

# Notices of Intent

## NOTICE OF INTENT

### Department of Agriculture and Forestry Office of the Commissioner

Alternative Livestock—Imported Exotic Deer and Imported Exotic Antelope, Elk, and Farm-Raised White-Tailed Deer  
(LAC 7:XXI.1501-1523)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., The Department of Agriculture and Forestry, Office of the Commissioner proposes to amend the permanent regulations regulating Alternative Livestock—Imported Exotic Deer and Imported Antelope, Elk and Farm Raised White-Tailed Deer. These rules comply with and are enabled by R.S. 3:3101 et seq.

The text of this proposed rule can be viewed in its entirety in the emergency rule section of this issue of the *Louisiana Register*.

All interested persons may submit written comments on the proposed rules through June 26, 1998, to Dr. Maxwell Lea, Jr., Department of Agriculture and Forestry, 5825 Florida Boulevard, Baton Rouge, LA 70806. All interested persons will be afforded an opportunity to submit data, views or arguments in writing at the address above. No preamble concerning the proposed rules is available.

Bob Odom  
Commissioner

### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

#### RULE TITLE: **Alternative Livestock—Imported Exotic Deer and Imported Exotic Antelope, Elk, and Farm-Raised White-Tailed Deer**

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no implementation costs or savings to state or local governmental units.

#### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The Louisiana Department of Agriculture and Forestry would establish requirements and fees for the permitting of commercial farms raising alternative livestock and farm-raised white-tailed deer (previously regulated by the Department of Wildlife and Fisheries). The one-time game breeders permit fee of \$75 would decrease to \$50 and the yearly permit renewal fee of \$30 would increase to \$50. Estimating that 25 new farms would be permitted and 200 permits renewed, state revenues would increase from \$7,875 to \$11,250, or \$3,375 annually. Additionally, a \$50 harvesting permit fee would have to be paid by any individuals intending to kill alternative livestock for purposes other than sending to an approved slaughter facility. Estimating 400 permits issued times \$50 would increase state revenues by \$20,000. Individuals, who harvest these animals, would have to pay a \$5 alternative livestock tag fee for each animal harvested. Estimating that 600 livestock would be

harvested, state revenue would increase by \$3,000. The total increase in state revenue would be \$26,375.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Farmers of alternative livestock would be affected by this rule. The one time fee for permitting a farm would decrease by \$25 under the Department of Agriculture and Forestry. The annual renewal fee would increase by \$20. Individuals owning farms who harvest alternative livestock for purposes other than selling to an approved slaughterhouse would have to pay a \$50 harvesting permit fee per farm and a \$5 alternative livestock tag fee per animal killed. This would cost this group a total of \$26,375.

All farm-raised, white-tailed deer would have to be permanently identified by an implanted electronic device (microchip). The cost to these owners would be approximately \$10 per animal. In addition to this method, owners of all other alternative livestock would have the option of tagging and tattooing their animals which would cost less than \$5.

Owners of all of these animals would be economically benefitted by permanent identification in cases of theft or insuring that the animals purchased are the ones listed on the bill of sale and health certificate.

Farms that allow on site harvesting of alternative livestock would benefit economically by charging an average of \$3,425 per person. Estimating 40 hunters the first year would increase their income by \$137,000. Additional income would be derived from conducting tours, allowing photographers to photograph the animals and allowing the filming of movies.

Louisiana businesses would benefit economically by the individuals using hotels, restaurants, shops, etc. Louisiana's economy would also be benefitted by individuals buying and selling an increased number of alternative livestock in the state and selling to out-of-state buyers.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is estimated that there will be 10 new farms the first year that would hire three to five additional people creating 30 to 45 new jobs in the state. This number would increase as more farms become licensed.

Skip Rhorer  
Assistant Commissioner  
9805#048

Richard W. England  
Assistant to the  
Legislative Fiscal Officer

## NOTICE OF INTENT

### Department of Agriculture and Forestry Office of the Commissioner

Brucellosis Vaccination  
(LAC 7:XXI.101, 305, 307, 309, and 311)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Agriculture and Forestry, Office of the Commissioner proposes to amend regulations governing livestock auction

market requirements. These rules comply with and are enabled by R.S. 3:2093, R.S. 3:2221, and R.S. 3:2228.

No preamble concerning the proposed rules is available.

#### **Title 7**

### **AGRICULTURE AND ANIMALS**

#### **Part XXI. Diseases of Animals**

#### **Chapter 1. General Provisions**

##### **§101. Definitions**

\* \* \*

*Brucellosis Test Eligible*—all cattle which are one year of age and older except:

1. steers;
2. spayed heifers;
3. dairy cattle that are official brucellosis calfhooood vaccinates less than 20 months of age which are not parturient or preparturient (springers);
4. beef cattle that are official brucellosis calfhooood vaccinates less than 24 months of age which are not parturient or preparturient (springers).

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 11:230 (March 1985), amended LR 12:289 (May 1980), amended by the Department of Agriculture and Forestry, Livestock Sanitary Board, LR 12:498 (August 1986), LR 14:129 (April 1988), LR 15:812 (October 1989), LR 16:391 (May 1990), LR 17:29 (January 1991), LR 18:840 (August 1992), LR 23:949 (August 1997), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 24:

#### **Chapter 3. Cattle**

##### **§305. Brucellosis Vaccination and Fee**

A. - C. ...

D. All heifer calves between 4 and 12 months of age not vaccinated for brucellosis which are sold through an approved livestock auction market and are to remain in Louisiana more than 360 days must be vaccinated with USDA approved brucellosis vaccine prior to being shipped from said approved livestock auction market. There shall be a fee to be paid by the buyer of \$2 for each heifer calf required to be vaccinated for brucellosis, which fee shall be known as the brucellosis vaccination fee. The brucellosis vaccination fee shall be collected on the date of the sale from the buyer by the approved livestock auction market and forwarded to the Louisiana Department of Agriculture and Forestry no later than the 10<sup>th</sup> day of the month following the month in which the fee was collected.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2221 and R.S. 3:2223.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Livestock Sanitary Board, LR 15:75 (February 1989), amended LR 22:960 (October 1996), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 24:

##### **§307. Livestock Auction Market Requirements**

A. - A.1.a. ...

b.i. All cattle that are offered for sale through Louisiana livestock auction markets, which are brucellosis test eligible, must be identified by an official back tag; those animals two years of age or older, shall have this official back tag placed

immediately behind the shoulder of the animal. The market shall furnish the Livestock Sanitary Board's official representative a copy of each check-in slip, showing the name of the auction market, the date, the name and complete address of each consignor, and the official back tag numbers applied to the consignor's livestock. The check-in slip shall be made available to the Livestock Sanitary Board's official representative, before the animals can be tested for brucellosis.

ii. It shall be a violation of this regulation for anyone to consign livestock to a Louisiana livestock auction market and give a name and address that are not the name and address of the owner consigning the livestock to the auction market.

c.i. - iv. ...

