quarter begins July 1, and ends September 30; the fourth quarter begins October 1 and ends December 31.

B. Reports must be completed in full compliance with instructions supplied by the division. Incorrect, incomplete or unsigned reports will not be accepted and shall not be considered as a timely filed report. Reports must contain original signature(s) and be signed by the preparer. Any organization, whose license is suspended is still required to file a report for the reporting period during which the license was suspended.

C. Licensees are required to file quarterly reports for all quarters for which gaming was scheduled, whether or not the licensee actually conducted any transactions.

D. In addition to any other civil or criminal penalties, licensees which are late in filing these reports may be assessed a \$100 late penalty for each quarterly report or reports not submitted timely after notice and opportunity for a hearing held in accordance with the Administrative Procedure Act. Repeated violations shall be cause for restriction, suspension, or revocation of said license.

E. Licensees are responsible for securing the necessary report forms from the division. Failure to procure report forms shall not be cause for failing to report.

§2025. Record Retention Requirements

A. A licensee must maintain and make available for inspection by the division all necessary books of accounts, records, documents and such other information as the division may require to insure that licensees are in compliance with the law and administrative rules.

B. These records include but are not limited to bank statements, cancelled checks, deposit slips, sales invoices and receipts, purchase invoices and receipts, shipping documents, lease agreements, inventory records, and records of gaming activity as may be prescribed by the division.

C. Records must be retained for three years.

§2027. Investigation of License Holders

A. The division may, upon its own initiative, investigate the actions of any licensee. The investigation shall be undertaken for the purpose of gathering evidence and determining whether a violation of the Act, rules or other statutes of the state of Louisiana has occurred. All licensees, including licensed manufacturers, distributors and private contractors shall fully cooperate with the division in any such investigation. Cooperation shall include but not be limited to making available for inspection all premises, inventory, equipment, books of accounts, records, documents,

and such information the division may require to insure compliance.

B. All departments, commissions, boards, agencies, officers, and institutions of this state and all subdivisions thereof, shall, upon the institution of any proceeding or investigation of any licensee of the division involving violations of this Act or these administrative rules, timely notify the division of the facts and circumstance of the investigation or proceeding.

§2029. Audits

A. Each organization licensed in this state is subject to audit by this division. The audit may include but is not limited to financial transactions as well as compliance with state laws and administrative rules.

B. Each auditee is expected to fully cooperate with the division auditors, providing them with adequate space to work and making available all inventories, bank records, gaming records, books of account, source documents, and such other documents and information as may be needed to complete the audit.

Subchapter B. Private Contractor

§2051. General Provisions

A. Any person or business entity desiring to be a private contractor for cable television bingo operations must:

1. be issued and maintain all required federal, state, parish and municipal licenses;
2. apply to the division on forms prescribed by the division for licensing;
3. meet the suitability and business relationship criteria of these rules; and,
4. prove to the division by a preponderance of evidence, demonstrated skills in the conduct and management of charitable games of chance.

B. No person shall be licensed as a private contractor who holds a permit to sell liquor of either high or low content in this state; is directly or indirectly involved with the leasing or renting of any premises for charitable gaming; or owns, rents or otherwise provides locations in which cable television bingo paraphernalia will be sold by volunteers. Nothing in this Section shall be construed as to prevent the sale of cable television bingo cards at the private contractor's facility by volunteers of licensed organizations in accordance with guidelines established by the division.

C. A license may be suspended or revoked by the division upon the division's determination, after notice and opportunity for hearing that the licensee has not complied with the conditions of the license.

§2053. Applicant Suitability and Business Relationships

A. The division may deny an application or revoke, suspend, restrict, or limit a private contractor's license when it finds that the applicant, or a business relationship between an applicant and another person or business entity is unsuitable or endangers the health, safety, or welfare of the citizens of this state. In determining the suitability of an applicant, or other persons or business entities in a business relationship, the division may consider the person or business entity's:

1. general character, including honesty and integrity;
2. financial security and stability, competency, and business experience in the capacity of the relationship;
3. record, if any, of violations which may affect the legal and proper operation of charitable gaming including a violation affecting another licensee or applicant; or any violation of the

laws of this state, other states, federal government and countries without limitations as to the nature of the violation;

4. refusal to provide records, information, equipment, or access to premises to any member of the division or any peace officer when such access is reasonably necessary in the performance of duty or to ensure or protect public health, safety or welfare;

5. association or relationship to a licensed manufacturer, distributor, charitable organization, commercial lessor, non-commercial lessor; and,

6. compliance with Louisiana's Code for Governmental Ethics.

§2055. Application

A. An application for a license as a private contractor for cable television bingo must be submitted to the Division of Charitable Gaming Control upon forms prescribed and provided by the division.

B. The application shall be signed by the applicant in the presence of a notary attesting to its truthfulness.

C. The applicant must come to the division with the application in person to be fingerprinted.

D. A fee of \$1,000 shall accompany each application. This fee is non-refundable should the application be denied for any reason.

E. The application shall include name, date of birth, current home addresses of original incorporators, current board of directors and federal tax identification number. In addition, each application shall include a budget forecast for three years of operation, a detailed description of accounting procedures and internal controls and such additional information as may be deemed necessary by the division. A personal history disclosure Form 1 shall be submitted on all key employees. Key employees are defined as owners, board members, managers, and salaried employees recompensed \$25,000 or greater annually.

F. Detailed specifications of the operation of cable television bingo are required by the division. Such specifications are required to ensure the legal operation and integrity of cable television bingo and provide the division with methods in which to monitor the activity. All contracts or components of cable television bingo must be submitted to the division for approval prior to being implemented by the private contractor.

G. Any modification(s) to any contract or component in the operation of cable television bingo shall be submitted to the division for approval prior to implementation.

H. The division may conditionally approve the method of operation based upon preliminary findings. Final approval of the director, however, is required even if the operation has been conditionally approved.

I. In addition to any application of a private contractor, each non-key employee(s) or agent(s) of the private contractor must submit an application on forms prescribed and provided by the department. A fee in the amount of \$10 made payable to the Louisiana State Police must accompany the application. The applicant shall personally appear with the application to be fingerprinted.

§2057. Private Contractor Background Investigation

A. Private contractor(s) shall reimburse the division for all reasonable costs incurred for background investigations. Reasonable costs shall include but are not limited to travel cost at the state per diem rate.

§2059. Expiration/License Renewal

A. A private contractor's license shall expire on midnight,

June 30 of each year.

B. The division may consider the same criteria for renewal of a license as considered for the original license.

C. Failure to satisfy any licensing criteria, or reporting requirements, or violations of the Act or these rules shall be cause for denial of a license.

§2061. Acquisition of Supplies

A. No person shall ship into or sell cable television bingo supplies in this state until his license is granted by the division.

B. No person shall ship into or sell cable television bingo supplies in this state unless such supplies have been approved by the division.

C. No person shall ship into or sell cable television bingo supplies in this state unless those supplies or equipment were purchased from a licensed private contractor, distributor or manufacturer.

D. No private contractor, distributor or manufacturer of cable television bingo supplies shall directly or indirectly give gifts, trips, prizes, premiums or other such gratuities to any organization, person, volunteer, owner, employee or retail outlet location approved for the selling of cable television bingo supplies.

§2063. Payment of Supplies

A. No private contractor of cable television bingo shall sell, offer to sell, or deliver any cable television bingo supplies to any licensed organization except on terms of immediate payment or on terms requiring payment not later than the fifteenth day of the following month of which actual delivery is made.

§2065. Minimum Internal Accounting Controls

A. A private contractor must establish and maintain an internal accounting control system which meets standards acceptable to the Division of Charitable Gaming Control.

§2067. Reporting Requirements

A. Each private contractor shall file with the division such monthly reports as may be required by the division, signed by a company official and the preparer. The report must be received by the division no later than the fifteenth day of each following month.

B. Reports must be completed in full compliance with instructions supplied by the division. Incorrect, incomplete or unsigned reports will not be accepted and shall not be considered as a timely filed report.

C. Private contractors are responsible for securing the necessary report forms from the division.

D. A penalty of \$100 may be assessed for reports not timely submitted.

§2069. Collection of Use Fee

A. Private contractors shall collect and remit with monthly reports to the division the following use fee:

1. Five percent of the gross proceeds collected from the sale of chances during the reporting period. This percentage is to be computed from gross proceeds before the deduction of an other fees, prizes, expenses, or charges of any nature whatsoever.

B. Interest shall be imposed on the late payment of use fees at the rate of 10 percent per annum. The daily rate is calculated at .00027 times the amount of unpaid fees for each day the payment is late. This interest is in addition to any penalties that may be imposed.

C. In addition to any other civil or criminal penalties, private contractors who are late in submitting these fees shall be assessed late penalties of \$250 or 10 percent of amount due, whichever is greater, for fees not submitted after notice and op-

portunity for a hearing held in accordance with the Administrative Procedure Act.

§2071. Record Retention Requirements

A. Private contractors must maintain and make available for inspection by the division all necessary books of accounts, inventories, records, documents and such other information as the division may require to insure that licensees are in compliance with the law and administrative rules. These records must be retained for a period of three years.

B. These records include but are not limited to bank statements; cancelled checks; deposit slips; sales invoices and receipts; purchase invoices and receipts; shipping documents; lease agreements; inventory records; as may be prescribed by the division.

C. Private contractors shall record and be able to track each series of cable television bingo supplies.

§2073. Investigation of License Holders

A. The division may, upon its own initiative, investigate the actions of any licensed private contractor. The investigation shall be undertaken for the purpose of gathering evidence and determining whether a violation of the Act, rules or other statutes of the state of Louisiana has occurred. All licensed private contractors shall fully cooperate with the division in any such investigation. Cooperation shall include but not be limited to making available for inspection all premises, equipment, books of accounts, records, documents and such information the division may require to insure compliance.

B. All departments, commissions, boards, agencies, officers, and institutions of this state and all subdivisions thereof shall upon the institution of any proceeding or investigation of any licensee of the division involving violations of this Act or these administrative rules, timely notify the division of facts and circumstances of the investigation.

§2075. Audits

A. Each private contractor licensed in this state is subject to audit by this division. Audits shall include but are not limited to financial transactions as well as compliance with state laws and administrative rules.

B. Each auditee is expected to fully cooperate with the division auditors, providing them with adequate work space and making available all inventories, bank records, gaming records, books of account, source documents, and such other documents and information as may be needed to complete the audit.

§2101. Retail Sales Premises - General

A. No organization or private contractor may sell cable television bingo supplies or cards at a location other than licensed premises.

B. The private contractor or organization shall submit on forms prescribed and provided by the division an application for retail sales outlets of cable television bingo supplies.

C. The division shall not license premises for the sale of cable television bingo supplies whose principal business is the sale of alcoholic beverages for on-premises consumption.

D. The division shall not license a location which is a public thoroughway, street or highway.

E. No volunteer of an organization may sell cable television bingo supplies or cards at a location other than at a retail sales outlet licensed for that organization or deliver or furnish cards to a location unsolicited.

F. No private residence shall be licensed by the division as a retail sales outlet.

G. A fee in the amount of \$200 shall accompany each

application for a retail outlet.

H. Licensees may sell cable television bingo supplies on the organization's own premises wherein recognized meetings are attended by members to carry out the organization's purposes without first obtaining a license from the division. In no case shall sales on such premises take place more than one time a month without first obtaining a retail sales premises license.

§2103. Retail Premises Suitability

A. The division may deny an application for a location when it finds the applicant or a business relationship between an applicant organization, volunteer or a business entity is unsuitable or endangers the health, safety, or welfare of the citizens of this state. In determining the suitability of a location the division may consider the location's:

1. general reputation or instances of problems at the location;
2. the owner's or occupant's of the premises, general character, financial security and stability;
3. record, if any, of violations which may affect the legal and proper operation; and,
4. association or relationship to a licensed manufacturer, distributor, private contractor, organization, commercial lessor, or non-commercial lessor.

Chapter 30. Civil Sanctions

§3001. Suspension and Revocation of License Holders

A. The division may suspend any license held by an alleged violator after opportunity for hearing when the division:

1. Receives,
 - a. a certified copy (or other credible evidence) of any judgment or conviction of any licensee or his agent, servant or employee for any violation of any criminal law or ordinance of the United States, the state of Louisiana or any Louisiana parish, city or town relating to charitable gaming or gambling; or,
 - b. a certified copy of the record (or other credible evidence) of the forfeiture by any permittee or his agent or employee of bond to appear to answer charges of violating any law or ordinance relating to charitable gaming or gambling; or
2. after investigation, has reasonable cause to believe that any license holder, his agent or employee has violated the provisions of the Act or these rules; or,
3. determines that chronic violations of reporting requirements under Section 1749, 1837, 1875 or 2067 has occurred. Continued disregard or nonresponsiveness will be grounds for revocation of a license.

B. The division may suspend a license prior to the opportunity for a hearing, when the division, after investigation, has reasonable cause to believe continued operation of the licensee endangers the public's health, safety or welfare. During the period of suspension, the licensee shall not conduct charitable gaming.

C. A license may be revoked, subsequent to opportunity for a hearing, as penalty for violation of the Act or these rules.

§3003. Right to Fair Hearing - Judicial Review

A. When the division revokes, suspends, restricts or denies an application for license or renewal, the applicant may request a hearing. The request for a hearing shall be made in writing to the division within 45 days of the revocation, suspension, restriction or denial by the division. Upon the division's receipt of written request, a hearing shall be conducted in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

B. Hearings conducted by the division are subject to judicial review according to the provisions of the Administrative Procedure Act.

§3005. General Penalty Provision

A. Any violation of any provision of this Act or any rule of the department for which a penalty is not specified may be cause for denial, suspension, or revocation of a license and/or a fine of not more than \$5,000.

B. These rules are enacted pursuant to Act 752 of the 1986 Legislative Session, Acts 85, 389 and 526 of the 1987 Legislative Session.

Marlin Flores, Colonel
Deputy Secretary

RULE

**Department of Public Safety and Corrections
Office of State Police
Hazardous Substance Control Section**

In accordance with the Notice of Intent published in the May 20, 1988 issue of the *Louisiana Register*, the Office of State Police announces the adoption of amended rules effective July 20, 1988 as follows:

Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Materials and Hazardous Waste

**Subpart 2. Department of Public Safety and Corrections
- Hazardous Materials**

Chapter 103. Motor Carrier Safety and Hazardous Materials Regulations for Carriage by Public Highway

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§10309. Recovery of Civil Penalties

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B. The secretary shall enforce the provisions of Subsection A as follows:

1. The removal of a vehicle's license tag shall be completed and, upon remittance of the levied penalty, reinstated in a manner consistent with the procedures required by the Office of Motor Vehicles.

2. When the person or company fails to remit a levied civil penalty within 90 days subsequent to the seizure of a vehicle as authorized in this Section, the Department of Public Safety and Corrections shall collect the penalty in a manner consistent with applicable portions of R.S. 32:521 et seq.

3. The suspension of a driver's license shall be completed and, upon remittance of the levied penalty, reinstated in a manner consistent with the procedures required by the Office of Motor Vehicles.

Marlin Flores
Deputy Secretary

RULE

Department of Transportation and Development Board of Registration for Professional Engineers and Land Surveyors

In accordance with the notice of intent published in the March, 1988 *Louisiana Register*, the Board of Registration for Professional Engineers and Land Surveyors hereby adopts the following additions, deletions, and revisions to Louisiana Administrative Code 46:LXI (previously 19-3):

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS Part LXI. Professional Engineers and Land Surveyors

Chapter 1. General Provisions

§105. Definitions

A. ...

B. 1. *Practice of engineering* is defined in R.S. 37:682.

The board recognizes that in certain fields of practice there is a broad overlap between the work of architects and engineers. This is particularly true in the design 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/her 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/she may be qualified has the right to engage in activities properly classifiable as architecture insofar as it is necessarily incidental to his/her work as an engineer. Furthermore, the architect or the professional engineer, as the case may be, shall assume all responsibility for compliance with all the laws or ordinances relating to the designs or projects with which he may be engaged.

2. Teaching of engineering design and the responsible charge of the teaching of engineering design shall be considered as the practice of professional engineering. Associate professors and those of higher rank teaching engineering design courses who become employed by a college or university in the state of Louisiana on January 1, 1991, and thereafter, shall be registered professional engineers of the Louisiana board. Such professors who become employed on or after January 1, 1991, shall have a period of two years in which to become registered. The associate professors and those of higher rank teaching engineering design courses in the employ of a college or university in the state of Louisiana prior to January 1, 1991, are exempt from professional engineering registration as long as they remain in continuous employment by a college or university in the state of Louisiana. Those persons who are exempt from professional engineering registration are exempt only for the purpose of the teaching of engineering design and they may not present themselves to the public as engineers or professional engineers or provide or offer to provide engineering services as defined by R.S. 37:682 (8).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:682.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 4: 298 (August 1978), amended LR 5:110 (May 1979), LR 7: 643 (December 1981), LR 14: (July 1988).

Chapter 15. Examinations

§1503. Approval to Take the Fundamentals of Engineering Examination

A. E. ...

F. Until January 1, 1991, the board may allow the substitution of qualifying examination for the fundamentals of engineering examination for any applicant who has an earned doctorate from a college or university having an undergraduate curriculum accredited by the Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology.

Paul L. Landry, P. E.
Executive Secretary

RULE

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Notice is hereby given that the Louisiana Department of Wildlife and Fisheries and the Louisiana Wildlife and Fisheries Commission at its regular monthly meeting on July 8, 1988, adopted open season dates, bag limits, rules and regulations for hunting resident game quadrupeds and birds during the period October 1, 1988 to April 30, 1989, pursuant to the authority vested in Section 115(A) of Title 56 of the Louisiana Revised Statutes.

For those interested a more detailed copy of the rules and regulations is available upon request to Hugh A. Bateman, Administrator, Game Division, Department of Wildlife and Fisheries, Box 15570, Baton Rouge, LA 70895.

SUMMARY OF 1988-89 HUNTING SEASON REGULATIONS

Quail: Nov. 24-Feb. 28. Daily bag limit 10, possession 20.

Rabbit: Oct. 1-Feb. 28. Daily bag limit 8, possession 16.

Squirrel: Oct. 1-Jan. 15. Daily bag limit 8, possession 16.

Deer: One per day. Six per season

Area 1 - 48 days

9 days still hunt only: Nov. 19-27

9 days with or without dogs: Dec. 3-11

30 days with or without dogs: Dec. 17-Jan. 15

Area 2 - 48 days

23 days still hunt only: Nov. 5-27

9 days with or without dogs: Dec. 3-11

16 days with or without dogs: Dec. 17-Jan. 3

Area 3 - 48 days

23 days still hunt only: Nov. 5-27

9 days still hunt only: Dec. 3-11

16 days still hunt only: Dec. 17-Jan. 3

Area 4 - 41 days

9 days still hunt only: Nov. 19-27

9 days still hunt only: Dec. 3-11

23 days still hunt only: Dec. 17-Jan. 8

Turkey: One per day. Three per season

Area A - 30 days. Mar. 25-Apr. 23

Area B - 37 days. Mar. 11-Apr 16
Area C - 37 days. Mar. 19-Apr. 23
Area D - 30 days. Apr. 2-30
Area E - 9 days. Apr. 15-23

Virginia Van Sickle
Secretary

Notices of Intent

NOTICE OF INTENT

Department of Agriculture and Forestry Office of Agricultural and Environmental Sciences Advisory Commission on Pesticides

The Louisiana Advisory Commission on Pesticides will consider amending the Pesticide Rules and Regulations, LAC 7, Chapter 131, as follows:

Title 7 AGRICULTURE AND ANIMALS Part XXIII. Pesticide

Chapter 131. Louisiana Advisory Commission on Pesticides

Subchapter B. Definitions

§13103. Definitions

A. *Bulk storage of pesticides* means the storage of any pesticide which is held in an individual container in undivided quantities of greater than 55 U.S. gallons liquid measure or 100 pounds net dry weight.

B. *Director* means the director of the pesticide commission or his duly authorized representatives acting at his direction.

C. *District office* means any office of the department other than the Baton Rouge office.

D. *Herbicide* means any substance or mixture of substances intended for use in preventing or inhibiting the growth of, killing, or destroying plants and plant parts defined to be pests by the commissioner. The term "herbicide" shall for the purposes of these regulations include a substance or mixture of substances intended for use as a plant growth regulator, defoliant, or desiccant.

E. *Inorganic arsenicals* means any herbicide containing a compound formed by a reaction between arsenic and any substance which does not contain a carbon-hydrogen (organic) group (radical). Examples are arsenic trioxide, sodium arsenate, and arsenic acid.

F. *Insecticide* means any substance or mixture of substances intended for preventing or inhibiting the establishment, reproduction, development, or growth of; destroying; or repel-

ling any member of the class insecta or other allied classes in the phylum arthropoda that is defined as a pest by the commissioner.

G. *Phenoxy herbicides* means any herbicide as defined above that contains a phenoxy derivative of lower aliphatic acid as an ingredient thereof.

H. *Public utility* means a business or service which is engaged in regularly supplying the public with a service which is of public consequence and need, such as electricity, gas, water, transportation, or telephone or telegraph service.

I. *Resident* means any person who has been domiciled in Louisiana for a period of at least 90 days immediately preceding the date of application for the license and/or certification and has not claimed residence elsewhere for any purpose.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3202 and 3:3203.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Advisory Commission on Pesticides, LR 9:169 (April 1983), amended LR 14:

Subchapter D. Registration of Pesticides

§13113. Standard Registrations

A. Application for registration shall consist of two types, namely, initial registration and renewal registration. Initial registration application may be filed at any time of the year. Renewal registration application shall be filed by the first day of November each year. Application shall be made on forms prescribed by the commissioner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3203 and R.S. 3:3221.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Advisory Commission on Pesticides, LR 9:169 (April 1983), amended LR 14:

§13115. Special Registrations

B. 1. e. The appropriate application fees as required by LAC 7:13129 of these regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3203 and R.S. 3:3222.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Advisory Commission on Pesticides, LR 9:169 (April 1983), amended LR 14:

§13119. Examinations of Applicators, Salespersons and Agricultural Consultants

G. Delete

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3203 and R.S. 3:3249.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Advisory Commission on Pesticides, LR 9:169 (April 1983), amended LR 14:

Subchapter F. Certification

§13121. Certification of Private Applicators

B. Examinations for certification for private applicators of pesticides will be given during office hours upon request of the applicant at Baton Rouge in the Office of Pesticides and Environmental Programs, at any district office of the Department of Agriculture and Forestry; or at the office of the county agent in any parish of the state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3203, R.S. 3:3241 and R.S. 3:3249.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Advisory Commission on Pesticides, LR 9:169 (April 1983), amended LR 14:

Subchapter G. Fees

§13129. Fees A. Fees required under pesticide statutes and these regulations are as follows:

- 1. Annual Registration of Pesticides \$100
- 2. Special Local Need Registration Application Fee \$100
- 3. Annual License Fee - Resident \$100
- Non-resident \$200
- 4. Annual Equipment Inspection (each item) \$25
- 5. Annual Field Scout Registration Fee \$5
- 6. Consultant Certification Application Fee \$15
- 7. Certification Fees
Private Applicator - for three years \$10
Employees of Local, State and Federal Government in course of public employment - annual \$10
- 8. Examination Fees (for each exam - Private Applicator exempt) In Baton Rouge \$10
At Meeting Outside Baton Rouge \$15
At District Offices \$20
- 9. Duplicate Licenses and/or Certification Cards-same as original
- 10. Requested Lists and Copies -
postage + minimum of \$1 or
postage + 25 cents/page

B. Fees for licensing shall be paid at the time of application for said license.

C. Fees for registration of field scouts and for equipment inspections shall be paid at the time of application for appropriate license.

D. Fees for registrations, examinations, and certifications shall be paid at the time the application is submitted.

E. No application shall be processed until all criteria for which the application is made has been met.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3203, R.S. 3:3221, R.S. 3:3222 and R.S. 3:3251.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Advisory Commission on Pesticides, LR 10:194 (March 1984), amended LR 14:

Interested persons may submit written comments to H. F. Calhoun, III (504) 925-3763, Department of Agriculture and Forestry, Box 44153, Baton Rouge, LA 70804-4153.

Bob Odom
Commissioner

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Advisory Commission on Pesticides

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Based on the rule change, costs to local governmental units will be approximately \$9,000 on an annual basis.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The rule increases various fees on various components of the pesticide industry. Based upon the level of the rate of the various charges, it is estimated that revenue collections will

increase by \$555,870. The rule provides that the Department shall cease collections of the fee when collections exceed the costs of the program. Estimated program expenditures for FY 1988-89 are \$1,008,805.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

Costs to the pesticide manufacturers, dealers, applicators and consultants are expected to be \$566,870 on an annual basis.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The effect on competition and employment cannot be determined at this time.

Richard Allen
Assistant Commissioner

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Agriculture and Forestry
Office of Agriculture and Environmental Sciences**

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.), notice is hereby given that the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, intends to adopt the following:

**Title 7
AGRICULTURE AND ANIMALS
Part I. Administration**

**Chapter 1. Agriculture Chemistry
§103. Agricultural Laboratory Fees**

A. There is hereby established and henceforth shall be a fee paid by the users of the Louisiana Agricultural Chemistry Laboratory, which fees shall be known as Laboratory Fees and they shall be as follows:

Pesticide Residue Samples	Up to \$100 per analysis
Pesticide Formulation Samples	Up to \$ 50 per analysis
Water Samples	Up to \$ 35 per analysis
Feed, Fertilizer and Lime Samples	Up to \$ 40 per analysis
All Other Samples	Up to \$ 50 per analysis

Each laboratory procedure will be, for purposes of this regulation, considered a separate analysis.

B. The laboratory fees shall be paid by the party requesting analysis and shall be payable to the Louisiana Department of Agriculture and Forestry.

C. This regulation shall expire 90 days from the date of adoption, the fees shall only be used to pay for the direct and indirect costs of the Louisiana Agricultural Chemistry Laboratory and are anticipated to generate \$118,800 annually in revenues. The Department shall suspend collections upon finding by the Department that collections will exceed the cost of the program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:16.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agriculture and Environmental Sciences, LR 14:

Interested persons may submit written comments to Herschel Morris, Department of Agriculture and Forestry, Box 25060, Baton Rouge, LA 70894-5060.

Bob Odom
Commissioner

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Title 7, Part I, Chapter 1 LAC 7:103
Louisiana Agricultural Laboratory Fee**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
It is estimated that implementation of this rule will cost approximately \$4,000 in self-generated fees which will be levied through implementation of this rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Estimated expenditures for this program for FY 88-89 are \$522,000. The various fees assessed are estimated to generate approximately \$118,800/year based on the number of applicants using the service.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
The costs could vary from as little as \$10 per sample for homeowners to as much as \$300 or more per sample for agribusiness.
The average costs for most normal samples will be approximately \$40 for everything except pesticide residues, and they would average approximately \$100 per sample.
This is a service for which no fee is currently being assessed. Applicants are not required to avail themselves of this service.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
Implementation of this rule will have no effect on competition and employment.

Richard Allen
Assistant Commissioner

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Agriculture and Forestry
Office of Agricultural and Environmental Sciences
Quarantine Program**

The Louisiana Department of Agriculture and Forestry will consider adopting a Plant Quarantine Regulation, as follows:

**Title 7
AGRICULTURE AND ANIMALS
Part XV. Plant Diseases
Chapter 95. Crop Pests and Diseases
Subchapter B. Nursery Stock Quarantines
§9526. Nursery Certificate Permit Fees**

A. There is hereby established and henceforth there shall be an annual fee paid by nursery permittees as follows:

Any nursery which consists of acreage greater than 2500 square feet or greenhouse area greater than 200 square feet shall be \$50 per location per year and all other nursery certificate permittees shall pay a fee of \$10 per location per year.

