

Emergency Rules

DECLARATION OF EMERGENCY

Department of Agriculture and Forestry Office of the Commissioner

Chloramphenicol in Shrimp and Crawfish Testing, Sale, and Labeling (LAC 7:XXXV.Chapter 1)

The Commissioner of Agriculture and Forestry hereby adopts the following Emergency Rules governing the testing and sale of shrimp and crawfish in Louisiana and the labeling of foreign shrimp and crawfish. These Rules are being adopted in accordance with R.S. 3:2.A, 3:3.B, R.S. 3:4608 and the emergency rule provisions of R.S. 49:953.B of the Administrative Procedure Act.

The Louisiana Legislature, by SCR 13 of the 2002 Regular Session, has urged and requested that the Commissioner of Agriculture and Forestry require all shrimp and crawfish, prior to sale in Louisiana, meet standards relating to Chloramphenicol that are consistent with those standards promulgated by the United States Food and Drug Administration, (FDA). The Legislature has also urged and requested the commissioner to promulgate rules and regulations necessary to implement the standards relating to Chloramphenicol in shrimp and crawfish that are consistent with those standards promulgated by the FDA, and which rules and regulations require all shrimp and crawfish sold in Louisiana to meet the standards adopted by the commissioner, prior to sale.

Chloramphenicol is an antibiotic the FDA has restricted for use in humans only in those cases where other antibiotics or medicines have not been successful. The FDA has banned the use of Chloramphenicol in animals raised for food production. [See 21 CFR 522.390(3)]. The FDA has set a zero tolerance level for Chloramphenicol in food.

Chloramphenicol is known to cause aplastic anemia, which adversely affects the ability of a person's bone marrow to produce red blood cells. Aplastic anemia can be fatal. In addition, according to the National Institute on Environmental and Health Sciences, Chloramphenicol can reasonably be anticipated to be a human carcinogen. In widely accepted references such as "Drugs in Pregnancy and Lactation," the use of Chloramphenicol is strongly dissuaded during pregnancy, especially late pregnancy. Chloramphenicol can be transmitted to an unborn child through the placenta and to an infant through the mother's milk. The dosage transmitted to an unborn child is essentially the same dosage as is taken in by the mother. However, the unborn child is unable to metabolize Chloramphenicol as efficiently, thereby causing the risk of an increasing toxicity level in the unborn child. Although the effect on an infant as a result of nursing from a mother who has taken Chloramphenicol is unknown, it is known that such an infant will run the risk of bone marrow depression.

Recently, European Union inspectors found Chloramphenicol residues in shrimp and crawfish harvested from and produced in China. The inspectors also found "serious deficiencies of the Chinese residue control system and problems related to the use of banned substances in the veterinary field," which may contribute to Chloramphenicol residues in Chinese shrimp and crawfish. The Chinese are known to use antibiotics, such as Chloramphenicol, in farm-raised shrimp. They are also known to process crawfish and shrimp harvested in the wild in the same plants used to process farm-raised shrimp.

The European Union, in January of this year, banned the import of shrimp and crawfish from China because Chloramphenicol has been found in shrimp and crawfish imported from China. Canada has, this year, banned the import of shrimp and crawfish that contain levels of Chloramphenicol above the level established by Canada. Between 1999 and 2000 imports of Chinese shrimp to the United States doubled, from 19,502,000 pounds to 40,130,000 pounds. With the recent bans imposed by the European Union and Canada there is an imminent danger that the shrimp and crawfish that China would normally export to the European Union and Canada will be dumped and sold in the United States, including Louisiana.

The sale of such shrimp and crawfish in Louisiana will expose Louisiana's citizens, including unborn children and nursing infants, to Chloramphenicol, a known health hazard. The sale, in Louisiana, of shrimp and crawfish containing Chloramphenicol presents an imminent peril to the public's health, safety and welfare.

This peril can cause consumers to quit buying shrimp and crawfish from any source, including Louisiana shrimp and crawfish. If consumers cease to buy, or substantially reduce, their purchases of Louisiana shrimp and seafood, Louisiana aquaculture and fisheries will be faced with substantial economic losses. Any economic losses suffered by Louisiana's aquaculture and fisheries will be especially severe in light of the current economic situation, thereby causing an imminent threat to the public welfare.

Consumers of shrimp and crawfish cannot make an informed decision as to what shrimp or crawfish to purchase and the commissioner cannot adequately enforce the regulations regarding the sampling and testing of shrimp and crawfish unless shrimp and crawfish produced in foreign countries are properly labeled as to the country of origin.

The Commissioner of Agriculture and Forestry has, therefore, determined that these emergency rules are necessary to immediately implement testing of shrimp and crawfish for Chloramphenicol, to provide for the sale of shrimp and crawfish that are not contaminated with Chloramphenicol and to provide for the labeling of shrimp and crawfish harvested from or produced, processed or packed in countries other than the United States. These rules become effective upon signature, May 24, 2002, and will remain in effect 120 days, unless renewed by the commissioner or until permanent rules are promulgated.

Title 7

AGRICULTURE AND ANIMALS

Part XXXV. Agro-Consumer Services

Chapter 1. Weights and Measures

§137. Chloramphenicol in Shrimp and Crawfish Prohibited; Testing and Sale

A. Definitions

Food Producing Animals Both animals that are produced or used for food and animals, such as dairy cows, that produce material used as food.

Geographic Area A country, province, state, or territory or definable geographic region.

Packaged Shrimp or Crawfish Any shrimp or crawfish, as defined herein, that is in a package, can, or other container, and which is intended to eventually be sold to the ultimate retail purchaser in the package, can or container.

Shrimp or Crawfish Any such animals, whether whole, de-headed, de-veined or peeled, and any product containing any shrimp or crawfish.

B. No shrimp or crawfish may be held, offered or exposed for sale, or sold in Louisiana if such shrimp or crawfish contain Chloramphenicol.

C. No shrimp or crawfish may be held, offered or exposed for sale, or sold in Louisiana without being accompanied by the following records and information, written in English:

1. The records and information required are:
 - a. the quantity and species of shrimp and crawfish acquired or sold;
 - b. the date the shrimp or crawfish was acquired or sold;
 - c. the name and license number of the wholesale/retail seafood dealer or the out-of-state seller from whom the shrimp or crawfish was acquired or sold;
 - d. the geographic area where the shrimp or crawfish was harvested;
 - e. the geographic area where the shrimp or crawfish was produced processed or packed;
 - f. a designation of whether the shrimp or crawfish was wild or pond raised;
 - g. the trade or brand name under which the shrimp or crawfish is held, offered or exposed for sale or sold; and
 - h. the size of the packaging of the packaged shrimp or crawfish.

2. Any person maintaining records and information as required to be kept by the Louisiana Department of Wildlife and Fisheries in accordance with R.S. 56:306.5, may submit a copy of those records, along with any additional information requested herein, with the shrimp or crawfish.

3. Any shrimp or crawfish not accompanied by all of this information shall be subject to the issuance of a stop-sale, hold or removal order until the shrimp or crawfish is tested for and shown to be clear of Chloramphenicol, or the commissioner determines that the shrimp or crawfish does not come from a geographic area where Chloramphenicol is being used on or found in food producing animals, or in products from such animals.

D. No shrimp or crawfish that is harvested from or produced, processed or packed in a geographic area, that the commissioner declares to be a location where Chloramphenicol is being used on or found in food producing animals, or in products from such animals, may

be held, offered or exposed for sale, or sold in Louisiana without first meeting the requirements of Subsection F.

E. The commissioner may declare a geographic area to be a location where Chloramphenicol is being used on or found in food producing animals, or in products from such animals, based upon information that would lead a reasonable person to believe that Chloramphenicol is being used on or found in food producing animals, or in products from such animals, in that geographic area.

1. Any such declaration shall be subject to promulgation in accordance with the provisions of the Administrative Procedure Act.

2. The commissioner may release any such geographic area from a previous declaration that Chloramphenicol is being used on food producing animals in that location. Any such release shall be subject to promulgation in accordance with the Administrative Procedure Act.

F. Shrimp or crawfish, that comes from a geographic area declared by the commissioner to be a location where Chloramphenicol is being used on, or is found in food producing animals, or in products from such animals, must meet the following requirements for sampling, identification, sample preparation, testing and analysis before being held, offered or exposed for sale, or sold in Louisiana.

1. Sampling

a. The numbers of samples that shall be taken are as follows.

i. Two samples are to be taken of shrimp or crawfish that are in lots of 50 pounds or less.

ii. Four samples are to be taken of shrimp or crawfish that are in lots of 51 to 100 pounds.

iii. Twelve samples are to be taken of shrimp or crawfish that are in lots of 101 pounds up to 50 tons.

iv. Twelve samples for each 50 tons are to be taken of shrimp or crawfish that are in lots of over 50 tons.

b. For packaged shrimp or crawfish, each sample shall be at least eight ounces (226.79 grams) in size and shall be taken at random throughout each lot of shrimp or crawfish. For all other shrimp or crawfish, obtain approximately one pound (454 grams) of shrimp or crawfish per sample from randomly selected areas.

c. If the shrimp or crawfish to be sampled consists of packages of shrimp or crawfish grouped together, but labeled under two or more trade or brand names, then the shrimp or crawfish packaged under each trade or brand name shall be sampled separately. If the shrimp or crawfish to be sampled are not packaged, but are segregated in such a way as to constitute separate groupings, then each separate grouping shall be sampled separately.

d. A composite of the samples shall not be made. Each sample shall be tested individually. Each sample shall be clearly identifiable as belonging to a specific group of shrimp or crawfish. All samples shall be kept frozen and delivered to the lab.

2. Each sample shall be identified as follows:

a. any package label;

b. any lot or batch numbers;

c. the country, province and city of origin;

d. the name and address of the importing company;

e. unique sample number identifying the group or batch sample and subsample extension number for each subsample.

3. Sample Preparation

a. For small packages of shrimp or crawfish up to and including one pound, use the entire sample. Shell the shrimp or crawfish, exercising care to exclude all shells from sample. Grind sample with food processor type blender while semi-frozen or with dry ice. Divide the sample in half. Use half of the sample for the original analysis portion and retain the other half of the sample in a freezer as a reserve.

4. Sample Analysis

a. Immunoassay test kits may be used if the manufacturer's published detection limit is one part per billion, (1 ppb) or less. Acceptable test kits include r-iopharm Ridascreeen Chloramphenicol enzyme immunoassay kit and the Charm II Chloramphenicol kit. The commissioner may authorize other immunoassay kits with appropriate detection limits of 1 ppb or below to be used. Each sample must be run using the manufacturer's test method. The manufacturer's specified calibration curve must be run with each set. All results above 1 ppb must be assumed to be Chloramphenicol unless further testing by approved GC/LC method indicates the result to be an artifact.

b. HPLC-MS, GC-ECD, GC-MS methods currently approved by FDA, the United States Department of Agriculture or the Canadian Food Inspection Agency with detection limits of 1 ppb or below may also be used.

c. Other methods for sampling, identification, sample preparation, testing and analysis may be used if expressly approved in writing by the commissioner.

5. Any qualified laboratory may perform the testing and analysis of the samples unless the laboratory is located in any geographic area that the commissioner has declared to be a location where Chloramphenicol is being used on or found in food producing animals, or in products from such animals. The commissioner shall resolve any questions about whether a laboratory is qualified to perform the testing and analysis.

6. The laboratory that tests and analyzes a sample or samples for Chloramphenicol shall certify the test results in writing.

7. A copy of the certified test results along with the written documentation necessary to show the methodology used for the sampling, identification, sample preparation, testing and analysis of each sample shall be sent to and actually received by the Department prior to the shrimp or crawfish being held for sale, offered or exposed for sale, or sold in Louisiana.

a. The test results and accompanying documentation must contain a test reference number.

b. The certified test results and the accompanying documentation must be in English and contain the name and address of the laboratory and the name and address of a person who may be contacted at the laboratory regarding the testing of the shrimp or crawfish.

8. Upon actual receipt by the department of a copy of the certified test results and written documentation required to accompany the certified test results then the shrimp or crawfish may be held, offered or exposed for sale, or sold in

Louisiana, unless a written stop-sale, hold or removal order is issued by the commissioner.

9. A copy of the test results, including the test reference number, shall accompany every shipment and be attached to the documentation submitted with every shipment, of such shrimp or crawfish sent to each location in Louisiana.

G Any person who is seeking to bring shrimp or crawfish that is required to be sampled and tested under this Section, into Louisiana, or who holds, offers or exposes for sale, or sells such shrimp or crawfish in Louisiana shall be responsible for having such shrimp or crawfish sampled and tested in accordance with Subsection F. Any such person must, at all times, be in full and complete compliance with all the provisions of this Section.

H. The commissioner may reject the test results for any shrimp or crawfish if the commissioner determines that the methodology used in sampling, identifying, sample preparation, testing or analyzing any sample is scientifically deficient so as to render the certified test results unreliable, or if such methodology was not utilized in accordance with, or does not otherwise meet the requirements of this Section.

I. In the event that any certified test results are rejected by the commissioner then any person shipping or holding the shrimp or crawfish will be notified immediately of such rejection and issued a stop-sale, hold or removal order by the commissioner. Thereafter, it will be the duty of any such person to abide by such order until the commissioner lifts the order in writing. Any such person may have the shrimp or crawfish retested in accordance with this Section and apply for a lifting of the commissioner's order upon a showing that the provisions of this Section have been complied with and that the shrimp or crawfish are certified as being free of Chloramphenicol.

J. The department may inspect, and take samples for testing, any shrimp or crawfish, of whatever origin, being held, offered or exposed for sale, or sold in Louisiana.

K. A stop-sale, hold or removal order, including a prohibition on disposal, may be placed on any shrimp or crawfish that does not meet the requirements of this Section. Any such order shall remain in place until lifted in writing by the commissioner.

L. The department may take physical possession and control of any shrimp or crawfish that violate the requirements of this Section if the commissioner finds that the shrimp or crawfish presents an imminent peril to the public health, safety and welfare and that issuance of a stop-sale, hold or removal order will not adequately protect the public health, safety and welfare.

M. The commissioner declares that he has information that would lead a reasonable person to believe that Chloramphenicol is being used on or found in food producing animals, or in products from such animals, in the following geographic area(s).

1. The geographic area or areas are:

a. the country of the People's Republic of China.

2. All shrimp and crawfish harvested from or produced, processed or packed in any of the above listed geographic areas are hereby declared to be subject to all the provisions of this Section, including sampling and testing provisions.

N. The records and information required under this Section shall be maintained for three years and shall be open to inspection by the department.

O. Penalties for any violation of this Section shall be the same as and assessed in accordance with R. S. 3:4624.

P. The effective date of this Section is May 24, 2002.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2, 3:3, and 3:4608.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 28:

§139. Labeling of Foreign Shrimp and Crawfish by Country of Origin

A. Definitions

Foreign Shrimp or Crawfish Any shrimp or crawfish, as defined herein that is harvested from or produced, processed or packed in a country other than the United States.

Shrimp or Crawfish Any shrimp or crawfish, whether whole, de-headed, de-veined or peeled, and any product containing any shrimp or crawfish.

B. All foreign shrimp or crawfish, imported, shipped or brought into Louisiana shall indicate the country of origin, except as otherwise provided in this Section.

C. Every package or container that contains foreign shrimp or crawfish, shall be marked or labeled in a conspicuous place as legibly, indelibly, and permanently as the nature of the package or container will permit so as to indicate to the ultimate retail purchaser of the shrimp or crawfish the English name of the country of origin.

1. Legibility must be such that the ultimate retail purchaser in the United States is able to find the marking or label easily and read it without strain.

2. Indelibility must be such that the wording will not fade, wash off or otherwise be obliterated by moisture, cold or other adverse factors that such shrimp or crawfish are normally subjected to in storage and transportation.

3. Permanency must be such that, in any reasonably foreseeable circumstance, the marking or label shall remain on the container until it reaches the ultimate retail purchaser unless it is deliberately removed. The marking or label must be capable of surviving normal distribution and storing.

D. When foreign shrimp or crawfish are combined with domestic shrimp or crawfish, or products made from or containing domestic shrimp or crawfish, the marking or label on the container or package or the sign included with any display shall clearly show the country of origin of the foreign shrimp or crawfish.

E. In any case in which the words "United States," or "American," the letters "U.S.A.," any variation of such words or letters, or the name of any state, city or location in the United States, appear on any container or package containing foreign shrimp or crawfish, or any sign advertising such foreign shrimp or crawfish for sale, and those words, letters or names may mislead or deceive the ultimate retail purchaser as to the actual country of origin of the shrimp or crawfish, then the name of the country of origin preceded by "made in," "product of," or other words of similar meaning shall appear on the marking, label or sign. The wording indicating that the shrimp or crawfish is from a country other than the United States shall be placed in close proximity to the words, letters or name that indicates

the shrimp or crawfish is a product of the United States in a legible, indelible and permanent manner. No provision of this Section is intended to or is to be construed as authorizing the use of the words "United States," or "American," the letters "U.S.A.," any variation of such words or letters, or the name of any state, city or location in the United States, if such use is deceptive, misleading or prohibited by other federal or state law.

F. Foreign shrimp or crawfish shall not have to be marked or labeled with the country of origin if such shrimp or crawfish are included as components in a product manufactured in the United States and the shrimp or crawfish is substantially transformed in the manufacturing of the final product. But in no event shall thawing, freezing, packing, packaging, re-packing, re-packaging, adding water, de-heading, de-veining, peeling, partially cooking or combining with domestic shrimp or crawfish shall not be considered to be a substantial transformation.

G. The commissioner shall have all the powers granted to him by law, or in accordance with any cooperative endeavor with any other public agency, to enforce this Section, including the issuance of stop-sale, hold or removal orders and the seizing of shrimp or crawfish mislabeled or misbranded as to the country of origin.

H. Penalties for any violation of this Section shall be the same as and assessed in accordance with R. S. 3:4624.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2, 3:3, and 3:4608.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 28:

Bob Odom
Commissioner

0206#016

DECLARATION OF EMERGENCY

Student Financial Assistance Commission Office of Student Financial Assistance

Scholarship/Grant Programs
(LAC 28:IV.301, 703, 803, 2103, and 2105)

The Louisiana Student Financial Assistance Commission (LASFAC) is exercising the emergency provisions of the Administrative Procedure Act (R.S. 49:953.B) to amend the rules of the Scholarship/Grant programs (R.S. 17:3021-3026, R.S. 3041.10-3041.15, R.S. 17:3042.1, and R.S. 17:3048.1).

The Emergency Rules are necessary to implement changes to the Scholarship/Grant programs to allow the Louisiana Office of Student Financial Assistance and state educational institutions to effectively administer these programs. A delay in promulgating rules would have an adverse impact on the financial welfare of the eligible students and the financial condition of their families. The commission has, therefore, determined that these emergency rules are necessary in order to prevent imminent financial peril to the welfare of the affected students.

This declaration of emergency is effective May 15, 2002, and shall remain in effect for the maximum period allowed under the Administrative Procedure Act.

Title 28
EDUCATION

**Part IV. Student Financial Assistance—Higher
Education Scholarship and Grant Program**

Chapter 3. Definitions

§301. Definitions

* * *

Full-Time StudentC

a. - f. ...

g. correspondence courses may not be used to establish full time status.

* * *

JoinCenters on active duty.