d. All heifer calves, between 4 and 12 months of age not vaccinated for brucellosis, which are to remain in Louisiana more than 30 days must be vaccinated with USDA approved Brucellosis vaccine prior to being shipped from an approved livestock auction market. The responsibility for the brucellosis vaccination of those heifer calves sold through a Louisiana livestock auction market and remaining in Louisiana more than 30 days after the sale shall be placed upon the buyer and the livestock auction market through which said heifer calves are sold. Failure to accomplish this vaccination shall be a violation of this regulation and violators shall be subject to penalties which may be imposed by the Louisiana Livestock Sanitary Board as granted in R.S. 3:2093.

d.i. - g.ii. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093, R.S. 3:2221, and R.S. 3:2228.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 11:237 (March 1985), amended LR 11:615 (June 1985), amended LR 12:501 (August 1986), LR 12:598 (September 1986), LR 13:556 (October 1987), LR 14:220 (April 1988), LR 14:695 (October 1988), LR 15:813 (October 1989), LR 17:30 (January 1991), LR 18:837 (August 1992), LR 22:960 (October 1996), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 24:

##### **§309. Governing the Sale of Cattle in Louisiana by Livestock Dealers**

All cattle which are sold or offered for sale by livestock dealers must meet the general requirements of §115 and the following specific requirements:

A. - 2.b.ii. ...

3.a. All heifer calves between 4 and 12 months of age must be vaccinated with USDA approved Brucellosis vaccine prior to being sold if they are to remain in Louisiana more than 30 days. The responsibility for the brucellosis calfhooood vaccination of those heifer calves sold by a livestock dealer and remaining in Louisiana more than 30 days after the sale shall be placed upon the buyer and the livestock dealer through which said calves are sold. Failure to accomplish this vaccination shall be a violation of this regulation and violators shall be subject to penalties which may be imposed by the Louisiana Livestock Sanitary Board as granted in R.S. 3:2093.

A.3.b. - B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:562, R.S. 3:2221 and R.S. 3:2228.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Livestock Sanitary Board, LR 11:237

(March 1985), LR 11:651 (June 1985), amended LR 12:502 (August 1986), LR 13:558 (October 1987), LR 14:221 (April 1988), LR 17:31 (January 1991), LR 18:838 (August 1992), LR 22:960 (October 1996), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 24:

**§311. Governing the Sale of Purchases, within Louisiana, of all Livestock not Governed by Other Regulations (Brucellosis Requirements)**

A. ...

1. Heifer calves 4 to 12 months of age, which are to remain in Louisiana more than 30 days after being sold must be vaccinated with USDA approved brucellosis vaccine prior to being sold.

2. - 5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093, R.S. 2221 and R.S. 3:2228.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 11:238 (March 1985), LR 11:615 (June 1985), amended 12:502 (August 1986), LR 13:559 (October 1987), LR 17:31 (January 1991), LR 18:837 (August 1992), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 24:

All interested persons may submit written comments on the proposed rules through June 26, 1998, to Dr. Maxwell Lea, Jr., Department of Agriculture and Forestry, 5825 Florida Boulevard, Baton Rouge, LA 70806. All interested persons will be afforded an opportunity to submit data, views or arguments in writing at the address above.

Bob Odom  
Commissioner

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Brucellosis Vaccination**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

Currently, there are about 98,000 calves vaccinated yearly at Louisiana livestock auctions. These vaccinations cost the state about \$39,200 a year (\$.40 per calf). Under the proposed rule there will be a 90 percent reduction in vaccinations. About 9,800 calves will be vaccinated at a cost of \$3,920. This results in an estimated reduction of costs of \$35,280 to state governmental units.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There is a \$2 per calf fee charged for vaccinations at the livestock auctions. Of this fee, \$.25 is collected by the state. Due to the 90 percent reduction in vaccinations, there will be a decrease in revenues of \$22,050.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

Louisiana cattle producers selling nonvaccinated calves at livestock auction markets will benefit by this rule change because they will no longer have to pay a \$2 per head fee to have their calves vaccinated against brucellosis. It is estimated 98,000 calves per year are vaccinated saving this group \$196,000 per year.

Louisiana cattle producers buying nonvaccinated calves at livestock auction markets to take back to a Louisiana farm will be adversely affected by this rule change. Approximately 90 percent of the calves sold at Louisiana auction markets move

directly out of state. The 10 percent returning to Louisiana farms will need to be vaccinated to protect them against this devastating disease. Producers who buy these calves to take back to farms will have to pay a vaccination fee of \$2 per head for a total cost of \$19,600. The accredited veterinarians who vaccinate calves at auction markets will be adversely affected because they will be vaccinating 90 percent fewer calves. The veterinarians receive a \$1.75 per head of the fee charged, thus decreasing their revenues by \$154,350.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

It is estimated that the proposed action will have no impact on competition or employment in the public or private sectors.

Skip Rhorer  
Assistant Commissioner  
9805#049

Richard W. England  
Assistant to the  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Agriculture and Forestry  
Office of the Commissioner**

Forestry Productivity Program  
(LAC 7:XXXIX.Chapter 13)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Agriculture and Forestry, Office of the Commissioner proposes to adopt regulations governing the Louisiana Forestry Productivity Program, enacted by Act 1377 of 1997. These rules comply with and are enabled by R.S. 3:3101 et seq.

No preamble concerning the proposed rules is available.

**Title 7**

**AGRICULTURE AND ANIMALS  
Part XXXIX. Forestry**

**Chapter 13. Forestry Productivity Program  
§1301. Authority**

The Commissioner of Agriculture and Forestry adopts the following regulations under the authority of R.S. 3:4413 for the purpose of implementing the provisions of R.S. 3:4410 - 4416, the Louisiana Forestry Productivity Program, enacted by Act 1377 of 1997.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4413.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 24:

**§1303. Definitions**

The terms defined in this Section have the meanings given to them herein, for purposes of these regulations, except where the context expressly indicates otherwise.

*Approved Forestry Practice*—a forestry practice approved by the Department, for which the landowner is authorized to receive reimbursement under the cooperative agreement.

*Commissioner*—commissioner of the Louisiana Department of Agriculture and Forestry.

*Cooperative Agreement*—the written and signed contract including all other documents made a part of the agreement or incorporated by reference between the Department and a

landowner, together with any written and signed amendments or addendums to the original cooperative agreement, establishing the terms of the agreement between the Department and the landowner under the Louisiana Forestry Productivity Program.

*Department*—the Louisiana Department of Agriculture and Forestry, Office of Forestry.

*Forestry Practice*—any procedure or method used in the establishment and management of timber species.

*Fund*—the Forestry Productivity Fund established at R.S. 3: 4411.B.

*Landowner*—any individual, corporation, partnership, association, trust, joint venture, other legal entity or combination thereof who owns five contiguous acres or more of land located in Louisiana. For purposes of these regulations a joint ownership of property is considered to be one landowner separate and apart from the individuals or entities who own the property jointly.

*Program*—the Forestry Productivity Program authorized by R.S. 3:4410- 4416.