There is hereby established and henceforth there shall be a fee of \$.05 per nursery certificate permit tag issued by the Louisiana Department of Agriculture and Forestry to the nursery certificate permittee.

B. The aforementioned fees shall be paid by the permittee to the Louisiana Department of Agriculture and Forestry at the time of application for nursery certificate permits, which permits shall expire on January 31 of each year and shall be renewed annually.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1655 and R.S. 3:1652.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry LR 14:

Persons interested in making comments relative to this notice may do so by writing to Craig M. Roussel, Director, Quarantine and Horticulture Programs, Box 44517, Baton Rouge, LA 70804. He is the person responsible for responding to inquiries regarding these proposed amendments.

Bob Odom
Commsioner

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Nursery Certificate Permit Fees
(LAC 7:XV.9526)**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no additional costs or savings to state or local government units to implement this fee increase.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be an estimated increase of \$17,000 on revenue collections retained by the Department of Agriculture and Forestry as self-generated revenue.* The rule provides for suspending collections when revenues exceed the cost of the program. Estimated program costs for FY 88-89 are \$75,000.
*Current revenue collected for this program is approximately \$17,000.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
There will be an estimated increase in costs to the nursery industry of approximately \$17,000.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There will be no estimated effect on competition and employment as a result of this fee increase.

Richard Allen
Assistant Commissioner

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Department of Agriculture and Forestry Office of Agricultural and Environmental Sciences Quarantine Program

The Louisiana Department of Agriculture and Forestry will consider amending the Plant Quarantine Regulations, LAC 7:XV, Chapter 95, as follows:

Title 7

AGRICULTURE AND ANIMALS

Part XV. Plant Diseases

Chapter 95. Crop Pests and Diseases

Subchapter C. Sweet Potato Weevil Quarantine

§9543. Fees

A. A fee of four cents per bushel shall be charged for each bushel of sweet potatoes moved and/or shipped within Louisiana.

B. The fee on sweet potatoes moving to processing plants shall be collected on the basis of the amount of purchase less 10 percent for breakdown and shrinkage while in storage.

C. Time when fees are to be assessed:

1. Fresh Market - Fees are assessed at the time a certificate permit is issued to authorize sale, offer for sale, movement, or shipment of the sweet potatoes.

2. Processing Plants - Fees are assessed at the time the sweet potatoes are moved into a plant for processing and/or packed to be shipped as non-processed potatoes.

3. Repealed

4. Repealed

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1734 and R.S. 3:1732.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, LR 11:321 (April 1985), amended by the Department of Agriculture and Forestry, LR 14:

Persons interested in making comments relative to this notice may do so by writing to Craig M. Roussel, Director, Quarantine and Horticulture Programs, Box 44517, Baton Rouge, LA 70804. He is the person responsible for responding to inquiries regarding these proposed amendments.

Bob Odom
Commissioner

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Fees (LAC 7:XV.9543)

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no additional costs or savings to state or local government units to implement this fee increase.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The current assessment for sweet potato inspection is \$.02/bushel which generates \$42,000 in self-generated revenue. The proposed rule increases the fee to \$.04/bushel, which will generate an additional \$42,000. The proposed rule further provides that the department will suspend collec-

tion of the fee when collections exceed the cost of the program. Estimated program costs in FY 1988-89 are \$88,670.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

There will be an increase in costs to the sweet potato industry of approximately \$42,000.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Any effect on competition and employment as a result of this increase will be minimal.

Richard Allen
Assistant Commissioner

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Department of Agriculture and Forestry Office of Agricultural and Environmental Sciences Seed Commission

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and R.S. 3:1433, notice is hereby given that the Department of Agriculture and Forestry, Seed Commission, intends to amend and/or adopt the following rules and regulations:

Title 7

AGRICULTURE AND ANIMALS

Part XIII. Seeds

Chapter 87. Rules and Regulations Pursuant to the Louisiana Seed Law.

Subchapter A. Rules and Regulations for the Enforcement of the Louisiana Seed Law

§8713. License Fee; Laboratory Fees

A. The annual fee for a seed dealer's license shall be \$50.

B. The following laboratory fees shall be applicable to all seed testing conducted by this department.

1. Standard germination test only, purity test only or noxious weed examination only: \$4 each (except grasses, mixtures and seed containing high inert: \$8 each).

2. Complete test (purity and germination): \$7 each (except grasses, mixtures and seed containing high inert: \$12 each).

3. Accelerated Aging: \$10 each.

4. Texas Cool Test: \$8 each.

5. Tetrazolium: \$8 each.

6. Examination of 4 pound rice seed sample for presence of red rice: \$2.

C. Repealed.

D. Repealed.

E. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1433.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Seed Commission, LR 4:105 (April 1978), amended LR 7:164 (May 1981); repealed and readopted by the Department of Agriculture and Forestry, Seed Commission, LR 12:825 (December 1986), amended LR 14:

§8714. Inspection Fees on Agricultural Seed

In addition to the requirements of the Act, any person who sells, distributes, or offers or handles for sale agricultural seed within this state for planting purposes shall pay an inspection fee thereon in accordance with the following:

A. All seed dealers shall pay an inspection fee of \$.10 for each 100 pounds of agricultural seed sold, offered for sale, exposed for sale, or otherwise distributed for sale for planting purposes within this state. The inspection fee shall be due on the total pounds of first sales distributions by the originating seed dealer.

B. Records must be kept by the seed dealer showing the total pounds of each lot identified as to the kind and variety (when applicable). In addition, for auditing purposes, records must be kept by the seed dealer showing the invoice number for each distribution of seed, identified with the name of the kind and variety (when applicable), the lot number, pounds of seed, and number of containers of seed, and the person to whom the seed was distributed.

C. Each seed dealer shall file with the department a quarterly report (supplied by the department) covering the following periods: first quarter - July, August, September; second quarter - October, November, December; third quarter - January, February, March; fourth quarter - April, May, June. Reports and fees shall be filed with the department no later than 30 days following the end of each quarter. The department may assess a 10 percent additional charge for late reports. If a seed dealer has no sales during the quarterly reporting period, the department must be notified accordingly.

D. Any person who offers for sale, sells, or distributes his own production of Louisiana certified tagged seed is exempt from seed inspection fees.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1433.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Seed Commission LR 14:

Subchapter B. General Seed Certification Requirements

§8741. Fees

A. The application fee for certification shall be \$15 for each crop, one variety per application, plus \$.60 per acre inspection fee for all crops except sweet potatoes and sugarcane which shall be \$.90 per acre.

The application fee shall be due and payable upon filing of the application for certification.

B. The fee for certification on any application submitted after the deadline shown in LAC 7:XIII.8729 shall be \$100.

C. A fee of \$25 shall be charged for each reinspection of a field.

D. Fees for issuance of certified seed tags shall be \$.08 each for the following classes of seed:

1. breeder (white tag);
2. foundation (white tag);
3. registered (purple tag);
4. certified (blue tag);
5. selected tree seed (green tag); and
6. source-identified tree seed (yellow tag).

E. Fees for Sweet Potatoes

A fee for \$.05 per 1,000 plants shall be collected for each 1,000 sweet potato plants inspected for certification purposes.

F. Fees for Bulk Seed Certification

The fee for issuance of a bulk seed certificate shall be \$.06 per bushel for each bushel in the lot being certified.

G. Fees for Phytosanitary Field Inspection

A fee of \$.50 per acre shall be charged for phytosanitary inspections.

The application fee for phytosanitary inspection shall be due and payable upon filing of the application for certification.

H. Fees for Re-sampling Certified Seed

A fee of \$15 will be charged for each re-sample, which fee shall be due and payable when the request for re-sample is initially made.

I. Fees for Bulk Sampling

A fee of \$25 shall be charged for each bulk sample by vacuum probe, which shall be due and payable when request for bulk sample is initially made.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1433.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Seed Commission, LR 8:566 (November 1982), amended LR 10:495 (July 1984); repealed and readopted by the Department of Agriculture and Forestry, Seed Commission, LR 12:825 (December 1986), amended LR 14:

A copy of the proposed rules and regulations detailed above may be obtained from Eric Gates, Director, Department of Agriculture and Forestry, Box 18190-B, University Station, Baton Rouge, LA 70893. Mr. Gates will accept comments from any interested parties through Friday, August 12, 1988.

Bob Odom
Commissioner

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Fees (LAC 7:XIII. 8713, 8714, 8741)

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Estimated implementation costs will be \$1,300, which will cover postage for mailout of new applications, forms and revised Louisiana Seed Law (and pursuant rules and regulations).

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

An increase in revenues of approximately \$276,000 per year can be anticipated for state government from the proposed fee increases. Current revenues are approximately \$15,000/year. Total revenues if this rule is adopted will be approximately \$291,000/year. Estimated costs of the program for FY 88-89 are \$452,975.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

Estimated costs to directly affected persons should not exceed \$291,000/year. These persons will benefit because the seed testing laboratory will continue to provide the services that insure the farmers of purchasing quality seed.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Implementation of these rules should not have any impact on competition and employment in the public and state sectors.

Richard Allen
Assistant Commissioner

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Agriculture and Forestry
Office of Agricultural and Environmental Sciences
Seed Commission**

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and R.S. 3:1433, notice is hereby given that the Department of Agriculture and Forestry, Seed Commission, intends to adopt the following rules and regulations:

**Title 7
AGRICULTURE AND ANIMALS
Part XIII. Seeds**

Chapter 87. Rules and Regulations Pursuant to the Louisiana Seed Law

§8810. Tomato Seed Certification Standards

A. Inspections

1. At least two field inspections shall be made.
2. One inspection shall be made when crop is at or near full fruit.

full fruit.

B. Field Standards

Factor	Foundation	Registered	Certified
Land requirement	2 yr.	2 yr.	2 yr.
Isolation	200 ft.	100 ft.	30 ft.
Other Varieties & off-type plants	None	0.05%	0.1%
Tomato Mosaic Virus	None	None	0.20%
Bacterial spot	None	None	0.20%
Bacterial speck	None	None	0.20%
Bacterial canker	None	None	0.10%
Early blight	0.50%	1.00%	1.00%
Phytophthora foot rot	1.00%	1.00%	1.00%
Septoria foliage blight	0.50%	1.00%	1.00%
Nailhead spot	0.50%	1.00%	1.00%
Phoma rot	0.50%	1.00%	1.00%
Fusarium wilt	1.00%	1.00%	1.00%
Late blight	1.00%	1.00%	1.00%

For those diseases which are suppressed or controlled in the field by a preventive pesticide spray program, slight presence of symptoms shall be considered as "none."

C. Management

Fields designated for production of any certified class of seed shall have no fruits removed for marketing purposes (AOSCA requirement).

D. Seed Standards

Factor	Foundation	Registered	Certified
Pure Seed	99.00%	98.00%	98.00%
Inert Matter	1.00%	2.00%	2.00%
Other Crops	None	None	0.01%
Other Varieties	None	0.10%	0.20%
Noxious Weeds	None	None	None
Other Weeds	None	0.01%	0.03%
Germination	75.00%	75.00%	75.00%

Application Deadline:

1. Spring Crop — June 1
2. Fall Crop — July 15

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1433.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, LR 14:

A copy of the proposed rules and regulations detailed above may be obtained from Eric Gates, Director, Department of Agriculture and Forestry, Box 18190-B, University Station, Baton Rouge, LA 70893. He will accept comments from any interested parties through Monday, August 8, 1988.

Bob Odom
Commissioner

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Tomato Seed Certification Standards

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
These regulations will not involve any implementation costs or savings to the state or local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
These regulations will not have any effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
These regulations will not cost and/or benefit any affected person or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
These regulations will not have any impact on competition and employment.

Richard Allen
Assistant Commissioner

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Agriculture and Forestry
Office of Agro-Consumer Services
Commission of Weights and Measures**

The Louisiana Department of Agriculture and Forestry, Office of the Agro-Consumer Services, Commission of Weights and Measures hereby repeals former regulation, LAC

7:17523(D) adopted pursuant to House Bill No. 1 of the First Extraordinary Session, 1988 and Executive Order No. BR 88-5 and adopts the following regulation:

Title 7

AGRICULTURE AND ANIMALS

Part XXXV. Commission of Weights and Measures

Chapter 175. Commission of Weights and Measures

§17523. Registration

A - C. ...

D. An annual registration fee as specified in R.S. 55:20 shall be paid as follows:

1. scales with a capacity of 0 to 1,000 pounds (Category 1) - \$15;
 2. scales with a capacity of over 1,000 pounds to 10,000 pounds (Category 2) - \$60;
 3. scales with a capacity of over 10,000 pounds (Category 3) - \$85;
 4. Repealed.
- E. - P. ...

This regulation shall expire 12 years from the date of adoption. The fee shall only be used to pay for the direct and indirect costs of the weights and measures program and are anticipated to generate \$456,304 annually in revenues. The kinds and anticipated amounts of costs, which will be offset by this fee, include, but are not limited to: Personal Services - \$331,489; Travel - \$14,183; Operating Expenses - \$110,632. The Department of Agriculture and Forestry shall suspend collection upon a finding by the Department of Agriculture and Forestry that collections will exceed the cost of the program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 55:3.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Commission of Weights and Measures, LR 13:158 (March 1987), amended LR 14:

Interested persons may submit written comments to Melvin L. Lyons, Jr. (504) 925-3780, Department of Agriculture and Forestry, Box 44456, Baton Rouge, LA 70804.

Bob Odom
Commissioner

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Registration (LAC 7:XXXV. 17523.D)

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no implementation costs or savings to state or local governmental units.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is estimated that the new rule will generate an additional \$109,920 in fees for the scale regulation program. Current fee collections are approximately \$340,000. Fee increases proposed in this rule will generally increase the various fees charged by approximately 32 percent and will generate an additional \$109,920.

FY 88-89 expenditures for the program are estimated at \$570,000.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

Individuals using weighing or measuring devices for commercial use will pay higher registration fees of approximately 32 percent amounting to an increase of \$109,920.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition or employment.

Richard Allen
Assistant Commissioner

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Agriculture and Forestry
Office of Forestry**

The Louisiana Department of Agriculture and Forestry, Office of Forestry, hereby adopts the following regulation:

Title 7

AGRICULTURE AND ANIMALS

Part XXIX. Forestry

Chapter 209. Timberland

§20901. Timberland Fire Protection Fee

A. There is hereby established and henceforth there shall be an annual fee, paid by the owners of timberland in Louisiana, of \$.08 per acre of timberland, which shall be known as the timberland fire protection fee, notwithstanding any law or constitutional provision to the contrary, said fee assessed for this purpose shall not exceed \$.08 per acre to any property owner.

B. The fire protection fee shall be paid by the property owner to the sheriff and ex-officio tax collector of the parish in which the property is located in the same manner as other parish taxes; and, when collected, shall be remitted to the Louisiana Department of Agriculture and Forestry.

C. This regulation shall expire 12 years from the date of adoption. The fee shall only be used to pay for the direct and indirect costs of the Office of Forestry and are anticipated to generate \$1,120,000 annually in revenues. The kinds and anticipated amounts of costs, which will be offset by this fee, include, but are not limited to: Personal Services - \$1,120,000. The Department of Agriculture and Forestry shall suspend collection upon a finding by the Department of Agriculture and Forestry that collections will exceed the cost of the program. The commissioner of the Department of Agriculture and Forestry hereby certifies that written approval to adopt this regulation was received on July 1, 1988 from the commissioner of administration.

D. If any part of the regulation is determined to be invalid for any reason whatsoever then, in that event, the validity of the remainder of said regulation shall nevertheless not be adversely affected thereby.

Bob Odom
Commissioner

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Timberland Fire Protection Fee

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no implementation costs involved to either state or local government units.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The rule increases the fee assessment from .02/acre to .08/acre on private timberland. There are 12,541,900 acres subject to assessment. It is estimated that the fee will generate \$786,071 in revenue collections.

\$687,849 of the fee will be retained by the Department of Agriculture and Forestry to partially fund fire protection programs. \$98,220 of the fee will be for local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

It is estimated that private landowners will pay an increased fire protection assessment of \$786,071.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The effect on competition of employment cannot be estimated.

Richard Allen
Assistant Commissioner

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Agriculture and Forestry
Livestock Sanitary Board**

The Department of Agriculture and Forestry, Livestock Sanitary Board hereby repeals former Regulation, LAC 7:11734 adopted pursuant to House Bill No. 1 of the First Extraordinary Session, 1988 and Executive Order No. BR 88-5 and adopts the following:

**Title 7
AGRICULTURE AND ANIMALS
Part XXI. Diseases of Animals**

**Chapter 117. Livestock Sanitary Board
Subchapter B. Cattle**

§11734. Brucellosis Vaccination and Fee

A. Henceforth, all non-vaccinated heifer calves between four and 12 months of age must be vaccinated with USDA approved Brucellosis Strain 19 vaccine prior to being sold and there is hereby established and henceforth there shall be a fee to be paid by the Louisiana livestock auction markets of \$2 for each heifer calf vaccinated for Brucellosis, which fee shall be known as

the brucellosis vaccination fee.

B. The brucellosis vaccination fee shall be collected by the Louisiana livestock auction markets from the sale proceeds and remitted to the Louisiana Department of Agriculture and Forestry. The fee shall be remitted monthly, no later than the tenth day of the month following the month in which the fee is collected by the Louisiana livestock auction markets and on a form prescribed by the Louisiana Department of Agriculture and Forestry.

C. This regulation shall expire 12 years from the date of adoption. The fee shall only be used to pay for the direct and indirect costs of the Livestock Sanitary Board program and are anticipated to generate \$146,000 annually in revenues. The kinds and anticipated amounts of costs, which will be offset by this fee, include but are not limited to: Other Charges/Professional Services - \$127,750; Indirect Costs - \$18,250. The Department of Agriculture and Forestry shall suspend collection upon a finding by the Department of Agriculture and Forestry that collections will exceed the cost of the program. The commissioner of the Department of Agriculture and Forestry hereby certifies that written approval to adopt this regulation was received on July 1, 1988 from the commissioner of administration.

D. If any part of the regulation is determined to be invalid for any reason whatsoever then, in that event, the validity of the remainder of said regulation shall nevertheless not be adversely affected thereby.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2221, and R.S. 3:2223.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Livestock Sanitary Board, LR 14:

Interested persons may submit written comments to William B. Fairchild, D.V.M., Department of Agriculture and Forestry, Box 1951, Baton Rouge, LA 70821.

Bob Odom
Commissioner

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Brucellosis Vaccination and Fee**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no cost or savings to state or local governmental units to implement this proposed rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is estimated that state government will collect 12,000 in FY 87-88, \$146,000 in FY 88-89 and \$106,000 in FY 89-90. Of the \$2 fee charged, \$1.75 will be remitted directly to the contract veterinarians for administering the vaccine; \$.25 will be retained by the Department of Agriculture and Forestry for cost associated with administering the program.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

The 25 stockyards will have to collect \$2 from the proceeds of the sale of approximately 73,000 heifer calves, 4-12 months of age, which will be sold and brucellosis

vaccinated at Louisiana stockyards during FY 88-89. It is anticipated that Louisiana stockyards will be able to accommodate this increase workload without hiring additional personnel.

Assuming that the typical Louisiana cattleman sells 10-12 heifer calves per year, between 7,300 and 6,080 Louisiana cattle producers will have their receipt reduced by \$20 to \$24 per producer.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is estimated that the proposed action will have no impact on competition or employment in the public or private sectors.

Richard Allen
Assistant Commissioner

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Department of Agriculture and Forestry Office of Management and Finance

Pursuant to House Bill Number 9 (Act 13) of the First Extraordinary Session, 1988, and Executive Order BR 88-5, the Louisiana Department of Agriculture and Forestry, hereafter referred to as the department, does hereby give notice that it will conduct a public hearing on Wednesday, July 6, 1988, at 10 a.m., Department of Agriculture and Forestry, Office of Management and Finance Conference Room, 12055 Airline Highway, Baton Rouge, LA, for the purpose of affording all interested persons the opportunity to submit orally, or in writing, their views or information to the Department of Agriculture and Forestry, to adopt a regulation that provides for the implementation of a fee of .87 percent of the wholesale value of all red meat, poultry and seafood sold in Louisiana to be assessed upon retail sellers and to provide for a collection procedure, as follows:

Title 7

AGRICULTURE AND ANIMALS

Part XXXIII. Meat and Poultry Inspection

Chapter 169. Meat and Poultry Inspection Program

§16935. Meat, Poultry and Seafood Fee

A. There is hereby established and henceforth there shall be a monthly fee to be paid by retailers as defined in LRS 47:301, retail sellers and final users of all red meat, poultry and seafood sold in Louisiana of .87 percent of the wholesale value of all such sales, which fee shall be known as the meat, poultry and seafood fee.

B.1. For purposes of convenience, the meat, poultry and seafood fee shall be paid by the retailers and final users, including institutions and entities which purchase meat, poultry and seafood for distribution, use or consumption, to the Louisiana Department of Agriculture and Forestry at the same time and in the same manner as retail sales taxes are remitted.

2. The meat, poultry and seafood fee shall be forwarded by the retailer or final user to the Louisiana Department of Revenue and Taxation by check or money order made payable to the Louisiana Department of Agriculture and Forestry.

3. The meat, poultry and seafood fee shall be delinquent if not paid by the due date provided in Law for the remittance of Louisiana Retail Sales Tax.

C. 1. Any retailer or institution failing to pay the meat, poultry and seafood fee established herein shall be subject to a reasonable civil fine of not more than \$50, which fine may be levied by the Department of Agriculture and Forestry upon a finding of intentional delinquency of all or a part of any fees due after the conduct of an adjudicatory hearing in accordance with the Louisiana Administrative Procedure Act. Each day of delinquency shall be considered a separate offense and violation.

2. In any such adjudicatory hearing pertaining to delinquency, the establishment by competent evidence that the respondent is a retailer or final user or entity which purchases for distribution, use or consumption meat, poultry or seafood products and that the fee has not been paid by the due date or that said fees received are less than the amount due based on respondent's purchases of meat, poultry or seafood, shall constitute a "prima facie" case of delinquency and the burden of proof shall, thereafter, shift to the respondent.

D. Any authorized representative of the Louisiana Department of Agriculture and Forestry shall have access to, and may enter at all reasonable hours, all places of business operated by retailers or final users where meat, poultry or seafood are purchased, stored, processed, manufactured, or sold, or where the retailer or final user maintains books, papers, accounts, records, or other documents related to such activities. The Louisiana Department of Agriculture and Forestry may subpoena, and any authorized representative of the department may inspect, copy, audit, any of such books, papers, records, accounts or documents, all for the purpose of determining whether the retailer or final user is complying with the provisions of this regulation. The authority granted hereinabove shall also extend to books, papers, records, accounts, or other documents of persons doing business with retailers or final users. Any information gained through utilization of the authority granted hereinabove in this Section shall be treated as confidential and shall be used only for the administration of this regulation; provided, that such information may be divulged by a person when called upon to testify in any adjudicatory proceeding or in any court proceeding, and provided further, that nothing contained in this regulation shall prevent the use of any information procured by the department or the commissioner in the compiling and dissemination of general statistical data, containing information procured from a number of retailers or final users, and compiled in such manner as not to reveal individual information of any retailer or final user.

E. This regulation shall expire 90 days from the date of adoption. The fees shall only be used to pay for the direct and indirect costs of the Federal/State Cooperative Meat and Poultry Inspection Program, Meat, Poultry and Seafood Grading and Certification activities, animal disease prevention activities of the Louisiana Livestock Sanitation Board, animal theft prevention of the Louisiana Livestock Brand Commission, poultry related activities of the Poultry and Egg Division and for audit functions required by the aforementioned programs and are anticipated to generate \$6,090,000 annually in revenues. The Department shall suspend collection upon a finding by the Department that collections will exceed the cost of the program.

F. If any part of the regulation is determined to be invalid for any reason whatsoever then, in that event, the validity of the remainder of said regulations shall nevertheless not be adversely affected thereby.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Management and Finance, LR 14:

Said fee shall be for a period of time in excess of 120 days, which will be determined after the public hearing.

To repeal LAC 7:16935, an emergency regulation that was adopted on May 11, 1988 which provided for the emergency implementation of fee of .87 percent of the wholesale value of all red meat, poultry and seafood sold in Louisiana to be assessed upon retail sellers and to provide for a collection procedure.

Inquiries pertaining to the public hearing or the proposals contained in this notice, and all written submissions should be sent to: Richard Allen, Assistant Commissioner, Department of Agriculture and Forestry, Box 44182, Capitol Station, Baton Rouge, LA 70804, Phone: (504) 295-8401.

Bob Odom
Commissioner

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Meat, Poultry and Seafood Fee

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Cost to implement this increase should be minimal. Printing and reporting forms will be approximately \$10,000.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is estimated that the fee increase will generate approximately \$6,090,000 in self-generated revenues. The rule provides that the Department of Agriculture and Forestry will cease collections of the fee upon finding that collections exceed the costs of the programs. The estimated cost of the programs supported by the fee in fiscal year 88-89 is \$6,090,000. The fee collections in subsequent fiscal years will not exceed the costs of those programs in subsequent fiscal years.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

The fee increase of \$6,090,000 will be levied and assessed at the retail level.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The effect on competition and employment cannot be determined at this time.

Richard Allen
Assistant Commissioner

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Department of Agriculture and Forestry Market Commission

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.), notice is hereby given that the Department of Agriculture and Forestry, Market Commission, intends to adopt the following:

Title 7

AGRICULTURE AND ANIMALS

Part I. Administration

Chapter 1. Market Bulletin

§101. Subscriber Fee

A. There is hereby established and henceforth shall be a bi-annual fee to be paid by the subscribers to the Louisiana Market Bulletin of \$10, which shall be known as the subscription fee.

B. The subscription fee shall be paid by the subscriber to the Louisiana Department of Agriculture and Forestry bi-annually and when paid shall entitle the subscriber to 52 issues of the Louisiana Market Bulletin.

C. This regulation shall expire 12 years from the date of adoption. The fee shall only be used to pay for the direct and indirect costs of the Louisiana Market Bulletin program and are anticipated to generate \$100,000 annually in revenues. The kinds and anticipated amounts of costs, which will be offset by this fee, include, but are not limited to: Personal Services - \$22,551; Operating Expenses - \$66,200; Indirect costs - \$11,249. The Department of Agriculture and Forestry shall suspend collection upon a finding by the Department of Agriculture and Forestry that collections will exceed the cost of the program. The commissioner of the Department of Agriculture and Forestry hereby certifies that written approval to adopt this regulation was received on July 1, 1988 from the commissioner of administration.

D. If any part of the regulation is determined to be invalid for any reason whatsoever then, in that event, the validity of the remainder of said regulations shall nevertheless not be adversely affected thereby.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Market Commission, LR 14:

Interested persons may submit written comments to Roy Johnson, Department of Agriculture and Forestry, Box 44184, Baton Rouge, LA 70804, telephone 295-8416.

Bob Odom
Commissioner

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Market Bulletin Subscription Fee

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Implementation of this rule will not cause any additional expenditures or savings to state or local governmental units.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The rule will increase the current fee for the Market Bulletin from \$6 biennially to \$10 biennially, and will result in a

66 percent increase of \$86,800 in self-generated funds. FY 88-89 expenditures for the Market Bulletin are estimated to be approximately \$100,000.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

Subscribers to the Market Bulletin will pay an increase from \$6 to \$10 biennially and as a group will pay an additional \$86,800.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule will not have any effect on competition and employment.