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AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:632 (April 1998), amended LR 24:1898 (October 1998), LR 24:2237 (December 1998), LR 25:256 (February 1999), LR 25:654 (April 1999), LR 25:1458, 1460 (August 1999), LR 25:1794 (October 1999), LR 26:65 (January 2000), LR 26:688 (April 2000), LR 26:1262 (June 2000), LR 26:1601 (August 2000), LR 26:1993, 1999 (September 2000), LR 26:2268 (October 2000), LR 26: 2752 (December 2000), LR 27:36 (January 2001), LR 27:284 (March 2001), LR 27:1219 (August 2001), LR 27:1842, 1875 (November 2001), LR 28:446 (March 2002), LR 28:772 (April 2002), LR 28:

**Chapter 7. Tuition Opportunity Program for
Students (TOPS) Opportunity,
Performance, and Honors Awards**

§703. Establishing Eligibility

A. - A.4.a. ...

b. if the student *joins* the United States Armed Forces within one year after graduating from an eligible Louisiana or an eligible non-Louisiana high school or from an eligible out of country high school, enroll not later than the semester, excluding summer semesters or sessions, immediately following the fifth anniversary of the date that the student graduated from high school or within one year from the date of discharge, whichever is earlier; or

c. ...

d. if the student is eligible under the provisions of §703.A.5.d or f and has *joined* and is on active duty with the United States Armed Forces within one year of completion of the twelfth grade of an approved home study program, enroll not later than the semester or term, excluding summer semesters or sessions, immediately following the fifth anniversary of the completion of the approved home study program or within one year from the date of discharge, whichever is earlier; or

4.e. - 5.a. ...

i. at the time of high school graduation, an applicant must have successfully completed 16.5 units of high school course work documented on the student's official transcript as approved by the Louisiana Department of Education constituting a core curriculum as follows

A.5.a.ii. - G.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:636 (April 1998), amended LR 24:1902 (October 1998), LR 25:2237 (December 1998), LR 25:257 (February 1999), LR 25:655 (April 1999), LR 25:1794 (October 1999), LR 26:64, 67 (January

2000), LR 26:689 (April 2000), LR 26:1262 (June 2000), LR 26:1602 (August 2000), LR 26:1996, 2001 (September 2000), LR 26:2268 (October 2000), LR 26:2753 (December 2000), LR 27:36 (January 2001), LR 27:702 (May 2001), LR 27:1219, 1219 (August 2001), LR 27:1850 (November 2001), LR 28:772 (April 2002), LR:28.

Chapter 8. TOPS-TECH Award

§803. Establishing Eligibility

A. - A.4.a. ...

b. if the student *joins* the United States Armed Forces within one year after graduating from an eligible Louisiana or an eligible non-Louisiana high school or from an eligible out of country high school, enroll not later than the semester, excluding summer semesters or sessions, immediately following the fifth anniversary of the date that the student graduated from high school or within one year from the date of discharge, whichever is earlier; or

c. ...

d. if the student is eligible under the provisions of §803.A.5.d and has *joined* and is on active duty with the United States Armed Forces within one year of the date the student completed the home study program, which is deemed to be May 31, enroll not later than the semester or term, excluding summer semesters or sessions, immediately following the fifth anniversary of the date the student completed the home study program, or within one year from the date of discharge, whichever is earlier; and

5.a. - 5.d. ...

6. if qualifying under the terms of §803.A.5.a, at the time of high school graduation,

a. have successfully completed one of the following core curriculums:

i. 16.5 units of high school course work constituting the TOPS core curriculum as defined in §703.A.5. and documented on the student's official transcript as approved by the Louisiana Department of Education; or

ii. For students graduating in the 2000-2001 school year and thereafter, the high school course work documented on the student's official transcript as approved by the Louisiana Department of Education constituting the following TOPS-TECH core curriculum:

6.a.iii - 10. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance LR 24:1904 (October 1998), amended LR 24:2237 (December 1998), LR 25:1795 (October 1999), LR 26:65, 67 (January 2000), LR 26:1602 (August 2000), LR 26:1997 (September 2000), LR 26:2269 (October 2000), LR 26:2754 (December 2000), LR 27:36 (January 2001), LR 27:1220 (August 2001), LR 27:1854 (November 2001), LR 28:447 (March 2002), LR 28:773 (April 2002), LR 28:

Chapter 21. Miscellaneous Provisions and Exceptions

**§2103. Circumstances Warranting Exception to the
Initial and Continuous Enrollment
Requirements**

A. - C.3. ...

D. Procedure for Requesting Exceptions to the Initial and Continuous Enrollment Requirement

1. The student should complete and submit an application for an exception, with documentary evidence, to the Office as soon as possible after the occurrence of the event or circumstance that supports the request. Through the

2000-2001 academic year, the student must submit application for an exception no later than May 30 of the academic year the student requests reinstatement. Commencing with the 2001-2002 academic year, the student must submit the application for exception no later than six months after the date of the notice of cancellation. The deadline for filing the exception shall be prominently displayed on the notice of cancellation. If the applicant for an exception is a Dependent Student, a parent or legal guardian of the Dependent Student may submit the application for exception on behalf of the applicant.

D.2. - E.11.c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:647 (April 1998), amended LR 24:1916 (October 1998), LR 26:1015 (May 2000), LR 26:2002 (September 2000), LR 27:36 (January 2001), LR 27:1866, 1875 (November 2001), LR 28:46 (January 2002), LR 28:449 (March 2002), LR 28:775 (April 2002), LR 28:

§2105. Repayment Obligation, Deferment and Cancellation

A. - C. ...

D. Procedure for Requesting a Deferment

1. The recipient should complete and submit an application for a deferment, with documentary evidence, to the office as soon as possible after the occurrence of the event or circumstance that supports the request. The recipient must submit the application for deferment no later than three months after the date of the notice of repayment. The deadline for filing the request shall be prominently displayed on the notice of repayment. If the applicant for a deferment is a Dependent Student, a parent or legal guardian of the Dependent Student may submit the application for exception on behalf of the applicant.

D.2. - G.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:649 (April 1998), amended LR 24:1918 (October 1998), LR 26:1603 (August 2000). repromulgated LR 27:1868 (November 2001), LR 28:775 (April 2002), LR 28:

George Badge Eldredge
General Counsel

0206#017

DECLARATION OF EMERGENCY

**Tuition Trust Authority
Office of Student Financial Assistance**

Student Tuition and Revenue Trust (START Saving)
Program (LAC 28:VI.101, 107, 301, 303, and 315)

The Louisiana Tuition Trust Authority (LATTA) is exercising the emergency provisions of the Administrative Procedure Act (R.S. 49:953.B) to amend rules of the Student Tuition Assistance and Revenue Trust (START Saving) Program (R.S. 17:3091-3099.2).

The Emergency Rules are necessary to allow the Louisiana Office of Student Financial Assistance to

effectively administer these programs. A delay in promulgating rules would have an adverse impact on the financial welfare of the eligible students and the financial condition of their families. The authority has, therefore, determined that these Emergency Rules are necessary in order to prevent imminent financial peril to the welfare of the affected students.

This declaration of emergency is effective May 15, 2002, and shall remain in effect for the maximum period allowed under the Administrative Procedure Act.

Title 28

EDUCATION

**Part VI. Student Financial AssistanceC Higher
Education Savings**

Chapter 1. General Provisions

§101. General Provisions

A. - A.2. ...

3. provide the citizens of Louisiana with financing assistance for education and protection against rising postsecondary education costs, to encourage savings to enhance the ability of citizens to obtain access to institutions of postsecondary education;

A.4. - B.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3091-3099.2.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:711 (June 1997), amended LR 24:1267 (July 1998), LR 26:2260 (October 2000), LR 27:1876 (November 2001), LR 28:

§107. Applicable Definitions

*Earnings Enhancement*Ca payment allocated to an Education Savings Account, on behalf of the Beneficiary of the account, by the state. The amount of the annual Earnings Enhancement is calculated based upon the Account Owner's classification, annual federal adjusted gross income, and total annual deposits of principal into Education Savings Accounts whether for investment in Fixed Earning or Variable Earnings. Earnings Enhancements, and the interest earned thereon, may only be used to pay the Beneficiary's Qualified Higher Education Expenses, or portion thereof, at an Eligible Educational Institution and cannot be refunded.

*Fully Funded Account*Can account in which the sum of cumulative contributions, earnings on contributions, Earnings Enhancements and interest accrued thereon, has equaled or exceeded the amount which is five times the annual Qualified Higher Education Expenses at the highest cost Louisiana public college or university projected to the Scheduled Date of First Enrollment. The projected Qualified Higher Education Expenses at each Eligible Educational Institution shall be updated by the administering agency. On the date of the Beneficiary's first enrollment in an Eligible Educational Institution, the Fully Funded amount will be fixed at five times the annual Qualified Higher Education Expenses at the highest cost Louisiana public college or university, for the academic year of enrollment or the projected amount, whichever is greater.

*Tuition*Cthe mandatory educational charges required as a condition of enrollment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3091-3099.2.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:712 (June 1997), amended LR 24:1268 (July 1998), LR 25:1794 (October 1999), LR 26:2260 (October 2000), LR 27:37 (January 2001), LR 27:1222 (August 2001), LR 27:1876 (November 2001), LR 28:450 (March 2002), LR 28:777 (April 2002), LR 28:

Chapter 3. Education Savings Account

§301. Education Savings Accounts

A. An Education Savings Account is established on behalf of a designated Beneficiary to provide the funding necessary for the Beneficiary to acquire an undergraduate certificate, associate degree, undergraduate degree, graduate degree or professional degree. Education Savings Accounts may offer investment options that provide either Fixed Earnings or Variable Earnings.

B. - D.1. ...

2. Payment of Qualified Higher Education Expenses that participation in the START Program does not guarantee that the full cost of the Beneficiary's Qualified Higher Education Expenses will be paid at an institution of postsecondary education nor does it guarantee enrollment as a resident student;

D.3. - J. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3091-3099.2.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:713 (June 1997), amended LR 24:436 (March 1998), LR 24:1269 (July 1998), LR 25:1794 (October 1999), LR 26:2262 (October 2000), LR 27:1878 (November 2001), LR 28:450 (March 2002), LR 28:778 (April 2002), LR 28:

§303. Account Owner Classifications

A. - A.1. ...

2. a person determined by the authority to be a Member of the Family of the Beneficiary and, at the time of the initiation of the agreement, the person or the Beneficiary is a resident of the state; or

A.3. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3091-3099.2.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 27:1879 (November 2001), LR 28:779 (April 2002), LR 28:

§315. Miscellaneous Provisions

A. - Q. ...

R. Investment in Variable Earnings. When an account owner selects a variable earnings account, up to 100 percent of the deposits may be invested in equity securities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3091-3099.2.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:718 (June 1997), amended LR 24:1274 (July 1998), amended LR 26:1263 (June 2000), repromulgated LR 26:2267 (October 2000), amended LR 27:1221 (August 2001), LR 27:1884 (November 2001), LR 28:

George Badge Eldredge
General Counsel

0206#018

DECLARATION OF EMERGENCY

**Department of Environmental Quality
Office of the Secretary**

Fee Increases for FY 02-03

(LAC 33:I.1409, 4707; III.223; V.5111, 5119, 5120, 5123, 5125, 5135, 5137, 5139, 5141, 5143, and 5145; VII.525, 527, and 529; IX.1309 and 1507; XI.307 and 1305; and XV.579)(OS041E)

In accordance with the emergency provision of the Administrative Procedure Act, R.S. 49:953.B, and under the authority of R.S. 30:2011, the secretary of the Department of Environmental Quality declares that an emergency action is necessary in order to collect additional fees so no services provided by the department will be diminished.

Act 134 of the First Extraordinary Session of the 2002 Legislative Session authorized a 20 percent increase in fee collections by the department. In order to invoice these authorized fee increases at the beginning of the next fiscal year (July 1, 2002), this Emergency Rule is being implemented. The department will propose a rule that reflects the provisions of this Emergency Rule.

This Emergency Rule is effective on July 1, 2002, and shall remain in effect for a maximum of 120 days or until a final rule is promulgated, whichever occurs first. For more information concerning OS041E, you may contact the Regulation Development Section at (225) 765-0399.

Title 33

ENVIRONMENTAL QUALITY

Part I. Office of the Secretary

Subpart 1. Departmental Administrative Procedures

Chapter 14. Groundwater Fees

§1409. Groundwater Protection Fees

A. Assessment Oversight (Annual). The fee listed below covers the cost of reviewing, evaluating, and approving plans and/or reports that assess groundwater contamination and draw conclusions as to the need for further assessment and/or corrective action.

Hazardous Waste Facilities	\$9,450
Solid Waste Facilities	\$6,300
Non-regulated Facilities	\$3,150

B. Corrective Action Oversight (Annual). The fee listed below covers the cost of reviewing, evaluating, and approving plans and/or actions to cleanup groundwater that has been contaminated by a facility.

Hazardous Waste Facilities	\$12,600
Solid Waste Facilities	\$9,450
Nonregulated Facilities	\$3,150

C. Annual Report Review Fee. The fee listed below covers the cost of reviewing the groundwater annual report required by both the Hazardous and Solid Waste regulations.

Hazardous Waste Facilities	\$1,260
Solid Waste Facilities	\$314

D. Groundwater Monitoring Systems Installation. The fee listed below covers the cost of reviewing the geology and design of proposed groundwater monitoring systems to ensure compliance with department specifications.

Each well	\$600
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E. Groundwater Monitoring Systems Surveillance Fee (Annual). The fee listed below covers the cost of inspecting monitoring systems to ensure that they are functioning properly and continue to maintain their integrity. The cost also includes other activities, such as the analysis of boring logs and site geology (cross sections, isopachs, etc.). The maximum fee that can be charged for this category is \$6,000.

Each well	\$300
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F. Facility Inspection Fee (Annual). The fee listed below covers the cost of inspecting the various facilities to ensure compliance with the groundwater protection aspects of the facilities' permits.

Hazardous Waste Facilities	\$1,200
With sampling	\$9,000
Solid Waste Facilities	\$600
With sampling	\$1,800

G. Oversight of Abandonment Procedures. The fee listed below covers the cost of reviewing plans to plug and abandon all nonpermitted groundwater monitoring systems (monitoring wells, piezometers, observations wells, and recovery wells) to ensure that they do not pose a potential threat to groundwater.

Casing pulled	\$120 each well
Casing reamed out	\$240 each well
Casing left in place	\$600 each well

H. Maximum Total Fee Per Facility. The maximum fee that can be assessed a facility under these regulations is \$37,800, effective July 1, 2002.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, Ground Water Protection Division in LR 18:729 (July 1992), amended LR 21:797 (August 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 28:

Subpart 3. Laboratory Accreditation
Chapter 47. Program Requirements
§4707. Fees

A. - C. ...

D. The following basic fee structure will be used in determining the initial or annual fees due to the department.

Accreditation application fee payable every three years	\$600
Per major test category payable every year	\$300
Minor conventional category payable every year	\$240
Annual surveillance and evaluation applicable to minor conventional facilities and facilities applying for only one category of accreditation	\$300
Proficiency samples biannually	to be purchased by the laboratory
Bioassay/biomonitoring annually	to be purchased by the laboratory
Third-party audit	to be billed directly to the laboratory

E. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 24:920 (May 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1436 (July 2000), LR 28:

Part III. Air
Chapter 2. Rules and Regulations for the Fee System of the Air Quality Control Programs
§223. Fee Schedule Listing

Fee Schedule Listing						
Fee Number	Air Contaminant Source	SICC	Annual Maintenance Fee	New Permit Application	Modified Permit Fees	
					Major	Minor
0010	Reserved					
0015	Iron Ore Processing per Million Dollars in Capital Cost	1011	48.00	240.00	144.00	48.00
Note 20						
0020	Bituminous Coal and Lignite Mining	1211	688.00	3437.00	2064.00	688.00
0030	Coal Preparation	1211	1720.00	8596.00	5158.00	1720.00
0040	Crude Oil and Natural Gas Production (Less than 100 T/Yr Source)	1311	82.00	408.00	245.00	82.00
0041	Crude Oil and Natural Gas Production (equal to or greater than 100 T/Yr and less than 250 T/Yr Source)	1311	137.00	688.00	413.00	137.00
0042	Crude Oil and Natural Gas Production 250 T/Yr to 500 T/Yr Source	1311	425.00	2123.00	1273.00	425.00
0043	Crude Oil & Natural Gas Production Greater than 500 T/Yr Source	1311	707.00	2830.00	2123.00	707.00
0050	Natural Gas Liquids Per Unit	1321	345.00	1720.00	1031.00	344.00
0060	Construction Sand and Gravel	1442	137.00	688.00	413.00	137.00
0070	Industrial Sand	1446	137.00	688.00	413.00	137.00

Fee Schedule Listing						
Fee Number	Air Contaminant Source	SICC	Annual Maintenance Fee	New Permit Application	Modified Permit Fees	
					Major	Minor
0080	Salt Mining	1476	1720.00	8596.00	5158.00	1720.00
0090	Sulfur Mining	1477	1720.00	8596.00	5158.00	1720.00
0100	Commercial Rice Milling	2044	688.00	3437.00	2064.00	688.00
0110	Animal Feed Preparation	2048	688.00	3437.00	2064.00	688.00
0120	Cane Sugar, Except Refining Only	2061	1720.00	8596.00	5158.00	1720.00
0130	Cane Sugar Refining per 1,000 Lb/Hr Rated Capacity	2062 MIN.	13.74 1697.00	68.77 8491.00	41.26 5094.00	13.74 1697.00
0140	Cottonseed Oil Mill	2074	344.00	1720.00	1031.00	344.00
0150	Soybean Oil Mill	2075	241.00	1204.00	722.00	241.00
0160	Animal and Marine Fats and Oil (Rendering) 10,000 or More Ton/Yr	2077	823.00	4126.00	2474.00	823.00
0170	Animal and Marine Fats and Oil (Rendering) Less than 10,000 Ton/Yr	2077	413.00	2064.00	1238.00	413.00
0180	Shortening, Table Oils, Margarine and Other Edible Fats and Oils	2079	170.00	860.00	515.00	170.00
0190	Malt Beverages	2082	170.00	860.00	515.00	170.00
0200	Coffee Roasting Per 1,000,000 Lb/Yr Rated Capacity	2095 MIN. MAX.	136.80 326.00 8632.00	687.60 1632.00 43164.00	411.60 979.00 25898.00	136.80 326.00 8632.00
0210	Sawmill and/or Planing Less than 25,000 Bd Ft/Shift	2421	345.00	1720.00	1031.00	344.00
Note 9	0220	2421	1031.00	5158.00	3095.00	1031.00
Note 9	0230	2426	618.00	3095.00	1856.00	618.00
Note 9	0240	2429	618.00	3095.00	1856.00	618.00
Note 9	0250	2431	618.00	3095.00	1856.00	618.00
0260	Hardwood Veneer and Plywood	2435	1375.00	6876.00	4126.00	1375.00
0270	Softwood Veneer and Plywood	2436	1375.00	6876.00	4126.00	1375.00
0280	Wood Preserving	2491	345.00	1720.00	1031.00	344.00
0290	Particleboard/Waferboard Manufacture (O.S.B.)	2492	1375.00	6876.00	4126.00	1375.00
0300	Hardboard Manufacture	2499	1031.00	5158.00	3095.00	1031.00
0310	Furniture and Fixtures - A) 100 or More Employees	2511	435.00	2177.00	1306.00	434.00
0320	Furniture and Fixtures - B) More than 10 and Less than 100 Employees	2511	206.00	1031.00	618.00	206.00
0330	Pulp Mills Per Ton Daily Rated Capacity	2611 MIN.	5.14 3538.00	25.78 17690.00	15.48 10614.00	5.14 3538.00
0340	Paper Mill Per Ton Daily Rated Capacity	2621 MIN.	5.14 3538.00	25.78 17690.00	15.48 10614.00	5.14 3538.00
Note 1	0350	2631 MIN.	5.14 3538.00	25.78 17690.00	15.48 10614.00	5.14 3538.00
0360	Paper Coating	2641	206.00	1031.00	618.00	206.00
0365	Paper Bag Manufacture	2643	262.00	1306.00	784.00	262.00
0370	Insulation Manufacture	2649	345.00	1720.00	1031.00	344.00
0375	Folding Paper Board Boxes Per Packaging Press Line	2651 MIN.	345.00 1697.00	1720.00 8491.00	1031.00 5094.00	344.00 1697.00
0380	Corrugated Boxes - Converters (with Boilers)	2653	515.00	2578.00	1548.00	515.00
0381	Corrugated Boxes - Sheet Plant	2653	217.00	1088.00	653.00	217.00
0390	Building Board and Tile	2661	1720.00	8596.00	5158.00	1720.00
0400	Commercial Printing - Black and White Per Press	2752 MIN.	205.00 990.00	1031.00 4952.00	618.00 2971.00	205.00 990.00
0410	Commercial Printing - Color Per Press	2752 MIN.	343.00 1697.00	1718.00 8491.00	1032.00 5094.00	343.00 1697.00
0420	Caustic/Chlorine Per 1,000,000 Lb/Yr Rated Cap Posed on Chlorine	2812 MIN.	3.44 1697.00	17.20 8491.00	10.31 5094.00	3.44 1697.00
Note 2	0440	2813	688.00	3437.00	2064.00	688.00
0450	Inorganic Pigments	2816	688.00	3437.00	2064.00	688.00
0460	Aluminum Sulfate Production Per 100 Ton/Yr Rated Capacity	2819 MIN.	1.70 1415.00	8.60 7075.00	5.14 4246.00	1.70 1415.00
0470	Alumina Per 1,000,000 Lb/Yr Rated Capacity	2819 MIN.	6.85 1415.00	34.37 7075.00	20.62 4246.00	6.85 1415.00