*State*—collectively, the State of Louisiana, the Department of Agriculture and Forestry, the State Forestry Commission and the Commissioner of Agriculture and Forestry.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4413.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 24:

**§1305. Application and Fee**

A. Any landowner desiring to apply for participation in this program must first submit an application to the Department on a form supplied by the Department.

B. Each landowner submitting an application must also submit a \$25 nonrefundable application fee at the time the landowner's application is initially submitted to the Department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4413.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 24:

**§1307. Extent of State Participation**

A. Financial assistance by the state to any one landowner participating in this program shall be limited to a total value of ten thousand dollars during a fiscal year.

B. The state's participation under any cooperative agreement shall be limited to either or both of the following types of assistance:

1. a direct grant, for the purpose of assisting the landowner in implementing an approved forestry practice authorized by a cooperative agreement through the use of the landowner's resources or through the landowner's contacts with private firms; or

2. utilization of the state's personnel, equipment, or materials to implement an approved forestry practice authorized by a cooperative agreement, if private sector services are unavailable.

C. A direct grant shall not exceed 50 percent of the cost of implementing the cooperative agreement or the maximum cost share rates established by these regulations, whichever is less. In the event that state personnel, equipment or materials are

utilized to implement an approved forestry practice the landowner shall be invoiced by the Department for the cost of implementing the forestry practice. The landowner shall promptly pay such invoice and may subsequently submit the paid invoice for reimbursement under this program and these rules and regulations.

D. The maximum cost share rates are established as follows:

MAXIMUM COST-SHARE RATES—50 percent of the cost not to exceed the following rates.		
<b>FPP1</b>	<b>ARTIFICIAL REGENERATION COMPONENT</b>	
Code	(Tree Planting)	Maximum C/S Rate
01	Pine (loblolly or slash, planting and seedling cost)	\$40/acre
02	Hardwood (planting and seedling cost)	\$70/acre
03	Labor Only (pine or hardwood)	\$23/acre
04	Longleaf Pine (planting and seedling cost)	\$65/acre
<b>Direct Seeding</b>		
05	Pine (seed and labor cost)	\$12/acre
06	Hardwood (seed and labor cost)	\$28/acre
<b>Site Preparation</b>		
11	Light (discing, mowing, or sub-soiling)	\$10/acre
12	Burn Only (cut-over areas or agricultural lands)	\$8/acre
13	Chemical and Burn (aerial, ground, or injection)	\$60/acre
14	Mechanical and Burn	\$60/acre
15	Post-site Preparation (aerial, ground, or injection)	\$45/acre
<b>FPP2</b>	<b>SITE PREPARATION FOR NATURAL REGENERATION</b>	
21	Burning Only	\$8/acre
22	Chemical or Mechanical	\$45/acre
23	Chemical and Burning	\$60/acre
<b>FPP3</b>	<b>CONTROL OF COMPETING VEGETATION</b>	
31	Chemical Release (aerial, ground, or injection)	\$45/acre
32	Precommercial Thinning (mechanical)	\$41/acre
33	Burning Only (longleaf pine)	\$4/acre

SITE PREPARATION FOR NATURAL REGENERATION		
	Burning Only	\$8/acre
	Chemical or Mechanical	\$45/acre
	Chemical and Burning	\$60/acre

CONTROL OF COMPETING VEGETATION		
	Chemical Release (aerial, ground, or injection)	\$45/acre
	Precommercial Thinning (mechanical)	\$41/acre
	Burning Only (longleaf pine)	\$4/acre

E. The commissioner, with the advice of the State Forester's Forestry Planning Committee, shall review annually the cost share rates established in this Section and determine if any of the rates require adjustment.

F. The state shall not provide reimbursement under this program for any forestry practice implemented by a landowner unless a cooperative agreement is on file with the department prior to implementation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4412 and R.S. 3:4413.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 24:

**§1309. Land and Landowners Eligibility, Exclusions and Limitations**

A. Any landowner owning five contiguous acres or more in Louisiana suitable for growing a timber species approved by the Department is eligible for participation in this program unless excluded by these regulations or otherwise excluded by law.

B. The following landowners are not eligible to participate in this program:

1. landowners owning less than five contiguous acres of land;
2. public utilities companies;
3. landowners engaged in the manufacturing or production of forestry products;
4. any federal, state, or local government agency or political subdivision;
5. corporations with publicly traded stock;
6. any landowner with joint ownership in an eligible tract of land unless all joint owners and usufructaries or duly authorized agent or agents, if any, sign the cooperative agreement;
7. any entity, other than a natural person, including but not limited to trusts, joint ventures, partnership, limited liability companies or successions, which have a set legal existence of less than ten years unless all persons or legal entities who would, by law, be entitled to receive title to the land upon dissolution of the entity sign the cooperative agreement.

C. The following lands are not eligible to participate in this program:

1. any tract of land that is less than five contiguous acres;
2. lands owned by any landowner not eligible for participation;
3. land subject, at the time of application, to a reforestation contract with any federal, state or local government agency or under a private reforestation program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:44413 and R.S. 3:4414.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 24:

**§1311. Obligations of the Landowner**

A. The landowner shall abide by the provision of the law establishing this program, these regulations, and the cooperative agreement.

B. The landowner shall maintain the land subject to the cooperative agreement in forestry usage in accordance with the cooperative agreement for a period of at least ten years from the date the Department issues a certification of performance of the terms of the cooperative agreement.

C. The landowner shall not sell, convey, or otherwise lose control of land subject to a cooperative agreement under this program without placing a provision in the act transferring the land requiring the new landowner to assume responsibility for abiding by the terms of the cooperative agreement and to maintain the approved forestry practices for the life of the cooperative agreement.

D. The landowner shall reimburse the department the cost of the state's involvement in the cooperative agreement plus court costs and reasonable attorney fees if the landowner violates the law establishing the program, these regulations or the cooperative agreement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4413.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 24:

**§1313. Approved Forestry Practices**

Forestry practices approved by the commissioner for purposes of this program are:

1. site preparation for reforestation by natural or artificial means;
2. planting of seeds or seedlings;
3. timber stand improvement through removal of undesirable vegetation or trees; and
4. post planting procedures that to improve the growth, productivity, or viability of trees planted under this program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4413.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 24:

**§1315. Forestry Practice Implementation Period**

Each landowner shall have eighteen months to complete the forestry practice or practices authorized by the cooperative agreement. A landowner may apply, in writing, for an extension of up to six months in which to complete the practice or practices. The department may grant the extension if it determines that the practice or practices were not completed as a result of circumstances beyond the landowner's control.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4413 and R.S. 3:4415.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 24:

**§1317. Payment by the Department**

A. Payment by the department to any landowner under any cooperative agreement entered into under this program shall be made by the department only out of monies that are in the fund at the time payment is due.