Richard Allen
Assistant Commissioner

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Commerce
Office of Financial Institutions**

Pursuant to the authority granted to the commissioner of financial institutions by R.S. 6:121(B)(1) and 242(A)(15), the commissioner proposes to adopt a new permanent rule concerning an increase in fees and charges to banks and bank holding companies.

The enactment of Act 13 of the First Extraordinary Session of the 1988 Legislature of Louisiana, and all other authority previously granted by state law affecting state chartered banks and bank holding companies, has necessitated the adoption of a rule to provide a means to increase fees or charges for exercising regulatory authority over the above named financial institutions.

This proposed rule will increase fees or charges for exercising regulatory authority over state chartered banks and over bank holding companies domiciled in the state of Louisiana as authorized by Act 13 of the First Extraordinary Session of the 1988 Legislature, and all other authority previously granted by state law affecting state chartered banks and bank holding companies domiciled in Louisiana.

Increase in Fees and Charges for Banks and Bank Holding Companies

Public notice is hereby given, in compliance with Act 13 of the First Extraordinary Session of the 1988 Legislature, that the Office of Financial Institutions, pursuant to written approval from the Division of Administration, has proposed a rule which continues some fees and charges currently assessed and imposes other fees and charges to be assessed by the Office of Financial Institutions for:

	FEES
1. The reservation of a corporate name of a state bank;	\$100
2. Application for a state bank charter, merger, or consolidation;	\$10,000
3. Application for branch office;	\$1,000
4. Application for electronic financial terminal machines;	\$500

5. Application for conversion or merger of a state bank into a national bank;	\$5,000
6. Application for organizing or merger of a one-bank holding company for an already existing bank (phantom bank);	\$1,000
7. Relocation of main office or branch;	\$1,000
8. Special examination fee for state-chartered banks;	\$30/hour
9. Quarterly assessment at floating rate based on the total assets of the preceding quarter. Estimated annual revenue is based upon current budget for fiscal year 1988-89.	\$2,658,295
10. Annual assessment for all bank holding companies domiciled and/or operating in Louisiana, to be assessed no later than September 30 of each year to be based upon its total consolidated assets as of June 30 in accordance with the following schedule:	
a. assets less than \$100,000,000	\$350
b. assets of \$100,000,000 to \$149,999,999	\$500
c. assets greater than \$150,000,000	\$650
11. Examination fee for each bank holding company domiciled in and/or operating in Louisiana.	\$30/hour or \$500 (which ever is greater)

The continuation of fees and charges currently assessed and imposition of new fees to be assessed are expected to generate \$3,029,745 in fiscal year 1988-89.

The amount of the continued and newly imposed fees and charges is anticipated to generate revenues sufficient to offset the actual costs of administering La.R.S. 6:1 through 6:568, known as the "Louisiana Banking Law" and, as required by Act 13 of the First Extraordinary Session of 1988.

This notice shall be published in the Official Journal of the State of Louisiana no later than July 13, 1988.

The public hearing required by Act 13, shall commence on August 1, 1988, at 9 a.m. and continue from day-to-day thereafter until all persons or entities having any interest in the subject matter of the proposed permanent rule will have been given the opportunity to be heard or present their comments in writing for consideration by the commissioner of financial institutions before adoption of the final rule. This hearing will be held at 8401 United Plaza Boulevard, Louisiana Retirement Systems Building, Suite 200, Baton Rouge, Louisiana, 70809, at the time and dates stated in this Paragraph.

The proposed rule may be examined at the Office of Financial Institutions, 8401 United Plaza Boulevard, Suite 200, Baton Rouge, Louisiana, 70809, between the hours of 8 a.m. and 4:45 p.m., any time after publication of this notice. A copy of the rule and this notice may be obtained at the above referred address at a cost of \$5.

Persons wishing to provide information, views, or comments relative to the imposition, continuation, or increasing of fees and charges are invited to submit their comments in writing within 15 days following the publication of this notice to: Fred C. Dent, Commissioner of Financial Institutions, Box 94095, Baton Rouge, LA 70804-9095, or 8401 United Plaza Boulevard, Suite 200, Baton Rouge, LA 70809.

Fred C. Dent
Commissioner

**Fiscal and Economic Impact Statement
For Administrative Rules**

**Rule Title: Office of Financial Institutions Bank and
Bank Holding Company Fee**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Direct implementation costs are estimated at \$310. In order to fully implement the cost/billing program an additional \$47,110 is needed. This amount includes the \$310 for mailing, and estimated salary and related costs for a Fiscal Manager 4. The current budget does not provide for this position and related costs.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Revenue collections to the agency are expected to rise approximately \$1,000,000.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
Costs are estimated at an additional \$1,000,000 to the banking and bank holding company industry.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
No effect anticipated.

Fred C. Dent
Commissioner

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Commerce
Racing Commission**

The Louisiana State Racing Commission hereby gives notice in accordance with law that it intends to adopt the following rule.

Title 35

HORSE RACING

Part I. General Provisions

Chapter 15. Permitted Medications

§1507. Bleeder Medication (PROPOSED FOR AMENDMENT)

- A. - D.
- E. A bleeder shall be eligible to enter and run as follows, but only after a recorded workout.
 1. First time, after the expiration of the eighteenth day he is placed on the bleeder list.
 2. Second time, after the expiration of the ninetieth day he is placed on the bleeder list.
 3. Third time, after the expiration of the three hundred sixty fifth day he is placed on the bleeder list.
 4. For any subsequent bleeding the horse shall be suspended for life.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and 142.

HISTORICAL NOTE: Promulgated by the Louisiana State Racing Commission LR 6:174 (May, 1980), amended LR

6:543 (September, 1980) LR 9:547 (August, 1983), amended LR 14:9 (January, 1988).

The office of the Racing Commission is open from 9 a.m. to 4 p.m. and interested parties may contact Alan J. LeVasseur, Executive Director or Tom Trenchard, Administrative Services Assistant at (504) 483-4000 or LINC 635-4000 holidays and weekends excluded, for more information. All interested persons may submit written comments relative to this rule through Friday, July 8, 1988 to 320 North Carrollton Avenue, Suite 2-B, New Orleans, Louisiana 70119-5111.

Alan J. LeVasseur
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: LAC 35:I.1507 "Bleeder Medication"**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no cost to implement this rule.
- 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)
This rule will benefit horses by further limiting their entry in races if they are bleeders, preventing them from racing when they should not.
Owners will be affected monetarily in terms of their investments should their horses bleed after the third time. These horses will no longer be able to race - ever.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no effect on competition nor employment.

Alan J. LeVasseur
Executive Director

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Commerce
Racing Commission**

The Louisiana State Racing Commission hereby gives notice in accordance with law that it intends to adopt the following rule.

Title 35

HORSE RACING

Part V. Racing Procedures

Chapter 63. Entries

§6347. Determination by Lot (Amended Title) PROPOSED FOR AMENDMENT

AMENDED VERSION TO READ:

In the event the number of entries to any purse race is in excess of the number of horses permitted to start in such race, the starters for the race shall be determined by lot in the presence

of those making the entries and the post positions shall be in the order in which they are drawn. The same methods shall be employed in determining the starters and post positions in split races. All added money races introduced shall be drawn by lot from one common pool inclusive of futurity trials.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Louisiana State Racing Commission in 1971, amended L.R. 2:437 (December, 1976), repromulgated L.R. 3.33 (January, 1977), L.R. 4:280 (August, 1978).

The office of the Racing Commission is open from 9 a.m. to 4 p.m. and interested parties may contact Alan J. LeVasseur, Executive Director or Tom Trenchard, Administrative Services Assistant at (504) 483-4000 or LINC 635-4000 holidays and weekends excluded, for more information. All interested persons may submit written comments relative to this rule through Friday, August 5, 1988 to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111.

Alan J. LeVasseur
Executive Director

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: LAC 35:V.6347 "Determination by Lot"

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no cost to implement this rule.
- 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)
This action will benefit horsemen by increasing the added money race lot drawing to include futurity trials, giving a more even chance.
This removes the potential of an owner and/or trainer avoiding competition between certain horses.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no effect on competition nor employment.

Alan J. LeVasseur
Executive Director

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Department of Commerce Racing Commission

The Louisiana State Racing Commission hereby gives notice in accordance with law that it intends to adopt the following rule.

Title 35 HORSE RACING

Part I. General Provisions

Chapter 3. General Rules

§319. ID Badges at Commission Hearing (PROPOSED FOR ADOPTION)

Any individual appearing before the commission for disciplinary hearing shall have on his or her person his or her identification badge. Failure to bring his or her badge shall result in a \$75 fine.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and 150.

HISTORICAL NOTE: Promulgated by the Louisiana State Racing Commission in 1988.

The office of the Racing Commission is open from 9 a.m. to 4 p.m. and interested parties may contact Alan J. LeVasseur, Executive Director or Tom Trenchard, Administrative Services Assistant at (504) 483-4000 or LINC 635-4000 holidays and weekends excluded, for more information. All interested persons may submit written comments relative to this rule through Friday, August 5, 1988 to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111.

Alan J. LeVasseur
Executive Director

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: LAC 35:I.319 "ID Badges at Commission Hearings"

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no cost to implement this rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is a potential, yet unmeasurable effect on revenue collections. This rule would expose licensed individuals to potential monetary penalties (fines) for violation(s) of this rule.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
This is an asset to the Commission by providing proof of identification of the individual whose case is being heard by the Commission. Also, should the Commission suspend the individual, his ID badge will be taken away.
There is the potential added cost in the form of fines to licensed individuals for violation(s) of this rule.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no effect on competition nor employment.

Alan J. LeVasseur
Executive Director

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Commerce
Racing Commission**

The Louisiana State Racing Commission hereby gives notice in accordance with law that it intends to adopt the following rule.

**Title 35
HORSE RACING
Part I. General Provisions**

Chapter 3. General Rules

§317. ID Badges on Track (PROPOSED FOR ADOPTION)

All licensed persons shall wear his or her identification badge on the person in clear view while on the grounds of a racing association. Failure to do so shall result in first, a warning, followed by a \$25 fine.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148 and 150.

HISTORICAL NOTE: Promulgated by the Louisiana State Racing Commission in 1988.

The office of the Racing Commission is open from 9 a.m. to 4 p.m. and interested parties may contact Alan J. LeVasseur, Executive Director or Tom Trenchard, Administrative Services Assistant at (504) 483-4000 or LINC 635-4000 holidays and weekends excluded, for more information. All interested persons may submit written comments relative to this rule through Friday, August 5, 1988 to 320 North Carrollton Avenue, Suite 2-B, New Orleans, LA 70119-5111.

Alan J. LeVasseur
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: LAC 35:I.317 "ID Badges on Track"**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no cost to implement this rule
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is a potential, yet unmeasurable effect on revenue collections. This rule would expose licensed individuals to potential monetary penalties (fines) for violation(s) of this rule.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
This is an asset to horsemen, patrons and association personnel in that this rule will help increase security at the tracks.
There is the potential added cost in the form of fines to licensed individuals for violations of this rule.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no effect on competition nor employment.

Alan J. LeVasseur
Executive Director

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Commerce
Racing Commission**

The Louisiana State Racing Commission hereby gives notice in accordance with law that it intends to adopt the following rule.

**Title 35
HORSE RACING
Part III. Personnel, Registration and Licensing**

**Chapter 57. Association's Duties and Obligations
§5769. Security Check (PROPOSED FOR ADOPTION)**

Any association conducting a race meeting shall have an annual physical security check performed by the Louisiana State Police Racing Investigations Unit. The Louisiana State Police Racing Investigations Unit shall issue a written report discussing any weaknesses in the association's security and forward a copy to the commission. The association then has 90 days in which to correct any deficiencies found. Failure to correct these deficiencies within the allotted time may subject the association to a fine and/or reduction in racing days.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:147 and 148.

HISTORICAL NOTE: Promulgated by the Louisiana State Racing Commission in 1988.

The office of the Racing Commission is open from 9 a.m. to 4 p.m. and interested parties may contact Alan J. LeVasseur, Executive Director or Tom Trenchard, Administrative Services Assistant at (504) 483-4000 or LINC 635-4000 holidays and weekends excluded, for more information. All interested persons may submit written comments relative to this rule through Friday, August 5, 1988 to 320 North Carrollton Avenue, Suite 2-B, New Orleans, Louisiana 70119-5111.

Alan J. LeVasseur
Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: LAC 35:III.5769 "Security Check"**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no cost to implement this rule.
- 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)
This is an asset to the Commission by providing evidence of an association's security methods and personnel. Patrons are benefitted by assuring their safety and security.
There is no added cost to the Racing Investigations Unit, as the work involved as a result of this rule will be incorporated into their regular duties.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no effect on competition nor employment.

Alan J. LeVasseur
Executive Director

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Board of Elementary and Secondary Education

Amendment to the 8(g) Policy and Procedure Manual

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the board amended Section 101, Items K and L of the 8(g) Policy and Procedure Manual as follows:

- K. Elementary Teacher
- L. Secondary Teacher

In order to achieve continuity in the terms of appointments to the council, members serving two-year terms shall be appointed as follows: the college president, vocational-technical director and school superintendent will be appointed on July 1 of odd-numbered years; and the representatives of business, labor, and nonpublic schools will be appointed on July 1 of even-numbered years.

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., September 7, 1988 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70864.

Em Tampke
Executive Director

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Amendment to the 8(g) Policy and Procedure Manual

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There are no implementation costs or savings to state or local governmental units associated with this rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There are no effects on revenue collections of state or local governmental units associated with this rule.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
There are no costs or economic benefits to directly affected persons or non-governmental units associated with this rule.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There are no effects on competition and employment associated with this rule.

Em Tampke
Interim Executive Director

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Board of Elementary and Secondary Education

Amendments to Adult Education State Plan

In accordance with R.S. 49:950 et seq., The Administrative Procedure Act, notice is hereby given that the board approved the following amendments to the Adult Education State Plan:

1. Amend certification of the 1985-88 Louisiana State Plan for adult education to cover the period July 1, 1988 through June 30, 1989.
2. Amend the assurances by state educational agency to the Louisiana State Plan for Adult Education to cover the period July 1, 1988 through June 30, 1989.
3. Amendment on the goals and objectives in the 1985-88 Louisiana State Plan for Adult Education to cover the period July 1, 1988 through June 30, 1989.

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., September 7, 1988 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804.

Em Tampke
Executive Director

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Amendment to Three-Year State Plan for Adult Education, 1985-88

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The Department of Education estimates that \$2,188,713 will be received from the federal government under the terms of Public Law 91-230, as amended. These funds along with approximately \$3,416,360 in state general funds will be used to implement the state plan. Approximately \$291,981 in federal and state monies will be allocated for state administrative expenses. The balance of the funds will be allocated to local adult education programs. Of the amounts allocated to the local programs, a minimum of 70 percent must be used for instructional purposes.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The Department of Education projects that \$5,605,073 will be received from state and federal sources for the 1988-89 fiscal year. Approximately 90 percent of the funds will be allocated to local adult education programs.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
The adult education program will benefit those adults who lack sufficient mastery of basic educational skills to enable them to function effectively in society. Approximately 15,000 students will receive instructional services through the Adult Basic Education (federal) program. Another 30,000 students will receive instructional services through the R.S. 17:14 (state) program.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The adult education program creates full-time and part-time positions for approximately 622 teachers, 95 paraprofessionals, 92 administrators, and 144 other support personnel. The 45,000 individuals served by the program will become more employable. There is no estimated effect on competition.

Graig Luscombe
Interim Deputy Superintendent

David W. Hood
Legislative Fiscal Analyst

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There should be no effect on revenue collection at the state or local level.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

There may be less need for more teachers with specialized certification.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There should be no impact on employment.

Graig A. Luscombe
Interim Deputy Superintendent

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Board of Elementary and Secondary Education

Amend Bulletin 741 to Allow Exploratory
Classes at the Middle School Level

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education accepted the Department of Education's recommendation to add a standard to Bulletin 741 to allow exploratory classes at the middle school level as indicated below:

Under Standard 2.090.07, grades 7 and 8 (6-period day option) change wording to:

"Health and Physical Education or Health and Physical Education and Exploratory Elective". For grades 7 and 8 (7-period option), add the words to read "Exploratory/Elective"

Each time the word electives appears on page 71, change to read:

"Elective/exploratory courses"

Add as a procedural block:

Exploratory courses (electives offered for less than a full semester) may be taught by any elementary or secondary teacher.

Each time the word elective appears on page 71.1, change to read: "Elective/Exploratory".

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., September 7, 1988 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804.

Em Tampke
Interim Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Standard 2.090.05 and 2.090.09

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is estimated that approximately \$100 would be needed to reprint the pages of Bulletin 741 and to disseminate this information to local school systems.

NOTICE OF INTENT

Board of Elementary and Secondary Education

Amendment to Rules and Regulations
Covering the Required Services Act

In accordance with R. S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved three supplemental categories to the Rules and Regulations covering the Required Services Legislation (Revised Statute 17:301 - 17:365 which was passed by the La. Legislature in 1980). Those three categories are:

1. Asbestos Testing and Abatement
2. Auditory and Visual Testing
3. Criminal history and finger printing of school employees

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., September 7, 1988 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804.

Em Tampke
Interim Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Non-Public School Required Services

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no additional costs or savings to state or local governmental units. Non-Public schools will utilize the present appropriation for reimbursement of required services costs to reimburse for the three additional items.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no 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)

There will be no cost or benefit to affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Em Tampke
Interim Executive Director

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Board of Elementary and Secondary Education

Amend Nonpublic School Standards

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education adopted the following as part of the Nonpublic School Standards:

A. Standard:

“Students who have attained the age of seven years shall attend a public or private day school or participate in an approved home study program until they reach the age of 17 years. However, a student between the ages of 16 and 17 years may withdraw from school prior to graduation with the written consent of his parent, tutor, or legal guardian.”

B. Standard:

“Each school system shall develop and implement a system whereby a student’s parent, tutor, or legal guardian is given written notification when that student has been excessively absent from school and at intervals thereafter. This notification shall be provided each semester for those high schools operating on a semester basis.”

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., August 8, 1988 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Em Tampke
Interim Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Nonpublic School Standard on Compulsory Attendance

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is estimated that approximately \$50 would be incurred in costs to reprint the pages of the Nonpublic School Bulletin and to disseminate this information to the nonpublic schools.

Nonpublic schools will incur costs due to implementing a system whereby a student’s parent, tutor, or legal guardian is given written notification when that student has been exces-

sively absent from school. These costs cannot be determined and will vary by nonpublic school.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

All nonpublic school administrators and teachers would be affected. Out of the present state allotment for materials, consent papers for early withdrawal would have to be devised and copied.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment.

Graig A. Luscombe
Interim Deputy Superintendent

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Board of Elementary and Secondary Education

Communicable Disease Control Policy

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved the Communicable Disease Control Policy (AIDS) as recommended by the department. Complete text of the policy may be seen in the office of the State Board of Elementary and Secondary Education, located at 626 N. Fourth Street, Room 104, Baton Rouge, LA or at the Office of the Louisiana Register located in the Capitol Annex.

Interested persons may comment on the proposed policy in writing, until 4:30 p.m., September 7, 1988 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Em Tampke
Interim Executive Director

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Communicable Disease Control Policy**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It may become necessary for the Board of Education to meet more frequently to hear appeals cases. The associated costs will be dependent on the frequency of meetings which are not known at this time. BESE costs per meeting day are approximately \$1,300 excluding lodging for the entire board to meet.

Local school boards will incur costs due to: 1) Training of school personnel in the proper procedures for handling blood and body fluids; 2) Inservice education; 3) Review Panels; and 4) providing alternative delivery of school pro-

grams if a student with communicable disease is not attending school. The State Department of Education will incur administrative costs which will be borne by federal funds. These administrative costs are estimated to be \$119,500 for 1988-89 and \$144,595 for 1989-90.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no estimated effect on state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

This Comprehensive Communicable Disease Control Policy benefits the 66 parish and city educational systems including faculty, students, and staff by providing a complete policy and procedure for handling a student or school employee with a communicable disease. This policy also protects the entire school setting from exposure to a contagious disease.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This Communicable Disease Control Policy has no effect on the competition or employment in the local educational agencies.

Graig A. Luscombe
Interim Deputy Superintendent

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Board of Elementary and Secondary Education

Tuition Fees for Vocational-Technical School Students

In accordance with R. S. 49:950, et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved a tuition fee increase to \$20 per month for full-time vocational-technical students for the 1988-89 school year. (Tuition fees for ³/₄ time students will be \$15 per month; and, for half-time students, tuition fees will be \$10 per month.) Effective date for this tuition fee increase will be July 1, 1988.

Interested persons may comment on the proposed policy change and/or additions in writing, until 4:30 p.m., September 7, 1988 at the following address: State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 94064. (Also adopted as an Emergency Rule in this issue of the Register.)

Em Tampke
Executive Director

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Fee Schedule for Students Attending Vocational-Technical Schools

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no additional implementation costs as tuition is presently being collected, and the means of collecting this tuition is already in effect.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Agency self-generated funds will be increased from approximately \$1,300,000 to approximately \$3,120,000.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

Students of vocational-technical schools will be affected. Tuition will be raised from \$100 per year for full-time equivalent students to approximately \$240 per year for full-time equivalent students to be collected at a rate of \$20 per month.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition or employment.

Graig A. Luscombe
Interim Deputy Superintendent

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Department of Environmental Quality Office of Air Quality

Pursuant to the authority of Act 13 of the 1988 First Extraordinary Session of the Louisiana Legislature, the Department of Environmental Quality hereby gives notice that a public hearing will be held at 9 a.m. on Thursday, July 21, 1988, in the Mineral Board Hearing Room located on the first floor of the State Lands and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA, at which time all interested persons will be afforded an opportunity to submit oral or written comments regarding fees or charges which are proposed to be imposed or increased permanently in order to provide for adequate permitting, monitoring, investigation, enforcement, administration, and other activities required for the maintenance of a healthful and safe environment.

Fees being considered for imposition or increase are the following:

Title 33 ENVIRONMENTAL QUALITY Part III. Air

Chapter 65. Rules and Regulations for the Fee System of the Air Quality Control Programs

§6501. Scope and Purpose

It is the purpose of these regulations to establish a fee system for funding the monitoring, investigation and other activities required to be conducted for the maintenance of a safe and healthful environment by the Department of Environmental Quality in accordance with the Louisiana Environmental Quality Act (R. S. 30:1051 et seq.). Fees are required for all permits, licenses, registrations, and variances authorized by the Act.

§6503. Authority

These regulations provide fees as required by R. S. 30:1065.

§6505. Definitions

All terms used in these rules, unless the context otherwise requires or unless specifically defined in the Louisiana Environmental Quality Act, or in other regulations promulgated by the secretary of the Department of Environmental Quality or his predecessor, shall have their usual meaning.

§6507. Application Fees

Each application or amendments thereto for which a fee is prescribed shall be accompanied by a remittance in the full amount of the fee. No application or amendments thereto shall be accepted or processed prior to payment of the full amount specified. No permit, license, registration, or variance, unless otherwise authorized by the secretary, shall be issued until such check or draft has been accepted by the bank or drawee and the department's account has been credited with the amount of the fee.

§6509. Annual Fees

Unless otherwise provided herein, all parties conducting activities for which an annual fee is provided shall be subject to the payment of such fee within 30 days from receipt of billing.

§6511. Methodology

A. Formula to apportion fees

Annual Maintenance Fee (based on type of facility and on rated production capacity/throughput)	Variable
New Application Fee (based on type of facility and on rated production capacity/throughput)	Variable
Major and Minor Modification Modified Permit Fee (based on type of facility and on rated production capacity/throughput)	Variable
PSD Application Fee (based on type of facility and on rated production capacity/throughput)	Surcharge of 50% of the application fee
"NESHAP" Maintenance Fee (based on type of facility and on rated production capacity/throughput)	surcharge of 25% of the Annual Maintenance Fee for that particular process/plant
"NSPS" Maintenance Fee (based on type of facility and on rated production capacity/throughput)	surcharge of 25% of the permit application fee
Research fee for alternate disposal of hazardous waste	Surcharge of 6.1% of the annual maintenance fee for those facilities that generate hazardous waste

B. Fee Methodology

1. All persons required to obtain a new or modified permit shall be subject to a permit fee (see fee schedule). This fee shall be submitted with any application for a new or modified permit. The annual maintenance fee for a new or modified source shall be paid during the fiscal year in which the process specified in the permit comes on line.

2. The Standard Industrial Classification (SIC) codes listed in the Fee Schedule shall be used to assess fees.

3. The permit fee for multiple source permits shall be equal to the total amounts required by the individual processes involved, as listed in the Table.

4. All invoices for annual maintenance fees for major sources shall be submitted to those sources during the fiscal year and remittances are due 30 days after receipt of the invoice. The annual maintenance fee shall be applicable to the fiscal year beginning July 1 of each year and ending the following June 30. Failure to remit the annual maintenance fee in accordance with

the above shall be considered grounds for revoking an existing permit. Maintenance fees not received for prior fiscal years are due upon receipt of new or duplicate invoices. Minor sources may or may not receive an annual compliance inspection. In this case the maintenance fee must be paid within 30 days after notification by the agency of the amount due. Only one such fee shall be charged annually.

5. If a conditional permit is issued in accordance with adopted procedures, fees submitted with that application for permit shall be retained and be applicable to the regular permit when it is acted upon.

6. If a process is not listed in the Fee Schedule and is not a source type exempted from fees by this regulation, then the department shall assign a fee based on the most similar processes and negotiated separately. The Air Quality Division (AQD) shall analyze each permit request to determine the number of processes involved and the permit fee associated with each.

7. Periodically, the Air Quality Division (AQD) shall re-evaluate the permit fee schedule based upon the previous fiscal year's reasonable costs involved in the operation of the permit system and shall adjust fees in the Table, so as to recover the reasonable costs, and submit such revised schedule to the secretary for approval.

8. A permit fee exempt list shall be presented to the secretary annually for approval. The permit fee exempt list shall be in the offices of the Air Quality Division and shall be available for public inspection. Any person may request permit fee exemption for a source class by application to the assistant secretary. Sources listed in the permit fee exempt list shall be exempt from the permit fee Fee Schedule and from having to obtain a permit. The assistant secretary may grant initial approval and denial of the class exemption pending consideration by the secretary.

9. When a company withdraws its application and claims refund for the permit fee, no refund shall be made if the review of the application is essentially completed at the time of withdrawal. However, up to 50 percent refund may be made when the review has been initiated but is not essentially completed.

10. Annual maintenance fees (AMF) are not prorated. If a facility operates any part of a year or at a reduced rate during the year, the full annual maintenance fee is still charged. In order for the annual maintenance fee to be cancelled, the facility must not operate at all during the year and the permit to operate for the facility must be cancelled. This action would require that a new permit be issued before the facility could be operated again. Failure to pay the annual maintenance fee will cause the permit for the facility covered by the fee to be cancelled.

11. When a permanent shutdown occurs and a company properly notifies the Air Quality Division, by official change in the Emission Inventory Questionnaire (EIQ) and permit, the maintenance fee will be dropped for that shutdown portion of the process/plant in the appropriate fiscal year only if that portion of the process/plant does not operate at any time during that fiscal year.