Fee Schedule Listing						
Fee Number	Air Contaminant Source	SICC	Annual Maintenance Fee	New Permit Application	Modified Permit Fees	
					Major	Minor
0480	Catalyst Mfg. and Cat. Regeneration Per Line	2819	1720.00	8596.00	5158.00	1720.00
0490	Fluosilicates	2819	1031.00	5158.00	3095.00	1031.00
0500	Industrial Inorganic Chemicals Mfg. N.E.C. Per 1,000,000 Lb/Yr	2819 MIN.	1.70 990.00	8.60 4952.00	5.14 2971.00	1.70 990.00
0510	Industrial Inorganic Acids N.E.C. Per 1,000,000 Lb/Yr Rated Capacity	2819 MIN.	17.20 1697.00	85.96 8491.00	51.58 5094.00	17.20 1697.00
0520	Nitric Acid Manufacture Per 1,000 Ton/Yr Rated Capacity	2819 MIN.	6.85 1697.00	34.37 8491.00	20.62 5094.00	6.85 1697.00
0530	Phosphoric Acid Mfg. Per Ton Daily Rated Cap	2819 MIN.	1.70 1415.00	8.60 7075.00	5.14 4246.00	1.70 1415.00
0540	Sulphuric Acid Manufacture Per Ton Daily Rated Capacity	2819 MIN.	1.70 1415.00	8.60 7075.00	5.14 4246.00	1.70 1415.00
0550	Polyethylene/Polypropolene Manufacture Per 1,000,000 Lb/Yr Rated Capacity	2821 MIN.	13.74 1697.00	68.77 8491.00	41.26 5094.00	13.74 1697.00
0560	PVC Manufacture Per 1,000,000 Lb/Yr Rated Capacity	2821 MIN.	17.20 1697.00	85.96 8491.00	51.58 5094.00	17.20 1697.00
0570	Synthetic Resins Manufacture N.E.C. Per 1,000,000 Lb/Yr Rated Capacity	2821 MIN.	17.20 1697.00	85.96 8491.00	51.58 5094.00	17.20 1697.00
0580	Rubber Mfg. Per 1,000,000 Lb/Yr Rated Capacity	2822 MIN.	17.20 1697.00	85.96 8491.00	51.58 5094.00	17.20 1697.00
0585	Paint Manufacturing and Blending	2851	640.00	3198.00	1919.00	640.00
0590	Charcoal Per Oven	2861	344.00	1720.00	1031.00	344.00
0600	Gum and Wood Chemicals Per Unit	2861	1031.00	5158.00	3095.00	1031.00
0610	Styrene Monomer Per 1,000,000 Lb/Yr Rated Capacity	2865 MIN.	6.85 1697.00	34.37 8491.00	20.62 5094.00	6.85 1697.00
0620	Halogenated Hydrocarbons Per 1,000,000 Lb/Yr Rated Capacity	2869 MIN.	10.31 1697.00	51.58 8491.00	30.95 5094.00	10.31 1697.00
0630	Organic Oxides, Alcohols, Glycols Per 1,000,000 Lb/Yr Rated Capacity	2869 MIN.	6.85 1697.00	34.37 8491.00	20.62 5094.00	6.85 1697.00
0635	Olefins and Aromatics N.E.C. Per 1,000,000 Lb/Yr Rated Capacity	2869 MIN.	6.85 1697.00	34.37 8491.00	20.62 5094.00	6.85 1697.00
0640	Ammonia Manufacture Per Ton Daily Rated Capacity	2873 MIN.	3.43 1697.00	17.20 8491.00	10.31 5094.00	3.43 1697.00
0650	Fertilizer Manufacture Per 1,000 Ton/Yr Rated Capacity	2873 MIN.	1.70 990.00	8.60 4952.00	5.14 2971.00	1.70 990.00
0660	Urea and Ureaform Per 1,000 Ton/Yr Rated Capacity	2873 MIN.	3.43 990.00	17.20 4952.00	10.31 2971.00	3.43 990.00
0670	Pesticides Mfg. Per Train	2879	1375.00	6876.00	4126.00	1375.00
0680	Carbon Black Manufacture Per 1,000,000 Lb/Yr Rated Capacity	2895 MIN.	20.62 1697.00	103.13 8491.00	61.90 5094.00	20.62 1697.00
0690	Chemical and Chemical Prep. N.E.C. Per 1,000,000 Lb/Yr	2899 MIN.	17.20 1415.00	85.96 7075.00	51.58 4246.00	17.20 1415.00
0695	Chemical and Chemical Prep. N.E.C. with Output Less than 1,000,000 Lb/Yr	2899	979.00	4898.00	2939.00	979.00
0700	Drilling Mud-Storage and Distribution	2899	344.00	1720.00	1031.00	344.00
0710	Drilling Mud-Grinding	2899	1375.00	6876.00	4126.00	1375.00
0715	Salt Processing and Packaging Per 1,000,000 Lb/Yr	2899 MIN.	00.28 425.00	1.40 2123.00	0.84 1273.00	0.28 425.00
0720 *Note 3*	Petroleum Refining Per 1,000 BBL/Day Rated Capacity Crude Thruput	2911 MIN.	85.96 1697.00	429.79 8491.00	258.00 5094.00	85.96 1697.00
0730 *Note 4*	Asphaltic Concrete Paving Plants Per Ton/Hr Rated Capacity	2951 MIN.	2.59 707.00	12.92 3538.00	7.75 2123.00	2.59 707.00
0740	Asphalt Blowing Plant (Not to be Charged Separately if in Refinery)	2951	1031.00	5158.00	3095.00	1031.00
0760 *Note 5*	Blending, Compounding, or Refining of Lubricants Per Unit	2992	1031.00	5158.00	3095.00	1031.00
0770	Petroleum Coke Calcining Per 1,000 Ton/Yr Rated Capacity	2999 MIN.	13.74 1697.00	68.77 8491.00	41.26 5094.00	13.74 1697.00
0773	Fiberglass Swimming Pools	N/A	242.00	1204.00	722.00	241.00
0775	Plastics Injection Moulding and Extrusion Per Line	3079	344.00	1720.00	1031.00	344.00
0780	Glass and Glass Container Mfg. Natural Gas Fuel Per Line	3229	515.00	2578.00	1548.00	515.00

Fee Schedule Listing						
Fee Number	Air Contaminant Source	SICC	Annual Maintenance Fee	New Permit Application	Modified Permit Fees	
					Major	Minor
0790	Cement Manufacture Per 1,000 Ton/Yr Rated Capacity	3241 MIN.	10.31 1415.00	51.58 7075.00	30.95 4246.00	10.31 1415.00
0800	Glass and Glass Container Mfg. Fuel Oil Per Line	3241	1031.00	5158.00	3095.00	1031.00
0810	Brick Manufacture Per 1,000 Ton/Yr Rated Capacity	3251 MIN.	5.14 707.00	25.78 3538.00	15.48 2123.00	5.14 707.00
0815	Concrete Products	3272	348.00	1741.00	1044.00	348.00
0820 *Note 12*	Ready-Mix Concrete	3273	860.00	2612.00	1720.00	860.00
0830	Lime Manufacture Per 1,000 Ton/Yr Rated Capacity	3274 MIN.	10.31 990.00	51.58 4952.00	30.95 2971.00	10.31 990.00
0840	Gypsum Manufacture Per 1,000 Ton/Yr Rated Capacity	3275 MIN.	10.31 990.00	51.58 4952.00	30.95 2971.00	10.31 990.00
0850	Asbestos Products Per Site or Per Production Unit	3292	2064.00	10315.00	6190.00	2064.00
0860	Clay Kiln	3295	413.00	2064.00	1238.00	413.00
0870	Rock Crusher	3295	378.00	1891.00	1135.00	378.00
0880	Gray Iron and Steel Foundries A) 3,500 or More Ton/Yr Production	3321	551.00	2749.00	1650.00	551.00
0890	Gray Iron and Steel Foundries B) Less than 3,500 Ton/Yr Production	3321	274.00	1375.00	824.00	274.00
0900	Malleable Iron Foundries A) 3,500 or More Ton/Yr Production	3322	551.00	2749.00	1650.00	551.00
0910	Malleable Iron Foundries B) Less than 3,500 Ton/Yr Production	3322	274.00	1375.00	823.00	274.00
0920	Steel Investment Foundries A) 3,500 or More Ton/Yr Production	3324	551.00	2749.00	1650.00	551.00
0930	Steel Investment Foundries B) Less than 3,500 Ton/Yr Production	3324	274.00	1375.00	823.00	274.00
0940	Steel Foundries Not Elsewhere Classified A) 3,500 or More Ton/Yr Production	3325	551.00	2749.00	1650.00	551.00
0950	Steel Foundries Not Elsewhere Classified B) Less than 3,500 Ton/Yr Production	3325	274.00	1375.00	823.00	274.00
0960	Primary Smelting and Refining of Copper Per 100,000 Lb/Yr Rated Capacity	3331 MIN.	6.85 1697.00	34.37 8491.00	20.62 5094.00	6.85 1697.00
0970	Aluminum Production Per Pot	3334 MIN.	34.37 1697.00	171.92 8491.00	103.00 5094.00	34.37 1697.00
0980	Refining of Non-Ferrous Metals N.E.C. Per 1,000 Lb/Yr Rated Capacity	3339 MIN.	0.04 1697.00	0.32 8491.00	0.19 5094.00	0.04 1697.00
0990	Secondary Smelting of Non-Ferrous Metals Per Furnace	3341 MIN.	1031.00 2123.00	5158.00 10614.00	3095.00 6368.00	1031.00 2123.00
1000	Wire Manufacture	3357	688.00	3437.00	2064.00	688.00
1010	Aluminum Foundries (Castings) Per Unit	3361	274.00	1375.00	823.00	274.00
1020	Brass/Bronze/Copper-Based Alloy Foundry Per Furnace	3362	344.00	1720.00	1031.00	344.00
1030	Metal Heat Treating Including Shotpeening	3398	206.00	1031.00	618.00	206.00
1040	Metal Can Manufacture	3411	688.00	3437.00	2064.00	688.00
1050	Drum Manufacturing and/or Reconditioning	3412	1031.00	5158.00	3095.00	1031.00
1059	Fabricated Structural Steel with 5 or More Welders	3441	688.00	3437.00	2064.00	688.00
1060	Fabricated Plate Work with 5 or More Welders	3443	870.00	4354.00	2612.00	870.00
1070	Electroplating, Polishing and Anodizing with 5 or More Employees	3471	206.00	1031.00	618.00	207.00
1080	Sandblasting or Chemical Cleaning of Metal: A) 10 or More Employees	3471	1031.00	5158.00	3095.00	1031.00
1090	Sandblasting or Chemical Cleaning of Metal: B) Less than 10 Employees	3471	515.00	2578.00	1548.00	515.00
1100	Coating, Engraving, and Allied Services: A) 10 or More Employees	3479	378.00	1891.00	1135.00	378.00

Fee Schedule Listing						
Fee Number	Air Contaminant Source	SICC	Annual Maintenance Fee	New Permit Application	Modified Permit Fees	
					Major	Minor
1110	Coating, Engraving, and Allied Services: B) Less than 10 Employees	3479	206.00	1031.00	618.00	206.00
1120	Galvanizing and Pipe Coating Excluding All Other Activities	3479	413.00	2064.00	1238.00	413.00
1130	Painting Topcoat Per Line	3479	344.00	1720.00	1031.00	344.00
1140	Potting Per Line	3479	206.00	1031.00	618.00	206.00
1150	Soldering Per Line	3479	206.00	1031.00	618.00	206.00
1160	Wire Coating Per Line	3479	688.00	3437.00	2064.00	688.00
1170	Oil Field Machinery and Equipment	3533	344.00	1720.00	1031.00	344.00
1180	Power Chain Saw Manufacture Per Line	3546	515.00	2578.00	1548.00	515.00
1190	Commercial Grain Dryer	3559	413.00	2064.00	1238.00	413.00
1193	Commercial Laundry, Dry Cleaning, and Pressing Machines	3582	515.00	2578.00	1548.00	515.00
1195	Electric Transformers Per 1,000 Units/Year	3612 MIN.	159.92 434.00	799.60 2177.00	479.76 1306.00	159.92 434.00
1200	Electrode Manufacture Per Line	3624	481.00	2405.00	1444.00	481.00
1210	Telephone Manufacture Per Line	3661	1204.00	6017.00	3610.00	1204.00
1220	Electrical Connector Manufacture Per Line	3678	618.00	3095.00	1856.00	618.00
1230	Battery Manufacture Per Line	3691	688.00	3437.00	2064.00	688.00
1240	Electrical Equipment Per Line	3694	413.00	2064.00	1238.00	413.00
1245	Automobile, Truck and Van Assembly Per 1,000 Vehicles Per Year Capacity	3711 MIN. MAX	171.92 1088.00 34390.00	859.55 5443.00 171950.00	515.72 3265.00 103170.00	171.92 1088.00 34390.00
1250	Ship and Boat Building: A) 5001 or More Employees	3732	5158.00	25787.00	15473.00	5158.00
1260	Ship and Boat Building: B) 2501 to 5000 Employees	3732	3437.00	17192.00	10315.00	3437.00
1270	Ship and Boat Building: C) 1001 to 2500 Employees	3732	1720.00	8596.00	5158.00	1720.00
1280	Ship and Boat Building: D) 201 to 1000 Employees	3732	1031.00	5158.00	3095.00	1031.00
1290	Ship and Boat Building: E) 200 or Less Employees	3732	344.00	1720.00	1031.00	345.00
1300	Playground Equipment Manufacture Per Line	3949	515.00	2578.00	1548.00	515.00
1310	Grain Elevators: A) 20,000 or More Ton/Yr	4221	1098.00	5500.00	3300.00	1098.00
1320	Grain Elevators: B) Less than 20,000 Ton/Yr	4221	551.00	2749.00	1650.00	551.00
1330 *Note 6*	A) Petroleum, Chemical Bulk Storage and Terminal (over 3,000,000 BBL Capacity)	4226	10315.00	51575.00	30946.00	10315.00
1340 *Note 6*	B) Petroleum, Chemical Bulk Storage and Terminal (1,000,000-3,000,000 BBL Capacity)	4226	6876.00	34382.00	20629.00	6876.00
1350 *Note 6*	C) Petroleum, Chemical Bulk Storage and Terminal (500,001 - 1,000,000 BBL Capacity)	4226	3437.00	17192.00	10315.00	3437.00
1360 *Note 6*	D) Petroleum, Chemical Bulk Storage and Terminal (500,000 BBL Capacity or Less)	4226	1720.00	8596.00	5158.00	1720.00
1361 *Note 8*	Wholesale Distribution of Coke and Other Bulk Goods Per 1,000 Ton/Yr Capacity	4463 MIN.	0.70 1696.00	3.44 8491.00	2.04 5094.00	0.70 1697.00
1362	Crude Oil Pipeline - Facility with Less than 100,000 BBLs Storage Capacity	4612	762.00	3810.00	2286.00	762.00
1363	Crude Oil Pipeline - Facility with 100,000 to 500,000 BBLs Storage Capacity	4612	1088.00	5443.00	3265.00	1088.00
1364	Crude Oil Pipeline - Facility with Over 500,000 BBLs Storage Capacity	4612	1524.00	7620.00	4572.00	1524.00
1366	Refined Oil Pipeline - Facility with Less than 100,000 BBLs Storage Capacity	4613	653.00	3265.00	1958.00	653.00

Fee Schedule Listing						
Fee Number	Air Contaminant Source	SICC	Annual Maintenance Fee	New Permit Application	Modified Permit Fees	
					Major	Minor
1367	Refined Oil Pipeline - Facility with 100,000 to 500,000 BBLs Storage Capacity	4613	870.00	4354.00	2612.00	870.00
1368	Refined Oil Pipeline - Facility with Over 500,000 BBLs Storage Capacity	4613	1306.00	6532.00	3918.00	1306.00
1370	Railcar/Barge/Tank Truck Cleaning Heavy Fuels Only	4742	344.00	1720.00	1031.00	344.00
1380	Railcar and Barge Cleaning Other Than Heavy Fuels	4742	1720.00	8596.00	5158.00	1720.00
1390	Tank Truck Cleaning Other Than Heavy Fuels	4742	1031.00	5158.00	3095.00	1031.00
1400	A) Electric Power Gen. Per MW (Over 0.7 percent S in Fuel)	4911 MIN.	15.97 3254.00	79.94 16274.00	47.96 9764.00	15.97 3254.00
1410 *Note 7*	B) Electric Power Gen. Per MW (0.7 percent S or Less in Fuel)	4911 MIN.	9.58 1556.00	47.96 7783.00	28.78 4670.00	9.58 1556.00
1420	C) Electric Power Gen. Per MW (Natural Gas Fired)	4911 MIN.	4.81 1132.00	23.99 5660.00	14.39 3396.00	4.81 1132.00
1430 *Note 11*	Natural Gas Comp Per 100 H.P. (Turbines)	4922	6.85	34.37	20.62	6.85
1440 *Note 11*	Recip. Nat Gas Comp Per 100 H.P.: A) 50,000 H.P.	4922	30.96	154.74	92.83	30.96
1450 *Note 11*	Recip. Nat Gas Comp Per 100 H.P.: B) 20,000 to 50,000 H.P.	4922	34.37	171.92	103.13	34.37
1460 *Note 11*	Recip. Nat Gas Comp Per 100 H.P.: C) 5,000 to 20,000 H.P.	4922	41.26	206.29	123.74	41.26
1470 *Note 11*	Recip. Nat Gas Comp Per 100 H.P.: D) 2,500 to 5,000 H.P.	4922	48.14	240.65	144.40	48.14
1480 *Note 11*	Recip. Nat Gas Comp Per 100 H.P.: E) 1,000 to 2,500 H.P.	4922	51.58	257.87	154.74	51.58
1490 *Note 11*	Recip. Nat Gas Comp: F) less than 1,000 H.P.	4922	688.00	1720.00	688.00	688.00
1500 *Note 10*	Coal Gassification Per \$100,000 Capital Cost	4925 MIN MAX	6.85 1088.00 55052.00	34.37 5443.00 275262.00	20.62 3265.00 165156.00	6.85 1088.00 55052.00
1510 *Note 10*	Co-Generation Per \$100,000 Capital Cost	4939 MIN. MAX.	6.85 1088.00 34390.00	34.37 5443.00 171950.00	20.62 3265.00 103170.00	6.85 1088.00 34390.00
1520	Incinerators: A) 1,000 Lb/Hr and Greater Capacity	4953	434.00	2177.00	1306.00	434.00
1521	Incinerators: B) Less than 1,000 Lb/Hr Capacity	4953	140.00	707.00	425.00	140.00
1525	Sanitary Landfill per Million Mg of Planned Capacity	4953 MIN	120.00 240.00	600.00 1200.00	360.00 720.00	120.00 240.00
1530	Municipal Incinerators	4953	3437.00	17192.00	10316.00	3437.00
1532	Commercial Hazardous Waste Incinerator Per 1,000,000 BTU Per Hour Thermal Capacity	4953 MIN.	198.13 4354.00	990.66 21773.00	594.40 13063.00	198.13 4354.00
1533	Non Commercial Hazardous Waste Incinerator (Per 1,000,000 BTU/Hr Thermal Capacity)	4953 MIN.	99.06 2830.00	496.01 14152.00	297.19 8491.00	99.06 2830.00
1534	Commercial Hazardous Waste Disp. Facility N.E.C.	4953	28304.00	141523.00	84913.00	28304.00
1535	Commercial Hazardous Waste Underground Injection (Surface Facilities) Per Location	4953	5660.00	28304.00	16982.00	5660.00
1536	Recoverable/Re-usable Materials Proc. Facility (Per 1,000,000 BTU/Hr Thermal Capacity)	4953 MIN. MAX.	99.06 2830.00 14152.00	495.32 14152.00 70762.00	297.19 8491.00 42456.00	99.06 2830.00 14152.00
1540	Steam Gen. Units Per 1000 Lbs/Hr Steam Cap-Natural Gas or Comb Non-Fossil Fuels	4961 MIN.	1.70 282.00	8.60 1415.00	5.14 848.00	1.70 282.00
1550	Steam Gen. Units Per 1000 Lbs/Hr Steam Cap-Fuels with 0.7 percent S or Less	4961 MIN.	3.44 707.00	17.20 3538.00	10.31 2123.00	3.44 707.00
1560	Steam Gen. Units Per 1000 Lbs/Hr Steam Cap-Fuels with More than 0.7 percent S	4961 MIN.	5.14 990.00	25.78 4952.00	15.48 2971.00	5.14 990.00
1570	Cement (Bulk Distribution)	5052	1375.00	6876.00	4126.00	1375.00