B. The department shall make payment under any cooperative agreement only when:

1. the landowner has completed, to the department's

satisfaction, all forestry practices stated in the cooperative agreement;

2. the landowner has complied with all other terms of the cooperative agreement;

3. the landowner has submitted invoices paid by him for all forestry practices authorized by the cooperative agreement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4413.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 24:

**§1319. Repayment by Landowners to the Department**

A. The Department may seek repayment from a landowner when:

1. the landowner has, for any reason, received monies over and above the amount allowed by law or these regulations;

2. the landowner has failed to maintain the approved forestry practices for the life of the cooperative agreement;

3. the landowner has failed to abide by the terms of the cooperative agreement;

4. the landowner sells, conveys, or otherwise loses control of land subject to a cooperative agreement under this program and the new landowner does not abide by the terms of the cooperative agreement or does not maintain the approved forestry practices for the life of the cooperative agreement;

5. the department determines that a landowner has committed program violations or abuses that require repayment from the landowner or has violated any of the provisions of §1311 of these regulations.

B. A landowner may appeal a department's demand for repayment of monies paid the landowner under this program by filing with the Commissioner a written request for an administrative review by him of the department's demand for repayment. The landowner's request for an administrative review must be postmarked within 15 days after the landowner receives the department's demand for repayment. A copy of the request must also be sent to the state forester who, upon receipt of the landowner's request shall forward all of the department's pertinent documentation to the commissioner with a copy to the landowner.

C. The landowner's request for an administrative adjudicatory hearing shall contain the following information:

1. the name, address and telephone number of the landowner and of any party that the landowner believes may be adversely affected by the commissioner's determination;

2. a statement of the facts known to the landowner and the reasons why he believes that the department is not entitled to repayment; and

3. a copy of all invoices and documents relating to the cooperative agreement.

D. The commissioner, upon receipt of all documentation from the department and the landowner shall either review the information and make a decision or appoint a hearing officer to conduct an administrative adjudicatory hearing and submit a report and recommendation to the Commissioner for a final decision. Any administrative adjudicatory hearing shall be conducted in accordance with the Administrative Procedure Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4413 and R.S. 3:4415.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 24:

**§1321. Competitive Research and Cooperative Extension Grants**

A. A competitive grant process is hereby created, subject to the following provisions, in order to provide for research and cooperative extension activities to enhance reforestation, increase productivity; and to further knowledge regarding the proper application of forestry principles.

B. Each fiscal year the commissioner shall set aside a portion of the monies in the fund to be used for competitive grants.

C. All competitive grants shall be awarded on a matching fund basis, with no more than 50 percent of the cost of the program being funded to be paid by the fund.

D. No grant shall be awarded under this program for any purposes other than research or cooperative extension activities intended to enhance reforestation, increase productivity, or to further knowledge regarding the proper application of forestry principles.

E. All grant proposals must be submitted, in writing, to the department no later than May 1 of each year. Each grant proposal must state in detail the purpose, goals, procedures, completion date and budget of the project as well as any additional information requested by the department.

F. The commissioner may award grants, no later than July 1 of each year, if the commission determines that an award of a grant will fulfill the purposes of the program. Upon the award of a grant the department and the grant recipient will enter into a written cooperative agreement detailing the terms and conditions of the grant.

G. Any grant that is awarded for a project that extends beyond the fiscal year in which the initial grant award is made may be renewed for the following fiscal year but any payment of monies by the department under the extended grant shall be subject to the availability of grant money in the fund.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4413 and R.S. 3:4416.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 24:

All interested persons may submit written comments on the proposed rules through June 26, 1998, to Don Feduccia, Department of Agriculture and Forestry, 5825 Florida Boulevard, Baton Rouge, Louisiana 70806. All interested persons will be afforded an opportunity to submit data, views or arguments in writing at the address above.

Bob Odom  
Commissioner

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Forestry Productivity Program**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
The Louisiana Department of Agriculture and Forestry,

Office of Forestry will expend approximately \$3,486,865 on the Forest Productivity Program (FPP) in FY 1998-99. An estimate of \$20,000 of that amount may come from self-generated revenue directly related to this rule. The remainder is dedicated revenue from La. R.S. 3:4413. Of the total expenditure amount, \$346,686 is allotted to fund 12 new positions and the remaining amount is to fund the activities of the FPP. No local government impact will occur.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Approximately \$3,466,865 in dedicated revenue is expected for the Office of Forestry in FY 98-99, with an additional \$20,000 in self-generated revenue for the agency. The monies collected in dedicated revenue are expected to increase in subsequent fiscal years. No local government impact will occur.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The FPP will provide approximately \$3,140,179 the first year in state cost-share assistance to forest landowners for the purpose of reforestation in Louisiana. Those funds will be spent with forestry service providers including tree nurseries, tree planters, site preparation vendors, and other providers of goods and services related to reforestation.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This program will result in a very significant increase in reforestation activity in Louisiana. A host of private sector businesses will benefit from the FPP due to the increase in reforestation activities. Specific areas of increase will be tree seedling sales, tree planting services, site preparation services, and other associated business activities which support reforestation efforts. There will be a smaller public sector impact within the Office of Forestry where tree seedling demand will increase, and some site preparation activities, such as prescribed burning will also increase.

Skip Rhorer  
Assistant Commissioner  
9805#047

Richard W. England  
Assistant to the  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Economic Development  
Racing Commission**

Coupled Entries; Fields (LAC 35:XIII.11113)

The Louisiana State Racing Commission hereby gives notice that it intends to repeal LAC 35:XIII.11113 "Coupled Entries; Fields" to eliminate the prohibition of coupled entries and fields in trifecta races.

**Title 35  
HORSE RACING  
Part XIII. Wagering  
Chapter 111. Trifecta  
§11113. Coupled Entries; Fields**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S.4:149.1 and R.S.4:149.2.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 11:616 (June 1985), repealed by the Department of Economic Development, Racing Commission, LR 24:

The domicile office of the Louisiana State Racing Commission is open from 8AM to 4PM and interested parties may contact Paul D. Burgess, executive director; C. A. Rieger, assistant director; or Tom Trenchard, administrative manager, at (504) 483-4000 (FAX 483-4898), holidays and weekends excluded, for more information.

All interested persons may submit written comments relative to this proposed rule through June 6, 1998, to 320 North Carrollton Avenue, Suite 2-B, New Orleans, Louisiana 70119-5100.

Paul D. Burgess  
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Coupled Entries; Fields**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There are no costs to implement this action.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

This action is not anticipated to affect revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

This action benefits patrons and horsemen by no longer prohibiting coupled entries and fields in races with trifecta wagering.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This action has no effect on competition nor employment.