12. For most fees listed in these regulations, the minor modification fee is equal to the annual maintenance fee (AMF), the major modification fee is three times the AMF, and the new application fee is five times the AMF. Minimum and maximum permit fees shall apply to all categories that have minimum and maximum AMF according to the following table.

Permit Fees		Minimum	Maximum
Minor modification	=	min. AMF	max. AMF
Major modification	=	3 × min. AMF	3 × max. AMF
New application	=	5 × min. AMF	5 × max. AMF

If the above ratio was not used to establish the major modification and new application fees for a category, then the actual ratio of major modification and new application fee to AMF shall be used.

13. NSPS fees may be waived when a PSD application fee is imposed.

14. The AQD administrator and staff will determine the type of fee. This determination will be based on the work load and on the factors described as follows:

a. New application fee (based on new capacity or incremental capacity) applies when:

- i. a new facility is added;
- ii. a new operation in an existing facility is added;
- iii. an existing operation is expanded by more than 80 percent in capacity.

b. Major modification fee (based on existing capacity) applies when:

- i. the modification will trigger PSD review;
- ii. the modification would have triggered PSD review without the use of contemporaneous emission reductions or banked emissions;
- iii. the modification will increase 25 tons/yr. or more of non-attainment pollutant;
- iv. the modification will change emissions over 100 tons/yr.:

v. the modification will increase capacity of an existing operation by 40 percent.

c. Minor modification fee (based on existing capacity) applies when a modification is not qualified under new application fee or major modification fee.

d. If a modification is such that it does not increase capacity and changes emissions by less than 25 tons/year, the permit fee can be charged equal to the minimum minor modification permit fee for each process category involved.

§6513. Determination of fee

These regulations apply to all registrants, specific licensees, permittees and other persons subject to charges concerned with one or more of the various Programs of the Department of Environmental Quality.

§6515. Method of Payment

Fee payment shall be made by check, draft or money order payable to the Department of Environmental Quality and mailed to the following address: State of Louisiana, Department of Environmental Quality, Air Quality Division, Box 94381, Baton Rouge, LA 70804-9381.

§6517. Late Payment

Unless otherwise provided herein, annual fees or other charges not received by 15 days after the due date will be subject to a late charge of an additional 10 percent per month.

§6519. Failure to Pay

Failure to pay the prescribed application fee or annual fee as provided herein will constitute a violation of these regulations and shall subject the person to applicable enforcement actions under the Louisiana Environmental Quality Act, including, but not limited to, revocation or suspension of the applicable permit, license, registration or variance.

§6521. Effective Date

A. The application fees prescribed herein shall be effective upon publication in the *Louisiana Register* as adopted.

B. The annual fees prescribed herein shall be effective for the state fiscal year in which these fee regulations are published in the *Louisiana Register* as adopted and each state fiscal year thereafter. Fees submitted to the department in accordance with previous fee regulations for the state fiscal year in which these fee regulations are published in the *Louisiana Register* as adopted shall be credited against the fees due and payable under these fee regulations.

§6523. Fee Schedule Listing

APRIL 21, 1988		LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY AIR QUALITY DIVISION * FEE SCHEDULE LISTING					COMMENTS
AIR CONTAMINANT SOURCE	SICC	ANNUAL COMPLIANCE DETERMINATION	NEW PERMIT APPLICATION	MODIFIED PERMIT FEES			
				MAJOR	MINOR		
0010 COTTON GIN PER BALE GINNED IMMEDIATE PAST SEASON	0724	0.00	0.35	0.21	0.05		
0020 BITUMINOUS COAL AND LIGNITE MINING	1211	506.00	2526.00	1517.00	506.00		
0030 COAL PREPARATION	1211	1264.00	6317.00	3790.00	1264.00		
0040 CRUDE OIL AND NATURAL GAS PRODUCTION (100 - 249 T/YR SOURCE)	1311	101.00	506.00	304.00	101.00		
0041 CRUDE OIL AND NAT GAS PRODUCTION (250 - 499 T/YR SOURCE)	1311	312.00	1560.00	936.00	312.00		
0042 CRUDE OIL AND NAT GAS PROD GREATER THAN 500 T/YR SOURCE	1311	520.00	2080.00	1560.00	520.00		
0050 NATURAL GAS LIQUIDS PER UNIT	1321	253.00	1264.00	758.00	253.00		
0060 CONSTRUCTION SAND AND GRAVEL	1442	101.00	506.00	304.00	101.00		
0070 INDUSTRIAL SAND	1446	101.00	506.00	304.00	101.00		
0080 SALT MINING	1476	1264.00	6317.00	3790.00	1264.00		
0090 SULFUR MINING	1477	1264.00	6317.00	3790.00	1264.00		

AIR CONTAMINANT SOURCE		SICC	ANNUAL COMPLIANCE DETERMINATION	NEW PERMIT APPLICATION	MODIFIED MAJOR FEES	PERMIT MINOR FEES	COMMENTS
0100	COMMERCIAL RICE MILLING	2044	506.00	2526.00	1517.00	506.00	
0110	ANIMAL FEED PREPARATION	2048	506.00	2526.00	1517.00	506.00	
0120	CANE SUGAR, EXCEPT REFINING ONLY	2061	1264.00	6317.00	3790.00	1264.00	
0130	CANE SUGAR REFINING PER 1,000 LB/HR RATED CAPACITY	2062	10.10 MIN. 1248.00	50.54 6240.00	30.32 3744.00	10.10 1248.00	
0140	COTTONSEED OIL MILL	2074	253.00	1264.00	758.00	253.00	
0150	SOYBEAN OIL MILL	2075	178.00	885.00	531.00	178.00	
0160	ANIMAL & MARINE FATS AND OIL (RENDERING) 10,000 OR MORE TON/YR	2077	606.00	3032.00	1819.00	606.00	
0170	ANIMAL & MARINE FATS & OIL (RENDERING) LESS THAN 10,000 TON/YR	2077	304.00	1517.00	910.00	304.00	
0180	SHORTENING, TABLE OILS, MARGARINE AND OTHER EDIBLE FATS AND OILS	2079	126.00	632.00	379.00	126.00	
0190	MALT BEVERAGES	2082	126.00	632.00	379.00	126.00	
0200	COFFEE ROASTING PER 1,000,000 LB/YR RATED CAPACITY	2095	101.06 MIN. 240.00 MAX. 6344.00	505.33 1200.00 31720.00	303.20 720.00 19032.00	101.06 240.00 6344.00	
0210	SAWMILL AND/OR PLANING LESS THAN 25,000 BD FT/SHIFT	2421	253.00	1264.00	758.00	253.00	* NOTE 9 *
0220	SAWMILL AND/OR PLANING MORE THAN 25,000 BD FT/SHIFT	2421	758.00	3790.00	2274.00	758.00	* NOTE 9 *
0230	HARDWOOD MILL	2426	454.00	2274.00	1365.00	454.00	* NOTE 9 *
0240	SPECIAL PRODUCT SAWMILL N.E.C.	2429	454.00	2274.00	1365.00	454.00	* NOTE 9 *
0250	MILLWORK WITH 10 EMPLOYEES OR MORE	2431	454.00	2274.00	1365.00	454.00	
0260	HARDWOOD VENEER AND PLYWOOD	2435	1011.00	5053.00	3032.00	1011.00	
0270	SOFTWOOD VENEER AND PLYWOOD	2436	1011.00	5053.00	3032.00	1011.00	
0280	WOOD PRESERVING	2491	253.00	1264.00	758.00	253.00	
0290	PARTICLEBOARD/WAFERBOARD MANUFACTURE (D.S.B)	2492	1011.00	5053.00	3032.00	1011.00	
0300	HARDBOARD MANUFACTURE	2499	758.00	3790.00	2274.00	758.00	
0310	FURNITURE AND FIXTURES A) 100 OR MORE EMPLOYEES	2511	320.00	1600.00	960.00	320.00	
0320	FURNITURE AND FIXTURES B) MORE THAN 10 & LESS THAN 100 EMPLOYEES	2511	152.00	758.00	454.00	152.00	
0330	PULP MILLS PER TON DAILY RATED CAPACITY	2611	3.78 MIN. 2600.00	18.94 13000.00	11.38 7800.00	3.78 2600.00	
0340	PAPER MILL PER TON DAILY RATED CAPACITY	2621	3.78 MIN. 2600.00	18.94 13000.00	11.38 7800.00	3.78 2600.00	* NOTE 1 *
0350	PAPERBOARD MILLS PER TON DAILY RATED CAPACITY	2631	3.78 MIN. 2600.00	18.94 13000.00	11.38 7800.00	3.78 2600.00	
0360	PAPER COATING	2641	152.00	758.00	454.00	152.00	
0365	PAPER BAG MANUFACTURE	2643	192.00	960.00	576.00	192.00	
0370	INSULATION MANUFACTURE	2649	253.00	1264.00	758.00	253.00	

	AIR CONTAMINANT SOURCE	SICC	ANNUAL	NEW	MODIFIED PERMIT		COMMENTS
			COMPLIANCE DETERMI- NATION	PERMIT APPLI- CATION	FEES MAJOR	MINOR	
0375	FOLDING PAPER BOARD BOXES PER PACKAGING PRESS LINE	2651	253.00	1264.00	758.00	253.00	
		MIN.	1248.00	6240.00	3744.00	1248.00	
0380	CORRUGATED BOXES - CONVERTERS (WITH BOILERS)	2653	379.00	1894.00	1138.00	379.00	
0381	CORRUGATED BOXES - SHEET PLANT	2653	160.00	800.00	480.00	160.00	
0390	BUILDING BOARD AND TILE	2661	1264.00	6317.00	3790.00	1264.00	
0400	COMMERCIAL PRINTING - BLACK AND WHITE PER PRESS	2752	151.60	758.00	454.80	151.60	
		MIN.	728.00	3640.00	2184.00	728.00	
0410	COMMERCIAL PRINTING - COLOR PER PRESS	2752	252.67	1263.34	758.00	252.67	
		MIN.	1248.00	6240.00	3744.00	1248.00	
0420	CAUSTIC/CHLORINE PER 1,000,000 LB/YR RATED CAP BASED ON CHLORINE * NOTE 2 *	2812	2.53	12.64	7.58	2.53	
		MIN.	1248.00	6240.00	3744.00	1248.00	
0440	INDUSTRIAL GASSES	2813	506.00	2526.00	1517.00	506.00	
0450	INORGANIC PIGMENTS	2816	506.00	2526.00	1517.00	506.00	
0460	ALUMINUM SULFATE PRODUCTION PER 100 TON/YR RATED CAPACITY	2819	1.26	6.32	3.78	1.26	
		MIN.	1040.00	5200.00	3120.00	1040.00	
0470	ALUMINA PER 1,000,000 LB/YR RATED CAPACITY	2819	5.04	25.26	15.15	5.04	
		MIN.	1040.00	5200.00	3120.00	1040.00	
0480	CATALYST MFG & CAT REGENERATION PER LINE	2819	1264.00	6317.00	3790.00	1264.00	
0490	FLUOSILICATES	2819	758.00	3790.00	2274.00	758.00	
0500	INDUSTRIAL INORGANIC CHEMICALS MFG N.E.C. PER 1,000,000 LB/YR	2819	1.26	6.32	3.78	1.26	
		MIN.	728.00	3640.00	2184.00	728.00	
0510	INDUSTRIAL INORGANIC ACIDS N.E.C. PER 1,000,000 LB/YR RATED CAPACITY	2819	12.64	63.17	37.90	12.64	
		MIN.	1248.00	6240.00	3744.00	1248.00	
0520	NITRIC ACID MANUFACTURE PER 1,000 TON/YR RATED CAPACITY	2819	5.04	25.26	15.15	5.04	
		MIN.	1248.00	6240.00	3744.00	1248.00	
0530	PHOSPHORIC ACID MFG PER TON DAILY RATED CAP	2819	1.26	6.32	3.78	1.26	
		MIN.	1040.00	5200.00	3120.00	1040.00	
0540	SULPHURIC ACID MANUFACTURE PER TON DAILY RATED CAPACITY	2819	1.26	6.32	3.78	1.26	
		MIN.	1040.00	5200.00	3120.00	1040.00	
0550	POLYETHYLENE/POLYPROPYLENE MANUFACTURE PER 1,000,000 LB/YR RATED CAPACITY	2821	10.10	50.54	30.32	10.10	
		MIN.	1248.00	6240.00	3744.00	1248.00	
0560	PVC MANUFACTURE PER 1,000,000 LB/YR RATED CAPACITY	2821	12.64	63.17	37.90	12.64	
		MIN.	1248.00	6240.00	3744.00	1248.00	
0570	SYNTHETIC RESINS MANUFACTURE N.E.C. PER 1,000,000 LB/YR RATED CAPACITY	2821	12.64	63.17	37.90	12.64	
		MIN.	1248.00	6240.00	3744.00	1248.00	
0580	RUBBER MFG PER 1,000,000 LB/YR RATED CAPACITY	2822	12.64	63.17	37.90	12.64	
		MIN.	1248.00	6240.00	3744.00	1248.00	
0585	PAINT MANUFACTURING AND BLENDING	2831	470.00	2350.00	1410.00	470.00	
0590	CHARCOAL PER OVEN	2861	253.00	1264.00	758.00	253.00	
0600	GUM AND WOOD CHEMICALS PER UNIT	2861	758.00	3790.00	2274.00	758.00	
0610	STYRENE MONOMER PER 1,000,000 LB/YR RATED CAPACITY	2865	5.04	25.26	15.15	5.04	
		MIN.	1248.00	6240.00	3744.00	1248.00	

	AIR CONTAMINANT SOURCE	SICC	ANNUAL COMPLIANCE DETERMINATION	NEW PERMIT APPLIC-ATION	MODIFIED PERMIT FEES		COMMENTS
					MAJOR	MINOR	
0620	HALOGENATED HYDROCARBONS PER 1,000,000 LB/YR RATED CAP.	2869	7.58	37.90	22.74	7.58	
		MIN.	1248.00	6240.00	3744.00	1248.00	
0630	ORGANIC OXIDES, ALCOHOLS, GLYCOLS PER 1,000,000 LB/YR RATED CAPACITY	2869	5.04	25.26	15.15	5.04	
		MIN.	1248.00	6240.00	3744.00	1248.00	
0635	OLEFINS & AROMATICS N.E.C. PER 1,000,000 LB/YR RATED CAPACITY	2869	5.04	25.26	15.15	5.04	
		MIN.	1248.00	6240.00	3744.00	1248.00	
0640	AMMONIA MANUFACTURE PER TON DAILY RATED CAPACITY	2873	2.52	12.64	7.58	2.52	
		MIN.	1248.00	6240.00	3744.00	1248.00	
0650	FERTILIZER MANUFACTURE PER 1,000 TON/YR RATED CAPACITY	2873	1.26	6.32	3.78	1.26	
		MIN.	728.00	3640.00	2184.00	728.00	
0660	UREA AND UREAFORM PER 1,000 TON/YR RATED CAPACITY	2873	2.52	12.64	7.58	2.52	
		MIN.	728.00	3640.00	2184.00	728.00	
0670	PESTICIDES MFG PER TRAIN	2879	1011.00	5053.00	3032.00	1011.00	
0680	CARBON BLACK MANUFACTURE PER 1,000,000 LB/YR RATED CAPACITY	2895	15.15	75.79	45.49	15.15	
		MIN.	1248.00	6240.00	3744.00	1248.00	
0690	CHEMICAL AND CHEMICAL PREP. N. E. C. PER 1,000,000 LB/YR	2899	12.64	63.17	37.90	12.64	
		MIN.	1040.00	5200.00	3120.00	1040.00	
0695	CHEMICAL AND CHEMICAL PREP. N.E.C. WITH OUTPUT LESS THAN 1,000,000 LBS/YR	2899	720.00	3600.00	2160.00	720.00	
0700	DRILLING MUD-STORAGE AND DISTRIBUTION	2899	253.00	1264.00	758.00	253.00	
0710	DRILLING MUD-GRINDING	2899	1011.00	5053.00	3032.00	1011.00	
0715	SALT PROCESSING & PACKAGING PER 1,000,000 LB/YR	2899	0.21	1.04	0.62	0.21	
		MIN.	312.00	1560.00	936.00	312.00	
0720	PETROLEUM REFINING PER 1,000 BBL/DAY RATED CAP. CRUDE THRUPUT	2911	63.17	315.84	189.50	63.17	* NOTE 3 *
		MIN.	1248.00	6240.00	3744.00	1248.00	
0730	ASPHALTIC CONCRETE PAVING PLANTS PER TON/HR RATED CAPACITY	2951	1.90	9.50	5.70	1.90	* NOTE 4 *
		MIN.	520.00	2600.00	1560.00	520.00	
0740	ASPHALT BLOWING PLANT (NOT TO BE CHARGED SEPARATELY IF IN REFINERY)	2951	758.00	3790.00	2274.00	758.00	
0760	BLENDING, COMPOUNDING, OR REFINING OF LUBRICANTS PER UNIT	2992	758.00	3790.00	2274.00	758.00	* NOTE 5 *
0770	PETROLEUM COKE CALCINING PER 1,000 TON/YR RATED CAPACITY	2999	10.10	50.54	30.32	10.10	
		MIN.	1248.00	6240.00	3744.00	1248.00	
0775	PLASTICS INJECTION MOULDING & EXTRUSION PER LINE	3079	253.00	1264.00	758.00	253.00	
0780	GLASS AND GLASS CONTAINER MFG NATURAL GAS FUEL PER LINE	3229	379.00	1894.00	1138.00	379.00	
0790	CEMENT MANUFACTURE PER 1,000 TON/YR RATED CAPACITY	3241	7.58	37.90	22.74	7.58	
		MIN.	1040.00	5200.00	3120.00	1040.00	
0800	GLASS AND GLASS CONTAINER MFG FUEL OIL PER LINE	3241	758.00	3790.00	2274.00	758.00	
0810	BRICK MANUFACTURE PER 1,000 TON/YR RATED CAPACITY	3251	3.78	18.94	11.38	3.78	
		MIN.	520.00	2600.00	1560.00	520.00	
0815	CONCRETE PRODUCTS	3272	256.00	1280.00	768.00	256.00	
0820	READY-MIX CONCRETE	3273	632.00	1920.00	1264.00	632.00	* NOTE 12 *
0830	LIME MANUFACTURE PER 1,000 TON/YR RATED CAPACITY	3274	7.58	37.90	22.74	7.58	
		MIN.	728.00	3640.00	2184.00	728.00	

	AIR CONTAMINANT SOURCE	SICC	ANNUAL COMPLIANCE	NEW PERMIT	MODIFIED PERMIT FEES		COMMENTS
			DETERMINATION	APPLICATION	MAJOR	MINOR	
0840	GYPSUM MANUFACTURE PER 1,000 TON/YR RATED CAPACITY	3275	7.58	37.90	22.74	7.58	
		MIN.	728.00	3640.00	2184.00	728.00	
0850	ASBESTOS PRODUCTS PER SITE OR PER PRODUCTION UNIT	3292	1517.00	7581.00	4549.00	1517.00	
0860	CLAY KILN	3295	304.00	1517.00	910.00	304.00	
0870	ROCK CRUSHER	3295	278.00	1390.00	834.00	278.00	
0880	GRAY IRON AND STEEL FOUNDRIES A) 3,500 OR MORE TON/YR PRODUCTION	3321	405.00	2021.00	1213.00	405.00	
0890	GRAY IRON AND STEEL FOUNDRIES B) LESS THAN 3,500 TON/YR PRODUCTION	3321	202.00	1011.00	606.00	202.00	
0900	MALLEABLE IRON FOUNDRIES A) 3,500 OR MORE TON/YR PRODUCTION	3322	405.00	2021.00	1213.00	405.00	
0910	MALLEABLE IRON FOUNDRIES B) LESS THAN 3,500 TON/YR PRODUCTION	3322	202.00	1011.00	606.00	202.00	
0920	STEEL INVESTMENT FOUNDRIES A) 3,500 OR MORE TON/YR PRODUCTION	3324	405.00	2021.00	1213.00	405.00	
0930	STEEL INVESTMENT FOUNDRIES B) LESS THAN 3,500 TON/YR PRODUCTION	3324	202.00	1011.00	606.00	202.00	
0940	STEEL FOUNDRIES NOT ELSEWHERE CLASSIFIED A) 3,500 OR MORE TON/YR PRODUCTION	3325	405.00	2021.00	1213.00	405.00	
0950	STEEL FOUNDRIES NOT ELSEWHERE CLASSIFIED B) LESS THAN 3,500 TON/YR PRODUCTION	3325	202.00	1011.00	606.00	202.00	
0960	PRIMARY SMELTING AND REFINING OF COPPER PER 100,000 LB/YR RATED CAPACITY	3331	5.04	25.26	15.15	5.04	
		MIN.	1248.00	6240.00	3744.00	1248.00	
0970	ALUMINUM PRODUCTION PER PDT	3334	25.26	126.34	75.79	25.26	
		MIN.	1248.00	6240.00	3744.00	1248.00	
0980	REFINING OF NON-FERROUS METALS N.E.C. PER 1,000 LB/YR RATED CAPACITY	3339	0.03	0.24	0.14	0.03	
		MIN.	1248.00	6240.00	3744.00	1248.00	
0990	SECONDARY SMELTING OF NON-FERROUS METALS PER FURNACE	3341	758.00	3790.00	2274.00	758.00	
		MIN.	1560.00	7800.00	4680.00	1560.00	
1000	WIRE MANUFACTURE	3357	506.00	2526.00	1517.00	506.00	
1010	ALUMINUM FOUNDRIES (CASTINGS) PER UNIT	3361	202.00	1011.00	606.00	202.00	
1020	BRASS/BRONZE/COPPER-BASED ALLOY FOUNDRY PER FURNACE	3362	253.00	1264.00	758.00	253.00	
1030	METAL HEAT TREATING INCLUDING SHOTPEENING	3398	152.00	758.00	454.00	152.00	
1040	METAL CAN MANUFACTURE	3411	506.00	2526.00	1517.00	506.00	
1050	DRUM MANUFACTURING AND/OR RECONDITIONING	3412	758.00	3790.00	2274.00	758.00	
1059	FABRICATED STRUCTURAL STEEL WITH 5 OR MORE WELDERS	3441	506.00	2526.00	1517.00	506.00	
1060	FABRICATED PLATE WORK WITH 5 OR MORE WELDERS	3443	640.00	3200.00	1920.00	640.00	
1070	ELECTROPLATING, POLISHING AND ANODIZING WITH 5 OR MORE EMPLOYEES	3471	152.00	758.00	454.00	152.00	
1080	SANDBLASTING OR CHEM. CLEANING OF METAL A) 10 OR MORE EMPLOYEES	3471	758.00	3790.00	2274.00	758.00	
1090	SANDBLASTING OR CHEM. CLEANING OF METAL B) LESS THAN 10 EMPLOYEES	3471	379.00	1894.00	1138.00	379.00	
1100	COATING, ENGRAVING, AND ALLIED SERVICES A) 10 OR MORE EMPLOYEES	3479	278.00	1390.00	834.00	278.00	
1110	COATING, ENGRAVING, AND ALLIED SERVICES B) LESS THAN 10 EMPLOYEES	3479	152.00	758.00	454.00	152.00	
1120	GALVANIZING AND PIPE COATING EXCLUDING ALL OTHER ACTIVITIES	3479	304.00	1517.00	910.00	304.00	

	AIR CONTAMINANT SOURCE	SICC	ANNUAL COMPLIANCE DETERMI- NATION	NEW PERMIT APPLI- CATION	MODIFIED PERMIT FEES		COMMENTS
					MAJOR	MINOR	
1130	PAINTING TOPCOAT PER LINE	3479	253.00	1264.00	758.00	253.00	
1140	FOTTING PER LINE	3479	152.00	758.00	454.00	152.00	
1150	SOLDERING PER LINE	3479	152.00	758.00	454.00	152.00	
1160	WIRE COATING PER LINE	3479	506.00	2526.00	1517.00	506.00	
1170	OIL FIELD MACHINERY AND EQUIPMENT	3533	253.00	1264.00	758.00	253.00	
1180	POWER CHAIN SAW MANUFACTURE PER LINE	3546	379.00	1894.00	1138.00	379.00	
1190	COMMERCIAL GRAIN DRYER	3559	304.00	1517.00	910.00	304.00	
1195	ELECTRIC TRANSFORMERS PER 1000 UNITS/YEAR	3612	117.52	587.60	352.56	117.52	
		MIN.	320.00	1600.00	960.00	320.00	
1200	ELECTRODE MANUFACTURE PER LINE	3624	354.00	1768.00	1061.00	354.00	
1210	TELEPHONE MANUFACTURE PER LINE	3661	885.00	4422.00	2653.00	885.00	
1220	ELECTRICAL CONNECTOR MANUFACTURE PER LINE	3678	454.00	2274.00	1365.00	454.00	
1230	BATTERY MANUFACTURE PER LINE	3691	506.00	2526.00	1517.00	506.00	
1240	ELECTRICAL EQUIPMENT PER LINE	3694	304.00	1517.00	910.00	304.00	
1245	AUTOMOBILE, TRUCK AND VAN ASSEMBLY PER 1000 VEHICLES PER YEAR CAPACITY	3711	126.34	631.66	378.99	126.34	
		MIN. MAX.	800.00 25272.00	4000.00 126360.00	2400.00 75816.00	800.00 25272.00	
1250	SHIP AND BOAT BUILDING A) 5001 OR MORE EMPLOYEES	3732	3790.00	18950.00	11370.00	3790.00	
1260	SHIP AND BOAT BUILDING B) 2501 TO 5000 EMPLOYEES	3732	2526.00	12634.00	7581.00	2526.00	
1270	SHIP AND BOAT BUILDING C) 1001 TO 2500 EMPLOYEES	3732	1264.00	6317.00	3790.00	1264.00	
1280	SHIP AND BOAT BUILDING D) 201 TO 1000 EMPLOYEES	3732	758.00	3790.00	2274.00	758.00	
1290	SHIP AND BOAT BUILDING E) 200 OR LESS EMPLOYEES	3732	253.00	1264.00	758.00	253.00	
1300	PLAY GROUND EQUIPMENT MANUFACTURE PER LINE	3949	379.00	1894.00	1138.00	379.00	
1310	GRAIN ELEVATORS A) 20,000 OR MORE TON/YR	4221	808.00	4043.00	2426.00	808.00	
1320	GRAIN ELEVATORS B) LESS THAN 20,000 TON/YR	4221	405.00	2021.00	1213.00	405.00	
1330	A) PETROLEUM, CHEMICAL BULK STORAGE & TER- MINAL (OVER 3,000,000 BBL CAPACITY) * NOTE 6 *	4226	7581.00	37901.00	22741.00	7581.00	
1340	B) PETROLEUM, CHEMICAL BULK STORAGE & TER- MINAL (1,000,000-3,000,000 BBL CAP) * NOTE 6 *	4226	5053.00	25267.00	15160.00	5053.00	
1350	C) PETROLEUM, CHEMICAL BULK STORAGE & TER- MINAL (500,001-1,000,000 BBL CAP) * NOTE 6 *	4226	2526.00	12634.00	7581.00	2526.00	
1360	D) PETROLEUM, CHEMICAL BULK STORAGE & TER- MINAL (500,000 BBL CAP OR LESS) * NOTE 6 *	4226	1264.00	6317.00	3790.00	1264.00	
1361	WHOLESALE DISTRIBUTION OF COKE AND OTHER BULK GOODS PER 1000 TONS/YR CAP. * NOTE 8 *	4463	0.51	2.53	1.50	0.51	
		MIN.	1248.00	6240.00	3744.00	1248.00	
1362	CRUDE OIL PIPELINE - FACILITY WITH LESS THAN 100,000 BBL STORAGE CAPACITY	4612	560.00	2800.00	1680.00	560.00	
1363	CRUDE OIL PIPELINE - FACILITY WITH 100,000 TO 500,000 BBL STORAGE CAPACITY	4612	800.00	4000.00	2400.00	800.00	
1364	CRUDE OIL PIPELINE - FACILITY WITH OVER 500,000 BBL STORAGE CAPACITY	4612	1120.00	5600.00	3360.00	1120.00	