Fee Schedule Listing						
Fee Number	Air Contaminant Source	SICC	Annual Maintenance Fee	New Permit Application	Modified Permit Fees	
					Major	Minor
1580	Wholesale Distribution of Coal Per 1,000 Ton/Yr Throughput	5052 MIN.	0.32 990.00	1.70 4952.00	1.01 2971.00	0.32 990.00
1590	Automobile Recycling Scrap Per 1000 Ton/Yr	5093 MIN. MAX.	14.15 707.00 34390.00	70.75 3538.00 171950.00	42.46 2123.00 103170.00	14.15 707.00 34390.00
1600	Bulk Loader: Over 100,000 Ton/Yr Throughput	5153	3437.00	17192.00	10315.00	3437.00
1610 *Note 14a*	Bulk Loader: Less than or equal to 100,000 and more than 25,000 Ton/Yr Throughput	5153	1720.00	8596.00	5158.00	1720.00
1611 *Note 14a*	Bulk Loader: 25,000 Ton/Yr or Less Throughput	5153	979.00	4898.00	2939.00	979.00
1612 *Note 14a*	Bulk Loader – No Grain or Dusty Materials Transfer	5153	653.00	3265.00	1958.00	653.00
1620	Grain Elevators-Terminal Per 10,000 Bu/Yr Throughput	5153 MIN.	0.32 1556.00	1.70 7783.00	1.01 4670.00	0.32 1556.00
1630	Wholesale Distribution of Chemicals and Allied Products Per Facility	5161	860.00	3437.00	2578.00	860.00
1640	Petroleum Bulk Plants	5171	70.00	344.00	206.00	70.00
1650	Petroleum Bulk Terminal	5171	688.00	3437.00	2064.00	688.00
1660	Petroleum Bulk Station	5171	70.00	344.00	206.00	70.00
1670	Storage Tank	5171	0.00	688.00	344.00	344.00
1680	Crude Oil Distribution	5172	1031.00	5158.00	3095.00	1031.00
1690	Tire Recapping Plant	7534	140.00	707.00	425.00	140.00
1700	Chemical Waste Disposal Facility for Non Hazardous Waste	9998	3198.00	15992.00	9595.00	3198.00
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
1720 *Note 15*	Small Business Sources	N/A	130.00	648.00	389.00	130.00
1722	Small Source Permit	N/A	130.00	648.00	389.00	130.00

Additional Fees		
Fee Number	Fee Description	Amount
2000	Company Ownership/Operator Change or Name Change Transfer of an Existing Permit	136.00
2010	The Issuance or Denial of Relocation, Administrative Amendments, Variances, Authorization to Construct, Change of Tank Service, Research & Development, and Exemptions	271.00
2015 *Note 15*	The Issuance or Denial of Relocation, Administrative Amendments, Variances, Authorization to Construct, Change of Tank Service, Research & Development, and Exemptions for Small Business Sources	130.00
2020	The Issuance of an Asbestos Demolition Verification Form (ADVF) - (at least 10 working days notification given)	60.00
2030	The Issuance of an Asbestos Demolition Verification Form (ADVF) - (less than 10 working days notification given)	90.00
2040	Agent Accreditation for Asbestos: Includes Contractor/Supervisor, Inspector, Management Planner, or Project Designer-Normal Processing (greater than 3 working days after receipt of required documentation and fees)	240.00
2050	Agent Accreditation for Asbestos: Includes Contractor/Supervisor, Inspector, Management Planner, or Project Designer-Emergency Processing (less than or equal to 3 working days after receipt of required documentation and fees)	360.00
2060	Worker Accreditation for Asbestos-Normal Processing (greater than 3 working days after receipt of required documentation and fees)	60.00
2070	Worker Accreditation for Asbestos-Emergency Processing (less than or equal to 3 working days after receipt of required documentation and fees)	90.00
2080	Duplicate Certificate	30.00
2090	Training Organization Recognition Plus Trainer Recognition Per Trainer-Normal Processing (greater than 3 working days after receipt of required documentation and fees)	360.00 60.00
2100	Training Organization Recognition Plus Trainer Recognition Per Trainer-Emergency Processing (less than or equal to 3 working days after receipt of required documentation and fees)	540.00 90.00
2200	Air Toxics Annual Fee Per Ton Emitted on an Annual Basis	
Note 13	Class I Pollutants	129.60
	Class II Pollutants	64.80
	Class III Pollutants	32.40

Additional Fees		
Fee Number	Fee Description	Amount
2300 *Note 14*	Criteria Pollutant Annual Fee Per Ton Emitted on an Annual Basis: Nitrogen oxides (NO _x) Sulfur dioxide (SO ₂) Non-toxic organic (VOC) Particulate (PM ₁₀)	11.66/ton
2400	An application approval fee for Stage II Vapor Recovery	120.00
	An annual facility inspection fee for Stage II Vapor Recovery	180.00
2600 *Note 16*	Accident Prevention Program Annual Maintenance Fee: Program 1	240.00
2620 *Note 16*	Accident Prevention Program Annual Maintenance Fee: Program 2	480.00
2630 *Note 16*	Accident Prevention Program Annual Maintenance Fee: Program 3	3000.00
2800	An application fee for mobile sources emissions banking (auto scrappage)	60.00
2810	An application fee for point source emissions banking. Not applicable when filing application with a new permit or permit modification.	60.00
*** [See Prior Text in 2900-2914]		

Explanatory Notes for Fee Schedule

Notes 1. - 10. ...

Note 11. The maximum annual maintenance fee for categories 1430-1490 is not to exceed \$34,390 (effective July 1, 2002) total for any one gas transmission company.

Note 12. The maximum annual maintenance fee for one location with two or more plants shall be \$1,556 (effective July 1, 2002).

Note 13. Fees will be determined by aggregating actual annual emissions of each class of toxic air pollutants (as delineated in LAC 33:III.Chapter 51.Table 51.1) for a facility and applying the appropriate fee schedule for that class. Fees shall not be assessed for emissions of a single toxic air pollutant over and above 4,000 tons per year from a facility. The minimum fee for this category shall be \$120 (effective July 1, 2002).

Note 14. Fees will not be assessed for emissions of a single criteria pollutant over and above 4,000 tons per year from a facility. Criteria fees will be assessed on actual annual emissions that occurred during the previous calendar year. The minimum fee for this category shall be \$120 (effective July 1, 2002).

Notes 14a. - 20. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054, 30:2341, and 30:2351 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 14:613 (September 1988), LR 15:735 (September 1989), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:1205 (December 1991), repromulgated LR 18:31 (January 1992), amended LR 18:706 (July 1992), LR 18:1256 (November 1992), LR 19:1373 (October 1993), LR 19:1420 (November 1993), LR 19:1564 (December 1993), LR 20:421 (April 1994), LR 20:1263 (November 1994), LR 21:22 (January 1995), LR 21:782 (August 1995), LR 21:942 (September 1995), repromulgated LR 21:1080 (October 1995), amended LR 21:1236 (November 1995), LR 23:1496 (November 1997), LR 23:1499 (November 1997), LR 23:1662 (December 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:267 (February 2000), LR 26:485 (March 2000), LR 26:1606 (August 2000), repromulgated LR 27:192 (February 2001), amended LR 28:

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

Chapter 51. Fee Schedules

§5111. Calculation of Application Fees

A. ...

B. Application Fee Schedule

Item	Fee
Site analysis—per acre site size	\$300 ¹
Process and plan analysis	\$1,200
Facility analysis—per facility ²	\$600
Management/financial analysis	\$1,200

[Note: Fee equals total of the four items.]

¹ Up to 100 acres, no additional fee thereafter.

² Incinerator, land farm, treatment pond, etc. each counted as a facility.

C. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2014 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 11:533 (May 1985), LR 12:318 (May 1986), LR 12:676 (October 1986), LR 13:433 (August 1987), LR 18:724 (July 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:287 (March 2001), LR 28:

§5119. Calculation of Annual Maintenance Fees

A. Fee per Site

Off-Site Disposer (Commercial)	\$95,760
Reclaimer (compensated for waste removed)	\$42,000
Reclaimer (uncompensated for waste removed or pays for waste removed)	\$30,000
Off-Site Disposer (Non-commercial)	\$24,000
On-Site Disposer	\$12,000

[NOTE: The higher fee for off-site disposal is due to the cost of the manifest system and emergency response to transport spills (neither cost is applicable to on-site disposers).]

B. Fee per Hazardous Waste Facility Type

Unit Type	Fee
Storage	
Container/Tank/Waste Pile/etc.	\$3,928
Treatment	
Incinerator/Boiler/Industrial Furnace/Filtration Unit/etc.	\$6,324
Disposal	
Landfill/Miscellaneous Unit/etc.	\$9,924

C. Fee Based on Volume

Less than 1,000 tons	\$ 2,342
Less than 10,000 tons	\$ 5,885
Less than 100,000 tons	\$ 9,427
Less than 1,000,000 tons	\$12,970
More than 1,000,000 tons	\$16,512

D. - E. ...

F. Land Disposal Prohibitions Fee. Treatment, processing (including use, reuse, recycling), and/or disposal facility annual fee (not on storage facilities). This fee applies to facilities handling wastes subject to the land disposal prohibitions in LAC 33:V.Chapter 22.

On-Site	\$1,200
Off-Site Non-commercial	\$2,400
Reclaimer	\$3,000
Off-Site Commercial	\$6,000

G. - J. ...

K. Formula to Apportion Fees

Annual Maintenance Fee = fee per site + fee per facility + fee based on volume + annual research and development fee + administrative cost fee + land disposal prohibitions fee + groundwater protection annual fee + incineration inspection and monitoring fee + boiler/industrial furnace inspection and monitoring fee + annual landfill inspection and monitoring fee + annual land treatment unsaturated zone monitoring inspection fee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2014 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 11:533 (May 1985), LR 12:318 (May 1986), LR 12:676 (October 1986), LR 13:433 (August 1987), LR 15:378 (May 1989), LR 16:684 (August 1990), LR 16:1057 (December 1990), LR 18:723 (July 1992), LR 18:1375 (December 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 28:

§5120. Land Disposal Prohibition Petition Fees

A. Petitions submitted in accordance with R.S. 30:2193(E)(2) and/or LAC 33:V.Chapter 22 are subject to additional fees as noted below for each petition submitted. These fees must be submitted at the time a petition is submitted.

Variance	\$12,000
Exemption	\$54,000
Extension	\$6,000
No-Alternatives Determinations	
Original Petition	\$12,000
Renewal Petition/Request	\$12,000
Request for determination for addition of a hazardous waste(s) not covered by existing determination	\$1,200

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2014 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 15:378 (May 1989), amended LR 17:658 (July 1991), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1803 (October 1999), LR 28:

§5123. Registration Fees, HW-1

A. An initial registration fee is charged for each generator, transporter, or TSD facility obtaining an EPA Identification Number from the department. There is no fee for modifying an existing registration based on any change of information submitted on Notification Form HW-1.

Initial Fee	\$11.35
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AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2014 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 11:533 (May 1985), LR 12:319 (May 1986), LR 12:676 (October 1986), LR 13:433 (August 1987), LR 14:622 (September 1988), LR 18:725 (July 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 28:

§5125. Annual Monitoring and Maintenance Fee

A. Fee will annually be \$340, plus the prohibited waste fee.

B. Annual prohibited waste fee is \$120 for each generator who generates for land disposal as provided in LAC 33:V.Chapter 22. The generator will be subject to this fee if any waste generated is prohibited from disposal at any time during the year for which the fee is assessed.

C. All annual fees provided by this Chapter shall be paid by the due date indicated on the invoice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2014 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 11:533 (May 1985), LR 12:321 (May 1986), LR 12:676 (October 1986), LR 13:433 (August 1987), LR 15:378 (May 1989), LR 17:658 (July 1991), amended by the Office of Management and Finance, Fiscal Services Division, LR 22:18 (January 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 28:

§5135. Transporter Fee

A. All transporters of hazardous waste with a facility in Louisiana shall pay a fee of \$240 per year to the department. There will be only one fee regardless of the number of vehicles in the service of the transporter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2014 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 14:622 (September 1988), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 28:

§5137. Conditionally Exempt Small Quantity

Generator Fee

A. Conditionally exempt small quantity generators (see LAC 33:V.108) shall pay a fee of \$60 per year to the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2014 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 14:622 (September 1988), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:716 (May 2001), LR 28:

§5139. Groundwater Protection Permit Review Fee

A. Permit Review Fee. This fee covers the cost of reviewing permits for geology, geotechnical design, and groundwater protection aspects.

Hazardous Waste Facilities (1 time)	\$6,000 each
Permit Modifications	
Class 1 and 2	\$240 each
Class 3	\$900 each
Solid Waste Facilities (1 time)	\$6,000 each
Permit Modifications	
Major	\$600 each
Minor	\$240 each

B. Oversight of Abandonment Procedures. This fee covers the cost of reviewing plans to plug and abandon all permitted groundwater monitoring systems (monitoring wells, piezometers, observations wells, and recovery wells) to ensure that they do not pose a potential threat to groundwater.

Casing pulled	\$120 each
Casing reamed out	\$240 each
Casing left in place	\$600 each

C. Groundwater Monitoring Systems Installation Permit. This fee covers the cost of reviewing the geology and design of proposed groundwater monitoring systems to ensure compliance with department specifications for units subject to permitting under these regulations.

Each Well	\$600
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D. Groundwater Monitoring Systems Inspection Fee (Annual). This fee covers the cost of inspecting monitoring systems for units subject to permitting under these regulations, to ensure that they are functioning properly and continue to maintain their integrity.

Each Well	\$300
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AUTHORITY NOTE: Promulgated in accordance with 30:2014 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Groundwater Division, LR 14:621 (September 1988), amended LR 16:685 (August 1990), amended by the Hazardous Waste Division, LR 18:725 (July 1992), LR 18:1256 (November 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 28:

§5141. Incinerator and Boiler/Industrial Furnace Inspection and Monitoring Fee

A. Trial Burn or Test Burn Observer Fee. This is a special fee charged at a daily rate to cover the cost to the department of providing and placing on site a regulatory observer team during incinerator trial burns, boiler/industrial furnace trial burns or other types of test burns required by regulations or the administrative authority when an observer team is required by regulations, specified by permit conditions, or considered necessary to ensure that human health and the environment are adequately protected.

1. This fee will be \$600 for each day of the test burn or trial burn.

2. This fee will be billed following completion of the trial burn or test burn and must be paid by the due date indicated on the invoice.

B. Annual Monitoring and Maintenance Fee for Incinerators, Boilers, Industrial Furnaces and Commercial Recycling Furnaces. This is an annual fee applied to defray the cost of annually inspecting the required continuous monitors and recording devices for each incinerator, boiler, or industrial furnace to determine whether they are being properly maintained and calibrated. This fee will annually be a flat \$1,200.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2014 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 16:1057 (December 1990), amended LR 18:1375 (December 1992), amended by the Office of Management and Finance, Fiscal Services Division, LR 22:18 (January 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2510 (November 2000), LR 28:

§5143. Annual Landfill Inspection and Monitoring Fee

A. An annual fee shall be charged for the inspection of the regulatory requirement for leak detection and leachate collection systems associated with hazardous waste landfills to determine operational status and degree of proper maintenance. For each landfill unit or cell with a separate leak detection and leachate collection system, the annual fee will be \$120.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2014 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 16:1057 (December 1990), amended LR 18:725 (July 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 28:

§5145. Annual Land Treatment Unsaturated Zone Monitoring Inspection Fee

A. Semiannual Zone of Incorporation (ZOI) Inspection Fee. This fee covers the cost of inspection and random sampling and laboratory analysis of the zone of incorporation.

ZOI soil samples	\$1,200 each acre
Soil-pore liquid monitors (Lysimeters)	\$3,000 each monitor

B. Annual Land Treatment Unit Report Review Fee. This fee covers the cost of reviewing the report required by final permits for land treatment. Included in the annual land treatment unit report are the results of the unsaturated zone monitoring. Included are the semiannual soil core sample analyses and the quarterly soil-pore liquid quality analyses from below the treatment zone. Also included are soil moisture tensiometer readings of the ZOI.

Hazardous Waste Facilities	\$1,200 each report
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C. Permit Review Fee. This fee covers the cost of reviewing permits for geology, geotechnical design, and hydrological separation requirements of these regulations.

Initial Permit	\$6,000 each
Permit Modifications	
Class 1	\$240 each
Class 2 or 3	\$900 each

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2014 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 16:1057 (December 1990), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 28:

Part VII. Solid Waste

Subpart 1. Solid Waste Regulations

Chapter 5. Solid Waste Management System

Subchapter D. Solid Waste Fees

§525. Standard Permit Application Review Fee

A. Applicants for Type I, I-A, II, and II-A standard permits shall pay a \$3,000 permit application review fee for each facility, and the fee shall accompany each permit application submitted.

B. Applicants for Type III standard permits or beneficial-use permits shall pay a permit application review fee of \$600 for each facility, and the fee shall accompany each permit application submitted.

C. Permit holders providing permit modifications for Type I, I-A, II, and II-A facilities shall pay a \$1,200 permit-modification review fee, and the fee shall accompany each modification submitted. Permit holders providing mandatory modifications in response to these regulations shall pay a \$600 permit-modification fee, and the fee shall accompany each mandatory modification submitted. Permit modifications required by LAC 33:VII.709.E.1 will not be subject to a permit modification fee.

D. Permit holders providing permit modifications for Type III facilities or beneficial use facilities shall pay a \$300 permit-modification review fee, and the fee shall accompany each modification submitted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 28:

§527. Closure Plan Review Fee

A. Applicants for Type I, I-A, II, and II-A closures shall pay a \$1,200 closure-plan review fee, and the fee shall accompany each closure plan submitted.