Paul D. Burgess  
Executive Director  
9805#054

Richard W. England  
Assistant to the  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

Bulletin 904—Guidelines for the Submission of a Charter School Proposal (LAC 28:I.904)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education adopted Bulletin 904, Guidelines for the Submission of a Charter School Proposal. The bulletin contains regulations and guidelines pertaining to the submission of Type 2 and Type 4 Charter School Proposals. The guidelines describe the educational program; financial component; eligibility criteria; application requirements; and, the application review and approval process. The *Louisiana Administrative Code* will be amended to include LAC 28:I.904 as follows:

**Title 28**  
**EDUCATION**

**Part I. Board of Elementary and Secondary Education**  
**Chapter 9. Bulletins, Regulations, and State Plans**

**Subchapter A. Bulletins and Regulations**

**§904. Guidelines for Submission of a Charter School Proposal**

A. Bulletin 904, Guidelines for Submission of a Charter School Proposal, is adopted.

B. This Bulletin contains regulations and guidelines pertaining to the submission of Type 2 and Type 4 charter school proposals. It includes guidelines for describing the educational program and financial component of the proposed charter school. Also included are eligibility criteria, application requirements, and the application review and approval process. These guidelines comply with Louisiana's revised Charter Schools Demonstration Program Law, Act 477 of 1997, which is included in the guidelines.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3971-3973, 3981-3983, 3991-3993, 3995-3999, and 4001; and R.S. 39:75(C)(1)(b).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 24:

Copies of the Guidelines for the Submission of a Charter School Proposal, Bulletin 904, may be seen in its entirety at the Office of the State Register, 900 Riverside North, Baton Rouge, or at the office of the State Board of Elementary and Secondary Education, 626 North Fourth Street, Room 104, Baton Rouge, LA.

Interested persons may submit written comments until 4:30 p.m., July 10, 1998 to Jeannie Stokes, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody  
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT**  
**FOR ADMINISTRATIVE RULES**

**RULE TITLE: Bulletin 904—Guidelines for**  
**the Submission of a Charter School Proposal**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

BESE's estimated cost for printing this policy change and first page of the fiscal and economic impact statement in the *Louisiana Register* is approximately \$40. Funds are available.

Costs associated with the implementation of Act 477 of 1997 are dependent upon the number of charters granted in each fiscal year. Type 2 Charter Schools will cause an increase in state expenditures as the state will fund both the state and local share of costs for students. As per the FY 97-98 MFP Budget Letter, the state cost per student is \$2,730, while the local cost is \$1,824. Also, the number of non-public school students transferring into charter schools will determine any additional increases in state expenditures.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

Act 477 of 1997 states that the monies in the Charter School Start-Up Loan Fund shall be invested by the state treasurer and interest earned shall be credited to the fund. The fund currently totals \$3 million, while the appropriation from this fund for FY 97-98 is \$1.3 million. Revenues generated will be dependent

upon both the amount available from the fund for investment and market conditions.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

Students attending these charter schools are expected to benefit from a less structured learning environment. As many of these schools will be directed toward at-risk children, there will be increased instructional flexibility to deal with problems which are not typical to mainstream students.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

Charter schools could attract a number of teachers from the local school systems because the law requires that 75 percent of the charter school teachers must be certified. Also, the law allows these teachers to leave the local system for up to three years with the ability to then return to their previous school. These factors could potentially combine to create teacher shortages in some local school systems.

Weegie Peabody  
Executive Director  
9805#043

Richard W. England  
Assistant to the  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Environmental Quality**  
**Office of Air Quality and Radiation Protection**  
**Air Quality Division**

Emissions (LAC 33:III.5116, 5122, and 5311)(AQ174\*)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air Quality Regulatory Division Regulations, LAC 33:III.5116, 5122, and 5311 (AQ174\*).

This proposed rule is identical to a federal regulation found in 40 CFR part 61, subparts L, N, O, and P; 40 CFR part 63, subparts L and EE; 62 FR 37720 (subparts U & JJJ) July 15, 1997, Number 135; 62 FR 42918 (subpart N) August 11, 1997, Number 154; 62 FR 52382 (subpart LL) October 7, 1997, Number 194; and 62 FR 64736 (subpart O) December 9, 1997, Number 236, which is applicable in Louisiana. For more information regarding the federal requirement, contact the Investigations and Regulation Development Division at the address or phone number given below. No fiscal or economic impact will result from the proposed rule; therefore, the rule will be promulgated in accordance with R.S. 49:953(F)(3) and (4).

This proposed rule incorporates by reference, into LAC 33:III.Chapters 51 and 53, additional federal regulations in 40 CFR parts 61 and 63, National Emission Standards for Hazardous Air Pollutants (NESHAP). These changes will expedite both the EPA approval process and the state implementation of delegation of authority. Authorization for EPA to delegate authority of that program to the state is established in the Clean Air Act Amendments of 1990, section 112. This rulemaking is applicable to stationary sources

statewide. The state has received delegation of authority from EPA to implement NESHAP by "straight" delegation, which requires the state to incorporate into their regulations, rules as promulgated by EPA without change. Louisiana incorporated certain NESHAP regulations by reference on January 20, 1997. In agreement with the revised delegated authority mechanism and with EPA grant objectives, the department is now incorporating additional NESHAP regulations by reference. The basis and rationale for this proposed rule are to mirror the federal regulations. If the rule is not adopted, it would be a hindrance to Louisiana's authority to implement the NESHAP Program. Louisiana would also fail to meet its 1997/98 EPA grant objectives related to this proposed rule and to delegation revisions.

This proposed rule meets the exceptions listed in R.S. 30:2019 (D) (3) and R.S. 49:953 (G) (3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

**Title 33  
ENVIRONMENTAL QUALITY**

**Part III. Air**

**Chapter 51. Comprehensive Toxic Air Pollutant Emission Control Program**

**Subchapter B. Incorporation by Reference of 40 CFR Part 61 (National Emission Standards for Hazardous Air Pollutants)**

**§5116. Incorporation by Reference of 40 CFR Part 61 (National Emission Standards for Hazardous Air Pollutants)**

A. Except as modified in this Section and specified below, National Emission Standards for Hazardous Air Pollutants published in the *Code of Federal Regulations* at 40 CFR part 61, revised as of July 1, 1997, and specifically listed in the following table are hereby incorporated by reference as they apply to sources in the State of Louisiana.

40 CFR 61	Subpart/Appendix Heading
* * *	
[See Prior text in Subpart A-J]	
Subpart L	National Emission Standard for Benzene Emissions from Coke By-Product Recovery Plants
Subpart N	National Emission Standard for Inorganic Arsenic Emissions from Glass Manufacturing Plants
Subpart O	National Emission Standard for Inorganic Arsenic Emissions from Primary Copper Smelters
Subpart P	National Emission Standard for Inorganic Arsenic Emissions from Arsenic Trioxide and Metallic Arsenic Production Facilities
* * *	
[See Prior Text in Subpart V-Appendix C]	

B. Corrective changes are made to 40 CFR part 61 subpart A, section 61.04(b)(T), to read as follows: State of Louisiana: Air Toxics Section Program Manager, Air Quality Regulatory Division, Louisiana Department of Environmental Quality, Box 82135, Baton Rouge, LA 70884-2135.

C. Copies of documents incorporated by reference in this Chapter are available for review at the Air Quality Division Information Center, Louisiana Department of Environmental Quality, or may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20242.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:61 (January 1997), LR 23:1658 (December 1997), amended LR 24:

**Subchapter C. Incorporation by Reference of 40 CFR Part 63 (National Standards for Hazardous Air Pollutants for Source Categories) as it Applies to Major Sources**

**§5122. Incorporation by Reference of 40 CFR Part 63 (National Standards for Hazardous Air Pollutants for Source Categories) as it Applies to Major Sources**

A. Except as modified in this Section and specified below, National Emission Standards for Hazardous Air Pollutants for Source Categories published in the *Code of Federal Regulations* at 40 CFR part 63, revised as of July 1, 1997, and specifically listed in the following table are hereby incorporated by reference as they apply to major sources in the State of Louisiana.