	AIR CONTAMINANT SOURCE	SICC	ANNUAL COMPLIANCE	NEW PERMIT	MODIFIED PERMIT FEES		COMMENTS
			DETERMINATION	APPLICATION	MAJOR	MINOR	
1366	REFINED OIL PIPELINE - FACILITY WITH LESS THAN 100,000 BBL STORAGE CAPACITY	4613	480.00	2400.00	1440.00	480.00	
1367	REFINED OIL PIPELINE - FACILITY WITH 100,000 TO 500,000 BBL STORAGE CAPACITY	4613	640.00	3200.00	1920.00	640.00	
1368	REFINED OIL PIPELINE - FACILITY WITH OVER 500,000 BBL STORAGE CAPACITY	4613	960.00	4800.00	2880.00	960.00	
1370	RAILCAR/BARGE/TANK TRUCK CLEANING HEAVY FUELS ONLY	4742	253.00	1264.00	758.00	253.00	
1380	RAILCAR AND BARGE CLEANING OTHER THAN HEAVY FUELS	4742	1264.00	6317.00	3790.00	1264.00	
1390	TANK TRUCK CLEANING OTHER THAN HEAVY FUELS	4742	758.00	3790.00	2274.00	758.00	
1400	A)ELEC. POWER GEN PER MW (OVER 0.7% S IN FUEL)	4911	11.74	58.75	35.25	11.74	
			MIN.	2392.00	11960.00	7176.00	2392.00
1410	B)ELEC POWER GEN PER MW(0.7% S OR LESS IN FUEL) * NOTE 7 *	4911	7.04	35.25	21.15	7.04	
			MIN.	1144.00	5720.00	3432.00	1144.00
1420	C)ELEC. POWER GEN. PER MW (NATURAL GAS FIRED)	4911	3.54	17.63	10.58	3.54	
			MIN.	832.00	4160.00	2496.00	832.00
1430	NAT. GAS COMP PER 100 H.P. (TURBINES) * NOTE 11 *	4922	5.04	25.26	15.15	5.04	
1440	RECIP. NAT GAS COMP PER 100 H.P. A) > 50,000 H.P. * NOTE 11 *	4922	22.75	113.71	68.22	22.75	
1450	RECIP. NAT GAS COMP. PER 100 H.P. B) 20,000 TO 50,000 H.P. * NOTE 11 *	4922	25.26	126.34	75.79	25.26	
1460	RECIP. NAT GAS COMP. PER 100 H.P. C) 5,000 TO 20,000 H.P. * NOTE 11 *	4922	30.32	151.60	90.94	30.32	
1470	RECIP NAT GAS COMP PER 100 H.P. D) 2,500 TO 5,000 H.P. * NOTE 11 *	4922	35.38	176.85	106.11	35.38	
1480	RECIP. NAT GAS COMP. PER 100 H.P. E) 1,000 TO 2,500 H.P. * NOTE 11 *	4922	37.90	189.50	113.71	37.90	
1490	RECIP. NAT. GAS COMP. F) (1,000 H.P. * NOTE 11 *	4922	506.00	1264.00	506.00	506.00	
1500	COAL GASSIFICATION PER \$100,000 CAPITAL COST * NOTE 10 *	4925	5.04	25.26	15.15	5.04	
			MIN.	800.00	4000.00	2400.00	800.00
			MAX.	40456.00	202280.00	121368.00	40456.00
1510	CO-GENERATION PER \$100,000 CAPITAL COST * NOTE 10 *	4939	5.04	25.26	15.15	5.04	
			MIN.	800.00	4000.00	2400.00	800.00
			MAX.	25272.00	126360.00	75816.00	25272.00
1520	INCINERATORS A) 1,000 LB/HR AND GREATER CAPACITY	4953	320.00	1600.00	960.00	320.00	
1521	INCINERATORS B) LESS THAN 1,000 LB/HR CAPACITY	4953	104.00	520.00	312.00	104.00	
1530	MUNICIPAL INCINERATORS	4953	2526.00	12634.00	7581.00	2526.00	
1532	COMMERCIAL HAZARDOUS WASTE INCINERATOR PER 1,000,000 BTU PER HOUR THERMAL CAPACITY	4953	145.60	728.00	436.80	145.60	
			MIN.	3200.00	16000.00	9600.00	3200.00
1533	NON COMMERCIAL HAZARDOUS WASTE INCINERATOR (PER 1,000,000 BTU/HR THERMAL CAPACITY)	4953	72.80	364.50	218.40	72.80	
			MIN.	2080.00	10400.00	6240.00	2080.00
1534	COMMERCIAL HAZARDOUS WASTE DISP FACILITY, N.E.C.	4953	20800.00	104000.00	62400.00	20800.00	
1535	COMMERCIAL HAZARDOUS WASTE UNDERGROUND INJECTION (SURFACE FACILITIES) PER LOCATION	4953	4160.00	20800.00	12480.00	4160.00	
1536	RECOVERABLE/RE-USUABLE MATERIALS PRD. FACILITY (PER 1,000,000 BTU/HR THERMAL CAPACITY)	4953	72.80	364.00	218.40	72.80	
			MIN.	2080.00	10400.00	6240.00	2080.00
			MAX.	10400.00	52000.00	31200.00	10400.00
1540	STEAM GEN UNITS PER 1000 LBS/HR STEAM CAP-NAT GAS OR COMB NON-FOSSIL FUELS	4961	1.26	6.32	3.78	1.26	
			MIN.	208.00	1040.00	624.00	208.00

AIR CONTAMINANT SOURCE	SICC	ANNUAL COMPLIANCE	NEW PERMIT	MODIFIED PERMIT FEES		COMMENTS
		DETERMINATION	APPLICATION	MAJOR	MINOR	
1550 STEAM GEN UNITS PER 1000 LBS/HR STEAM CAP-FUELS WITH 0.7% S OR LESS	4961	2.53	12.64	7.58	2.53	
	MIN.	520.00	2600.00	1560.00	520.00	
1560 STEAM GEN UNITS PER 1000 LBS/HR STEAM CAP-FUELS WITH MORE THAN 0.7% S	4961	3.78	18.94	11.38	3.78	
	MIN.	728.00	3640.00	2184.00	728.00	
1570 CEMENT(BULK DISTRIBUTION)	5052	1011.00	5053.00	3032.00	1011.00	
1580 WHOLESALE DISTRIBUTION OF COAL PER 1,000 TON/YR THROUGHPUT	5052	0.24	1.26	0.74	0.24	
	MIN.	728.00	3640.00	2184.00	728.00	
1590 AUTOMOBILE RECYCLING SCRAP PER 1000 TONS/YR	5093	10.40	52.00	31.20	10.40	
	MIN.	520.00	2600.00	1560.00	520.00	
	MAX.	25272.00	126360.00	75816.00	25272.00	
1600 FLOATING BULK LOADER A) OVER 100,000 TON/YR THROUGHPUT	5153	2526.00	12634.00	7581.00	2526.00	
1610 FLOATING BULK LOADER B) 100,000 OR LESS TON/YR THROUGHPUT	5153	1264.00	6317.00	3790.00	1264.00	
1611 DRY BULK TRANSFER DERRICK CRANE BARGE UP TO 25% ANNUAL GRAIN TRANSFER	5153	720.00	3600.00	2160.00	720.00	
1612 DRY BULK TRANSFER DERRICK CRANE BARGE NO GRAIN TRANSFER	5153	480.00	2400.00	1440.00	480.00	
1620 GRAIN ELEVATORS-TERMINAL PER 10,000 BU/YR THROUGHPUT	5153	0.24	1.26	0.74	0.24	
	MIN.	1144.00	5720.00	3432.00	1144.00	
1630 WHOLESALE DISTRIBUTION OF CHEMICALS AND ALLIED PRODUCTS PER FACILITY	5161	632.00	2526.00	1894.00	632.00	
1640 PETROLEUM BULK PLANTS	5171	51.00	253.00	152.00	51.00	
1650 PETROLEUM BULK TERMINAL	5171	506.00	2526.00	1517.00	506.00	
1660 PETROLEUM BULK STATION	5171	51.00	253.00	152.00	51.00	
1670 STORAGE TANK	5171	0.00	506.00	253.00	253.00	
1680 CRUDE OIL DISTRIBUTION	5172	758.00	3790.00	2274.00	758.00	
1690 TIRE RECAPPING PLANT	7534	104.00	520.00	312.00	104.00	
1700 CHEMICAL WASTE DISPOSAL FACILITY FOR NONHAZARDOUS WASTE	9998	2350.00	11752.00	7051.00	2350.00	
1710 NEGOTIATED FEE	9999	0.00	0.00	0.00	0.00	
1711 RESEARCH FEE FOR ALTERNATE DISPOSAL OF HAZARDOUS WASTE	9999	0.00	0.00	0.00	0.00	

* SEE SECTION 6511.B.12 FOR MINIMUM AND MAXIMUM PERMIT FEES

ADDITIONAL PERMIT FEES AND ADFV FEES

- A. COMPANY NAME CHANGE AND/OR TRANSFER OF AN EXISTING PERMIT - \$100.00
- B. THE ISSUANCE OR DENIAL OF VARIANCES AND EXEMPTIONS - \$200.00
- C. THE ISSUANCE OF AN ASBESTOS DEMOLITION VERIFICATION FORM - \$ 25.00

EXPLANATORY NOTES FOR FEE SCHEDULE

- NOTE: 1 - THIS CATEGORY DOES NOT INCLUDE BUILDING PAPER
- NOTE: 2 - THIS CATEGORY IS CONSIDERED ONE PROCESS WITH THE FEE BASED ON THE RATED YEARLY CHLORINE CAPACITY.
- NOTE: 3 - THE FEE FOR THIS CATEGORY IS BASED ON CRUDE THROUGHPUT OF THE REFINERY. THROUGHPUT INCLUDES ADDITIONAL PURCHASED CHARGE STOCKS
- NOTE: 4 - THE FEES FOR THIS CATEGORY APPLY TO BOTH BATCH AND CONTINUOUS PROCESSES.
- NOTE: 5 - THIS FEE APPLIES TO LUBRICANTS MEANING LUBRICATING OILS AND GREASES. THIS FEE IS NOT TO BE CHARGED FOR UNITS WHICH ARE PART OF A FACILITY FOR WHICH THE PETROLEUM REFINERY FEE WAS PAID.
- NOTE: 6 - THE FEES FOR THIS CATEGORY ARE BASED ON THE ORGANIC COMPOUND STORAGE CAPACITY OF THE FACILITY
- NOTE: 7 - FOR AN ELECTRIC POWER GENERATION UNIT TO BE PLACED IN THIS CATEGORY IT MUST BURN FUEL OIL OR COAL OF LESS THAN .7% SULPHUR
- NOTE: 8 - WHOLESALE GRAIN DISTRIBUTION IS NOT INCLUDED IN THIS CATEGORY
- NOTE: 9 - FACILITIES WITH NO FUEL OR WASTE BURNING EQUIPMENT ARE EXEMPTED FROM BOTH THE ANNUAL COMPLIANCE AND PERMIT FEES. POWER MUST BE SUPPLIED BY ELECTRIC MOTORS OR INTERNAL COMBUSTION ENGINES
- NOTE: 10 - FOR COAL GASIFICATION AND COGENERATION PROJECTS WHEN COMPUTING APPLICATION FEES, THE CAPITAL COST FOR THE CONTROL EQUIPMENT THAT REDUCES EMISSIONS TO A LEVEL BELOW THE APPLICABLE NSPS REGULATIONS SHOULD BE DEDUCTED FROM THE CAPITAL COST.
- NOTE: 11 - THE MAXIMUM FEE FOR CATEGORIES 1430 THRU 1490 IS NOT TO EXCEED \$25,272.00 TOTAL FOR ANY ONE GAS TRANSMISSION COMPANY
- NOTE: 12 - THE MAXIMUM ANNUAL MAINTENANCE FOR ONE LOCATION WITH TWO OR MORE PLANTS SHALL BE \$1144.00

Paul H. Templet, Ph.D.
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Fee Increase**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There are no estimated implementation costs associated with the adoption of the proposed rule because a collection program is already in place.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that revenue collections to the state will increase by \$1,379,377. This proposal will have no effect on revenue collections of local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

If adopted, there will be a 60 percent increase in fees to help support the Department of Environmental Quality and the cost of the Air Quality Program as mandated by state law.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No additional effects on competition and employment should be experienced as everyone subject to the fee structure change will be affected equally.

Cyril A. Buchert, Jr.
Undersecretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Environmental Quality
Ground Water Division**

Pursuant to the authority of Act 13 of the 1988 First Extraordinary Session of the Louisiana Legislature, the Department of Environmental Quality hereby gives notice that a public hearing will be held at 9 a.m. on Thursday, July 21, 1988, in the Mineral Board Hearing Room located on the first floor of the State Lands and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA, at which time all interested persons will be afforded an opportunity to submit oral or written comments regarding fees or charges which are proposed to be imposed or increased permanently in order to provide for adequate permitting, monitoring, investigation, enforcement, administration, and other activities required for the maintenance of a healthful and safe environment.

Fees being considered for imposition or increase are the following:

**Title 33
ENVIRONMENTAL QUALITY
Part V. Hazardous Waste and Hazardous Materials
Subpart 1. Department of Environmental Quality -
Hazardous Waste
Chapter 33. Ground Water Protection
§3325. Fees**

- A. Ground Water Fee Proposals
1. Annual Report Review Fee - to cover the cost of re-

viewing the ground water annual report required by both the Hazardous and Solid Waste Regulations.

Hazardous Waste Facilities	\$1,000 X 48 = \$ 48,000
Solid Waste Facilities	\$ 250 X 212 = \$ 53,000
	SUBTOTAL \$101,000

2. Permit Review Fee - to cover the cost of reviewing permits for geology, geotechnical design, and ground water protection aspects.

Hazardous Waste Facilities (1 time)	\$5,000 X 40 = \$200,000
Permit Modifications (each)	\$ 750 X 25 = \$ 18,750
Solid Waste Facilities (1 time)	\$2,000 X 60 = \$120,000
Permit Modifications - Major (each)	\$ 500 X 25 = \$ 12,500
Permit Modifications - Minor (each)	\$ 200 X 30 = \$ 6,000
	SUBTOTAL \$375,250

3. Corrective Action Oversight (Annual) - to cover the cost of review and approval of plans and actions to clean-up ground water that has been contaminated by a facility.

Hazardous Waste Facilities	\$10,000 X 45 = \$450,000
Solid Waste Facilities	\$ 5,000 X 25 = \$125,000
	SUBTOTAL \$575,000

4. Facility Inspection Fee (Annual) - to cover the cost of inspecting the various facilities to assure compliance with the ground water protection aspects of the facilities' permits.

Hazardous Waste Facilities	\$1,000 X 33 = \$ 33,000
with sampling	\$7,500 X 15 = \$112,000
Solid Waste Facilities	\$ 500 X 140 = \$ 70,000
with sampling	\$1,500 X 72 = \$108,000
	SUBTOTAL \$323,500

5. Monitoring Well Installation Permit - to cover the cost of reviewing the geology and design of proposed ground water monitoring wells to insure compliance with DEQ specifications.
Each Well \$500 X 275 = \$137,500

6. Monitoring Well Inspection Fee (Annual) - to cover the cost of inspecting monitoring wells to insure that they are functioning properly and continue to maintain their integrity.
Each well \$250 X 2,000 = \$500,000

7. Oversight of Monitoring Well Abandonment - to cover the cost of reviewing plans to plug and abandon ground water monitoring wells to insure that they do not pose a potential threat to ground water.

Casing pulled	\$100 X 50 = \$5,000
Casing reamed out	\$200 X 35 = \$7,000
Casing left in-place	\$500 X 15 = \$7,500
	SUBTOTAL \$ 19,500
	GRAND TOTAL \$2,013,750

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1136 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Ground Water Division, LR 14.

Paul H. Templet, Ph.D.
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: New Fees**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There are no estimated implementation costs associated with the adoption of the proposed rule because a collection program is already in place.

Local governmental units will be required to pay an additional amount of approximately \$6,500 annually based on this proposed fee increase. This is in addition to the fee increase proposed by the Solid Waste Division.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

This will have not effect on local governmental units. State revenue collections by the Department of Environmental Quality will be increased by \$2,013,750.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

The estimated annual cost increase to hazardous waste facilities is \$12,250, and \$5,750 for solid waste facilities. This increase covers the cost of review by the Ground Water Division of annual reports, and permit reviews, and is an additional fee that the applicant will pay in addition to the new fees proposed for the Hazardous and Solid Waste Divisions.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No additional effects on competition and employment should be experienced as everyone subject to the fee structure change will be affected equally.

Cyril A. Buchert, Jr.
Undersecretary

David W. Hood
Legislative Fiscal Analyst

There are no estimated implementation costs associated with the adoption of the proposed rule because a collection program is already in place.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

State revenue collections by the Department of Environmental Quality will be increased by approximately \$1,562,823.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

The estimated cost to non-governmental groups (the industrial regulated community) is estimated at \$1,562,823.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No additional effects on competition and employment should be experienced as everyone subject to the fee structure change will be affected equally.

Cyril A. Buchert, Jr.
Undersecretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Department of Environmental Quality Hazardous Waste

Pursuant to the authority of Act 13 of the 1988 First Extraordinary Session of the Louisiana Legislature, the Department of Environmental Quality hereby gives notice that a public hearing will be held at 9 a.m. on Thursday, July 21, 1988, in the Mineral Board Hearing Room located on the first floor of the State Lands and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA, at which time all interested persons will be afforded an opportunity to submit oral or written comments regarding fees or charges which are proposed to be imposed or increased permanently in order to provide for adequate permitting, monitoring, investigation, enforcement, administration, and other activities required for the maintenance of a healthful and safe environment.

These proposed rules may be read in the Emergency Rule Section of this issue of the Register.

Paul H. Templet, Ph.D.
Secretary

Fiscal and Economic Impact Statement For Administrative Rules Rule Title: Fee Increase

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

NOTICE OF INTENT

Department of Environmental Quality Nuclear Energy Division

Pursuant to the authority of Act 13 of the 1988 First Extraordinary Session of the Louisiana Legislature, the Department of Environmental Quality hereby gives notice that a public hearing will be held at 9 a.m. on Thursday, July 21, 1988, in the Mineral Board Hearing Room located on the first floor of the State Lands and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA, at which time all interested persons will be afforded an opportunity to submit oral or written comments regarding fees or charges which are proposed to be imposed or increased permanently in order to provide for adequate permitting, monitoring, investigation, enforcement, administration, and other activities required for the maintenance of a healthful and safe environment.

Fees being considered for imposition or increase are the following:

Title 33 ENVIRONMENTAL QUALITY Part XV. Nuclear Energy

Chapter 25. Fee Schedule

Appendix A. Nuclear Energy Program Fee Schedule

CHAPTER 23

APPENDIX A

NUCLEAR ENERGY PROGRAM FEE SCHEDULE

Radioactive Material Licensing	Initial Application Fee	Annual Maintenance Fee
A. Medical Licenses:		
1. Therapy		
a. Teletherapy	390	390
b. Brachytherapy	390	390
2. Nuclear Medicine Group I, II & III or Group II and/or Group III	480	480
3. Nuclear Medicine Non-group License	290	290
4. Nuclear Pacemaker Implantation	195	195
5. Eye Applicators	195	195
6. Group I only or <i>in vivo</i> studies or radioimmunoassays or calibration sources	195	195
7. Processing or manufacturing and distribution of radiopharmaceuticals	765	575
8. Mobile Nuclear Medicine Services	765	575
9. "Broad Scope" Medical Licenses	765	575
10. All others	195	195
B. Source Material Licenses:		
1. For Mining, Milling, or Processing Activities, or Utilization which results in Concentration or Re-distribution of Naturally-Occurring Radioactive Material	3,320	3,320
2. For the concentration and recovery of uranium from phosphoric acid as "yellow cake" (powdered solid)	1,910	1,910
3. For the concentration of uranium from or in phosphoric acid	960	960
4. All other specific "source material" licenses	195	195
C. Special Nuclear Material (SNM) Licenses:		
1. For use of SNM in sealed sources contained in devices used in measuring systems	290	290
2. SNM used as calibration or reference sources	195	195

3. All other licenses for use of SNM in quantities not sufficient to form a critical mass, except as in I.A.4., I.C.1., I.C.2.	195	195
D. Industrial Radioactive Material Licenses:		
1. For processing or manufacturing for commercial distribution	3,320	2,870
2. For Industrial Radiography operations performed in a shielded radiography installation(s) or permanently designated areas at the address listed in the license	575	390
3. For Industrial Radiography operations performed at temporary jobsite(s) of the license	1,910	1,440
4. For possession and use of radioactive materials in sealed sources for irradiation of materials where the source is not removed from the shield and is less than 10,000 Curies	960	480
5. For possession and use of radioactive materials in sealed sources for irradiation of materials when the source is not removed from the shield and is greater than 10,000 Curies, or where the source is removed from the shield	1,910	960
6. For distribution of items containing radioactive material	960	960
7. Well-logging and subsurface tracer studies		
a. Collar markers, nails, etc. for orientation	195	195
b. Sealed sources less than 10 Curies and/or tracers less than or equal to 500 mCi	575	575
c. Sealed sources of 10 Curies or greater and/or tracers greater than 500 mCi but less than 5 Ci	960	960
d. Field Flood studies and/or tracers equal to or greater than 5 Curies	1,440	1,440

NOTE: Any licensee in paragraph D.1, D.2, D.3 or D.7 possessing, storing, or using radioactive material at more than one (1) permanent location under a single license shall be assessed annually an additional fee of 10% of the annual maintenance fee for each such location within the State of Louisiana. Such additional fee shall not exceed an amount equal to the annual maintenance fee.

	Initial Application Fee	Annual Maintenance Fee		Initial Application Fee	Annual Maintenance Fee
8. Operation of a Nuclear Laundry	3,820	1,910	2. Medical therapeutic x-ray (per registration)		
9. Industrial research and development of radioactive materials or products containing radioactive materials	480	480	a. Below 500 kVp	140	140
10. Academic research and/or instruction	390	390	b. 500 kVp to 1 MeV (including accelerator and Van de Graaff)	290	290
11. Licenses of broad scope:			c. 1 MeV to 10 MeV	390	390
a. Academic, Industrial, Research and Development, total activity equal to or greater than 1 Curie	960	960	d. 10 MeV or greater	575	575
b. Academic, Industrial, Research and Development, total activity not greater than 1 Curie	575	575	3. Dental x-ray (per registration)	55	55
			4. Veterinary x-ray (per registration)	55	55
12. Gas chromatographs, sulfur analyzers, lead analyzers, or similar laboratory devices	195	195	5. Educational institution x-ray (teaching unit, per registration)	95	55
13. Calibration sources equal to or less than 1 Curie per source	195	195	6. Electron Microscope	55	55
14. Level or Density Gauges	290	290	7. All other medical x-ray (per registration) except as otherwise noted	65	60
15. Pipe Wall Thickness Gauges	390	390	B. 1. Industrial Accelerator (includes Van de Graaff machines and neutron generators)	290	290
16. Soil Moisture and Density Gauges	290	290	2. Industrial Radiography (per registration)	95	95
17. All other specific industrial licenses except as otherwise noted	390	390	3. All other x-ray (per registration) except as otherwise noted	65	65
E. Radioactive Waste Disposal Licenses:			Storage - same fee		
1. Commercial waste disposal involving burial	500,000	500,000	General license which requires registration	55	0
2. Commercial waste disposal involving incineration of vials containing liquid scintillation fluids	3,320	1,910	Reciprocal Recognition		
3. All other commercial waste disposal involving storage, packaging and/or transfer	1,910	1,910	The fee for reciprocal recognition of a license or registration from another state or USNRC is the annual fee of the applicable category. The fee covers activities in the State of Louisiana for 1 year from the date of receipt.		
F. Civil Defense licenses	235	195			
G. Teletherapy Service Company License	960	960			
H. Consultants who:			Shielding Evaluation (per room)		
1. do not possess sources	95	55	A. Diagnostic	55	*
2. possess calibration sources equal to or less than 500 mCi each	140	95	B. Therapeutic (below 500 kVp)	95	*
3. possess calibration sources greater than 500 mCi	195	140	C. Therapeutic (500 kVp to 1 MeV)	140	*
Electronic Product Registration			D. Therapeutic (1 MeV to 10 MeV)	195	*
A. 1. Medical diagnostic x-ray (per x-ray registration)	65	60	E. Therapeutic (10 MeV or greater)	290	*
			F. Industrial and industrial radiography	195	*

Device, Product, or Sealed Source Evaluation

A. Device evaluation (each)	430	•
B. Sealed source design evaluation (each)	195	•
C. Update	95	•
Testing to determine qualifications of employees, per test administered	95	•
Laboratory samples	195-960 (charges depend on type of analyses performed)	

Nuclear Electric Generating Station (per site)

Located in Louisiana	210,000
Located near Louisiana (Plume Exposure Pathway Emergency Planning Zone - includes area in Louisiana)	152,600

(*-Certain charges are one time and do not recur)

Paul H. Templet, Ph.D.
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Fee Increase**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There are no estimated implementation costs associated with the adoption of the proposed rule because a collection program is already in place.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that revenue collections to the state will increase by approximately \$332,000. This proposal will have no effect on collections of local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

If adopted, the annual cost to directly affected persons or non-governmental groups will range from \$15 (for certain x-ray machines) to \$53,300 (for nuclear power plants in LA). The combined estimated cost to affected persons or non-governmental groups will be approximately \$332,000 annually.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No additional effects on competition and employment should be experienced as everyone subject to the fee structure change will be affected equally.

Cyril A. Buchert, Jr.
Undersecretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Environmental Quality
Solid Waste Division**

Pursuant to the authority of Act 13 of the 1988 First Extraordinary Session of the Louisiana Legislature, the Department of Environmental Quality hereby gives notice that a public hearing will be held at 9 a.m. on Thursday, July 21, 1988, in the Mineral Board Hearing Room located on the first floor of the State Lands and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA, at which time all interested persons will be afforded an opportunity to submit oral or written comments regarding fees or charges which are proposed to be imposed or increased permanently in order to provide for adequate permitting, monitoring, investigation, enforcement, administration, and other activities required for the maintenance of a healthful and safe environment.