B. Applicants for Type III or beneficial-use facilities closures shall pay a \$300 closure-plan review fee, and the fee shall accompany each closure plan submitted.

C. Permit holders providing closure-plan modifications for Type I, IA, II, and II-A facilities shall pay a \$600 closure-plan modification review fee, and the fee shall accompany each modification submitted.

D. Permit holders providing closure-plan modifications for Type III or beneficial-use facilities shall pay a \$150 closure-plan modification review fee, and the fee shall accompany each modification submitted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 28:

§529. Annual Monitoring and Maintenance Fee

A. An initial fee is charged for the processing of transporter notifications.

1. The fee shall be calculated by the following formula:

Initial fee per notification + fee based on each vehicle owned by the transporter = notification fee.

2. No fee is assessed for modifying an existing notification form. The fee shall accompany the notification form at the time of its filing.

Initial fee	\$120
Fee Per Vehicle	\$30

B. All holders of permits for solid waste processing and/or disposal facilities that have not completed closure, including post-closure activities, in accordance with an approved plan, shall be charged an annual monitoring and maintenance fee for each permit. This annual monitoring and maintenance fee shall be calculated by the following formula: base fee per permit + fee based on tonnage = annual monitoring and maintenance fee.

1. Base fees are as follows:

- a. \$7,200 for Type I facilities (including facilities that handle both industrial and nonindustrial waste);
- b. \$1,800 for Type II facilities; and
- c. \$600 for Type IA, II-A, III, and beneficial-use facilities.

2. Tonnage fees will be based on the wet-weight tonnage, as reported in the previous year's disposer annual report, and are calculated as follows:

for industrial wastes (Type I facilities, except surface impoundments), \$0.72/ton;

b. for nonindustrial wastes (Type II facilities, except surface impoundments), \$0.18/ton for amounts exceeding 75,000 tons;

c. - e. ...

3. The maximum annual monitoring and maintenance fee per facility for Type I facilities (including facilities that handle both industrial and nonindustrial solid wastes) is \$96,000; the maximum fee per facility for Type II facilities is \$24,000 (surface impoundments, as noted above, are assessed only the base fee).

C. - G ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Management and Finance, Fiscal Services Division, LR 22:18 (January 1996), LR 25:427 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 28:

Part IX. Water Quality

Chapter 13. Louisiana Water Pollution Control Fee System Regulation

§1309. Fee System

A. - B.3.a.i. ...

ii. \$104.81 per rating point from July 1, 1998, through June 30, 1999;

iii. \$112.12 per rating point as of July 1, 1999; and
iv. \$134.54 per rating point as of July 1, 2002; and

b. for all other facilities:

i. \$179.16 per rating point through June 30, 1998;

ii. \$192.60 per rating point from July 1, 1998, through June 30, 1999;

iii. \$206.03 per rating point as of July 1, 1999; and
iv. \$247.24 per rating point as of July 1, 2002.

B.4. - E.1.a. ...

- b. \$244.56 from July 1, 1998, through June 30, 1999;
- c. \$261.63 as of July 1, 1999; and
- d. \$314.00 as of July 1, 2002.

E.2. - 2.a. ...

- b. \$101,587.50 from July 1, 1998, through June 30, 1999;
- \$108,675 as of July 1, 1999; and
- d. \$130,410 as of July 1, 2002.

F. - M. ...

N. Other Fees

Permit Type	Amount
Gen-LAG11-Concrete/Asphalt	\$293
Gen-LAG33-Coastal	\$2,400
Gen-LAG47-Auto Repair/Dealers	\$240
Gen-LAG119-Concrete/Asphalt (SW)	\$352
Gen-LAG78-C&D Landfills	\$600
Gen-LAG89-Type D Truck Maintenance	\$600
Gen-LAG75-Exterior Vehicle Wash	\$240
Gen-LAG-Animal Waste	\$273
Gen-LAR-Baseline	\$90
Gen-LAG87-Bulk Terminals	\$293
Gen-LAR10-Construction	\$240
Gen-LAG67-Hydrostatic Test	\$273
Gen-LAG48-Light Commercial	\$314
Gen-LAR05-Multi-Sector	\$90
Gen-LAG38-Potable Water	\$314
Gen-LAG949-GW Remediation (SW)	\$900
Gen-LAG49-Sand and Gravel	\$600
Gen-LAG26-Territorial Seas	\$2,400
Gen-LAG30-UST Dewatering	\$90
Gen-LAG94-GW Remediation	\$900
Gen-LAG679-Hydrostatic Test (SW)	\$720
Gen-LAG759-Mobile Vehicle/Equipment Wash	\$288
Gen-LAG83- Petroleum UST Remediation	\$900
Gen-LAG839-Petroleum UST (SW)	\$2,400
Gen-LAG14-RR Classified Yards	\$293
Gen-LAG53-Sanitary Class I	\$90
Gen-LAG54-Sanitary Class II	\$240
Gen-LAG56-Sanitary Class III	\$450
Gen-LAG57-Sanitary Class IV	\$540
Gen-LAG309-UST Dewatering (SW)	\$774
Gen-LAG98-Vermilion Basin Sanitary	\$294

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2014(B).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:534 (May 1985), amended LR 14:626 (September 1988), LR 18:731 (July 1992), LR 21:798 (August 1995), amended by the Office of Management and Finance, Fiscal Services Division, LR 22:19 (January 1996), amended by the Office of Water Resources, LR 24:326 (February 1998), amended by the Office of Management and Finance, Fiscal Services Division, LR 25:427 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 28:

§1507. Procedures For Issuance Of Water Quality Certification

A. - A.1.n.iv. ...

2. Processing Fee

a. A one-time processing fee will be assessed all applicants to help defray the costs of this expanded program.

The fee schedule will be as follows.

Noncommercial Activities	\$30/application
Commercial Activities	\$318/application

b. Payment shall accompany the application for certification. The department shall consider the application incomplete and initiation of the application review process will not begin until payment of the processing fee is received. Payment shall be by check or money order to Department of Environmental Quality, Office of Management and Finance, Financial Services Division and shall be nonrefundable.

A.3. - H.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(A)(3).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 10:496 (July 1984), amended by the Office of the Secretary, LR 22:345 (May 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2550 (November 2000), LR 28:

**Part XI. Underground Storage Tanks
Chapter 3. Registration Requirements, Standards,
and Fee Schedule**

§307. Fee Schedule

A. - B. ...

1. Fees are assessed according to the following schedule.

Fee Number	Annual Registration Fee	Amount
001	All registered UST systems	\$54
Annual Maintenance and Monitoring Fees		
002	UST systems containing any substance defined in Section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980 (but not including any substance regulated as a hazardous waste under the department's Hazardous Waste Regulations, LAC 33:V.Subpart 1)	\$600
003	UST systems at federal facilities (all categories except USTs defined in Fee Number 002, which shall be assessed the higher fee)	\$144
004	UST systems containing petroleum products not meeting the definition of motor fuels	\$144
005	UST systems containing new or used motor oil (except USTs identified in LAC 33:XI.1101.C and D)	\$275

B.2. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001, 2014, 2195, 2195.3 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 11:1139 (December 1985), amended LR 16:614 (July 1990), LR 17:658 (July 1991), LR 18:727 (July 1992), amended by the Office of Management and Finance, Fiscal Services Division, LR 22:19 (January 1996), LR 25:427 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:2400 (December 1999), LR 28:

§1305. Categories of Certification and Requirements for Issuance and Renewal of Certificates

A. - C. ...

D. Fees. The following fees are hereby established for certification and renewal:

1. examination fee for individual certification, \$120;
2. certification renewal fee, \$120.

E. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, LR 16:614 (July 1990), amended LR 17:658 (July 1991), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2562 (November 2000), LR 28:

Part XV. Radiation Protection

Chapter 5. Radiation Safety Requirements for Industrial Radiographic Operations

Subchapter B. Personal Radiation Safety Requirements for Radiographers

§579. Identification Cards

A. - A.3. ...

4. Any individual who wishes to replace his/her I.D. card shall submit to the Office of Environmental Services, Permits Division a written request for a replacement I.D. card, stating the reason a replacement I.D. card is needed. A non-refundable fee of \$24 shall be paid to the department for each replacement of an I.D. card. The prescribed fee shall be submitted with the written request for a replacement I.D. card. The individual shall maintain a copy of the request in his/her possession while performing industrial radiographic operations until a replacement I.D. card is received from the department.

B. - D.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:1000 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2584 (November 2000), LR 28:

Chapter 25. Fee Schedule

Appendix A

Appendix A Radiation Protection Program Fee Schedule		
	Application Fee	Annual Maintenance Fee
I. Radioactive Material Licensing		
A. Medical licenses:		
1. Therapy		
a. Teletherapy	666	666
b. Brachytherapy	666	666
2. Nuclear medicine diagnostic only	822	822
3. Nuclear medicine diagnostic/therapy	882	882
4. Nuclear pacemaker implantation	330	330
5. Eye applicators	330	330
6. In-vitro studies or radioimmunoassays or calibration sources	330	330
7. Processing or manufacturing and distribution of radiopharmaceuticals	1296	1104
8. Mobile nuclear medicine services	1296	1104
9. "Broad scope" medical licenses	1296	1104
10. Manufacturing of medical devices/sources	1512	1260
11. Distribution of medical devices/sources	1134	942
12. All other medical licenses	366	366
B. Source material licenses:		
1. For mining, milling, or processing activities, or utilization which results in concentration or redistribution of naturally occurring radioactive material	6552	6552
2. For the concentration and recovery of uranium from phosphoric acid as "yellow cake" (powered solid)	3276	3276
3. For the concentration of uranium from or in phosphoric acid	1638	1638
4. All other specific "source material" licenses	330	330
C. Special nuclear material (SNM) licenses:		
1. For use of SNM in sealed sources contained in devices used in measuring systems	504	504
2. SNM used as calibration or reference sources	330	330
3. All other licenses or use of SNM in quantities not sufficient to form a critical mass, except as in I.A.4, I.C.1, and 2	330	330
D. Industrial radioactive material licenses:		
1. For processing or manufacturing for commercial distribution	6480	4878
2. For industrial radiography operations performed in a shielded radiography installation(s) or permanently designated areas at the address listed in the license	1104	870
3. For industrial radiography operations performed at temporary jobsite(s) of the licensee	3252	2448
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	1638	822
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	3252	1626

Appendix A Radiation Protection Program Fee Schedule		
	Application Fee	Annual Maintenance Fee
6. For distribution of items containing radioactive material	1638	1638
7. Well-logging and subsurface tracer studies		
a. Collar markers, nails, etc. for orientation	330	330
b. Sealed sources less than 10 Curies and/or tracers less than or equal to 500 mCi	978	978
c. Sealed sources of 10 Curies or greater and/or tracers greater than 500 mCi but less than 5 Curies	1638	1638
d. Field flood studies and/or tracers equal to or greater than 5 Curies	2460	2460
8. Operation of a nuclear laundry	6492	3252
9. Industrial research and development of radioactive materials or products containing radioactive materials	822	822
10. Academic research and/or instruction	666	666
11. Licenses of broad scope:		
a. Academic, industrial, research and development, total activity equal to or greater than 1 Curie	1638	1638
b. Academic, industrial, research and development, total activity less than 1 Curie	978	978
12. Gas chromatographs, sulfur analyzers, lead analyzers, or similar laboratory devices	330	330
13. Calibration sources equal to or less than 1 Curie per source	330	330
14. Level or density gauges	504	504
15. Pipe wall thickness gauges	666	666
16. Soil moisture and density gauges	504	504
17. NORM decontamination/maintenance		
a. at permanently designated areas at the location(s) listed in the license	3780	3150
b. at temporary jobsite(s) of the licensee	3780	3780
18. Commercial NORM storage	3150	3150
19. All other specific industrial licenses except as otherwise noted	666	666
20. Commercial NORM treatment	15,120	12,600
E. Radioactive waste disposal licenses:		
1. Commercial waste disposal involving burial	850,500	850,500
2. Commercial waste disposal involving incineration of vials containing liquid scintillation fluids	6480	3252
3. All other commercial waste disposal involving storage, packaging and/or transfer	3252	3252
F. Civil defense licenses	396	330
G. Teletherapy service company license	1638	1638
H. Consultant licenses		
1. No calibration sources	162	94
2. Possession of calibration sources equal to or less than 500 mCi each	240	162
3. Possession of calibration sources greater than 500 mCi	330	240
4. Installation and/or servicing of medical afterloaders	438	378
II. Electronic Product Registration		
1. Medical diagnostic X-ray (per registration)	107	107
2. Medical therapeutic X-ray (per registration)		
a. below 500 kVp	252	252
b. 500 kVp to 1 MeV (including accelerator and Van de Graaf)	504	504
c. 1 MeV to 10 MeV	756	756
d. 10 MeV or greater	1008	1008
3. Dental X-ray (per registration)	95	88
4. Veterinary X-ray (per registration)	95	95
5. Educational institution X-ray (teaching unit, per registration)	156	95
6. Industrial accelerator (includes Van de Graaf machines and neutron generators)	504	504
7. Industrial radiography (per registration)	252	252
8. All other X-ray (per registration) except as otherwise noted	114	114
III. General Licenses		
A. NORM (Wellhead fee per field shall not exceed \$1890 per operator. Operators reporting contamination by field will be invoiced for all wellheads in the field. Operators reporting contamination by wellhead will be invoiced only for contaminated units.)		
1. 1-5 contaminated wellheads	126	126
2. 6-20 contaminated wellheads	630	630
3. >20 contaminated wellheads	1890	1890
4. Stripper wells-contaminated (\$630 maximum for strippers per field)	126	126
a. 1 to 5 contaminated stripper wells	126	126
b. > 5 contaminated stripper wells	630	630
5. NORM locations (other than fields)		
a. gas plants, pipeyards, chemical plant, refinery	378	378
b. warehouses, pipeline, manufacturing plant, NORM equipment storage site, etc.	378	378
6. Interim container storage per NORM Waste Management Plan of an approved location		1260
7. NORM location as otherwise defined in LAC 33:XV.1403 and not exempted by LAC 33:XV.1404, not included in III.A.1-6 of this Appendix	126	126
B. Tritium sign	90	0
C. All other general licenses which require registration	126	126

IV. Reciprocal Recognition		
The fee for reciprocal recognition of a license or registration from another state or the NRC is the annual fee of the applicable category. The fee covers activities in the state of Louisiana for one year from the date of receipt.		
V. Shielding Evaluation (per room)		
A. Diagnostic	126	*
B. Therapeutic (below 500 kVp)	190	*
C. Therapeutic (500 kVp to 1 MeV)	312	*
D. Therapeutic (1 MeV to 10 MeV)	438	*
E. Therapeutic (10 MeV or greater)	948	*
F. Industrial and industrial radiography	438	*
VI. Device, Product, or Sealed Source Evaluation		
A. Device evaluation (each)	882	*
B. Sealed source design evaluation (each)	570	*
C. Update sheet	190	*
VII. Testing		
Testing to determine qualifications of employees, per test administered	162	*
VIII. Nuclear Electric Generating Station		
Located in Louisiana		357,600
Located near Louisiana (Plume Exposure Pathway Emergency Planning Zone - includes area in Louisiana)		259,200
Uranium Enrichment Facility		63,000
IX. La. Radiation Protection Program Laboratory Analysis Fees		
Sample Type	Analysis	Unit Price
A. Air filters:		
1. Particulate	Gross beta	70
2. Charcoal cartridge	Gamma	198
	Gamma/I-131	198
B. Milk	Gamma	210
	I-131	228
C. Water	Gamma	228
	I-131	228
	H-3	84
D. Sediment	Gamma	240
E. Vegetation	Gamma	228
F. Fish	Gamma	240
G. Leak test	Gamma	198
	H-3	84
H. NORM sample		
1. Soil	Gamma	210
2. Produced water	Gamma	228
* Fees are charged one time		

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:719 (July 1992), repromulgated LR 18:956 (September 1992), amended LR 19:624 (May 1993), LR 21:792 (August 1995), repromulgated LR 21:944 (September 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2607 (November 2000), LR 28:

J. Dale Givens
Secretary

0206#069

DECLARATION OF EMERGENCY

Office of the Governor Crime Victims Reparations Board

Compensation to Victims (LAC 22:XIII.503)

In accordance with the provisions of R.S. 49:950 et seq., which is the Administrative Procedure Act, R.S. 46:1801 et seq., which is the Crime Victims Reparations Act, allows the Crime Victims Reparations Board to promulgate rules

necessary to carry out its business or the provision of the Chapter.

The board hereby finds that an emergency exists because of confusion regarding the payment of claims for sexual assault examinations where collateral sources are available for the victim. This rule will clarify the board's existing policy regarding the payment of all claims related to the collection and securing of crime scene evidence.

In order to prevent undue expenditure for claims where collateral sources are available to victims and their families, the board adopts these rules effective June 1, 2002. They shall remain in effect for 120 days or until the final rules takes effect through the normal promulgation process, whichever occurs first.

Title 22

CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT

Part XIII. Crime Victims Reparations Board

Chapter 5. Awards

§503. Limits on Awards

A. - L.3. ...

M. Crime Scene Evidence

1. Expenses associated with the collection and securing of crime scene evidence are limited to:

a. reasonable replacement costs for clothing, bedding, or property seized as evidence or rendered unusable as a result of a criminal investigation or lab test.

2. A forensic medical examination for a victim of sexual assault is considered an expense associated with the collection and securing of crime scene evidence. Payment for this examination by the parish governing authority is mandated by state law. All other expenses related to these crimes are eligible for reimbursement by the board at 100 percent, subject to the provisions of the Crime Victims Reparations Act and its administrative rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1801 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Crime Victims Reparations Board, LR 20:539 (May 1994), amended LR 22:710 (August 1996), amended LR 24:328 (February 1998 (amended LR 25:26 (January 1999), LR 26:1019 (May 2000), LR 28:

Lamarr Davis
Chairman

0206#035

DECLARATION OF EMERGENCY

Office of the Governor Division of Administration Office of Group Benefits

EPO Plan of Benefits
(LAC 32:V:101,317,323,501,503, and 701)

Pursuant to the authority granted by R.S. 42:801.C and 802.B.(2), vesting the Office of Group Benefits (OGB) with the responsibility for administration of the programs of benefits authorized and provided pursuant to Chapter 12 of Title 42 of the Louisiana Revised Statutes, and granting the power to adopt and promulgate rules with respect thereto, OGB, hereby invokes the Emergency Rule provisions of R. S. 49:953.B.

OGB finds that it is necessary to revise and amend provisions of the EPO Plan Document. Failure to adopt this rule on an emergency basis may result in disruption of healthcare services for covered employees, retirees, and their dependents, adversely affecting the health and welfare of the public workforce responsible for delivery of vital services to the citizens of the state.

Accordingly, the following Emergency Rule, revising and amending the EPO Plan of Benefits, is effective July 1, 2002, and shall remain in effect for a maximum of 120 days, or until the final rule is promulgated, whichever occurs first.

Title 32

EMPLOYEE BENEFITS

Part V. Exclusive Provider (EPO) Plan of Benefits

Chapter 1. Eligibility

§101. Persons to be Covered

Eligibility requirements apply to all participants in the Program, whether in the PPO Plan, the EPO Plan or an HMO plan.