40 CFR 63	Subpart/Appendix Heading
* * *	
[See Prior Text in Subpart A-I]	
Subpart L	National Emission Standards for Coke Oven Batteries
* * *	
[See Prior Text in M-DD]	
Subpart EE	National Emission Standards for Magnetic Tape Manufacturing Operations
* * *	
[See Prior Text in Subpart GG-Appendix D]	

B. Except as modified in this Section and specified below, National Emission Standards for Hazardous Air Pollutants for Source Categories published in the *Federal Register* as promulgated from July 2, 1997, through December 31, 1997, and specifically listed in the following table are hereby incorporated by reference as they apply to major sources in the State of Louisiana.

40 CFR 63	Federal Register Citation	Date Promulgated	Subpart/Appendix Heading
Subpart N	62 FR 42918	August 11, 1997	National Emission Standards for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks

Subpart O	62 FR 64736	December 9, 1997	National Emission Standards for Hazardous Air Pollutants for Ethylene Oxide Commercial Sterilization and Fumigation Operations
Subpart U	62 FR 37720	July 15, 1997	National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins
Subpart LL	62 FR 52383	October 7, 1997	National Emission Standards for Hazardous Air Pollutants for Source Categories; National Emission Standards for Hazardous Air Pollutants for Primary Aluminum Reduction Plants
Subpart JJJ	62 FR 37720	July 15, 1997	National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:61 (January 1997), amended LR 23:1659 (December 1997), LR 24:

**Chapter 53. Area Sources of Toxic Air Pollutants**  
**Subchapter B. Incorporation by Reference of 40 CFR Part 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories) as it Applies to Area Sources**

**§5311. Incorporation by Reference of 40 CFR Part 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories) as it Applies to Area Sources**

Except as modified in this Section and specified below, National Emission Standards for Hazardous Air Pollutants for Source Categories published in the *Code of Federal Regulations* at 40 CFR part 63, revised as of July 1, 1997, and specifically listed in the following table are hereby incorporated by reference as they apply to area sources in the State of Louisiana.

40 CFR 63	Subpart/Appendix Heading
Subpart A	General Provisions
Subpart M	National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities
Subpart X	National Emission Standards for Hazardous Air Pollutants From Secondary Lead Smelting

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:63 (January 1997), amended LR 23:1660 (December 1997), LR 24:

A public hearing will be held on June 24, 1998, at 1:30 p.m. in the Maynard Ketcham Building, Room 326, 7290 Bluebonnet Boulevard, Baton Rouge, LA 70810. Interested

persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Patsy Deaville at the address given below or at (504) 765-0399.

All interested persons are invited to submit written comments on the proposed regulations. Commentors should reference this proposed regulation by AQ174\*. Such comments must be received no later than June 24, 1998, at 4:30 p.m., and should be sent to Patsy Deaville, Investigations and Regulation Development Division, Box 82282, Baton Rouge, LA 70884 or to FAX (504) 765-0486. The comment period for this rule ends on the same date as the public hearing. Copies of this proposed regulation can be purchased at the above referenced address. Contact the Investigations and Regulation Development Division at (504) 765-0399 for pricing information. Check or money order is required in advance for each copy of AQ174\*.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.:

7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA 70810; 804 Thirty-first Street, Monroe, LA 71203; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 3519 Patrick Street, Lake Charles, LA 70605; 3501 Chateau Boulevard, West Wing, Kenner, LA 70065; 100 Asma Boulevard, Suite 151, Lafayette, LA 70508; or on the Internet at <http://www.deq.state.la.us/olae/irdd/olaeregs.htm>.

Gus Von Bodungen  
Assistant Secretary

9805#042

**NOTICE OF INTENT**

**Department of Environmental Quality  
Office of Air Quality and Radiation Protection  
Air Quality Division**

Federal Transportation Conformity  
(LAC 33:III.Chapter 14)(AQ172\*)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air Quality Division Regulations, LAC 33:III.Chapter 14.Subchapter B (AQ172\*).

This proposed rule is identical to a federal regulation found in 40 CFR part 63, subpart A as amended in 62 FR 43802-43818, August 15, 1997, Number 158, which is applicable in Louisiana. For more information regarding the federal requirement, contact the Investigations and Regulation Development Division at the address or phone number given below. No fiscal or economic impact will result from the proposed rule; therefore, the rule will be promulgated in accordance with R.S. 49:953(F)(3) and (4).

The proposed rule repeals the existing state transportation conformity rule with the exception of two sections. The rule incorporates by reference the federal requirements established in 40 CFR part 93, subpart A, that transportation plans,

programs, and projects which are developed, funded, or approved under Title 23 U.S.C. or the Federal Transit Act conform to state or federal implementation plans. The state is required to submit a State Implementation Plan (SIP) revision to EPA that includes an enforceable transportation conformity rule. Promulgation of this rule will enable the state to submit the required transportation conformity SIP. The basis and rationale for this proposed rule are to mirror the amendments to the federal transportation conformity regulations published on August 15, 1997 in 62 FR 43802-43818.

This proposed rule meets the exceptions listed in R.S. 30:2019 (D) (3) and R.S. 49:953 (G) (3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

### **Title 33**

## **ENVIRONMENTAL QUALITY**

### **Part III. Air**

#### **Chapter 14. Conformity**

##### **Subchapter B. Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded, or Approved Under Title 23 U.S.C. or the Federal Transit Act**

LAC 33:III.Chapter 14.Subchapter B is hereby repealed with the exception of LAC 33:III.1431. In addition, §1441 is being renumbered to §1434.

#### **§1432. Incorporation by Reference**

40 CFR part 93, subpart A, sections 101-123 found in the *Federal Register*, volume 62, No. 158, August 15, 1997, pages 43802-43818 are hereby incorporated by reference with the exclusion of sections 102(d) and 105.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 24:

#### **§1433. Definitions**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:1278 (November 1994), repealed LR 24:

#### **§1434. Consultation (Previously §1441)**

\* \* \*

[See Prior Text in A-E]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:1278 (November 1994), repromulgated LR 24:

#### **§1435. Applicability**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:1278 (November 1994), repealed LR 24:

#### **§1437. Priority**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:1278 (November 1994), repealed LR 24:

#### **§1439. Frequency of Conformity Determinations**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:1278 (November 1994), repealed LR 24:

#### **§1441. Consultation—moved to §1434**

#### **§1443. Content of Transportation Plans**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:1278 (November 1994), repealed LR 24:

#### **§1445. Relationship of Transportation Plan and TIP Conformity with the NEPA Process**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:1278 (November 1994), repealed LR 24:

#### **§1447. Fiscal Constraints for Transportation Plans and TIPs**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:1278 (November 1994), repealed LR 24:

#### **§1449. Criteria and Procedures for Determining Conformity of Transportation Plans, Programs, and Projects: General**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:1278 (November 1994), repealed LR 24:

#### **§1451. Criteria and Procedures: Latest Planning Assumptions**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:1278 (November 1994), repealed LR 24:

**§1453. Criteria and Procedures: Latest Emissions Model**  
Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:1278 (November 1994), repealed LR 24:

**§1455. Criteria and Procedures: Consultation**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:1278 (November 1994), repealed LR 24:

**§1457. Criteria and Procedures: Timely Implementation of TCMs**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:1278 (November 1994), repealed LR 24:

**§1459. Criteria and Procedures: Currently Conforming Transportation Plan and TIP**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:1278 (November 1994), repealed LR 24:

**§1461. Criteria and Procedures: Projects from a Plan and TIP**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:1278 (November 1994), repealed LR 24:

**§1463. Criteria and Procedures: Localized CO and PM<sub>10</sub> Violations (Hot-Spots)**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:1278 (November 1994), repealed LR 24:

**§1465. Criteria and Procedures: Compliance with PM<sub>10</sub> Control Measures**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:1278 (November 1994), repealed LR 24:

**§1467. Criteria and Procedures: Motor Vehicle Emissions Budget (Transportation Plan)**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:1278 (November 1994), repealed LR 24:

**§1469. Criteria and Procedures: Motor Vehicle Emissions Budget(s) (TIP)**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:1278 (November 1994), repealed LR 24:

**§1471. Criteria and Procedures: Motor Vehicle Emissions Budget (Project not from a Plan and TIP)**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:1278 (November 1994), repealed LR 24:

**§1473. Criteria and Procedures: Localized CO Violations (Hot-Spots) in the Interim Period**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:1278 (November 1994), repealed LR 24:

**§1475. Criteria and Procedures: Interim Period Reductions in Ozone and CO Areas (Transportation Plan)**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:1278 (November 1994), repealed LR 24:

**§1477. Criteria and Procedures: Interim Period Reductions in Ozone and CO Areas (TIP)**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:1278 (November 1994), repealed LR 24:

**§1479. Criteria and Procedures: Interim Period Reductions for Ozone and CO Areas (Project not From a Plan and TIP)**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:1278 (November 1994), repealed LR 24:

**§1481. Criteria and Procedures: Interim Period Reductions for PM<sub>10</sub> and NO<sub>2</sub> Areas (Transportation Plan)**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:1278 (November 1994), repealed LR 24:

**§1483. Criteria and Procedures: Interim Period Reductions for PM<sub>10</sub> and NO<sub>2</sub> Areas (TIP)**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:1278 (November 1994), repealed LR 24:

**§1485. Criteria and Procedures: Interim Period Reductions for PM<sub>10</sub> and NO<sub>2</sub> Areas (Project not from a Plan and TIP)**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:1278 (November 1994), repealed LR 24:

**§1487. Transition from the Interim Period to the Control Strategy Period**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:1278 (November 1994), repealed LR 24:

**§1489. Requirements for Adoption or Approval of Projects by Recipients of Funds Designated Under Title 23 U.S.C. or the Federal Transit Act**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:1278 (November 1994), repealed LR 24:

**§1491. Procedures for Determining Regional Transportation-Related Emissions**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:1278 (November 1994), repealed LR 24:

**§1493. Procedures for Determining Localized CO and PM<sub>10</sub> Concentrations (Hot-Spot Analysis)**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:1278 (November 1994), repealed LR 24:

**§1495. Using the Motor Vehicle Emissions Budget in the Applicable Implementation Plan (or Implementation Plan Submission)**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:1278 (November 1994), repealed LR 24:

**§1496. Enforceability of Design Concept and Scope and Project-Level Mitigation and Control Measures**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:1278 (November 1994), repealed LR 24:

**§1497. Exempt Projects**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:1278 (November 1994), repealed LR 24:

**§1498. Projects Exempt from Regional Emissions Analysis**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:1278 (November 1994), repealed LR 24:

**§1499. Special Provisions for Nonattainment Areas Which are not Required to Demonstrate Reasonable Further Progress and Attainment**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:1278 (November 1994), repealed LR 24:

A public hearing will be held on June 24, 1998, at 1:30 p.m. in the Maynard Ketcham Building, Room 326, 7290 Bluebonnet Boulevard, Baton Rouge, LA 70810. This hearing will also be for a revision to the State Implementation Plan (SIP) to incorporate this proposed rule. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an

accommodation in order to participate, contact Patsy Deaville at the address given below or at (504) 765-0399.

All interested persons are invited to submit written comments on the proposed regulations. Commentors should reference this proposed regulation by AQ172\*. Such comments must be received no later than June 24, 1998, at 4:30 p.m., and should be sent to Patsy Deaville, Investigations and Regulation Development Division, Box 82282, Baton Rouge, LA 70884 or to FAX (504) 765-0486. The comment period for this rule ends on the same date as the public hearing. Copies of this proposed regulation can be purchased at the above referenced address. Contact the Investigations and Regulation Development Division at (504) 765-0399 for pricing information. Check or money order is required in advance for each copy of AQ172\*.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.:

7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA 70810; 804 Thirty-First Street, Monroe, LA 71203; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 3519 Patrick Street, Lake Charles, LA 70605; 3501 Chateau Boulevard, West Wing, Kenner, LA 70065; 100 Asma Boulevard, Suite 151, Lafayette, LA 70508; or on the Internet at <http://www.deq.state.la.us/olae/irdd/olaeregs.htm>.

Gus Von Bodungen  
Assistant Secretary

9805#039

## NOTICE OF INTENT

### Department of Environmental Quality Office of Air Quality and Radiation Protection Air Quality Division

Federal Transportation Conformity  
(LAC 33:III.1431 and 1441)(AQ173)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air Quality Division regulations, LAC 33:III.1431 and 1441 (AQ173).

This proposed rule establishes policy, criteria, and procedures for demonstrating and assuring conformity of transportation plans, programs, and projects that are developed, funded, or approved by the U.S. Department of Transportation and by Metropolitan Planning Organizations under Title 23 U.S.C. or the Federal Transit Act of state or federal air quality implementation plans developed in accordance with section 110 and part D of the Clean Air Act. To be consistent with the federal transportation conformity regulations, LAC 33:III.1431 and 1441 are being amended. The proposed rule amends the interagency consultation process requirements in accordance with the federal transportation conformity rule that was amended August 15, 1997. In addition, the proposed rule amends the public consultation procedures requirements. The federal

transportation conformity rule has been amended three times. This proposed rule incorporates the changes. This action is mandated by section 176(c) of the Clean Air Act, as amended (42 U.S.C. 7401 et seq.), and the related requirements of 23 U.S.C. 109(j). Federal requirements for transportation conformity are established in 40 CFR part 63, subpart A and in 40 CFR 51.390. The basis and rationale for this proposed rule are to comply with the federal transportation conformity requirements for states published on August 15, 1997 in 62 FR 43802-43818.