Fees being considered for imposition or increase are the following:

**Title 33
ENVIRONMENTAL QUALITY
Part VII. Solid Waste**

**Chapter 11. Solid Waste Management System
§1107. Permit Application Process**

- A. - D. ...
- E. Solid Waste Fee System
 - 1. Permit Application Fee
 - a. Applicants for standard permits shall pay a \$2080 per permit application fee.
 - b. Payment of the permit application fee shall be due upon submission of the permit application and shall accompany each permit application submitted after promulgation of these revised regulations.
 - 2. Annual Monitoring and Maintenance Fee
 - a. Operators of all solid waste disposal facilities with a permit shall be charged an annual monitoring and maintenance fee for each facility.
 - b. Calculation of Annual Monitoring and Maintenance Fee
 - Base fee per permit + fee based on volume = annual monitoring and maintenance fee
 - i. Base fee per permit for industrial solid waste sites - \$4160.
 - ii. Base fee per permit for non-industrial solid waste sites - \$1040.
 - iii. Fee will be based on volume as reported in the previous year Disposer Annual Report.
 - (a). Industrial Waste - \$.42/ton or, \$.54/cubic yard
 - (b). Non-Industrial Waste
 - Amts. exceeding 75,000 tons \$.10/ton or,
 - Amts. exceeding 250,000 cu. yd. \$.06/cubic yard
 - iv. Maximum annual monitoring and maintenance fee per permit for industrial solid waste sites - \$41,600.
 - v. Maximum annual monitoring and maintenance fee per permit for non-industrial solid waste sites - \$10,400.
 - vi. Surface impoundments will be assessed the base fee per permit only.
 - vii. Public operated water supply treatment plant sludge

and domestic sewage sludge facilities will be assessed the base fee per permit only.

viii. Sites which are permitted to handle both industrial solid waste and non-industrial solid waste will be assessed the base fee for industrial solid waste disposal sites. In addition, these sites will be assessed the volume fee for any industrial solid waste received, plus the volume fee for any non-industrial solid waste exceeding the limits as provided in LAC 33:VII.1107.E.2.b.iii(b).

ix. Solid Waste Management systems with multiple disposal facilities which are scheduled for closure shall be assessed at a maximum the following maintenance and monitoring fees:

Industrial facilities	\$8,000
Non-Industrial facilities	\$2,000

This does not include facilities which are operating under of seeking a standard permit.

c. The annual maintenance period shall be from July 1 through June 30, commencing upon promulgation of these revised regulations and terminating upon closure of the site in accordance with the permit or order of the administrative authority.

d. Payment of annual permit maintenance fee shall be due within 45 days of operator's receipt of invoice from the administrative authority.

e. Late Payment - Unless otherwise provided herein, annual fees or other charges not received within 15 days of the due date will be subject to a late charge at an additional 10 percent per month.

f. Failure to Pay - The prescribed application fee or annual fee as provided herein will constitute a violation of these regulations and shall subject the person to applicable enforcement actions under the Louisiana Environmental Quality Act including, but not limited to, revocation or suspension of the applicable permit, license, registration or variance.

g. The annual fees prescribed herein shall be effective retroactive for the state fiscal year in which these fee regulations are published in the *Louisiana Register* as adopted, and each state fiscal year thereafter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1051 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Environmental Affairs, Solid Waste Division in LR 9:473 (July, 1983), amended in LR 9:690 (October, 1983), amended in LR 9:847 (December, 1983), amended by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division on July 1, 1985, in LR 11:533 (May, 1985), amended LR 14:

Paul H. Temple, Ph.D.
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Fee Increase**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There are no estimated implementation costs associated with the adoption of the proposed rule because a collection program is already in place.

Local governmental units will be required to pay additional maintenance fees ranging from a low of \$520 to a

maximum of \$2,080, depending on type facility and the amount of waste received.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

State revenue collections by the Department of Environmental Quality will be increased by \$800,483.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

As a result of this rule change, non-governmental commercial units operating solid waste disposal facilities will be assessed total annual maintenance fees of \$1,428,200 compared to total current fees of \$743,600. The maintenance fee is based on the number of facilities and volume of waste received.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No additional effects on competition and employment should be experienced as everyone subject to the fee structure change will be affected equally.

Cyril A. Buchert, Jr.
Undersecretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Environmental Quality
Underground Storage Tanks**

Pursuant to the authority of Act 13 of the 1988 First Extraordinary Session of the Louisiana Legislature, the Department of Environmental Quality hereby gives notice that a public hearing will be held at 9 a.m. on Thursday, July 21, 1988, in the Mineral Board Hearing Room located on the first floor of the State Lands and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA, at which time all interested persons will be afforded an opportunity to submit oral or written comments regarding fees or charges which are proposed to be imposed or increased permanently in order to provide for adequate permitting, monitoring, investigation, enforcement, administration, and other activities required for the maintenance of a healthful and safe environment.

Fees being considered for imposition or increase are the following:

Title 33

ENVIRONMENTAL QUALITY

Part XI. Underground Storage Tanks

Chapter 3. Underground Storage Tank Regulations

§311. Fees

These rules and regulations provide for the imposition and collection of a registration fee and an annual monitoring and maintenance fee.

A. Registration Fee

The owners of operational or non-operational underground storage tanks containing regulated substances must submit with the registration form the payment of the registration fee for each underground storage tank according to the following schedule:

1. For any substance defined in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980

(but not including any substance regulated as a hazardous waste under subtitle C of the Solid Waste Disposal Act as amended by RCRA)-\$125.

2. For petroleum, including crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure (60° Fahrenheit and 14.7 pounds per square inch absolute)-\$20.

B. In no case shall one owner be required to pay an aggregate registration fee in excess of \$2000.

C. Annual Monitoring and Maintenance Fee

On or before May 8 of each year commencing on May 8, 1987, an annual monitoring and maintenance fee per tank shall be paid by the owner according to the following fee schedule:

1. For any substance defined in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (but not including any substance regulated as a hazardous waste under subtitle C of the Solid Waste Disposal Act as amended by RCRA)-\$125.

2. For petroleum, including crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure (60° Fahrenheit and 14.7 pounds per square inch absolute, as follows:

Capacity of tank (gallons)	Fee
less than 2000	\$10
2,000 - 9,999	20
greater than 9,999	50

The volume of the underground pipes need not be considered for the purpose of determining the fee.

D. Method of Payment

Fees shall be paid by check or money order payable to the Department of Environmental Quality and mailed to the attention of the Underground Tank Program at the following address: Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Tank Program, Box 94381, Baton Rouge, LA 70804-9381.

E. Late Payment

Fees not received within 15 days after the due date will be subject to a late charge of an additional 10 percent per month.

F. Failure to Pay

Failure to pay the prescribed registration or annual fee as provided herein will constitute a violation of these regulations and shall subject the owner to applicable enforcement actions under the Louisiana Environmental Quality Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1051.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, LR 11:1141 (December 1985) amended LR 14:

Paul H. Temple, Ph.D.
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Fee Increase**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The Underground Storage Tank Division already issues invoices to owners of tanks with 1,000 gallon capacity or more. There will be no increase in implementation costs for

processing fees from tanks in this class. There are approximately 5,300 tanks in the 1 - 999 gallon category that were previously exempt from invoicing. It is estimated that half of these tanks are located at facilities already being invoiced, and there will be no additional costs incurred for these tanks (2,650). For the remainder, postage costs are approximately \$650.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

State revenue collections by the Department of Environmental Quality will be increased by approximately \$418,280.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

As a result of the rule change, the annual fee charged to operators of petroleum tanks would increase by different percents based on tank capacity.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No additional effects on competition and employment should be experienced as everyone subject to the fee structure change will be affected equally.

Cyril A. Buchert, Jr.
Undersecretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Environmental Quality
Water Pollution Control Division**

Pursuant to the authority of Act 13 of the 1988 First Extraordinary Session of the Louisiana Legislature, the Department of Environmental Quality hereby gives notice that a public hearing will be held at 9 a.m. on Thursday, July 21, 1988, in the Mineral Board Hearing Room located on the first floor of the State Lands and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA, at which time all interested persons will be afforded an opportunity to submit oral or written comments regarding fees or charges which are proposed to be imposed or increased permanently in order to provide for adequate permitting, monitoring, investigation, enforcement, administration, and other activities required for the maintenance of a healthful and safe environment.

Fees being considered for imposition or increase are the following:

Title 33

ENVIRONMENTAL QUALITY

Part IX. Water Quality Regulations

Chapter 13. Water Pollution Control Fee System

§1309. Fee System

A. Applicability

Fees established by these regulations shall be applicable to all water discharge permits, including no discharge and/or closed system permits, issued under the provisions of the Act (LRS 30:1051 et seq.), or any federal NPDES permit where permitting authority has been delegated to the department.

B. Annual Fee

1. The annual fee shall be calculated by multiplying the rating points times the rate factor.

2. The rating points shall be computed using the Annual Fee Rating Worksheet.

3. The rate factor shall be \$170.63 per rating point.

4. The annual fee shall be paid each year a facility has a water discharge permit. The year shall correspond with the state's fiscal year, July 1 through June 30. For new facilities, the annual fee may be prorated to correspond to the start-up date.

C. New, Modified, or Reissued Permit Fee

1. A new, modified, or reissued permit fee shall be paid for any permit action which requires the implementation of the public notice procedure.

2. The new, modified, or reissued permit fee shall be assessed subsequent to the receipt and review of an application or other request for permit action.

3. This fee shall be 20 percent of the calculated annual fee but not less than \$227.50.

D. Minimum and Maximum Annual fee

1. The minimum annual fee shall be \$227.50.

2. The maximum annual fee shall be \$50,000.

E. General Permit Fee

At the discretion of the administrative authority, an annual fee may be assessed for facilities regulated by a general permit. In deciding to establish an annual fee for facilities covered by a general permit, the administrative authority should consider the resources involved in administering the general permit, the economic impact on the regulated community, and the economic impact on the fee program. If the decision is made to assess an annual fee for an activity covered by a general permit, then each facility involved in that activity and covered by the general permit shall be assessed the fee.

F. Due Date

Fees shall be due within 30 days of receipt of the billing.

G. Late Payment Penalty

Fees not received within 15 days of the due date will be subject to a late penalty of an additional 10 percent per month of the assessed fee. The late penalty shall be calculated from the date of receipt of the billing.

H. Rate Factor

The rate factor shall be \$170.63 per point.

I. Refunds

1. There shall be no refunds of new, modified or reissued permit fees.

2. The annual fee may be prorated and/or refunded should a facility relinquish its discharge permit.

J. Annual Fee Rating Worksheet

The annual fee shall be computed using the Annual Fee Rating Worksheet provided in LAC 33:IX.1313. Instructions for completing the Annual Fee Rating Worksheet are provided in LAC 33:IX.1311.

K. Facility Complexity Designation

1. The Facility Complexity Designation shall be based on the SIC code as established in the tables in LAC 33:IX.1315.

2. If a facility is not specifically covered by an SIC code, the administrative authority may assign an SIC code and/or Facility Complexity Designation on a case-by-case basis.

3. When it is demonstrated that factors associated with processes and waste generation are fundamentally different from those considered in assignment of a Complexity Designation, the administrative authority, on a case-by-case basis, may assign a minor facility a different Complexity Designation than that indi-

cated in LAC 33:IX.1315. Such assignment shall consider:

a. type and quantity of wastewaters discharged, the ultimate avenue of disposal, and the potential to discharge; and

b. complexity of the permitting procedure and the inspection requirements for this type of facility.

L. Method of Payment

1. All fee payments except annual fee payments shall be made by check, draft or money order payable to the Department of Environmental Quality and mailed to: Department of Environmental Quality, Office of Water Resources, Water Pollution Control Division, Box 44091, Capitol Station, Baton Rouge, LA 70804-4091.

2. All annual fee payments shall be made by check, draft, or money order payable to the Department of Environmental Quality and mailed to: Department of Environmental Quality, Accounting Section, Box 44381, Capitol Station, Baton Rouge, LA 70804-9381.

M. Research and Development Fees

As required by the Environmental Quality Act (R.S. 30:1051 et seq.) and in particular R.S. 30:1065 (C) an additional research and development fee shall be charged for all facilities who are presently invoiced by this office and who are also currently listed by the Office of Solid and Hazardous Waste as generators, treaters, storers, and/or disposers of hazardous wastes. These fees shall be assessed in order to provide funding for theoretical and practical research and development of alternative methods and technologies of destroying, reducing, recycling, neutralizing, and to the least extent possible, disposing of hazardous waste. Self-generated revenue collected from these fees will be placed in the Alternate Technologies Research and Development Trust Fund and shall be calculated using the following formula:

Annual Research and Development Fee = Annual Maintenance and Surveillance Fee _____ × 3.5% = _____ .

Initial Fee = New, Modified, or Reissued Permit Fee _____ × 3.5% = _____ .

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1051 et seq., and in particular Section 1065(B).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources in LR 11:534 (May 20, 1985), amended LR 14:

§1311. Instructions for Completing Annual Fee Rating Worksheet

A. Facility Complexity Designation

1. Determine the specific industrial category applicable to the facility.

2. From the permit application, determine SIC codes. Also determine processes and products reported. Compare this information to LAC 33:IX.1315 to determine the applicable industrial category and the related complexity designation. When more than one category applies, select the one with the highest complexity designation. Record the SIC code applicable to the category selected in the first SIC code blank and all other reported SIC codes in the second blank. Record the SIC title.

3. Check the applicable complexity designation and record the associated points in the complexity points blank. NOTE: Any industrial category not listed in LAC 33:IX.1315 is automatically assigned a Complexity Designation I except under the circumstances noted in LAC 33:IX.1309.L.3.

4. The SIC codes listed in the tables are not exhaustive, and any questions concerning the appropriate SIC code or complexity designation for a particular facility will be decided by the

administrative authority.

B. Flow Volume And Type

1. Determine the wastewater type and average discharge volume.

2. Review the permit application to determine the composition of the wastewater discharge(s). If there are multiple discharges, the composite of all discharges should be used. Compare the relative magnitudes of process wastewater, non-contact cooling water and other wastewaters with the definitions of wastewater types in Table 1 below, and select the appropriate wastewater type (select only one type).

Table 1. Types of Wastewater

Wastewaters are divided into three types based on their relative pollution potential.

Description

Type I. Type I wastewaters are relatively uncontaminated. They include non-contact cooling water only, or mixed flows which contain at least 90 percent non-contact cooling water and not more than one mgd of process wastewaters.

Type II. Type II wastewaters are the most contaminated. They include process wastewater flows or any mixed wastewaters containing more than 10 percent process wastewaters or containing more than one mgd of process wastewaters.

Type III. Type III wastewaters include sanitary wastewater, boiler blowdown, recirculating cooling system blowdown, water treatment wastewaters and relatively uncontaminated surface run-off (contaminated surface runoff should be considered process wastewater). Any mixture of these wastewaters is considered Type III. A mixture which includes non-contact cooling water is also Type III unless the non-contact cooling water exceeds 90 percent of the flow (Type I).

3. Determine the total daily average wastewater discharge to the receiving water based upon the information supplied to this office in the permit application. If there are multiple discharges, the total of all daily average discharges should be used. Under the selected wastewater type, answer yes or no and, where applicable, complete the formula.

C. Traditional Pollutants

1. Review the permit to determine if BOD, COD, TSS and/or ammonia are limited. Points should only be assigned for these four parameters if they are limited in the permit. The permit limits used to determine pollutant loads should be those limits currently in effect. Add the daily average load limit for each parameter for all discharges.

2. Check the applicable load range for BOD and/or COD and record the highest associated points in the BOD or COD points blank. In some cases, oxygen demand may be limited by some parameter other than BOD or COD [i.e., ultimate oxygen demand (UOD), total organic carbon (TOC), or total oxygen demand (TOD)]. If this is the case, check the applicable load range in the BOD criterion and record the alternate parameter used in the blank indicated.

3. Check the applicable TSS and ammonia load ranges and record the associated points. An alternate nitrogen load parameter may be used in some cases when ammonia is not limited. If another nitrogen parameter is limited in the permit, check the appropriate load range in the ammonia criterion and record the alternate parameter used in the blank indicated.

4. Sum the totals A, B, and C and record the total pollution points in the space provided.

D. Temperature (Heat Load)

1. A heat load should be computed for large thermal discharges. Such discharges are usually indicated by temperature limits in the permit. Computation for a flow less than 10 mgd is unnecessary as it will receive no heat load points.

2. Use maximum temperature limit in the permit (maximum temperature reported in application if not limited in the permit) and subtract 70° to compute Δ T in °F, then determine the daily average heat load during the most critical conditions. This is usually during the summer months when stream temperature and cooling water flow rates are the highest.

3. If larger heat loads are discharged at other time periods because of seasonal operations, the daily average heat load for those periods should be used. The summer flow rate may not be indicated in the permit application. It can be determined from Discharge Monitoring Reports.

4. Compute the heat load using the computed Δ T and the selected flow rate. Check the applicable heat load range and record the associated points in the heat load points blank.

E. Potential Public Health Points

1. Determine if the receiving water is used for a municipal water supply.

2. Review the complexity designation assigned in LAC 33:IX.1311.A. If groups I or II were assigned, check the first complexity designation blank, record 0 points in the public health points blank and go to the next instruction.

3. If a higher complexity designation (III, IV, V, or VI) was assigned, then a determination if the receiving water is used as a drinking water supply source must be made. To qualify for points under this criterion, either the receiving water to which wastewater is discharged or a water body to which the receiving water is tributary must be used as a drinking water supply source within 50 miles downstream.

4. Check the appropriate complexity designation blank and record associated points in the public health points blank.

F. Major/Minor Facility Designation

1. Determine if the facility has been designated a major facility by the administrative authority. If the answer is YES, then check the appropriate blank and assign 25 points. If the answer is NO, then proceed to the next part.

2. Determine if the permitted effluent limitations assigned were based on water quality factors in the receiving water. Check the appropriate answer and assign the points required.

G. Total Rating Points

Sum the rating points assigned to each of the six sections and record the total in the total rating points blank.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1051 et seq., and in particular, Section 1065(B).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources in LR 11:534 (May 20, 1985), amended LR 14:

§1313. Annual Fee Rating Worksheet

Invoice No. _____

ANNUAL FEE RATING WORKSHEET
PERMIT NO. _____

1. FACILITY COMPLEXITY DESIGNATION
Primary SIC _____ Other SIC _____

Complexity Designation = _____ I (0 points)
 _____ II (10 points)
 _____ III (20 points)
 _____ IV (30 points)
 _____ V (40 points)
 _____ VI (50 points)

COMPLEXITY DESIGNATION POINTS _____

2. FLOW VOLUME AND TYPE

A. Wastewater Type I

Is total Daily Average Discharge greater than 60 mgd?

_____ Yes, then points = 30

_____ No, then

Points = 0.5 × Total Daily Average Discharge (mgd)

Points = 0.5 × _____ × _____

Total points = _____

B. Wastewater Type II

Is total Daily Average Discharge greater than 5 mgd?

_____ Yes, then points = 50

_____ No, then

Points = 10 × Total Daily Average Discharge (mgd)

Points = 10 × _____ = _____

Total points = _____

C. Wastewater Type III

Is total Daily Average Discharge greater than 25 mgd?

_____ Yes, then points = 50

_____ No, then

Points = 2 × Total Daily Average Discharge (mgd)

Points = 2 × _____ = _____

Total points = _____

FLOW VOLUME AND TYPE POINTS _____

3. TRADITIONAL POLLUTANTS

A. BOD or _____

Daily Average Load = _____ < 50 lb/day (0 points)
 _____ > 50 - 500 (5 points)
 _____ 500 - 1000 (10 points)
 _____ > 1000 - 3000 (20 points)
 _____ > 3000 - 5000 (30 points)
 _____ > 5000 lb/day (40 points)

COD or _____

Daily Average Load = _____ < 100 lb/day (0 points)
 _____ > 100 - 500 (5 points)
 _____ 500 - 1000 (10 points)
 _____ > 1000 - 5000 (20 points)
 _____ > 5000 - 10,000 (30 points)
 _____ > 10,000 lb/day (40 points)

BOD OR COD DEMAND POINTS _____

(whichever is greater)

Invoice No.

ANNUAL FEE RATING WORKSHEET

PERMIT NO. _____

B. TSS

Daily Average Load = _____ < 100 lb/day (0 points)
 _____ 100 - 500 (5 points)
 _____ > 500 - 1000 (10 points)
 _____ > 1000 - 5000 (20 points)
 _____ > 5000 - 10,000 (30 points)
 _____ > 10,000 lb/day (40 points)

TSS POINTS _____

C. AMMONIA or _____ (Alternative nitrogen parameter used)

Daily Average Load = _____ < 200 lb/day (0 points)
 _____ 200 - 500 (5 points)
 _____ > 500 - 1000 (10 points)
 _____ > 1000 - 5000 (20 points)
 _____ > 5000 - 10,000 (30 points)
 _____ > 10,000 lb/day (40 points)

AMMONIA POINTS _____

TOTAL POLLUTANT POINTS _____

4. TEMPERATURE (HEAT LOAD)

Heat Load = Average Summer flow (mgd) × Δ T × 0.00834
 where Δ T = Permit Limit (Max. Temp.) - 70°

Heat load = _____ (mgd) × _____ × 0.00834 = _____ Billion BTU

Heat load = _____ < 4 billion BTU (0 points)

_____ 4 - 20 billion BTU (5 points)

_____ > 20 - 100 billion BTU (10 points)

_____ > 100 - 200 billion BTU (15 points)

_____ > 200 billion BTU (20 points)

HEAT LOAD POINTS _____

5. POTENTIAL PUBLIC HEALTH IMPACTS

Is the receiving water to which the wastewater is discharged or a water body to which it is a tributary used as a drinking water supply source within 50 miles downstream?

_____ No (0 points) Complexity Designation

_____ Yes, then... _____ I, II (0 points)

_____ III (5 points)

_____ IV (10 points)

_____ V (20 points)

_____ VI (30 points)

POTENTIAL PUBLIC HEALTH IMPACT POINTS _____

6. MAJOR/MINOR FACILITY DESIGNATION

Has your facility been designated a Major Facility by the Administrative Authority?

_____ Yes, then Points = 25

_____ No, then

Were effluent limitations assigned to the discharge based on water quality factors in the receiving stream?

_____ No, then Points = 0

_____ Yes, then Points = 5

TOTAL MAJOR/MINOR POINTS _____

TOTAL RATING POINTS ASSIGNED _____

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1051 et seq. and in particular Section 1065(B).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources in LR 11:534 (May 20, 1985), amended LR 14:

Appendix C, Table 1 and 2 which contains the Complexity Groups for SIC Codes may be viewed at the Department of Environmental Quality, Water Pollution Control Division, State Lands and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA.

Paul H. Templet, Ph.D.
 Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Fee Increase**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There should be no increase in implementation costs to state or local governmental units as a result of this proposed amendment. This office already manages and maintains an extensive fee system that includes the invoicing and collection of new modified permit fees and annual maintenance and surveillance fees. Implementation of a 75 per cent increase in fees will not require any additional implementation costs.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

This amendment proposes a 75 per cent increase in existing fees that will result in an estimated increase in revenue of approximately \$2,350,448. An additional \$2,000,000 is expected to be collected as a result of 1) the planned issuance of new oil and gas exploration and production permits for facilities that have not been previously permitted and 2) the updating and consolidating of the SIC Code Tables 1 and 2 within the fee regulations. The additional revenue generated by these proposed changes covers the cost of the Water Pollution Control Program.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

The proposed amendment will directly affect approximately 1300 permitted facilities that currently are included in the fee system already established by the office. These permitted facilities will be assessed at 75 per cent increase in annual maintenance and surveillance fees beginning FY88/89. These revisions will also affect approximately 500 oil and gas exploration and production facilities that previously have not been permitted by establishing a SIC code within the regulations specifically for those operations. This SIC Code designation results in a fee of approximately \$3,400 per permit for these facilities. Also affected will be those industries represented by the SIC Codes that have been added to Tables 1 and 2 within the regulations. Their addition to these tables results in a fee increase of at least \$1,706 per facility. Revisions to the SIC Code Tables 1 and 2 within the regulations is required in order to more equitably assess fees to all classes of dischargers.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No additional effects on competition and employment should be experienced as everyone subject to the fee structure change will be affected equally.

Cyril A. Buchert, Jr.
Undersecretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Office of the Governor
Division of Administration**

Because of the dire fiscal problems the state of Louisiana is presently experiencing, it is imperative that all cost saving ideas be implemented as soon as possible to avoid severe statewide cutbacks in programs or personnel. The Division of Administration under the authority granted by R.S. 39:231, has determined that it is therefore necessary to exercise the emergency provisions of R.S. 49:953B. to amend LAC 4:V.1553 (PPM No. 49. General Travel Regulations) in the following respect:

§1553. General Provisions

A. Funds for Travel Expense

...Advances of funds for travel shall be made only as approved by the Division of Administration...

B. State Agency Credit Cards or Charge Accounts

...unless prior written permission has been obtained from the Commissioner of Administration. Such permission must be renewed by July 1 of each fiscal year.

C. Individual Charges on Corporate Cards (New)

The state encourages but does not require the use of the individual corporate charge card competitively awarded. However, the state accepts absolutely no liability for charges made on these cards.

D. Authorized Travel Agency (New)

Effective July 1, 1988, all travel arrangements for lodging, conference facilities, and/or transportation (commercial or chartered airline, train, road vehicle rental, etc.) covered by these regulations shall be made through the authorized travel agency and its affiliates unless an exception has been granted by the Commissioner of Administration, or an emergency has been certified by the department head. Services are available 24 hours a day, every day of the year. All other regulations applicable to such services, such as receiving bids for conference arrangements under Executive Order governing small purchases shall be followed, using the travel agency as negotiator with and for the state. Procedural details will be issued from time to time by the commissioner.

Persons interested in making comments relative to this proposed rule may do so by writing Edna Fisher, Office of State Purchasing, Box 94095, Baton Rouge, LA 70804-9095.

Steve Cochran
Acting Commissioner

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: General Travel Regulations**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Cost savings cannot be determined until the program has been in effect for several months. However, the State Budget Office has already removed \$700,000 from State FY 88-89 budgets in anticipation of at least this amount of savings.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Revenue collections from shared commissions cannot be determined until the program has been in effect for several months. It is estimated that this amount will be approximately \$250,000.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

The major economic benefit will be the lower costs in securing travel related services for state employees and travelers.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Edgar Jordan
Assistant Commissioner

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Department of Health and Hospitals Board of Certified Social Work Examiners

The Board of Certified Social Work Examiners adopts the following rules and regulations as governed by LSA-R.S. 37:2701-2718 of the 1972 Regular Session of the Louisiana Legislature, as amended, and by the State Administrative Procedure Act, LSA-R.S. 49:950-970. All prior rules are hereby repealed upon adoption of these rules.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XXV. Certified Social Workers

CHAPTER I. GENERAL PROVISIONS

§101. Definitions

Social Work Employee - Such status requires that the social worker provide direct or indirect social work services, receive remuneration from an employer for these services, and that the social worker's employer deduct federal withholding tax and FICA from the salary or wages.

Clinical Social Work - The process of clinical social work is undertaken within the objectives of board certified social work and the principles and values reflected in Board Certified Social Work Ethical Standards. Clinical social work practice includes provision of mental health services for diagnosis, treatment and prevention of mental and emotional disorders in individuals, families and groups. Clinical social work practice is based on knowledge and theory of psycho-social development, behavior, psychotherapy, unconscious motivation, interpersonal relations, prevention of mental and emotional disorders in individuals, families and groups. Treatment interventions include, but are not limited to individual, marital, family and group psychotherapy.

Private Practice - Such status is characterized by contracting directly and receiving direct payment from clients or agencies to provide clinical services, educational services, consultation or supervision, as an autonomous practitioner solely responsible for the welfare of the client and for the services rendered.

Full-Time Employee - A social worker who works 30

clock hours or more per week for salary or wages.

Part-Time Employee - A social worker who works at least 18 hours per week but less than 30 hours per week for salary or wages.

Gross Negligence - In the practice of social work, means conduct by either act or omission involving a legal or professional duty about which the social worker displays conscious indifference and where the consequences of such conduct could adversely affect the rights or welfare of those persons to whom the social worker owes the duty.