A. - H. ...

I. Tricare for Life Option for Military Retirees. Retirees eligible to participate in the Tricare for Life (TFL) option on and after October 1, 2001 who cancel coverage with the Program upon enrollment in TFL may re-enroll in the

Program in the event that the TFL option is discontinued or its benefits significantly reduced.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801.C and 802.B.(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1804 (October 1999), LR 27:718 (May 2001), LR 28:

Chapter 3. Medical Benefits

§317. Exceptions and Exclusions for All Medical Benefits

A. No benefits are provided under this *plan* for:

1. - 3. ...
4. injuries sustained while in an aggressor role;
5. - 39. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801.C and 802.B.(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1813 (October 1999), LR 26:487 (March 2000), LR 27:717 (May 2001), LR 28:

§325. Prescription Drug Benefits

A. This *plan* allows benefits for drugs and medicines approved by the Food and Drug Administration or its successor requiring a prescription and dispensed by a licensed pharmacist or pharmaceutical company, but which are not administered to a *covered person* as an inpatient hospital patient or an outpatient hospital patient, including insulin, Retin-A dispensed for *covered persons* under the age of 26, Vitamin B12 injections, prescription Potassium Chloride, and over-the-counter diabetic supplies, including, but not limited to, strips, lancets, and swabs.

In addition, this *plan* allows benefits, not to exceed \$200 per month, for expenses incurred for the purchase of low protein food products for the treatment of inherited metabolic diseases if the low protein food products are medically necessary and are obtained from a source approved by the OGB. Such expenses shall be subject to coinsurance and copayments relating to prescription drug benefits. In connection with this benefit, the following words shall have the following meanings.

1. *Inherited Metabolic Disease*Ca disease caused by an inherited abnormality of body chemistry and shall be limited to:

- a. Phenylketonuria (PKU);
- b. Maple Syrup Urine Disease (MSUD);
- c. Methylmalonic Acidemia (MMA);
- d. Isovaleric Acidemia (IVA);
- e. Propionic Acidemia;
- f. Glutaric Acidemia;
- g. Urea Cycle Defects;
- h. Tyrosinemia.

2. *Low Protein Food Products*Ca food product that is especially formulated to have less than one gram of protein per serving and is intended to be used under the direction of a physician for the dietary treatment of an inherited metabolic disease. Low protein food products shall not include a natural food that is naturally low in protein.

C. - C.5. ...

a. Up to a 34-day supply of drugs may be dispensed upon initial presentation of a prescription or for refills dispensed more than 120 days after the most recent fill;

b. For refills dispensed within 120 days of the most recent fill, up to a 102-day supply of drugs may be dispensed

at one time, provided that co-payments shall be due and payable as follows.

i. For a supply of 1-34 days the *plan member* will be responsible for payment of 50 percent of the cost of the drug, up to a maximum of \$40 per prescription dispensed.

ii. For a supply of 35-64 days the *plan member* will be responsible for payment of 50 percent of the cost of the drug, up to a maximum of \$80 per prescription dispensed.

iii. For a supply of 69-102 days the *plan member* will be responsible for payment of 50 percent of the cost of the drug, up to a maximum of \$120 per prescription dispensed.

iv. Once the out-of-pocket threshold for eligible prescription drug expenses is reached, the *plan member's* co-payment responsibility will be \$15 for a 1-34 days supply, \$30 for a 35-64 days supply, and \$45 for a 69-102 days supply, with no co-pay for up to a 102-days supply of generic drugs.

c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801.C and 802.B.(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1815 (October 1999), LR 27:717, 718 (May 2001), LR 27:1886 (November 2001), LR 28:

Chapter 5. Claims Review and Appeal

§ 501. Administrative Review

This section establishes and explains the procedures for review of benefit and eligibility decisions by the Program.

A. Administrative Claims Review

1. The *covered person* may request from the Program a review of any claim for benefits or eligibility. The written request must include the name of the *covered person*, member number, the name of the patient, the name of the provider, dates of service and should clearly state the reasons for the appeal.

2. The request for review must be directed to Attention: Administrative Claims Review within 90 days after the date of the notification of denial of benefits, denial of eligibility, or denial after review by the utilization review organization or prescription benefits manager

B. Review and Appeal Prerequisite to Legal Action

1. The *covered person* must exhaust the Administrative Claims Review procedure before filing a suit for benefits. Unless a request for review is made, the initial determination becomes final, and no legal action may be brought to attempt to establish eligibility or to recover benefits allegedly payable under the *program*.

C. Administrative Claims Committee

1. The CEO will appoint an Administrative Claims Committee (the Committee) to consider all such requests for review and to ascertain whether the initial determination was made in accordance with the Plan Document.

D. Administrative Claims Review Procedure and Decisions

1. Review by the *committee* shall be based upon a documentary record which includes:

a. all information in the possession of the *program* relevant to the issue presented for review;

b. all information submitted by the *covered person* in connection with the request for review; and

c. any and all other information obtained by the Committee in the course of its review.

2. Upon completion of the review the *committee* will render its decision which will be based on the *plan* Document and the information included in the record. The decision will contain a statement of reasons for the decision. A copy of the decision will be mailed to the *covered person* and any representative thereof.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801.C and 802.B.(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1818 (October 1999), LR 28:477 (March 2002), LR 28:

§503. Appeals from Medical Necessity Determinations

The following provisions will govern appeals from adverse determinations based upon medical necessity by OGB's Utilization Review Organization (URO) pursuant to Article 3, Section IV of this document.

A. First level appeal. Within 60 days following the date of an adverse initial determination based upon medical necessity, the *covered person*, or the provider acting on behalf of the *covered person*, may request a first level appeal.

1. Each such appeal will be reviewed within the URO by a health care professional who has appropriate expertise.

2. The URO will provide written notice of its decision.

B. Second level review. Within 30-days following the date of the notice of an adverse decision on a first level appeal, a covered person may request a second level review.

1. Each such second level review will be considered by a panel within the URO that includes health care professionals who have appropriate expertise and will be evaluated by a clinical peer or peers in the same or similar specialty as would typically manage the case being reviewed.

a. The review panel will schedule and hold a review meeting, and written notice of the time and place of the review meeting will be given to the covered person at least fifteen working days in advance.

b. The covered person may:

i. present his/her case to the review panel;

ii. submit supporting material and provide testimony in person or in writing or affidavit both before and at the review meeting; and

iii. ask questions of any representative of the URO.

c. If face-to-face meeting is not practical the covered person and provider may communicate with the review panel by conference call or other appropriate technology.

2. The URO will provide written notice of its decision on the second level review.

C. External Review. Within 60 days after receipt of notice of a second level appeal adverse determination, the covered person whose medical care was the subject of such determination, with the concurrence of the treating health care provider, may submit request for an external review to the URO.

1. The URO will provide the documents and any information used in making the second level appeal adverse determination to its designated independent review organization.

2. The independent review organization will review all information and documents received and any other information submitted in writing by the covered person or the covered person's health care provider.

3. The independent review organization will provide notice of its recommendation to the URO, the covered person, and the covered person's health care provider.

4. An external review decision will be binding on the URO, on OGB and on the covered regarding the medical necessity determination.

D. Expedited Appeals

1. An expedited appeal may be initiated by the covered person, with the consent of the treating health care professional, or the provider acting on behalf of the covered person, with regard to:

a. an adverse determination involving a situation where the time frame of the standard appeal would seriously jeopardize the life or health of a covered person or would jeopardize the covered person's ability to regain maximum function; or

b. any request concerning an admission, availability of care, continued stay, or health care service for a covered person who has received emergency services but has not been discharged from a facility.

2. In an expedited appeal the URO will make a decision and notify the covered person, or the provider acting on behalf of the covered person, as expeditiously as the covered person's medical condition requires, but in no event more than seventy-two hours after the appeal is commenced.

3. The URO will provide written confirmation of its decision concerning an expedited appeal if the initial notification is not in writing.

4. In any case where the expedited appeal does not resolve a difference of opinion between the URO and the covered person, or the provider acting on behalf of the covered person, such provider may request a second level review of the adverse determination.

D. Expedited External Review of Urgent Care Requests

1. When the covered person receives an adverse determination involving an emergency medical condition of the covered person being treated in the emergency room, during hospital observation, or as a hospital inpatient, the covered person's health care provider may request an expedited external review.

2. The URO will transmit all documents and information used in making the adverse determination to the independent review organization by telephone, telefacsimile, or other available expeditious method.

3. Within 72 hours after receiving appropriate medical information for an expedited external review, the independent review organization will notify the covered person, the URO, and the covered person's health care provider of its decision to uphold or reverse the adverse determination.

4. An external review decision will be binding on the URO, on OGB and on the covered regarding the medical necessity determination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801.C and 802.B.(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1818 (October 1999), LR 28:477 (March 2002), LR 28:

Chapter 7. Schedule of Benefits C EPO

§701. Comprehensive Medical Benefits

A. - A.1. ...

2. Member Co -Payments

Inpatient Hospital Services	N/A	\$100 per day up to \$300
Outpatient Services		
Physician services	N/A	\$ 15/\$25 ¹
Physical /OccupationalTherapy ²	N/A	\$ 15
Speech Therapy ³	N/A	\$ 15
Surgery ³	N/A	\$ 100
MRI/CAT SCAN ³	N/A	\$ 50
Sonograms	N/A	\$ 25
Cardiac Rehabilitation (6-month limit)	N/A	\$ 15
Emergency Room Services (waived if admitted)	N/A	\$100

¹ ...
² ...
³ ...

Pre-Natal And Postpartum Maternity (one-time co-payment to include Physician delivery charge, all prenatal, one postpartum visit)	N/A	\$ 90
Home Health (Limit 150 visits per Plan year; requires prior approval through Case Management)	N/A	\$ 15 per visit
• Note: Services rendered by non-EPO providers are subject to deductible.		

3. Percentage Payable after Co-payments and Satisfaction of Applicable Deductibles

Eligible expenses incurred at an EPO	N/A	100%
Eligible expenses incurred at a non-EPO	70%	N/A
Eligible expenses incurred when Medicare or other Group Health Plan is primary, and after Medicare reduction	80%	N/A
Eligible expenses in excess of \$5,000* per person per Calendar Year	100%	N/A
*Coinsurance threshold will increase to \$10,000 effective January 1, 2003		
• Eligible expenses at EPO are based upon contracted rates.		
• Eligible expenses at non-PPO are based upon the OGB's fee schedule. Charges in excess of the fee schedule are not eligible expenses and do not apply to the coinsurance threshold.		

A.4. - C.2. ...

3. Well Adult (no deductible; limited to a maximum benefit of \$200)

Age 16 to 39 C1 physical every 3 years	70% of maximum	No co-pay
Age 40 to 49 C1 physical every 2 years	70% of maximum	No co-pay
Age 50 and over C1 physical every year	70% of maximum	No co-pay

D. - E. ...

F. - G Reserved

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801.C and 802.B.(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1843 (October 1999), LR 26:488 (March 2000), LR 27:719,720, 722 (May 2001), LR 27:1887 (November 2001), LR 28:

A. Kip Wall
Chief Executive Officer

0206#044

DECLARATION OF EMERGENCY

Office of the Governor
Division of Administration
Office of Group Benefits

PPO Plan of Benefits
(LAC 32:III.101,317,323,501,503, and 701)

Pursuant to the authority granted by R.S. 42:801.C and 802.B.(2), vesting the Office of Group Benefits (OGB) with the responsibility for administration of the programs of benefits authorized and provided pursuant to Chapter 12 of Title 42 of the Louisiana Revised Statutes, and granting the power to adopt and promulgate rules with respect thereto, OGB, hereby invokes the Emergency Rule provisions of R. S. 49:953.B.

OGB finds that it is necessary to revise and amend provisions of the PPO Plan Document. Failure to adopt this rule on an emergency basis may result in disruption of healthcare services for covered employees, retirees, and their dependents, adversely affecting the health and welfare of the public workforce responsible for delivery of vital services to the citizens of the state.

Accordingly, the following Emergency Rule, revising and amending the PPO Plan of Benefits, is effective July 1, 2002, and shall remain in effect for a maximum of 120 days, or until the final rule is promulgated, whichever occurs first.

Title 32

EMPLOYEE BENEFITS

Part III. Preferred Provider (PPO) Plan of Benefits

Chapter 1. Eligibility

§101. Persons to be Covered

Eligibility requirements apply to all participants in the Program, whether in the PPO Plan, the EPO Plan or an HMO plan.

A. - H. ...

I. Tricare for Life Option for Military Retirees. Retirees eligible to participate in the Tricare for Life (TFL) option on and after October 1, 2001 who cancel coverage with the Program upon enrollment in TFL may re-enroll in the Program in the event that the TFL option is discontinued or its benefits significantly reduced.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801.C and 802.B.(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits LR 25:1825 (October 1999), LR 27:721 (May 2001), LR 28:

Chapter 3. Medical Benefits

§317. Exceptions and Exclusions for All Medical Benefits

A. No benefits are provided under this Plan for:

1. - 3. ...

4. Injuries sustained while in an aggressor role;

5. - 39. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801.C and 802.B.(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits LR 25:1834 (October 1999), LR 26:488 (March 2000), LR 27:720 (May 2001), LR 28:

§323. Prescription Drug Benefits

A. This Plan allows benefits for drugs and medicines approved by the Food and Drug Administration or its successor requiring a prescription and dispensed by a licensed pharmacist or pharmaceutical company, but which are not administered to a Covered Person as an inpatient hospital patient or an outpatient hospital patient, including insulin, Retin-A dispensed for Covered Persons under the age of 26, Vitamin B12 injections, prescription Potassium Chloride, and over-the-counter diabetic supplies including, but not limited to, strips, lancets, and swabs.

In addition, this Plan allows benefits, not to exceed \$200 per month, for expenses incurred for the purchase of low protein food products for the treatment of inherited metabolic diseases if the low protein food products are medically necessary and are obtained from a source approved by the OGB. Such expenses shall be subject to coinsurance and copayments relating to prescription drug benefits. In connection with this benefit, the following words shall have the following meanings.

1. *Inherited Metabolic Disease*Ca disease caused by an inherited abnormality of body chemistry and shall be limited to:

- a. Phenylketonuria (PKU);
- b. Maple Syrup Urine Disease (MSUD);
- c. Methylmalonic Acidemia (MMA);
- d. Isovaleric Acidemia (IVA);
- e. Propionic Acidemia;
- f. Glutaric Acidemia;
- g. Urea Cycle Defects;
- h. Tyrosinemia.

2. *Low Protein Food Products*Ca food product that is especially formulated to have less than one gram of protein per serving and is intended to be used under the direction of a physician for the dietary treatment of an inherited metabolic disease. Low protein food products shall not include a natural food that is naturally low in protein.

C. - C.5. ...

a. Up to a 34-day supply of drugs may be dispensed upon initial presentation of a prescription or for refills dispensed more than 120 days after the most recent fill.

b. For refills dispensed within 120 days of the most recent fill, up to a 102-day supply of drugs may be dispensed at one time, provided that co-payments shall be due and payable as follows.

i. For a supply of 1-34 days the *plan member* will be responsible for payment of 50 percent of the cost of the drug, up to a maximum of \$40 per prescription dispensed.

ii. For a supply of 35-64 days the *plan member* will be responsible for payment of fifty percent of the cost of the drug, up to a maximum of \$80 per prescription dispensed.

iii. For a supply of 69-102 days the Plan Member will be responsible for payment of 50 percent of the cost of the drug, up to a maximum of \$120 per prescription dispensed.

iv. Once the out-of-pocket threshold for eligible prescription drug expenses is reached, the *plan member's* co-payment responsibility will be \$15 for a 1-34 days supply, \$30 for a 35-64 days supply, and \$45 for a 69-102 days supply, with no co-pay for up to a 102-days supply of generic drugs.

c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801.C and 802.B.(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1835 (October 1999), LR 27:720, 721 (May 2001), LR 27:720, 721 (May 2001), LR 27:1887 (November 2001), LR 28:

Chapter 5. Claims Review and Appeal

§ 501. Administrative Review

This section establishes and explains the procedures for review of benefit and eligibility decisions by the Program.

A. Administrative Claims Review

1. The Covered Person may request from the Program a review of any claim for benefits or eligibility. The written request must include the name of the *covered person*, member number, the name of the patient, the name of the provider, dates of service and should clearly state the reasons for the appeal.

2. The request for review must be directed to Attention: Administrative Claims Review within 90 days after the date of the notification of denial of benefits, denial of eligibility, or denial after review by the utilization review organization or prescription benefits manager

B. Review and Appeal Prerequisite to Legal Action

1. The *covered person* must exhaust the Administrative Claims Review procedure before filing a suit for benefits. Unless a request for review is made, the initial determination becomes final, and no legal action may be brought to attempt to establish eligibility or to recover benefits allegedly payable under the *program*.

C. Administrative Claims Committee

1. The CEO will appoint an Administrative Claims Committee (the Committee) to consider all such requests for review and to ascertain whether the initial determination was made in accordance with the *plan document*.

D. Administrative Claims Review Procedure and Decisions

1. Review by the *committee* shall be based upon a documentary record which includes:

- a. all information in the possession of the *program* relevant to the issue presented for review;
- b. all information submitted by the *covered person* in connection with the request for review; and
- c. any and all other information obtained by the *committee* in the course of its review.

2. Upon completion of the review the *committee* will render its decision which will be based on the *plan document* and the information included in the record. The decision will contain a statement of reasons for the decision. A copy of the decision will be mailed to the *covered person* and any representative thereof.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801.C and 802.B.(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1838 (October 1999), LR 28:479 (March 2002), LR 28:

§ 503. Appeals from Medical Necessity Determinations

The following provisions will govern appeals from adverse determinations based upon medical necessity by OGB's Utilization Review Organization (URO) pursuant to Article 3, Section IV of this document.

A. First level appeal. Within 60-days following the date of an adverse initial determination based upon medical necessity, the covered person, or the provider acting on behalf of the covered person, may request a first level appeal.

1. Each such appeal will be reviewed within the URO by a health care professional who has appropriate expertise.

2. The URO will provide written notice of its decision.

B. Second level review. Within 30-days following the date of the notice of an adverse decision on a first level appeal, a covered person may request a second level review.

1. Each such second level review will be considered by a panel within the URO that includes health care professionals who have appropriate expertise and will be evaluated by a clinical peer or peers in the same or similar specialty as would typically manage the case being reviewed.

a. The review panel will schedule and hold a review meeting, and written notice of the time and place of the review meeting will be given to the *covered person* at least fifteen working days in advance.

b. The *covered person* may:

- i. present his/her case to the review panel;
- ii. submit supporting material and provide testimony in person or in writing or affidavit both before and at the review meeting; and
- iii. ask questions of any representative of the URO.

c. If face-to-face meeting is not practical the covered person and provider may communicate with the review panel by conference call or other appropriate technology.

2. The URO will provide written notice of its decision on the second level review.

C. External Review. Within sixty days after receipt of notice of a second level appeal adverse determination, the covered person whose medical care was the subject of such determination, with the concurrence of the treating health care provider, may submit request for an external review to the URO.

1. The URO will provide the documents and any information used in making the second level appeal adverse determination to its designated independent review organization.

2. The independent review organization will review all information and documents received and any other information submitted in writing by the covered person or the covered person's health care provider.

3. The independent review organization will provide notice of its recommendation to the URO, the covered person, and the covered person's health care provider.

4. An external review decision will be binding on the URO, on OGB and on the covered regarding the medical necessity determination.

D. Expedited Appeals

1. An expedited appeal may be initiated by the covered person, with the consent of the treating health care professional, or the provider acting on behalf of the covered person, with regard to:

a. an adverse determination involving a situation where the time frame of the standard appeal would seriously jeopardize the life or health of a covered person or would jeopardize the covered person's ability to regain maximum function; or

b. any request concerning an admission, availability of care, continued stay, or health care service for a covered person who has received emergency services but has not been discharged from a facility.

2. In an expedited appeal the URO will make a decision and notify the *covered person*, or the provider acting on behalf of the covered person, as expeditiously as the covered person's medical condition requires, but in no event more than 72 hours after the appeal is commenced.

3. The URO will provide written confirmation of its decision concerning an expedited appeal if the initial notification is not in writing.

4. In any case where the expedited appeal does not resolve a difference of opinion between the URO and the covered person, or the provider acting on behalf of the covered person, such provider may request a second level review of the adverse determination.