Good Moral Character - The aggregate of qualities evidenced by past conduct, social relations, or life habits, which actually provide persons acquainted with the applicant a basis to form a common favorable opinion regarding the applicant's ethics and responsibility to duty.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705(C).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Certified Social Work Examiners, L.R.10:203 (March 1984); repromulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 14:

§103. Ethical Standards

Social Workers certified by the Louisiana State Board of Certified Social Work Examiners must observe and comply with the following ethical standards. Violations of any of the following principles shall be regarded as unethical conduct and conduct which shall discredit the profession of social work. Such conduct shall be grounds for disciplinary action.

A. In providing services, a social worker must safeguard information given by clients. Except when required by law or judicial order or for the purposes of professional supervision and/or consultation, a social worker must obtain the client's informed written consent before releasing confidential information.

B. A social worker must provide a clear description of what the client may expect in the way of services, reports, fees, billing and schedules.

C. A social worker must obtain the client's or legal guardian's informed written consent when a client is to be involved in any research project. A social worker must explain the research, including any risk or potential consequences, and the subject's right to withdraw from the study at any time.

D. A social worker must not misrepresent his qualifications, training or experience. If a social worker engages in advertising, his credentials must be presented factually.

E. A social worker may not practice beyond his competence. A social worker must make appropriate referrals when the client's needs exceed the social worker's competency level. Such referrals should be timely.

F. A social worker must not divide a fee with a referral source. A social worker must not accept the division of a fee as compensation for a referral. This provision is intended to assure that referrals are always based solely on the best interests of the client.

G. A social worker must not provide social work services while under the influence of alcohol or other mind-altering or mood-altering drugs which impair delivery of such services.

H. Relationships with clients, students and supervisees must not be exploited by the social worker for personal gain. A social worker must not violate such positions of trust and dependency by committing any act detrimental to a client, student or supervisee.

I. A social worker must not engage in sexual activity with a client. Termination of treatment does not necessarily terminate the therapeutic relationship.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705(C).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Certified Social Work Examiners LR 10:203. (March 1984); repromulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 14:

§105. Practice

A. *Private Practice* - Only a social worker currently licensed as a board certified social worker by the State of Louisiana may engage in the private practice of social work. Any person practicing board certified social work without a license is subject to the provisions of LSA-R.S. 37:2717, including injunctive proceedings and prosecution.

B. *Non-Licensed social workers shall not:*

1. contract directly with clients, agencies or institutions to provide clinical services, consultation, supervision or educational services;

2. bill clients for services rendered;

3. receive direct payment from clients; or

4. claim to be licensed or in private practice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705(C).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Certified Social Work Examiners, LR 10:203. (March 1984); repromulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 14:

§107. Qualifications for Licensure

A. The candidate:

1. is at least 21 years of age;

2. is of good moral character;

3. has obtained a master's degree from an accredited graduate school of social work;

4. has satisfactorily passed an examination in social work approved by the board;

5. has had at least two years postmaster's experience in a social work setting as a full-time employee under the supervision of:

a. a board certified social worker; or

b. a physician licensed to practice medicine in the State of Louisiana and certified by the American Board of Psychiatry and Neurology.

B. Experience may be satisfied by:

1. two years of full-time employment;

2. part-time employment according to the following schedule:

Hours Worked	No. of Years	No. of Weeks of Supervision
18-20	4	208
21-22	3 ¹ / ₂	182
23-26	3	156
27-29	2 ¹ / ₂	130

3. supervised volunteer work, with prior approval by the board, in accordance with the employment schedules above.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705(C).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Certified Social Work Examiners, LR 10:203 (March 1984); repromulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 14:

§109. Administration of Examination

A. Examination

1. The board certified social work examination shall be administered at least once per calendar year at a time and place designated by the board.

2. *Examination Pass Point:* The board shall administer and grade a written examination or employ a national recognized testing firm to do the same. Whichever method is used, the board will consistently strive to improve reciprocity with other states having licensure comparable to Louisiana. A pass score of 70 will be used to grade the examination.

B. Preparatory Course

1. The board shall not endorse nor in any way participate in the operation or planning of any preparatory or cram course allegedly preparing applicants for the board certified social work examination.

2. No former member of the board of examiners may take part in the development, sponsorship or administration of any preparatory or cram course offered to candidates for the board certified social work examination for three years after said board member's term of office has expired.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705(C).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board Certified Social Work Examiners LR 10:203 (March 1984); repromulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 14:

§111. Minimum Supervision Requirement

A. Supervisor's Qualifications:

1. maintenance of licensure or certification in accordance with the Act (LSA-R.S. 37:2706);

2. five years of full-time work experience (or equivalent) beyond the master's degree in social work;

3. two letters of reference submitted to the board from other mental health professionals, one of whom should be a board certified social worker, who is familiar with the licensee's work, including supervisory and appropriate professional skills;

4. participation, after licensure, in a board sponsored supervision workshop or other supervision workshop or supervision course pre-approved by the board;

5. within 90 days of adoption of these rules and regulations, all board certified social workers in good standing may grandfather in as board approved supervisors by submitting the appropriate application form. The requirements of this Section shall not invalidate nor prohibit the continuation of any supervision undertaken prior to the adoption of these rules and regulations, provided that within 90 days of adoption thereof, all board certified social workers providing supervision shall submit the application for board approval of their supervisory status. This form will be mailed to all BCSWs.

B. A supervisee must receive an average of one hour per week of face-to-face supervision for two cumulative years. Group supervision is acceptable only if such supervision does not exceed one-half of the total supervisory time.

C. A contract shall be negotiated by the supervisor and

supervisee, recorded on a form provided by the board and submitted to the board within 30 days of beginning supervision.

D. Should the supervisory relationship be terminated before the end of the two-year period, the supervisee is responsible for negotiating a new contract with another supervisor which shall be recorded on the form provided by the board and submitted to the board within 30 days of beginning supervision.

E. There shall be a written evaluation completed by the supervisor, submitted to both the supervisee and the board, using the form provided by the board, at the end of the first year.

F. If the supervisee is being supervised on agency time and/or money, the agency has a right to enter the evaluation as a part of the supervisee's personnel file.

G. When the supervision is by a non-agency supervisor, the person requesting supervision is responsible for securing written agreement to the supervisory plan from the agency administration. The non-agency supervisor should be available to agency administrators to clarify the supervisory role, responsibilities and the content of supervision.

H. If supervision is terminated by either party, the supervisor is responsible for completing the termination of supervision and evaluation forms provided by the board, and submitting them to the board within 30 days of the end of supervision.

I. Any licensee who is engaged in the supervision of a potential applicant for qualification under LSA-R.S. 37:2706(A), (6), whose license has lapsed for any period of time under LSA-R.S. 37:2710(B), shall immediately notify all such supervisees of the period of the lapsed certificate. A copy of this letter shall be forwarded to the board. Upon reinstatement and/or renewal of the certificate, the licensee, at his expense shall promptly notify all such supervisees with a copy of this notification forwarded to the board. The same rules apply to any licensee whose license is suspended, revoked, or is under board sanction incompatible with supervisory activity.

J. Any disputes concerning the applicability of the supervised service during period of lapsed licenses, suspensions, revocations or other sanctions shall be the sole determination of the board.

K. The board shall have the right to review supervision in accordance with R.S. 37:2706, (A), (6). The board may request verification of dates, length of time and content of supervisory sessions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705(C).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Certified Social Work Examiners, LR 10:203. (March 1984); repromulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 14:

§113. Reciprocity and Endorsement

A. Reciprocity with other states and territories having comparable licensure is permissible as approved by the board.

B. In cases wherein no formal reciprocity agreement has been made, the board may endorse the license of a social worker moving to Louisiana from a state or territory with equivalent licensure standards.

C. The written examination may be waived by the board and a Louisiana license issued if the following specific requirements are met:

The applicant is currently licensed to practice social work in another state.

2. The applicant presents evidence that he/she meets the qualifications required by LSA-R.S. 37:2701-2718.

3. The applicant has passed a comparable written examination in order to secure his current social work license.

4. The applicant submits the required fees.

5. The applicant submits the completed application for endorsement.

6. The Verification of License in Other State Form is completed by the state in which the applicant has current licensure and submitted to the Louisiana board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2708.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Certified Social Work Examiners, LR 10:203. (March 1984); repromulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 14:

§115. Application Procedure

A. Application forms and instructions may be obtained by making a written request to the board's office.

B. The applicant must secure, complete and submit the appropriate application form at least 60 days prior to the examination date. The board may refuse to consider any application not complete in every detail, including submission of every document required by the application form. At the board's discretion a more detailed or complete response to any request for information set forth on the application form may be required.

C. The official transcript from a university verifying receipt of a master's degree must be received directly from the university.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705(C).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Certified Social Work Examiners, LR 10:203. repromulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 14:

§117. License Renewals and Cancellations

A. Renewal notices are mailed on June 20, of each year. The renewal fee is due between June 20, and November 30, of each year. Board certified social workers must list those social workers under their supervision on their renewal form.

B. A lapsed license fee may be paid between December 1, and February 28, of each year and the certificate will be renewed. (The lapsed license fee equals twice the amount of the renewal fee.)

C. Without payment of the lapsed license fee, the license is cancelled after February 28, and a certified notice of cancellation is mailed.

D. When a license is allowed to lapse after February 28, the applicant will be required to pay the registration and examination fees and pass the examination.

E. It is the board certified social worker's responsibility to keep the board informed of his/her current mailing address.

F. A licensee who allows his or her certificate to lapse for a period of six months or longer without renewal, or who is unsuccessful at a compliance hearing concerning this matter, shall be required to file a new application, subject to the examination procedures, and pay those required fees. However, such an applicant need not duplicate the two years of social work supervision or proof of graduate degree and may be reinstated

upon successful completion of the examination and payment of the appropriate fees.

G. No inactive or retired status shall be granted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705(C).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Certified Social Work Examiners, LR 10:203. (March 1984); repromulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 14:

§119. Disciplinary Action

A. Reporting of Violations by BCSWs

Any board certified social worker who knows of a violation or infraction of LSA-R.S.37:2701-2718, rules or ethical standards and who fails to report such violation in writing to the board, shall be considered to be negligent and is subject to prosecution under Section 2713 of said Act.

B. Denial, Suspension or Revocation of License (Certificate)

Certificate denial, suspension or revocation shall be accomplished in accordance with Section 2713.(B). of LSA-R.S. 37:2701-2718, the State Administrative Procedure Act, and the procedural rules provided in Chapter II hereof.

C. Disciplinary Options Available to the Board

In accordance with LSA-R.S. 37:2713, the following disciplinary options are available to the board.

1. *Revocation* - The involuntary termination of the licensee's license.

2. *Suspension* - The licensee is not permitted to practice for a specified period of time. Rehabilitative conditions may be imposed to run concurrently with the suspension period.

3. *Probation* - The licensee is permitted to practice, but the board has imposed conditions upon the practice or the practitioner including, but not limited to, rehabilitation. Once the time period has elapsed, and the licensee has complied with the terms of probation and/or rehabilitation, the board will allow the practitioner to resume practice unconditionally.

4. *Restriction of License* - A reduction in the scope of practice.

5. *Censure* - The board makes an official statement of censure concerning the individual.

6. *Reprimand* - Similar to censure. The board reprimands the licensee. There may be public or private reprimands.

7. *Restitution* - A requirement imposed upon the licensee that he make financial or other restitution to a client or other injured party.

D. Publication of Disciplinary Action

The board will notify the professional community within 30 days of any disciplinary action, including the disciplined social worker's name, location, offense and sanction imposed. A notice of disciplinary action will also be published in the BCSW Newsletter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2713.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Certified Social Work Examiners, LR 10:203. (March 1984); repromulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 14:

§121. Fees

The fees charged in connection with a board certified so-

cial work certificate shall be appropriately differentiated and shall not be more than the following amounts:

A. Examination Fee	\$90
B. Registration Fee	50
C. Re-Examination Fee	75
D. Certificate of Reciprocity	50
E. Renewal Fee	50
F. Reissuance of lost or destroyed certificate	15

All fees are non-refundable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2712.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Certified Social Work Examiners, LR 10:203. (March 1984); repromulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 14:

§123. Certificate Lettering

Only the individual's name will identify the licensee on the certificate. No degrees, honors or other information shall be added.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705(C).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Certified Social Work Examiners, LR 10:203. (March 1984); repromulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 14:

CHAPTER 3. PROCEDURAL RULES

§301. Authority

Consistent with the legislative purpose enumerated in LSA-R.S. 37:2701-2718, and to further protect the safety and welfare of the people of this state against unauthorized, unqualified and improper practice of board certified social work, the following rules of procedure are established under this board's rulemaking authority of LSA-R.S. 37:2705(C), 37:2713 and R.S. 49:952.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705(C).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Certified Social Work Examiners, LR 10:203. (March 1984); repromulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 14:

§303. Investigation of Complaints

A. The board is authorized to receive complaints against licensees or applicants from any person.

B. Any complaint bearing on a licensee's professional competence, conviction of a crime, unauthorized practice, mental competence, neglect of practice or violation of the state law or ethical standards where applicable to the practice of social work, should be submitted to the board.

C. Once a written complaint is received, the board will initiate a review of the allegations. The board may dispose of the complaint informally through correspondence or conference with the licensee and/or the complainant which may result in a consent order agreeable to both parties. If the licensee stipulates to the complaint and waives his right to formal hearing, the board may impose appropriate sanctions without delay. If the board finds that a complaint cannot be resolved informally, the written complaint will be forwarded to the board's designated Complaint

Investigation Officer (hereinafter referred to as the CIO) for investigation.

D. The board's CIO shall have authority to investigate the nature of the complaint through conference and correspondence directed to those parties or witnesses involved. The officer shall send the involved licensee notice of the investigation, containing a short summary of the complaint and any questions the officer may direct to the licensee relative to the complaint. All letters to the involved licensee, the complainant, or any other witness, shall be sent by registered mail, with the designation "Personal and Confidential" clearly marked on the outside of the envelope.

E. The CIO shall conclude the investigation as quickly as possible without compromising thoroughness. Unless good cause is shown by the CIO satisfactory to the board, which may extend the time for the investigation, the investigation and recommended action shall be completed within 30 days of the date the CIO first receives the complaint.

F. The CIO shall report to the board and make a recommendation for procedure to informal hearing, formal hearing or dismissal of the complaint. When the CIO's recommended action might lead to denial, suspension, or revocation of the certificate, the board shall immediately convene a formal adjudication hearing, pursuant to LSA-R.S. 37:2713. The officer may determine that the licensee's explanation satisfactorily answers the complaint and may recommend to the board that the matter be dropped. The recommended remedial action or dismissal of the complaint shall be forwarded to the involved complainant and licensee.

G. The CIO may also resolve the complaint through a consent order entered into by the licensee and the complainant. If the order contains any agreement by the licensee to some remedial course of action, the agreement must be signed by the complainant, the licensee and the board. The CIO will make note of any settlement arrived at between the complainant and the licensee, but such a settlement does not necessarily preclude further disciplinary action by the board.

H. If the CIO's recommendation for informal hearing is accepted by the board, the officer shall notify the licensee of the time and place of the conference and of the issues to be discussed. The licensee shall appear on a voluntary basis. The licensee shall be advised that the hearing will be informal, no lawyers will be utilized and no transcript of the hearing made. Any witnesses used will not be placed under oath, and no subpoenas will be issued. The licensee shall be informed that any statements made at the informal hearing may not be used or introduced at a formal hearing, unless all parties consent, in the event the complaint cannot be resolved informally. If the licensee notifies the CIO that he does not wish such an informal hearing, none shall be held. In that event, the CIO shall recommend to the board the initiation of a formal disciplinary hearing.

I. If the investigation disclosed any of the following: that the complaint is sufficiently serious to require formal adjudication; the licensee fails to respond to the CIO's correspondence concerning the complaint; the licensee's response to the CIO's letter discloses that further action is necessary: an informal hearing is held but does not resolve all of the issues; or the licensee refuses to comply with the recommended remedial action, the CIO shall recommend to the board the initiation of a formal disciplinary hearing.

J. In any recommended action submitted to the board by the CIO, the recommended action should be submitted in brief,

concise language, without any reference to the particulars of the investigation, or any findings of fact or conclusions or law arrived at during the investigative process.

K. The board shall also have authority to delegate to the CIO any alleged violations of LSA-R.S. 37:2716, prior to board action on such alleged violations. In that event, the CIO shall submit to the board the complete details of the investigation, including all facts and the complete investigation file, if requested by the board. Final authority for appropriate action rests solely with the board.

L. At no time shall the CIO investigate any case as authorized by the board or this Section where said officer has any personal or economic interest in the outcome of the investigation, or is personally related to or close friends with the complainant, the licensee, or any of the involved witnesses. In such event, the officer shall immediately contact the board, who shall have authority to appoint a CIO ad hoc for disposition of that case.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705(C).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Certified Social Work Examiners, LR 10:203. (March 1984); repromulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 14:

§305. Conduct of Hearing

The board shall be authorized to conduct two types of hearings: compliance hearings and formal disciplinary hearings.

A. Compliance Hearing

1. The board will provide a compliance hearing to a rejected applicant under LSA-R.S. 37:2706(B), provided the rejected applicant requests a compliance hearing, in writing, within 30 days after the receipt of the notice of the rejection, in which request the applicant shall state the opposition to the rejected application.

2. A licensee, whose certificate is deemed lapsed, under LSA-R.S. 37:2710(B), shall be entitled to a compliance hearing, provided the licensee requests same, in writing, within 10 days after the receipt of the notice of the lapsed certificate; or in the event that the licensee did not receive notice of the lapsed certificate within 30 days of the date upon which the license would have lapsed by operation of law.

3. Whenever possible, the board shall schedule a compliance hearing on a rejected application in such a manner that the applicant is given an opportunity to present evidence of compliance and the board to rule thereon in sufficient time to allow the applicant to take the next scheduled examination, if the board decides in favor of the applicant. If this is not possible, and the board has reason to believe that the applicant's opposition has merit, the applicant shall be allowed to take the examination provisionally, pending the hearing and determination of the board. In no event shall the compliance hearing be conducted later than 30 days after requested. This time limitation applies to rejected applicants, as well as licensees with lapsed certificates.

4. The purpose and the intent of the compliance hearing is to provide a forum for the applicant or licensee to present documentary evidence in the form of affidavits, court records, official records, letters, etc., along with under-oath testimony to establish that they do, in fact, meet the lawful requirements for the application or for the retention of the license. The board shall have the authority to administer oaths, hear the testimony and

conduct the hearing. No transcript of the hearing is required. The applicant or licensee may be represented by counsel, or may represent themselves in proper person.

5. In any compliance hearing, the burden shall be on the applicant or licensee to establish that he meets the criteria for licensure or that his certificate was timely renewed.

6. Within 15 days after the compliance hearing, the board will forward its final decision, including findings of fact and conclusions of law, by registered mail, to the unsuccessful applicant or licensee.

7. Thereafter, the unsuccessful applicant or licensee may apply for a re-hearing, as provided in LSA-R.S. 49:959, subject to further judicial review, pursuant to LSA-R.S. 49:964, 965.

B. Formal Disciplinary Hearing

1. The board shall also be authorized to conduct formal disciplinary hearings pursuant to LSA-R.S. 37:2713(B). The board shall promptly notify the attorney general, who is authorized and directed to appear on behalf of the state.

2. The hearing shall be held before the board only after the involved licensee is given at least 30 days notice by registered mail. The content of the notice, as well as the conduct of the hearing, shall be governed by R.S. 49:955, being further provided that the licensee be advised of his right to be represented by legal counsel; and that the board shall arrange for a court reporter to make an accurate recording of all testimony presented at the hearing. By bringing a complaint, the client waives the privilege of confidentiality for the purpose of the hearing.

3. The rules of evidence, notice, authority to administer oaths, issue subpoenas, conduct depositions and control confidential or privileged information, will apply to the formal adjudication hearing in the form specified by LSA-R.S. 39:956.

4. It is the licensee's continuing obligation to keep the board informed of his whereabouts. Accordingly, if notice of the hearing cannot be delivered by mail because of a change of address and the new address is not provided to the board, the board may hold the hearing in the licensee's absence, after making reasonable efforts to obtain the licensee's new address.

5. When the licensee receives notice, he may file an answer to the notice denying some or all of the charges, or offering any explanation or assert whatever defense is deemed applicable.

6. For good cause shown, the board has discretion to extend or continue the time set for the hearing for such reasons as ill health, inability to obtain counsel, the complexities of the case, or such other matters deemed by the board to present good cause.

7. The board shall elect from its membership a person to act as presiding officer at the hearing, to make rulings on objections, the admissibility of evidence, and to insure that the conduct of the hearing proceeds without delay and pursuant to law. The other board members may not delegate their decision-making and fact-finding duties to the presiding officer; nor shall the presiding officer have any greater weight in the decision-making process. The board's finding of fact and conclusions of law shall be signed by the majority of the board finding those facts and conclusions of law. Any board member disagreeing with those findings of fact and conclusions of law may also file in the record a dissent.

8. Any board member having reason to believe that he or she is biased or prejudiced against one of the parties to the proceeding or has a personal interest in the outcome shall immedi-

ately notify the remaining board members and request to be disqualified. Likewise, any party to such a hearing may file with the board an affidavit requesting a disqualification because of bias or personal interest. As soon as possible, but not later than the beginning of the hearing, the majority of the board must pass upon the requests for disqualification. The concerned board member shall not participate in the action to disqualify and shall not vote on the issue. If the board is quite certain that there is no merit to the requests for disqualification, the board will proceed with the hearing. However, any doubt should be resolved in favor of disqualification. In that event, the board should immediately contact the governor to appoint a board member pro tem to replace the disqualified member for the hearing in progress only.

9. The parties to the hearing are urged to confer prior to the hearing through their respective counsel, or personally to attempt to reduce or simplify the issues to be heard. This procedure is not required. The board will, however, honor any stipulations arrived at between the parties as proven fact at the hearing. The purpose of the prehearing conference is to insure that the hearing is not unusually delayed by receiving testimony or other evidence on matters which are not seriously in dispute.

10. The board shall have discretion to consolidate one or more cases for hearing involving the same or related parties, or substantially the same questions of law or fact. The board may also grant separate hearings if such a joint hearing would be prejudicial to one or more of the parties. If hearings are to be consolidated, notice must be given to all parties in advance of the hearing.

11. The presiding officer shall consider a motion to modify or quash any subpoena issued in connection with the hearing, provided that such motion is filed, by registered mail, with the board not later than three days prior to the hearing date, or the date scheduled for the deposition, if the subpoena was issued in connection with a deposition. Possible grounds to quash or limit the subpoena include, but are not limited to, testimony or material protected by privilege of statute, regulation, or other law; burdensomeness that would not be justified in light of the evidence's importance to the case, undue hardship on a witness; vagueness; and immateriality.

12. The procedures to be followed in conducting the hearing governing the order of proceedings, rulings on evidence, and the board's decision are contained in Chapters 11 through 14, respectively, of the Disciplinary Action Manual for Occupational Licensing Boards, prepared by the Louisiana Department of Justice, 1979, through the office of the attorney general. A copy of these pertinent chapters will be provided to an interested party involved with a hearing, by written request submitted to the board.

13. The burden of proof rests upon the attorney general who is bringing the charge before the board. No sanctions shall be imposed or order be issued, except upon consideration of the whole record, as supported by and in accordance with reliable, probative and substantial evidence. While proof beyond all reasonable doubt is not required to establish a given fact as true, the burden must be carried by a clear preponderance of the evidence. This standard of proof shall obtain in all hearings conducted before the board and for any review or examination of evidence provided by LSA-R.S. 39:957, Section 958, or any re-hearing requested, pursuant to LSA-R.S. 49:959.

14. Any party or person deemed to be governed by or

under the jurisdiction of LSA-R.S. 37:2701-2718, may apply to the board for a declaratory order or ruling in order to determine the applicability of a statutory provision or rule of this board to said party or person. The board shall issue the declaratory order or ruling in connection with the request by majority vote of the board, signed and mailed to the requesting party within 30 days of the request, except that the board may seek legal counsel or an attorney general's opinion in connection with the request, in which case the declaratory order or ruling may be issued within 60 days of its request.

15. Judicial review and appeal of any decision or order of the board shall be governed by LSA-R.S. 49:964-965.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705(C).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Social Work Examiners, LR 10:203. (March 1984); repromulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 14:

Written comments may be addressed to Suzanne L. Pevey, Executive Secretary, Louisiana State Board of Board Certified Social Work Examiners, Box 345, Prairieville, LA 70769.

Marguerite (Peggy) Salley
Secretary

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Rules and Regulations for the Board of Certified Social Workers

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rules and regulations have an estimated cost to the state (self-generated funds) of \$4,306 for fiscal year 87-88; \$2,112 for fiscal year 88-89; and \$2,112 for fiscal year 89-90.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no change in the board's revenue collection based on the proposed rules and regulations.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON- GOVERNMENTAL GROUPS (Summary)

The major change in the rules and regulations that will affect licensees will be the minimum requirements set forth for BCSW supervisors. Currently BCSW supervisors are required to have only two years post master's experience. After December 1, 1988, the board will require that supervisors have at least five years post master's experience, submit two letters of reference and participate, after licensure, in a board sponsored or approved supervision course or workshop. This could result in a loss of income, garnered by supervision of MSW candidates, until they have five years experience and qualify as a BCSW supervisor.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOY- MENT (Summary)

The estimated effect on competition and employment will be minimal since the only substantial change affecting li-

censees allows all current BCSWs to grandfather as BCSW supervisors.

Suzanne L. Pevey
Executive Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Department of Health and Hospitals Office of Community Services Division of Children, Youth, and Family Services

Effective September 20, 1988, the Department of Health and Hospitals, Office of Community Services intends to discontinue providing day care services to children through the Purchase of Service (POS) contracts payment system. All day care services will be provided through the Vendor Day Care Program administered by the Division of Children, Youth and Family Services (DCYFS). Priority for receipt of services will be given to the need for day care for protection of children at risk of abuse and/or neglect. This action is essential to avoid automatically curtailing day care services to children participating in either POS contracted day care programs or vendor programs and thereby placing the health, safety, and welfare of these children in imminent peril. This action is critical to assure that a gradual reduction is accomplished in overall day care services as children exit day care in order to comply with budget reductions while maintaining a transition period for shifting available day care funding through attrition to the geographic areas of greatest need for children at risk of abuse and/or neglect. A declaration of emergency rule-making concerning this change was published in the June 20, 1988 issue of the *Louisiana Register*.

Day care placement slots will not be allotted to specific service providers, but will be instead reallocated regionally based on overall service needs of eligible recipients. Client eligibility for day care services will be based on Title XX criteria which assesses family income and basis of need for day care. Eligibility is determined by staff in the parish offices of DCYFS. Families whose children are eligible for day care services will be allowed to select a center from among those in their area participating in the Vendor Day Care Program, which would include the former Purchase of Service Program.

A maximum payment of \$7 per day, per child, or \$154 per month will be made to vendor day care centers offering full-time care to participants in this program.

Day care centers currently operating under Purchase of Service contracts will be converted to the vendor program payment system effective July 1, 1988. A local DCYFS representative will work with each former Purchase of Service provider to insure a smooth transition for payments and to minimize disruption in overall available day care services in each region of the state. Children enrolled in those centers on July 1, 1988 will continue to receive services until their next eligibility redetermination in order to allow a period of transition for these programs. If they are found ineligible at that redetermination or if a slot is no longer available because children in need of protection due to risk of abuse and/or neglect require all available slots, their services will be curtailed.

For any newly authorized day care placement, the DCYFS will:

- a. apply the uniform Title XX eligibility criteria to each

potential recipient,

b. afford first priority for funding to protection of children at risk of abuse and/or neglect, and

c. allow the family freedom of choice in selecting from the day care centers in their geographic area.

A public hearing may be requested by contacting (504) 342-2297 or (504) 342-4000 no later than July 27, 1988. If sufficient requests are received to warrant holding a public hearing the public hearing will be scheduled for: 10 a.m., Tuesday, August 2, 1988, Louisiana State Library, First Floor Auditorium, Baton Rouge, LA.

Please contact this office at the above referenced telephone numbers by July 29, 1988 to confirm whether a public hearing will be held.

Interested persons may submit comments on this proposed rule by August 22, 1988 to: Brenda L. Kelley, Deputy Assistant Secretary, Office of Community Services, Box 44367, Baton Rouge, LA 70804.

Brenda L. Kelley
Deputy Assistant Secretary

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Conversion of Title XX Purchase of Service Day Care to the Vendor Program

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

This action involves the transfer of funds from one budget unit to another in order to consolidate the delivery of day care services into one program. There will be no direct cost or savings.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

No effect is anticipated on revenue collections of state and local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON- GOVERNMENTAL GROUPS (Summary)

Those providers under the POS contracts will no longer be allotted a specific number of placements and will have to compete with other vendor providers in their area which could result in a reduction in state funded enrollment at \$154 per month per child.

Current recipients of services should not be affected as children currently enrolled in Purchase of Service contract centers will continue to be served under the Vendor Program as long as they meet Title XX eligibility criteria.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOY- MENT (Summary)

The centers previously operating under Purchase of Service contracts will now have to compete with other Vendor Program centers, as parents of eligible children are allowed to select from all participating centers in their geographic area.

Brenda Kelley
Deputy Assistant Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

Department of Health and Hospitals Office of Eligibility Determination

The Department of Health and Hospitals, Office of Eligibility Determination, proposes to adopt the following rule in the Medical Assistance Program.

The appropriate income levels for the maintenance of the spouse at home and minor children at home must be protected in computing patient liability when an individual enters a Long Term Care Facility. Currently, the protected income level for the spouse at home is \$186.80. The protected income level for each dependent child is in accordance with Aid to Families with Dependent Children (AFDC) Payment Standards. Under this rule, the protected income level for the spouse at home with a minor child/children shall be in accordance with the monthly Medically Needy Income Eligibility Standards (MNIES) for the total number of family members excluding the Long Term Care recipient. The change is necessary to assure compliance with 42 CFR 435.725 and 42 CFR 435.831. The protected income level for the spouse at home who does not have dependent children is not affected by this rule.

PROPOSED RULE

Effective October 1, 1988, the protected income level for the spouse at home with a minor child/children shall be in accordance with the monthly Medically Needy Income Eligibility Standards (MNIES) for the total number of family members excluding the Long Term Care recipient.

Interested persons may submit written comments to the following address: Howard L. Prejean, Deputy Assistant Secretary, Box 94065, Baton Rouge, LA 70804-4065. He is the person responsible for responding to inquiries regarding this proposed rule. A copy of this proposed rule and its fiscal and economic impact statement is available for review in each local Office of Family Security.

A public hearing on this proposed rule will be held on August 10, 1988 in the Louisiana State Library Auditorium, 760 Riverside, Baton Rouge, LA, beginning at 9:30 a.m. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing at said hearing.

Implementation of this rule is dependent on the approval of the Health Care Financing Administration (HCFA). Disapproval of this change by HCFA will automatically cancel the provisions of this rule and current policy will remain in effect.

David L. Ramsey
Secretary

Fiscal and Economic Impact Statement For Administrative Rules

Rule Title: Protected Income

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

This proposed rule will result in savings to the state of \$384 in FY 88/89 and \$496 in subsequent fiscal years.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

This proposed rule will result in decreased federal funding of \$944 in FY 88/89 and \$1,218 in subsequent fiscal years.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

This proposed rule will result in reduced countable income for recipients of \$1,428 in FY 88/89 and \$1,714 in subsequent fiscal years.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect on competition or employment.

Howard L. Prejean
Deputy Assistant Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Health and Hospitals
Office of Public Health**

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq, the Department of Health and Hospitals, Office of Public Health proposes to amend Chapter II of the State Sanitary Code as follows:

Sanitary Code
State of Louisiana
Chapter II
The Control of Disease

2:003 The following diseases are hereby declared reportable:

Acquired Immune Deficiency Syndrome (AIDS)	Meningococcal Infection* (including meningitis)
Amebiasis	Mumps
Anthrax	Mycobacteriosis, atypical
Aseptic meningitis	Pertussis (whooping cough)
Blastomycosis	Plague*
Botulism*	Poliomyelitis
Brucellosis	Psittacosis
Chancroid	Rabies (animals and man)
Cholera*	Reyes Syndrome
Diphtheria*	Rocky Mountain Spotted Fever
Encephalitis (specify primary or post-infectious)	Rubella (German Measles)*
Foodborne illness*	Rubella (congenital syndrome)
Gonorrhea	Salmonellosis
Granuloma Inguinale	Severe under nutrition (severe anemia, failure to thrive)
Hepatitis, Viral (specify type)	Shigellosis
Herpes, neonatal	Syphilis
Legionellosis	Tetanus
Leprosy	Trichinosis
Leptospirosis	Tuberculosis
Lymphogranuloma Venereum	Tularemia
Malaria	Typhoid Fever
Measles (rubeola)*	Typhus Fever, murine (fleaborne)
Meningitis, <i>Haemophilus</i>	Vibrio Infections (other than Cholera, specify type)
	Yellow Fever

*Report suspected cases immediately by telephone. In addition to the above, all cases of rare or exotic communicable disease and all outbreaks shall be reported.

This action regarding the reporting of all vibrios is necessitated by the Office of Public Health's need to gather more information on the ever increasing number of illnesses and deaths related to this organism. The office will conduct epidemiologic investigations of all reported diseases caused by vibrio bacteria in order to better equip physicians to treat patients and save lives.

The necessity of adding blastomycosis to the reportable

disease list comes as a result of a recent investigation of a large cluster of cases of this disease in one of our southern parishes. The rate of cases per 100,000 in this population alerted the epidemiology section to the fact that we have a possible hyper-endemic area in our state and must have a method of ongoing surveillance.

Interested persons may submit written comments or questions to: Dr. Louise McFarland, Chief, Epidemiology Section, Office of Public Health, Department of Health and Hospital, Box 60630, New Orleans, LA 70160.

David L. Ramsey
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Chapter II Sanitary Code (Reportable Diseases)**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There are no estimated implementation costs to the state or local governmental units.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenue collections of state or local governments.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

There will be no costs and/or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition or employment.

Joseph Kimbrell
Dep. Asst. Sec.

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Health and Hospitals
Office of Public Health**

The Department of Health and Hospitals, Office of Public Health proposes to amend Chapter XII (Water Supplies) of the Sanitary Code, State of Louisiana. The proposed rule change would amend Chapter XII to make needed revisions.

This amendment is necessary to allow incorporation of all the new requirements mandated by amendments to the Safe Drinking Water Act (42 U.S.C. 300f et seq.) and subsequent regulations published in the *Federal Register*. Language in Chapter XII shall be amended to include comments from the original notice of intent as published in the April, 1988 issue of the *Louisiana Register*. Copies of these proposed rules may be viewed in their entirety at the Department of Health and Hospitals, Office of Public Health, 325 Loyola, Room 403, New Orleans, LA.

Interested persons may comment on the proposed policy

change and/or additions, in writing, until 4:30 p.m. August 11, 1988, at the following address: T. Jay Ray, Office of Public Health, Box 60630, New Orleans, LA 70160.

David L. Ramsey
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Amendment to Chapter XII
Sanitary Code**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The costs of implementing the proposed action are \$17,000, \$169,000 and \$235,000 for FY 87/88, 88/89 and 89/90 respectively. (It should be pointed out that the state has primacy granted by EPA, for carrying out the provisions of the federal Safe Drinking Water Act.) The proposed actions placed into state regulations those requirements mandated by changes to the federal law. The requirements must be performed by the state, or the state must develop a program(s) that would allow the water facilities owners to perform the requirements themselves. At present, DHHR's laboratory is the only one in the state certified to perform chemical analyses on drinking water.)

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

No increase or decrease in revenues is projected to occur as a result to the proposed action.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

The proposed action will not cost or be of any economic benefit to the affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed action will not have any effect on competition and employment.

Joseph D. Kimbrell
Deputy Assistant Secretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Public Safety and Corrections
Office of Motor Vehicles**

Pursuant to Act 13 of the First Extraordinary Session of the 1988 Louisiana Legislature, enacting R.S. 39:55.2 relative to imposing or increasing fees or charges by rule, the governor having declared a fiscal emergency, the acting commissioner of administration having given his written approval on June 14, 1988, the following fee increases, or handling fee charges, are hereby published:

Effective July 1, 1988, and permanently thereafter, the handling fee of \$5.50 each will be charged on each of the following transactions of the Department of Public Safety and Corrections, Office of Motor Vehicles.

**Title 55
PUBLIC SAFETY**

Part Iv. Fees

Chapter 1. Fees and Handling Charges

§101. Handling Fees On Office of Motor Vehicles Transactions

Drivers's License

New applications
Renewals
Duplicates
Valid without photo

Identification Cards

New applications
Renewals
Duplicates

Vehicle Registration

New Vehicle or out-of-state (tax, title and license)
Transfer of ownership (multiples included) (tax, title and license)
Record and cancel mortgage
Lost plate and sticker
Conversion of license plate
Renewals
Duplicate title
Letter of authorization to operate an unregistered vehicle
MVI sticker and rejection stickers (per order)
MVI station permits
Duplicate MVI station permits
MVI station signs
MVI mechanic inspection license
Duplicate MVI mechanic inspection license
Sheriff's certificate of chattel mortgages
Recordation of floor plans
Dealer temporary marker (per order)
Agriculture permits
Refunds-drivers license and vehicle registration
Certified copies
Claims against dealer bonds
Salvage certificates
DOTD ticket assessments
Non-resident cab cards
Reciprocity cab cards

The above handling fee will offset the total operational costs of \$16,131,035 for the above transactions by generating anticipated revenues of \$16,170,000. This is based on the 1988-89 fiscal year.

Public hearing will be held on June 29, 1988, at 10 a.m. at State Police Training Academy located at 7901 Independence Boulevard, Baton Rouge, LA 70806.

Interested individuals may submit comments on this proposed rule to Bill Cummings, Department of Public Safety, Office of Motor Vehicles, Box 66614, Baton Rouge, LA. Telephone (504) 925-6399.

Bruce N. Lynn
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules**

Rule Title: Motor Vehicle Handling Fee

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no implementation cost because of this change.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The effect on revenue collections for state government will be an increase of \$499,800 based on increasing the fee from \$5.33 to \$5.50. Under the provisions of Act 13 of the First Extraordinary Session of 1988, a permanent rule was adopted in the May 20, 1988 *Louisiana Register* increasing the original \$2 fee to \$5.33 which would result in an annual increase of \$9,790,200.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

The cost to individuals who have vehicle registration and/or drivers' license transactions processed through the Office of Motor Vehicles will be an additional cost of \$.17 per transaction based on increasing the fee from \$5.33 to \$5.50. Under the provisions of Act 13 of the First Extraordinary Session of 1988, a permanent rule was adopted in the May 20, 1988 *Louisiana Register* increasing the original \$2 fee to \$5.33 which would result in a \$3.33 increase per transaction.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Rex McDonald
Undersecretary

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Wildlife and Fisheries
Office of Wildlife**

The Secretary of the Department of Wildlife and Fisheries does hereby give notice, in accordance with the Administrative Procedure Act that she intends to promulgate a rule to establish regulations governing the game breeders license program, said rule to be designated as LAC 76:V.105, and to read as follows:

Title 76

WILDLIFE AND FISHERIES

Part V. Wild Quadrupeds and Wild Birds

Chapter 1. Wild Quadrupeds

§105. Requirements for Game Breeders License

The dimensions and specifications described herein are considered as basic minimum standards for permanent exhibit facilities for the well-being of the animals and birds specified. It must be emphasized that these are minimum standards and the optimum conditions for most animals and birds would include dimensions at least several times greater than those cited.

A. Waterfowl

Single Bird: 100 square feet with 25 percent in water areas; increase pen size by 25 percent for each additional bird with one-fourth of this increase being in water area.

B. Doves

Single Bird: 3 feet × 2 feet × 5 feet high;
Community Group: large enough to fly or at least eight feet in diameter.

C. Pheasants, Quail, Chukars

1. Exhibit Purposes:

Single Bird: 20 square feet; add 20 square feet for each additional bird.

2. Commercial Operation:

Extension Service Recommendations:

a. Quail

1-10 days old: 9 chicks per square foot;
10 days - 6 weeks old: 6 chicks per square foot;
6 weeks and older: 3 birds per square foot;
1 breeding pair per square foot.

b. Pheasants

1-10 days old: 4 chicks per square foot;
10 days 6 weeks old: 1 chick per square foot;
6-14 weeks old: 1 bird per 4 square feet;
1 breeding pair per 8 square feet.

c. Chukars

Same as pheasant

D. Hawks, Falcons

Refer to Federal raptor facilities specifications

E. Squirrels

1. Single Animal: 3 feet long × 3 feet wide × 4 feet high;

Additional Animals: add 6 inches more in length per additional animal; several limbs, nest box.

2. Due to the inherent tendency of these animals to bite people and in an attempt to cooperate with Chapter II of the State Sanitary Code under authority of Act 601 of the 1974 Louisiana Legislature, specifically Section 2.05, it is further required that applicants provide a certificate from a licensed veterinarian stating that squirrels are free of rabies.

F. Rabbits

Single Animal: 6 feet long × 3 feet wide × 3 feet high;

Additional Animals: add 1 foot in length per animal; gnawing logs; den or retreat.

G. Whitetail Deer, Fallow Deer, or other Imported Deer

1. No license will be issued in metropolitan or urban areas. A rural environment is the first requirement to keep these animals.

2. Exhibit Purposes:

Single Animal: 5000 square feet paddock or corral (50 feet wide × 100 feet long); increase corral size by 50 percent of that size for each additional animal; shelter required.

Sturdy Corral Fence: 9 gauge chain link or other satisfactory woven wire, 8 feet high minimum.

3. Commercial Operation:

Same fence construction but 15 acre minimum.

H. *Bear (license will not be issued)

Single Animal: Sturdy pen (chain link wire) not less than 9 gauge with top cover 25 feet long × 12 feet wide × 10 feet high;

Pair: 30 feet × 15 feet × 10 feet high;

Pool: 6 feet × 4 feet × 18 inches deep, with facilities for spaying or wetting bears;

Den: 6 feet long × 4 feet wide × 4 feet high, per animal.

I. *Wolves and Wolf Crosses (permits will not be issued)

Single Animal: 15 feet long × 8 feet wide × 6 feet high; double cage area for each additional animal; se-

cluded den area required, 4 feet x 4 feet for each animal, sturdy wire required.

J. *Cougar, Mountain Lion (license will not be issued)
Single Animal: 10 feet long x 8 feet wide x 8 feet high, covered roof;

Pair: 15 feet long x 8 feet wide x 8 feet high.

Materials: not less than 9 gauge chain link or equivalent and safety perimeter rail; danger sign, claw log; 24-inch wide shelf, 8 feet long, 40 inches off floor.

*NOTE: Current valid Game Breeder's License holders for these species will be "grandfathered" and renewed annually until existing captive animals expire, or are legally sold, traded, etc. out of state or to a suitable public facility. This position by the department is necessary due to the ability of these specific animals to cause serious physical injury to the owner, or other innocent bystanders. Qualified educational institutions, zoos or scientific organizations will be excepted to this provision on a case-by-case basis.

K. General Requirements:

1. Game animals and birds cannot be taken from the wild nor released into the wild except as provided on shooting preserves. (The only exception to this policy is that hawks and falcons may be taken from the wild by falconers, as provided for in their federal regulations). Applicants are required to have a bill of sale for each animal acquired, as well as keeping records of all birds and animals sold or transferred, and the names and addresses to whom they were sold or transferred. These records shall be subject to inspection at any time by Wildlife and Fisheries employees.
2. Additionally, it is the responsibility of the applicant to comply with pen specifications. In addition to the described pen dimensions all bird and animal pens must include adequate feeding and watering facilities necessary for the well-being of the animal. Applicants for waterfowl, doves, pheasants, quail, chukars, squirrels and rabbits must submit a form verifying their facilities meet or exceed the described pen specifications, along with a copy of the bill of sale. Their facilities may require inspection at the biologist's discretion. All deer and potentially dangerous animal pens must be inspected for security.
3. Game breeders can only keep those species for which they have been approved to keep. If applicant desires to keep additional species, the facilities for those species must be inspected and approved prior to obtaining the new species.
4. All new applicants for a game breeder's license as well as renewal applicants for all deer and the previously specified potentially dangerous animals must submit (1) a signed waiver statement holding the Department of Wildlife and Fisheries and its employees harmless of liability as a result of issuing a game breeder's license. License will only be issued to those applicants who are willing to accept full responsibility and liability for any damages or injuries resulting from their animals or activities as a licensed game breeder of domesticated wildlife in Louisiana; (2) a written plan of action for recapture of an escaped animal must be submitted and approved by the department before the application is processed. The plan of action should include (a) equipment, (b) per-

sonnel, (c) recovery techniques, and (d) method of mitigation payments for damages caused by the escaped animal. This information is necessary because the Department of Wildlife and Fisheries will not provide these services.

Interested parties may submit their views in writing to Hugh A. Bateman, Administrator, Game Division, Louisiana Department of Wildlife and Fisheries, Box 15570, Baton Rouge, LA 70895.

Virginia Van Sickle
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: R.S. 56:171 - Game Breeder's License
Regulations**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The proposed rule will have no estimated implementation cost to state government.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The Department of Wildlife and Fisheries presently licenses approximately 300 Game Breeders annually in Louisiana. The proposed rule regarding the Game Breeder's License will only affect persons wishing to keep large and dangerous animals. License fees are currently \$25 per year and the department receives requests for permitting these animals infrequently. Revenue collection will be reduced no more than \$500 annually based on an estimated reduction of 20 requests per year.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)
Implementation of this proposed revision will require some game breeders to modernize pens currently being used. Costs are variable dependent on species being raised. However, pen designs being proposed have been the guidelines for game breeders for the last several years. The majority of game breeders will not incur any additional costs.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
The proposed rule will have no effect on competition and employment.

J. B. Kidd
Assistant Administrator
Game Division

David W. Hood
Legislative Fiscal Analyst

NOTICE OF INTENT

**Department of Wildlife and Fisheries
Office of Wildlife**

The secretary of the Department of Wildlife and Fisheries does hereby give notice, in accordance with the Administrative Procedure Act that she intends to promulgate a rule to establish

a non-resident shooting preserve license, said rule to be designated as LAC 76:V.303, and to read as follows:

**Title 76
WILDLIFE AND FISHERIES
Part V. Wild Quadrupeds and Wild Birds**

Chapter 3. Wild Birds

§303. Non-Resident Preserve Hunting License

The Louisiana Wildlife and Fisheries Commission has established a special non-resident preserve hunting license which can be purchased for use on a specific preserve in lieu of the regular non-resident small game hunting license. The fee for the special non-resident preserve hunting license is \$15.

Interested persons may submit written comments or inquiries to Hugh Bateman, Administrator, Game Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000 (504) 765-2346 between the hours of 8 a.m. and 4:30 p.m.

Virginia Van Sickle
Secretary

**Fiscal and Economic Impact Statement
For Administrative Rules
Rule Title: Section 656, Title 56
Non-Resident Preserve Hunting License**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Estimated cost to implement this rule change is \$200 annually to prepare and print the new license in-house.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The Office of Wildlife estimates that, based upon an estimated 100 non-resident hunters purchasing the license, allowing them to return to the preserve during the season to hunt only the pen-raised fowl on the preserves, is \$1,500.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

The potential benefit for some individual preserve operators, game breeders, restaurants, and motels will depend on the preserve operator's ability to market his product. Hunting preserves most likely to succeed in benefitting from this rule will be those near the state line or in areas which naturally attract large numbers of out-of-state hunters.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule change will have no estimated effect on competition and employment.

Hugh A. Bateman
Administrator

David W. Hood
Legislative Fiscal Analyst

Administrative Code Update

ADMINISTRATIVE CODE UPDATE

Administrative Code Update
April, 1988 through June, 1988

Vol.	Title:Part.Section	Effect	Location
1	LAC 10: III.Chapter 45 LAC 35: I.1304 XIII.11201	Amended Adopted Amended	April, 1988 LR 14:225 226 227 May, 1988
	XI.9905 XV.Chapter 121 XV.12336	Amended Adopted Adopted	LR 14:292 287 287
2	LAC 7: XXI.Chapter 117	Amended	April, 1988 LR 14:217 June, 1988
	XVII.10757	Amended	LR 14:348
3	LAC 46: LXVII.6529	Amended	April, 1988 LR 14:227 June, 1988
	XLV.1939 and 1941 XLIX.505 XLIX.1102 XLIX.1103 XLIX.1303	Amended Amended Adopted Amended Amended	LR 14:351 352 352 353 352
4	LAC 4: VII.1737	Amended	April, 1988 LR 14:230 May, 1988
	V.Chapter 5 V.1537 VII.1323	Amended Amended Amended	LR 14:293 293 294
	LAC 19: III.505	Amended	June, 1988 LR 14:350
5	LAC 76: V.Chapter 1	Amended	June, 1988 LR 14:364
6	LAC 22: VII.Chapter 1 LAC 55: I.Chapter 5 Subchapter A Subchapter B	Adopted Amended Amended	June, 1988 LR 14:354 362 360
7	LAC 40: XV.123 LAC 37: I.Subpart 2 Chapter 32	Amended Adopted	April, 1988 LR 14:231 June, 1988 LR 14:349
11	LAC 33: III.Chapter 31	Amended	June, 1988 LR 14:348
13	LAC 33: V.Subpart 2 Chapter 103 Chapter 105 Chapter 107 Chapter 109	Amended Adopted Adopted Adopted	May, 1988 LR 14:297 297 295 296

Potpourri

POTPOURRI

Department of Environmental Quality Office of Water Resources

The Department of Environmental Quality, Office of Water Resources will conduct a public hearing to present, for public review and comment, the proposed FY 1989 Construction Grants Priority List and the Municipal Facilities Revolving Loan Fund Intended Use Plan. The Priority List is a ranking of communities that request federal assistance for the construction of wastewater treatment facilities and will determine which applicants may receive federal assistance in FY 1989. The proposed list is prepared in accordance with the provisions in 40 CFR 35.2015-2025. The Intended Use Plan identifies the intended uses of funds available to the Revolving Loan Fund and the criteria and method for their distribution. The Intended Use Plan is prepared in accordance with the provisions of Section 606(c) of Title VI of the Federal Water Quality Act of 1987.

The public hearing will be held on August 18, 1988, at 10 a.m. in the Mineral Board Hearing Room, in the lobby of the State Lands and Natural Resources Building, 625 North Fourth Street, Baton Rouge, LA. Interested persons may submit written comments to Maureen O'Neill, Assistant Secretary, Office of Water Resources, Box 44091, Baton Rouge, LA 70804. Written comments will be received until August 30, 1988.

Copies of the proposed FY 1989 Construction Grants Priority List and the Intended Use Plan will be available for public review at least 30 days prior to the hearing at the Department of Environmental Quality, Water Pollution Control Division, 625 North Fourth Street, Baton Rouge, LA and in the following Department of Environmental Quality Regional Offices throughout the state:

Southwest Regional Office, 1155 Ryan Street, Lake Charles, LA.

Northwest Regional Office, 1525 Fairfield Street, Room 11, Shreveport, LA.

Lafourche Regional Office, 302 Barataria Street, Lockport, LA.

Alexandria Sub-Regional Office, c/o LA Dept. of Wildlife and Fisheries, Highway 71 North, Adjacent to Spring Hill Courts, Pineville, LA.

Northeast Regional Office, 804 North 31st Street, Monroe, LA.

Acadiana Regional Office, 100 Eppler Road, Lafayette, LA.

Southeast Regional Office, 3945 North I-10 Service Road West, Metairie, LA.

Capital Regional Office, 11720 Airline Highway, Baton Rouge, LA.

Paul H. Templet, Ph.D.
Secretary

POTPOURRI

Department of Health and Hospitals Office of Public Health Nutrition Section

In accordance with Public Laws 99-500 and 99-591 the Louisiana Special Supplemental Nutrition Program for Women, Infants and Children (WIC) is soliciting comments from the general public on the WIC program's State Plan for 1988-89. The plan describes in detail the goals and the planned activities of the WIC program for the next year. Interested persons may find copies of the State Plan at their local parish health units or they may apply directly to the Nutrition/WIC office for copies of the plan at \$.05 per page. Interested individuals should submit their requests for copies or their comments on the plan to the following address: State of Louisiana, Department of Health and Hospitals, Office of Public Health, Nutrition Section Room 405, Box 60630, New Orleans, LA 70160. Attn: State Plan.

Additional information may be gathered by contacting Joan Wightkin (504) 568-5065.

Pamela P. McCandless, M.P.H.
Administrator

POTPOURRI

Department of Natural Resources

Fishermen's Gear Compensation Fund

In accordance with the provisions of the Fishermen's Gear Compensation Fund, R.S. 56:700.1 through 56:700.5, and regulations adopted for the fund published in the *Louisiana Register* on August 20, 1980, notice is given that 17 claims amounting to \$39,638.08 were received during the month of June 1988. During the same month, 110 claims amounting to \$199,240.12 were paid.

No hearings are scheduled for the month of August.

Raymond W. Stephens, Jr.
Secretary

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LOUISIANA ADMINISTRATIVE CODE

The *Louisiana Administrative Code* is a vitally important publication of the State of Louisiana! When completed, it will be a comprehensive extension to your law library. It will contain approximately 20 volumes. It will be updated annually by supplement, and quarterly in the *Louisiana Register*. The books are compiled by subject matter like the revised statutes, but with an entirely different codification system. You may order the entire set or specific volumes.

NEW VOLUMES — ENVIRONMENTAL QUALITY

- Volumes 11 and 12 — Air Quality
- Volume 13 — Hazardous Waste
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- Volume 6 — Public Safety and Corrections
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- Volumes 8 and 9 — Public Health-General (Sold as set only)
- Volume 10 — Revenue and Taxation

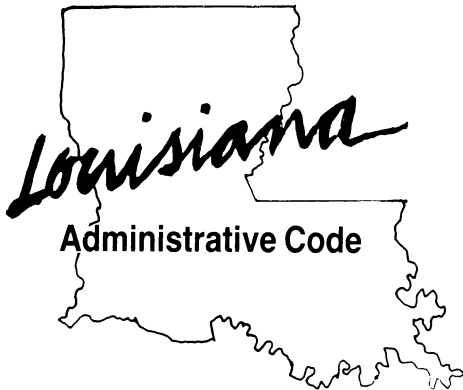
Please send me the Volume(s) and/or Supplement(s) circled below.

VOLUMES \$40 EACH: STATE AGENCIES \$20

1 2 3 4 5* 6 7 8 9 10 11 12 13 14 15

SUPPLEMENTS \$10 EACH

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