D. Expedited External Review of Urgent Care Requests

1. When the *covered person* receives an adverse determination involving an emergency medical condition of the covered person being treated in the emergency room, during hospital observation, or as a hospital inpatient, the covered person's health care provider may request an expedited external review.

2. The URO will transmit all documents and information used in making the adverse determination to the independent review organization by telephone, telefacsimile, or other available expeditious method.

3. Within 72 hours after receiving appropriate medical information for an expedited external review, the independent review organization will notify the covered person, the URO, and the covered person's health care provider of its decision to uphold or reverse the adverse determination.

4. An external review decision will be binding on the URO, on OGB and on the covered regarding the medical necessity determination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801.C and 802.B.(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits LR 25:1838 (October 1999), LR 28:479 (March 2002), LR 28:

Chapter 7. Schedule of Benefits C PPO

§701. Comprehensive Medical Benefits

A. - A.1. ...

2. Percentage Payable after Satisfaction of Applicable Deductibles

Eligible expenses incurred at a PPO	90%
Eligible expenses incurred at a non PPO when Plan Member resides outside of Louisiana	90%
Eligible expenses incurred at a non-PPO when Plan Member resides in Louisiana	70%
Eligible expenses incurred when Medicare or other group	

health plan is primary, and after Medicare reduction	80%
Eligible expenses in excess of \$10,000 per Calendar Year per person	100%
• Eligible expenses at PPO are based upon contracted rates. PPO discounts are not eligible expenses and do not apply to the \$10,000 threshold.	
• Eligible expenses at non-PPO are based upon the OGB's fee schedule. Charges in excess of the fee schedule are not eligible expenses and do not apply to the \$10,000 threshold.	

3. Reserved

4. ...

B. - C.3. ...

²PPO in-state and non-Louisiana residents: C100 percent of eligible expenses up to the maximum benefit;

Non-PPO in -state: C70 percent of eligible expenses up to 70 percent of the maximum benefit

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801.C and 802.B.(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 25:1843 (October 1999), LR 26:488 (March 2000), LR 27:719,720, 722 (May 2001), LR 27:1887 (November 2001), LR 28:

A. Kip Wall
Chief Executive Officer

0206#074

DECLARATION OF EMERGENCY

**Office of the Governor
Office of Indian Affairs**

American Indian Prestige License Plates (LAC 55:III.325)

The Office of Indian Affairs hereby submits this Emergency Rule allowing distribution of the American Indian scholarships as chosen by the Louisiana Indian Education Advocacy Committee. The Emergency Rule allows distribution of the scholarship funds in fiscal year ending June 30, 2002 so as not to lose the funds. A delay in promulgating this Rule would have an adverse impact on the financial welfare of the eligible students and the financial condition of their families. The committee has, therefore, determined that this Emergency Rule is necessary in order to prevent imminent financial peril to the welfare of the affected students.

Under the authority of the Administrative Procedure Act, R.S. 49:950 et seq., and in accordance with R.S. 47:463.78 et seq., the Office of Indian Affairs hereby adopts the following Rule to implement the provisions of Act 1254, the American Indian Prestige License Plate and the disbursement of funds thereof. This Declaration of Emergency is effective June 10, 2002, and shall remain in effect for the maximum period allowed under the Administrative Procedure Act.

Title 55

PUBLIC SAFETY

Part III. Motor Vehicles

§325. American Indian Prestige License Plates

A. Application. All applications for the American Indian prestige license plates shall be issued upon application by any citizen of Louisiana in the same manner as any other

motor vehicle license plate and shall be established only after 100 applications for the plate have been received.

B. Fee. The fee for the American Indian prestige license shall be \$25 which shall be assessed every 2 years in addition to the standard motor vehicle registration license fee and a handling fee of \$3.50 which shall be retained by the department to offset a portion of the administrative costs. The monies received from the additional \$25 donation shall be used solely for academic or financial need-based scholarships for students of American Indian ancestry.

C. Criteria for Scholarship Program

1. Supplemental monies are awarded to Indian students who are enrolled members of one of the following Louisiana tribes and/or groups:

- a. Adais Caddo TribeCRobeline, LA;
- b. Chitimacha TribeCCharenton, LA;
- c. Choctaw-Apache Tribe of EbarbCZwolle, LA;
- d. Clifton ChoctawCClifton, LA;
- e. Coushatta TribeCELton, LA;
- f. Four Winds CherokeeCLeesville, LA;
- g. Jena Band of ChoctawCJena, LA;
- h. Tunica BiloxiCMarksville, LA;
- i. United Houma NationCGolden Meadow, LA;
- j. Biloxi Chitimacha Conf. MuskogeeCHouma,

LA;

- k. Pointe-Au-ChienCPointe Aux Chenes, LA;
- l. Talamali Band of ApalacheeCLibuse, LA.

2. Applications will be reviewed on a competitive basis and the Review Committee will base selections on the following criteria:

- a. financial needCincludes the number of family members, family income, background and economic status of the family and the cost of attending the institution;
- b. heritageCparent(s) from a Louisiana Tribe listed above;
- c. academic achievementCincludes factors such as grade point average, honors or awards that indicate responsible thoughtful commitment to studies;
- d. community serviceCincludes all service or involvement with the local, state or national community that is not a part of school activities;
- e. school activitiesCincludes evidence of involvement in a variety of interests and commitments to the school community. Includes elected or appointed positions held in school, community and work-related areas;
- f. essayCinclude a 500-700 word essay on your financial need.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:463.78.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Indian Affairs, LR 28:

Pat Arnould
Deputy Director

0206#050

DECLARATION OF EMERGENCY

Department of Health and Hospitals Office of the Secretary Bureau of Health Services Financing

Facility Need Review
Emergency Community Home Bed Pool
(LAC 48:I.12501-12503)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following Emergency Rule to amend the Facility Need Review regulations as authorized by R.S. 40:2116. This Emergency Rule is adopted in accordance with the Administrative Procedure Act, R.S. 49:953(B) and shall be in effect for the maximum period allowed under the Act or until adoption of the Rule, whichever occurs first.

The Department of Health and Hospitals adopted a Rule governing Facility Need Review in August 1995 (*Louisiana Register*, volume 21, number 8). The August 1995 Rule was amended in July 1999 to adopt new provisions governing the relocation of nursing facility beds (*Louisiana Register*, volume 25, number 7). The 2001 Appropriations Bill, Act 12 of the 2001 Regular Session, authorized the department to transfer 50 beds currently licensed to state developmental centers to non-state operated community homes for the mentally retarded for emergency situations in accordance with a plan to be developed by the department. Accordingly, by Emergency Rule enacted in August 2001, the department amended the August 1995 and July 1999 Rules governing Facility Need Review to create the Emergency Community Home Bed Pool, consisting of 50 Medicaid enrolled beds transferred from state developmental centers, to be made available for transfer to non-state operated community homes in order to address emergency situations on a case-by-case basis (*Louisiana Register*, volume 27, number 8). The provisions of the August 2001 Emergency Rule were continued in effect by subsequent Emergency Rules enacted in November 2001 (*Louisiana Register*, volume 27, number 11) and March 2002 (*Louisiana Register*, volume 28, number 3).

By June 30, 2002, the secretary of the department will have authorized the transfer of some, but not all, of the beds in the Emergency Community Home Bed Pool to non-state operated community homes. Since the provisions of the 2001 Appropriations Bill have not been continued in effect beyond June 30, 2002 by any subsequent legislation, the secretary of the department cannot authorize the transfer of any additional beds from the pool after that date. Therefore, the department exercises its Emergency Rule making authority and amends its rules on Facility Need Review to include conditions to be imposed upon the use of beds which have been authorized to be transferred from the Emergency Community Home Bed Pool on or before June 30, 2002.

Emergency Rule

Effective June 30, 2002, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing repeals the Emergency Rule published in the March 20, 2002 *Louisiana Register* and amends the August 20, 1995 and July 20, 1999 Rules on Facility Need Review in order to impose conditions upon the use of beds which have been authorized to be transferred from the Emergency Community Home Bed Pool on or before June 30, 2002 under the provisions of the Emergency Rules contained in the August 20, 2001, November 20, 2001, and March 20, 2002 *Louisiana Registers*.

Title 48

PUBLIC HEALTHC GENERAL

Part I. General Administration

Subpart 5. Health Planning

Chapter 125. Facility Need Review

§12501. Introduction

A. ...

B. Definitions

* * *

*Emergency Community Home Bed Pool*Ca pool consisting of approved beds which have been transferred from state developmental centers and which are made available for transfer to non-state operated community homes in order to address emergency situations on a case-by-case basis.

* * *

C. - F.6. ...

7. Beds may not be disenrolled, except as provided under the alternate use policy, under the Emergency Community Home Bed Pool exception, and during the 120-day period to have beds re-licensed or re-certified. The approval for beds disenrolled, except as indicated, will automatically expire.

8. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2116.

HISTORICAL NOTE: Repealed and repromulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:808 (August 1995), amended LR 25:1250 (July 1999), LR 28:

§12503. Determination of Bed Need

A. - 6.d. ...

7. Emergency Community Home Bed Pool Exception

a. The Emergency Community Home Bed Pool consists of all Medicaid enrolled beds which have been authorized to be transferred from state developmental centers to non-state operated community homes on or before June 30, 2002 in order to address emergency situations on a case-by-case basis.

b. Effective July 1, 2002, the secretary of the department may not authorize the transfer of any beds from the Emergency Community Home Bed Pool to a non-state operated community home unless the bed had been authorized to be transferred to a non-state operated community home on or before June 30, 2002 and was subsequently transferred from that facility back to the pool pursuant to §12503.7.f.

c. Emergency situations which may be addressed through the use of the Emergency Community Home Bed Pool shall include, but not be limited to, situations in which

it is difficult or impossible to find a placement for an individual in an ICF/MR because of one of the following:

i. an inadequate number of available ICF/MR beds in the service area to serve the needs of the mentally retarded/developmentally disabled population in general;

ii. an inadequate number of available ICF/MR beds in the service area to serve the needs of the mentally retarded/developmentally disabled population who also have physical or behavioral disabilities or difficulties;

iii. an inadequate number of available ICF/MR beds in the service area to provide for the transition of individuals from residing in large residential facilities to residing within the community.

d. Any agency or individual who becomes aware of an actual or potential emergency situation should inform the Office for Citizens with Developmental Disabilities (OCDD). The OCDD shall submit to the Facility Need Review Program its recommendations for emergency placement. The recommendations from the OCDD shall include identification of the individual in need of emergency placement, the individual's needs, the service area in which transfer from the Emergency Community Home Bed Pool is requested, and the names of one or more existing community homes that would be appropriate for emergency placement.

e. In order to be eligible for transfer of one or more beds from the Emergency Community Home Bed Pool, a community home must meet the following requirements, based on documentation provided by the Health Standards Section.

i. The facility must comply with the physical accessibility requirements of the Americans with Disabilities Act and section 504 of the Rehabilitation Act of 1973, or if it does not comply with those requirements, it must have a written plan to be in compliance within 24 months.

ii. The facility can not have been on a termination track or have had any repeat deficiencies within the last 12 months.

iii. The facility must meet all square footage requirements, Life Safety Code requirements and general construction requirements of 42 CFR Subpart D, Conditions of Participation for ICF/MR, as well as Standards for Payment, LAC 50:II Chapter 103 and Louisiana Licensing Requirements for Intermediate Care Facilities.

iv. The facility must ensure the provision of sufficient staffing and behavior modification plans to meet the needs of current residents and prevent clients residing in the facility from being adversely affected by the emergency admission.

f. The secretary shall authorize the transfer of the bed to be used at the non-state operated community home, and upon the enrollment of the transferred bed at that community home, it shall be permanently transferred to that facility, subject to the following conditions: Once the bed is no longer needed to remedy the emergency situation, the facility shall continue to make it available for subsequent emergency placements, although it may be used temporarily to serve other individuals until it is needed for a new emergency placement. The facility shall make the bed available for a new emergency placement within 72 hours after receiving a request for such placement from the department as set forth herein. If the facility does not comply with such a request, the secretary may, at his discretion,

transfer the bed from the facility back to the Emergency Community Home Bed Pool.

g. Beds which have been placed in the Emergency Community Home Bed Pool shall be exempt from the bed need criteria and the requirements for requests for proposals which are normally applicable to ICF/MRs.

h. For purposes of the Emergency Community Home Bed Pool exception, the definition of "service area" provided in §12503.A.1 is applicable.

B.1 - 11. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2116.

HISTORICAL NOTE: Repealed and repromulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:808 (August 1995), amended LR 28:

Interested persons may submit written comments to Ben A. Bearden, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to all inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available at the parish Medicaid office for review by interested parties.

David W. Hood
Secretary

0206#060

DECLARATION OF EMERGENCY

Department of Revenue Policy Services Division

Collection of In-State Tax Liabilities by Debt Collection Agencies or the Attorney General's Office (LAC 61:I.4913)

The Louisiana Department of Revenue is exercising the emergency provisions of the Administrative Procedure Act, R.S. 49:953.B, to adopt this Emergency Rule to authorize the secretary to enter into contracts with debt collection agencies or the Attorney General's Office for the collection of in-state tax liabilities.

This Declaration of Emergency is necessary to clarify the intent and effective period of LAC 61:I.4913, as published in the February 2002 issue of the *Louisiana Register*. R.S. 47:1516.1 authorizes the secretary to enter into contracts with debt collection agencies or the Attorney General's Office for the collection of certain in-state tax liabilities. This rule is being adopted under the emergency provisions of the Administrative Procedure Act, R.S. 49:953.B, in order to immediately issue a request for proposal to award a contract for the collection of in-state tax liabilities. The in-state debt collection contract Request For Proposal will be advertised in the official journal of the state and in one or more newspapers for at least 10 days before the last day that proposals will be accepted. The deadline for inquiries shall be no less than four weeks after the issuance of the Request For Proposal and the due date for submission of the proposals shall be no less than three weeks after the deadline for inquiries. The secretary will select a committee to evaluate the proposals and make a recommendation and applicants will be notified of the selection in a timely manner.

This Emergency Rule shall be effective May 20, 2002 and remain in effect for a period of 120 days or until a final rule is adopted, whichever occurs first.

Title 61

REVENUE AND TAXATION

Part I. Taxes Collected and Administered by the Secretary of Revenue

Chapter 49. Tax Collection

§4913. Collection of In-State Tax Liabilities by Debt Collection Agencies or the Attorney General's Office

A. Definitions. For purposes of this rule, the following terms shall have the meaning ascribed to them.

Attorney General—the attorney general of the state of Louisiana.

Collection Contractor—the attorney general or one or more private persons, companies, associations, or corporations who provide debt collection services inside the state.

B.1. The secretary is authorized to enter into contracts with collection contractors to facilitate the collection of taxes, interest, penalties, and fees due the department after an obligation has become collectible by distraint and sale.

2. The secretary may only enter into a collection contract after notice by regular mail has been transmitted to the taxpayer at the address given in the last report filed by the taxpayer, or to any address obtainable from any private entity that will provide such address free of charge or from any federal, state, or local government entity, including but not limited to the United States Postal Service or from United States Postal Service certified software.

3. The taxpayer will be informed of the following:

a. that the obligation is a final judgment;

b. all the actions the secretary is authorized to take in order to collect the debt; and

c. that if the debt is not paid within 60 days of the date of the notice, a collection fee not to exceed 25 percent of the total liability will be charged to the account.

4. The taxpayer must pay the full amount of any additional charge for the collection of any taxes, interest, penalties, or fees. If an account is referred to a collection contractor, the additional charge will be paid to the collection contractor.

C. The secretary will consider the following criteria in selecting collection contractors:

1. fees charged;

2. organizational structure;

3. experience with government accounts;

4. computer capabilities including the ability to generate reports and formatting;

5. collection methodology;

6. financial stability; and,

7. personnel resources.

D. Prior to entering into any contract, the secretary will require a performance bond, cash, or securities from the collection contractor in an amount not to exceed \$100,000.

E. Once the collection contract is entered into, the secretary will provide information to the collection contractors concerning the accounts of individual taxpayers only to the extent necessary for the collection contractor to fulfill his contractual obligation.

a. The information furnished by the secretary will be considered confidential and privileged by the collection contractor and members of his staff, as provided by R.S. 47:1508.

b. Collection contractors may not take any action that exceeds the authority of the secretary and must follow the Fair Debt Collection Practices Act.

F. With the approval of the secretary, the collection contractor may file suit, at his expense, in the name of the secretary in the courts of this state for the purpose of collecting the tax debt.

G.1. Nothing contained in this rule shall be construed to affect in any manner any rights and remedies available to the taxpayer.

2. This rule does not apply to a spouse who qualifies for liability relief under the innocent spouse provisions of R.S. 47:101.B.(7).

H. The attorney general will have a right of first refusal for all accounts selected to be sent to a collection contractor.

1. A list of accounts selected will be compiled by the secretary and forwarded to the attorney general for the exercise of his right of first refusal.

2. The right of first refusal shall be exercised within 30 days of the date of mailing or electronic transmission of the list.

3. If the attorney general fails to exercise his right of first refusal within 30 days or refuses to accept an account, the secretary may send the account to any collection contractor meeting the requirements of Subsection C.

4. When the attorney general accepts an account for collection, the collection fee may not exceed 15 percent of the total liability.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511 and 47:1516.1.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Revenue, Office of the Secretary, LR 28:

Cynthia Bridges
Secretary

0206#025

DECLARATION OF EMERGENCY

Department of Revenue Policy Services Division

Tangible Personal Property (LAC 61:I.4301)

The Department of Revenue, Policy Services Division, is exercising the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B), to define *tangible personal property* as it relates to the sale or purchase of customized computer software.

This Emergency Rule is necessary to instruct taxpayers in the proper application of R.S. 47:301(16)(h), (22), and (23) and R.S. 47:305.52, enacted by Act 7 of the First Extraordinary Session of 2002, which provides exclusion and exemption for the sale or purchase of custom computer software. Because these statutes are effective on July 1, 2002, this Emergency Rule will be effective until a permanent Rule can be promulgated. A delay could expose dealers and consumers of custom computer software to unexpected tax liabilities and financial peril.

This Emergency Rule is effective July 1, 2002, and shall remain in effect for the maximum period allowed under the Administrative Procedure Act or until adoption of the permanent Rule.

Title 61

REVENUE AND TAXATION

Part I. Taxes Collected and Administered by the Secretary of Revenue

Chapter 43. Sales and Use Tax

§4301. Definitions

A. - C. ...

*Tangible Personal Property*C

a. - d. ...

e - h. reserved

i. The sale or purchase of custom computer software on or after July 1, 2002, and before July 1, 2005, is partially excluded, and on or after July 1, 2005, completely excluded, from the definition of *tangible personal property* under R.S. 47:301(16)(h). This exclusion applies to state sales tax, the sales tax of political subdivisions whose boundaries are coterminous with the state, and the sales tax of political subdivisions whose boundaries are not coterminous with the state that exempt custom computer software by ordinance as authorized by R.S. 47:305.52. Custom computer software is software that is specifically written for a particular customer or that adapts prewritten or "canned" software to the needs of a particular customer.

i. Before July 1, 2002C Purchases of prewritten or canned software that are incorporated into and resold as a component of custom computer software before July 1, 2002, are considered purchases of *tangible personal property* for resale. Use tax is not due on these purchases and any sales tax paid is eligible for tax credit against the tax collected on the retail sale of the custom software.

ii. Phase-in PeriodC The sales tax exclusion for custom computer software will be phased in at the rate of 25 percent per year beginning on July 1, 2002. During the phase-in period, purchases of prewritten or canned software that are incorporated into and resold as a component of custom computer software will be considered a purchase for resale according to the applicable sales tax exclusion percentage in effect at the time of sale. The custom software vendor must pay sales tax on the purchase price of the canned software and may claim tax credit for the percentage that is resold as *tangible personal property*. If 75 percent of the sales price of the custom computer software is taxable, the vendor is allowed a tax credit for 75 percent of tax paid on the canned software purchase. Conversely, if sales tax was not paid by the custom software vendor on the purchase of canned software that is incorporated into custom software, use tax will be due on the percentage that is not considered to be a purchase for resale. The sales tax exclusion percentage will increase each year during the phase-in period and guidelines on the phase in of this exclusion will be published in a Revenue Ruling.

iii. July 1, 2005C The purchase of prewritten or canned software that is incorporated into and resold as a component of custom computer software sold on or after July 1, 2005, will be considered the purchase of *tangible personal property* for the personal use of the custom software vendor and subject to sales and use tax.

* * *

AUTHORITY NOTE: Promulgated in Accordance with R.S. 47:301 and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Sales Tax Section, LR 13:107 (February 1987), amended by the Sales Tax Division, LR 21:957 (September 1995), LR 22:855 (September 1996), amended by the Department of Revenue, Policy Services Division, LR 27:1703 (October 2001), LR 28:348 (February 2002), LR 28:

Cynthia Bridges
Secretary

0206#045

DECLARATION OF EMERGENCY

**Department of Social Services
Office of Family Support**

**TANF Initiatives C After-School Tutorial and Summer
Enrichment Programs (LAC 67:III.5531)**

The Department of Social Services, Office of Family Support, has exercised the emergency provision of R.S. 49:953.B, the Administrative Procedure Act, to amend LAC 67:III.5531 effective June 1, 2002. This emergency rule will remain in effect for a period of 120 days.

Pursuant to Act 152 of the 2002 1st Extraordinary Session of the Louisiana Legislature, the department proposes to amend §5531 by incorporating Summer Enrichment Programs into the Temporary Assistance for Needy Families (TANF) Initiative, After-School Tutorial Program. The agency is expanding the original initiative to include educational enhancement programs for school-age children during the summer months or at other times deemed necessary by the department.

Act 152 of the 2002 1st Extraordinary Session of the Louisiana Legislature modifies Act 12 of the 2001 Regular Session of the Louisiana Legislature which contained authorization for emergency action in implementing the TANF Initiatives.

Title 67

SOCIAL SERVICES

Part III. Office of Family Support

**Subpart 15. Temporary Assistance to Needy Families
(TANF) Initiatives**

Chapter 55. TANF Initiatives

**§5531. After-School Tutorial and Summer Enrichment
Programs**

A. OFS shall enter into a Memorandum of Understanding with the Department of Education to provide after-school tutorial services and summer enrichment programs.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474 and 46:231, and Act 12, 2001 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 28:352 (February 2002), LR 28:

Gwendolyn P. Hamilton
Secretary

0206#014

DECLARATION OF EMERGENCY

**Department of Social Services
Office of Family Support**

TANF Review

(LAC 67:III.902, 1207, 2902, 5203, 5305, and 5407)

The Department of Social Services, Office of Family Support, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953.B, to amend §§902 and 1207 in the Family Independence Temporary Assistance Program (FITAP), §2902 in the Family Independence Work Program (FIND Work), §5203 in the Wrap-Around Child Care Program, §5305 in the Kinship Care Subsidy Program (KCSP), and §5407 in the Teen Pregnancy Prevention Program.

This Emergency Rule is effective June 5, 2002, and will remain in effect for a period of 120 days. This declaration is necessary to extend the original emergency rule of February 5, 2002, since it is effective for 120 days and will expire before the final rule takes effect. (The final rule will be published in September 2002.)

These changes are corrections being made at the direction of the United States Department of Health and Human Services, Administration for Children and Families, following a review of the state plan for these programs, all of which are funded by the Temporary Assistance for Needy Families (TANF) block grant to Louisiana. Whereas, these errors or omissions may impact eligibility and could result in federal penalties and sanctions against the state, an emergency rule is necessary to effect these corrections.

Although the agency adopted its state plan as it existed on October 1, 1996, in order to begin the process of welfare reform, the agency failed to elect a date under the federal grandfather provision. Therefore, the state plan adoption date is being corrected for FITAP and FIND Work.

Federal review found that language at §§1207 and 5305 failed to address a client's right to a fair hearing. Therefore, the text is being expanded.

The review also found that language at §5203 in the Wrap-Around Child Care Program did not conform with the Federal TANF statute. This language is being corrected.

The review noted that the Teen Pregnancy Prevention Program does not address the problem of statutory rape. This language is being added to §5407.

Title 67

SOCIAL SERVICES

Part III. Office of Family Support

**Subpart 2. Family Independence Temporary Assistance
Program (FITAP)**

Chapter 9. Administration

§902. State Plan

A. The Title IV-A State Plan as it existed on August 21, 1996, is hereby adopted to the extent that its provisions are not in conflict with any emergency or normal rules adopted or implemented on or after August 21, 1996.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:474, R.S. 46:233 and P.L. 104-193.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 23:448 (April 1997), amended LR 28:

Chapter 12. Application, Eligibility, and Furnishing Assistance

Subchapter A. Application, Determination of Eligibility, and Furnishing Assistance

§1207. Certification Period and Reapplication

A. Certification periods of a set duration will be assigned. In order to continue to receive benefits, the household must timely reapply and be determined eligible. In the month preceding the final month of certification, a notice of expiration and Application for Continued Assistance will be provided to the household. The notice shall inform the household that failure to timely reapply will result in closure and include the right to a fair hearing. If the payee fails, without good cause, to keep a scheduled appointment, the case will be closed without further notification. Also, if during the application process, a change is reported which results in a determination of ineligibility or a reduction in benefits, this change will be made effective the following month.

B. ...

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474, R.S. 46:231.1.B.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 25:2447 (December 1999), amended LR 28:

Subpart 5. Family Independence Work Program (FIND Work)

Chapter 29. Organization

Subchapter A. Designation and Authority of State Agency

§2902. State Plan

A. The Title IV-F and IV-A/F State Plan as it existed on August 21, 1996, is hereby adopted to the extent that its provisions are not in conflict with any emergency or normal rules adopted or implemented on or after August 21, 1996.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:474, R.S. 46:233 and P.L. 104-193.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 23:450 (April 1997), amended LR 28:

Subpart 12. Child Care Assistance

Chapter 52. Wrap-Around Child Care Program

§5203. Conditions of Eligibility

A. - D. ...

E. The household must provide the information and verification necessary for determining eligibility and payment amount. Required verification includes:

1. proof of social security numbers, that is, each applicant for, or recipient of, Wrap-Around Child Care is required to furnish a Social Security number or to apply for a Social Security number if such a number has not been issued or is not known;

E.2. - G ...

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., 36:474.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 27:429 (March 2001), amended LR 27:1560 (September 2001), LR 28:

Subpart 13. Kinship Care Subsidy Program (KCSP)

Chapter 53. Application, Eligibility, and Furnishing Assistance

Subchapter A. Application, Determination of Eligibility, and Furnishing Assistance

§5305. Certification Period and Reapplication

A. Certification periods of a set duration will be assigned. In order to continue to receive benefits, the household must timely reapply and be determined eligible. In the month preceding the final month of certification, a notice of expiration and Application for Continued Assistance will be provided to the household. The notice shall inform the household that failure to timely reapply will result in closure and include the right to a fair hearing. If the payee fails, without good cause, to keep a scheduled appointment, the case will be closed without further notification. Also, if during the re-application process, a change is reported which results in a determination of ineligibility the case will be closed.

B. ...

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474, R.S. 46:231.1.B, R.S. 46:237.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 26:351 (February 2000), amended LR 28:

Subpart 14. Teen Pregnancy Prevention

Chapter 54. Teen Pregnancy Prevention Program

§5407. Program Activities

A. The following program activities shall be used to coordinate the teen-oriented programs in Louisiana. These activities allow for expanding, redeveloping, and refining of these programs to ensure that the goals and objectives will be met:

1. - 7. ...

8. outreach and education on the problems of statutory rape directed towards law enforcement, education, and counseling services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:474.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 27:1019 (July 2001), amended LR 28:

Gwendolyn P. Hamilton
Secretary

0206#019

DECLARATION OF EMERGENCY

**Department of Social Services
Office of Family Support**

TANF Review/Caliens
(LAC 67:III.1223, 1931, 1932, and 5323)

The Department of Social Services, Office of Family Support, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953(B), to amend §1223 in the Family Independence Temporary Assistance Program (FITAP), §§1931 and 1932 in the Food Stamp Program, and §5323 in the Kinship Care Subsidy Program (KCSP).

This emergency rule is effective June 5, 2002, and will remain in effect for a period of 120 days. This declaration is necessary to extend the original emergency rule of February 5, 2002, since it is effective for 120 days and will expire before the final rule takes effect. (The final rule will be published in September 2002.)

These changes are corrections being made at the direction of the United States Department of Health and Human Services, Administration for Children and Families, following a review of the FITAP State Plan. Since federal regulations regarding citizenship and alien eligibility apply to the Kinship Care Subsidy and Food Stamp Programs, review of LAC regulations and program policy revealed that corrections were also needed regarding food stamps and KCSP. Whereas, these errors or omissions may impact eligibility and could result in federal penalties and sanctions against the state, an emergency rule is necessary to effect these corrections.

**Title 67
SOCIAL SERVICES**

Part III. Office of Family Support

Subpart 2. Family Independence Temporary Assistance Program (FITAP)

Chapter 12. Application, Eligibility, and Furnishing Assistance

Subchapter B. Conditions of Eligibility

§1223. Citizenship

A. Each FITAP recipient must be a United States Citizen, a non-citizen national, or a qualified alien. A non-citizen national is a person born in an outlying possession of the United States (American Samoa or Swain's Island) on or after the date the U.S. acquired the possession, or a person whose parents are U.S. non-citizen nationals. A qualified alien is:

1. - 4. ...
5. an alien whose deportation is withheld under §243(h) of such Act [as in effect immediately before the effective date (April 1, 1997) of §307 of Division C of Public Law 104-208] or §241(b)(3) of such Act (as amended by Section 305(a) of Division C of Public Law 104-208);
6. - 8.b....
 - c. cancellation of removal under Section 1229b of the INA (as in effect prior to April 1, 1997); or
 - d. ...
 - e. cancellation of removal pursuant to Section 1229b(b)(2) of the INA.
9. an alien child of a battered parent or the alien parent of a battered child as described in §1223A.8.; or
10. an alien who is a victim of a severe form of trafficking in persons.

B. Time-Limited Benefits. A qualified alien who enters the United States on or after August 22, 1996, is ineligible for five years from the date of entry into the United States unless:

1. - 2. ...
3. the alien's deportation is withheld under §243(h) of such Act [as in effect immediately before the effective date (April 1, 1997) of §307 of Division C of Public Law 104-208] or §241(b)(3) of such Act (as amended by §305(a) of Division C of Public Law 104-208);
4. ...

5. the alien is an *Amerasian* immigrant admitted pursuant to Section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1988 as amended;

6. - 7. ...

8. the alien is a victim of a severe form of trafficking in persons.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474, R.S. 46:231.1.B., P.L. 106-386.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 25:2448 (December 1999), amended LR 26:1342 (June 2000), LR 27:2263 (December 2001), amended LR 28:

Subpart 3. Food Stamps

Chapter 19. Certification of Eligible Households

Subchapter D. Citizenship and Alien Status

§1931. Qualified Aliens

A. In addition to U.S. citizens, the following qualified aliens are eligible for benefits:

1. - 4. ...
5. an alien whose deportation is withheld under §243(h) of such Act [as in effect immediately before the effective date (April 1, 1997) of §307 of Division C of Public Law 104-208] or §241(b)(3) of such Act (as amended by Section 305(a) of Division C of Public Law 104-208);
6. - 8.b....
 - c. cancellation of removal under Section 1229b of the INA (as in effect prior to April 1, 1997); or
 - d. ...
 - e. cancellation of removal pursuant to Section 1229b(b)(2) of the INA.
9. an alien child of a battered parent or the alien parent of a battered child as described in §1931.A.8; or
10. an alien who is the victim of a severe form of trafficking in persons.

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193, P.L. 104-208, P.L. 105-33, P.L. 105-185, and P.L. 106-386.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 7:265 (May 1981), amended by the Department of Social Services, Office of Family Support, LR 22:286 (April 1996), IR 25:710 (April 1999), amended LR 28:

§1932. Time Limitations for Certain Aliens

A. The following qualified aliens are eligible for benefits for a period not to exceed seven years after they obtain designated alien status:

1. - 2. ...
3. an alien whose deportation is withheld under §243(h) of such ACT [as in effect immediately before effective date (April 1, 1997) of §307 of Division C of P.L. 104-208] or §241(b)(3) of such Act (as amended by Section 305(a) of Division C of P.L. 104-208);
4. - 5. ...
6. an alien who is the victim of a severe form of trafficking in persons.

B.1. - 6. ...

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193, P.L. 105-33, P.L. 105-185, and P.L. 106-386.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 25:711 (April 1999), amended LR 28:

**Subpart 13. Kinship Care Subsidy Program (KCSP)
Chapter 53. Application, Eligibility, and Furnishing
Assistance**

Subchapter B. Conditions of Eligibility

§5323. Citizenship

A. Each KCSP recipient must be a United States Citizen, a non-citizen national, or a qualified alien. A non-citizen national is a person born in an outlying possession of the United States (American Samoa or Swain's Island) on or after the date the U.S. acquired the possession, or a person whose parents are U.S. non-citizen nationals. A qualified alien is:

1. - 4. ...

5. an alien whose deportation is withheld under §243(h) of such Act [as in effect immediately before the effective date (April 1, 1997) of §307 of Division C of Public Law 104-208] or §241(b)(3) of such Act (as amended by Section 305(a) of Division C of Public Law 104-208);

6. - 8.b....

c. cancellation of removal under Section 1229b of the INA (as in effect prior to April 1, 1997); or

d. ...

e. cancellation of removal pursuant to Section 1229b(b)(2) of the INA.

9. an alien child of a battered parent or the alien parent of a battered child as described in §1223A.8.; or

10. an alien who is a victim of a severe form of trafficking in persons.

B. Time-Limited Benefits. A qualified alien who enters the United States on or after August 22, 1996 is ineligible for five years from the date of entry into the United States unless:

1. - 2. ...

3. the alien's deportation is withheld under §243(h) of such Act [as in effect immediately before the effective date (April 1, 1997) of §307 of Division C of Public Law 104-208] or §241(b)(3) of such Act (as amended by §305(a) of Division C of Public Law 104-208);

4. ...

5. the alien is an *Amerasian* immigrant admitted pursuant to Section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1988 as amended;

6. - 7. ...

8. the alien is a victim of a severe form of trafficking in persons.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474, R.S. 46:231.1.B, R.S. 46:237, P.L. 106-386.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 26:352 (February 2000), LR 27:2264 (December 2001), amended LR 28:

Gwendolyn P. Hamilton
Secretary

0206#020

DECLARATION OF EMERGENCY

Department of Treasury

**Credit Card Acceptance by State Agencies
(LAC 71:I.903 and 911)**

In accordance with the Administrative Procedure Act, R.S. 49:950.B and R.S. 3:3203.A, the treasurer is exercising the emergency provisions of the Administrative Procedure Act to amend the following rules for credit card acceptance by state agencies. The law governing state charges in relation to credit card acceptance by state agencies has been amended by Act 148, First Extraordinary Session, 2002. A delay in promulgating rules would have an adverse impact on state agencies' ability to accept and the public's ability to use credit cards. The Department of Treasury has, therefore, determined that these emergency rules are necessary. This Declaration of Emergency is effective June 20, 2002 and will remain in effect for 120 days.

Title 71

TREASURY

Part I. Treasurer

Chapter 9. Credit Card Acceptance by State Agencies

§903. Definitions

*State Charge*Ca fee established by the treasurer in the form of a uniform dollar amount or percentage assessed for each card or device and for each method of conducting transactions to be accepted by state entities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:316.1.

HISTORICAL NOTE: Promulgated by the Department of Treasury, LR 27:736 (May 2001), amended LR 28:

§911. State Charge

A. Treasury, from time to time, will negotiate with card providers for a fee for processing payment card transactions with state entities. Treasury will seek to achieve reasonable fees that reflect the economies of scale achieved by negotiation. The fees may be composed of a percentage and/or a specific dollar amount as determined by treasury and the card providers.

B. The state charges shall encompass these various fees charged by card providers and include other applicable fees including fees by third party processors, or fees assessed by providers of Internet payment processing services. The state charges shall be in the form of a uniform dollar amount or percentage assessed for each card or device and for each method of conducting transactions to be accepted by state entities. The state charges will be revised from time to time and the treasurer shall notify state entities of the revised state charges.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:316.1.

HISTORICAL NOTE: Promulgated by the Department of Treasury, LR 27:737 (May 2001), amended LR 28:

Ron J. Henson
First Assistant State Treasurer

0206#027

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Oyster Lease Moratorium (LAC 76:VII.505)

In accordance with emergency provisions of the Administrative Procedure Act, R.S. 49:953(B) and in accordance with R.S. 56:6(10), R.S. 56:422, R.S. 56:425, R.S. 56:429 and R.S. 56:432.1, the Wildlife and Fisheries Commission declares an immediate moratorium on the issuance of oyster leases and on the taking of oyster lease applications for state waterbottoms not presently under lease. Continuation of issuance of new oyster leases would pose an imminent peril to the public welfare and requires adoption of a rule upon shorter notice than provided in R.S. 49:953.A, the Wildlife and Fisheries Commission does hereby adopt the following Emergency Rule. Adoption of this Declaration of Emergency is necessary, according to the Department of Natural Resources, inasmuch as immediate action is essential to reduce the state's exposure to potential claims from oyster leaseholders and further, that failure to do so would pose an imminent peril to the coastal restoration program and to the federal/state partnership which is critical to the efforts of the state to obtain comprehensive coast-wide restoration authorization and funding.

This Declaration of Emergency will become effective on July 3, 2002, and shall remain in effect for the maximum period allowed under the Administrative Procedure Act or until adoption of the final Rule.

Title 76

WILDLIFE AND FISHERIES

PART VII. Fish and Other Aquatic Life

Chapter 5. Oyster

§505. Oyster Lease Moratorium

A. A moratorium on the issuance of oyster leases for waterbottoms not presently under lease is established. This includes a moratorium on the taking of oyster lease applications for waterbottoms not presently under lease. All pending applications will be held, along with all fees paid, pending a resolution of the moratorium, unless the applicant requests cancellation of the application and refund of fees. In

the event of the death of an applicant, the applicant's heirs or legatees should so notify the department; and any lease ultimately issued shall only be issued to persons placed in possession of the application by Judgement of Possession or to a court-appointed administrator or executor on behalf of a deceased applicant's estate.

B. A moratorium is placed on the auction of oyster leases in default in payment of rent per LAC 76:VII.501.G, as authorized by R.S. 56:429.

C. Any leases selected by a leaseholder who has previously selected the relocation option pursuant to R.S. 56:432.1 shall be exempt from this moratorium but only to the extent of such previous selection.

D. At such time as the moratorium is lifted, applications for oyster leases will be accepted in accordance with all applicable statutes, rules and regulations and the procedures set out below.

1. One week prior to the date that the moratorium is lifted, the date, time and place where applications are to be taken will be publicly advertised.

2. On the date for taking of applications only one applicant at a time will be allowed in the office and this applicant will be allowed to take only one application. Each applicant will have 15 minutes to designate the area he wishes to apply for. After the applicant pays the application and survey fees, he may return to the end of the line for another application.

3. Applications will be taken 24 hours a day (on a first come basis) until the department feels the influx of applicants can be handled during regular office hours at the New Orleans Office, at which time anyone will be able to take an application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(10), R.S. 56:422, R.S. 56:425, R.S. 56:429, and R.S. 56:432.1.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 10:948 (November 1984), amended LR 28:

Thomas M. Gattle, Jr.
Chairman

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