This proposed rule meets the exceptions listed in R.S. 30:2019(D)(3) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

### Title 33

## ENVIRONMENTAL QUALITY

### Part III. Air

#### Chapter 14. Conformity

#### Subchapter B. Conformity to State or Federal

#### Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded, or Approved Under Title 23 U.S.C. or the Federal Transit Laws

#### §1431. Purpose

The purpose of this regulation is to implement section 176(c) of the Clean Air Act (CAA), as amended (42 U.S.C. 7401 et seq.), the related requirements of 23 U.S.C. 109(j), and regulations under 40 *Code of Federal Regulations* (CFR) part 93, subpart A with respect to the conformity of transportation plans, programs, and projects that are developed, funded, or approved by the United States Department of Transportation (DOT) and by metropolitan planning organizations (MPOs) or other recipients of funds under title 23 U.S.C. or the Federal Transit Laws (49 U.S.C. 1601 et seq.). This regulation sets forth policy, criteria, and procedures for demonstrating and ensuring conformity of such activities to applicable implementation plans developed according to section 110 and part D of the CAA.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:1278 (November 1994), amended LR 24:

#### §1441. Consultation

A. Pursuant to 40 CFR 93.105 interagency consultation (federal, state, and local) shall be undertaken before making conformity determinations and before adopting applicable State Implementation Plan (SIP) revisions.

\* \* \*

[See Prior Text in B-B.6.c]

- d. FHWA—division administrator or designee;
- e. FTA—director, Office of Program Development or designee;
- f. EPA—regional administrator or designee; and
- g. local publicly-owned transit agencies—general manager or designee.

7. Before adoption and approval of conformity analyses prepared for plans, Transportation Improvement Plans (TIPs), and projects, the Metropolitan Planning Organization (MPO)

and/or Department of Transportation and Development (DOTD) shall distribute a final draft of the documents, including supporting technical materials, to the consulting agencies for review and comments. Lead agencies shall respond to significant comments made by the consulting agencies on plans, TIPs, projects, or SIPs in writing within 30 working days. Comments and responses to comments shall be distributed for review by all agencies identified in Subsection B.2 of this Section. Following resolution of all significant issues, final documents shall be revised accordingly and submitted to the designated lead agency for formal adoption and approval.

\* \* \*

[See Prior Text in B.8-C.1.b]

c. the MPO shall submit a list of exempt projects to agencies specified in Subsection B.2 of this Section to evaluate whether projects otherwise exempted from meeting the requirements of 40 CFR part 93, subpart A (see sections 126 and 127) should be treated as nonexempt in cases where potential adverse emissions impacts may exist for any reason. The MPO shall allow 30 days for comments;

d. the MPO and/or DOTD, in cooperation with DEQ, shall make a determination, as required by 40 CFR 93.113(c)(1), whether past obstacles to implementation of TCMs that are behind the schedule established in the applicable implementation plan have been identified and are being overcome and whether state and local agencies with influence over approvals or funding for TCMs are giving highest priority to approval or funding for TCMs. This process shall also consider whether delays in TCM implementation necessitate revisions to the applicable implementation plan to remove TCMs or substitute TCMs or other emission reduction measures;

e. the MPO and/or DOTD, in cooperation with DEQ, shall identify, as required by 40 CFR 93.123(b), projects located at sites in  $PM_{10}$  nonattainment areas that have vehicle and roadway emission and dispersion characteristics that are essentially identical to those at sites which have violations verified by monitoring and, therefore, require quantitative  $PM_{10}$  hot-spot analysis;

f. the MPO shall notify the agencies specified in Subsection B.2 of this Section of transportation plan or TIP revisions or amendments which merely add or delete exempt projects listed in 40 CFR 93.126 or 93.127 and allow a 30-day comment period; and

g. DOTD, in consultation with applicable agencies specified in Subsection B.2 of this Section, shall cooperatively choose the appropriate conformity test(s) and methodologies for use in isolated rural nonattainment and maintenance areas, as required by 40 CFR 93.109(g)(2)(iii).

\* \* \*

[See Prior Text in C.2]

a. DEQ, in cooperation with the MPO and DOTD, shall evaluate events that will trigger new conformity determinations in addition to those triggering events established in 40 CFR 93.104. DEQ may require a new conformity determination in the event of any unforeseen circumstances; and

\* \* \*

[See Prior Text in C.2.b-C.3]

4. The MPO, in accordance with Subsection B of this Section and with the cooperation of DOTD and local transportation agencies and recipients of funds designated under title 23 U.S.C. or the Federal Transit Laws, shall coordinate and ensure that plans for construction of regionally significant projects that are not FHWA/FTA projects including projects for which alternate locations, design concept and scope, or the no-build option are still being considered, as well as all those by recipients of funds designated under title 23 U.S.C. or the Federal Transit Laws, are disclosed to the MPO on a regular basis and ensure that any changes to those plans are immediately disclosed. The sponsors of non-FHWA/FTA projects and recipients of funds designated under title 23 U.S.C. or the Federal Transit Laws shall disclose to the MPO on a regular basis significant projects and their status.

5. The MPO, in accordance with Subsections B and C.4 of this Section, and other recipients of funds designated under title 23 U.S.C. or the Federal Transit Laws, shall cooperatively assume the location and design concept and scope of projects that are disclosed to the MPO as required by Subsection C.4 of this Section, but whose sponsors have not yet decided these features in sufficient detail to perform the regional emissions analysis according to the requirements of 40 CFR 93.122.

\* \* \*

[See Prior Text in C.6-D.4]

E. Public Consultation Procedures. Consistent with the requirements of 23 CFR 450.316(b), relating to public involvement, affected agencies making conformity determinations on transportation plans, programs, and projects shall establish a proactive public involvement process that provides opportunity for public review and comment. This process shall, at a minimum, provide reasonable public access to technical and policy information considered by the agency at the beginning of the public comment period and before taking formal action on conformity determinations for all TPs and TIPs. Any charges imposed for public inspection and copying of conformity-related materials shall be consistent with the fee schedule contained in 49 CFR 7.95. In addition, any such agency must specifically address in writing any public comments claiming that known plans for a regionally significant project that is not receiving FHWA or FTA funding or approval have not been properly reflected in the emissions analysis supporting a proposed conformity finding for a transportation plan or TIP. Any such agency shall also provide opportunity for public involvement in conformity determinations for projects where otherwise required by law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:1278 (November 1994), amended LR 24:

A public hearing will be held on June 24, 1998, at 1:30 p.m. in the Maynard Ketcham Building, Room 326, 7290 Bluebonnet Boulevard, Baton Rouge, LA 70810. This hearing will also be for a revision to the State Implementation Plan (SIP) to incorporate this proposed rule. Interested persons are invited to attend and submit oral comments on the proposed

amendments. Should individuals with a disability need an accommodation in order to participate, contact Patsy Deaville at the address given below or at (504) 765-0399.

All interested persons are invited to submit written comments on the proposed regulations. Commentors should reference this proposed regulation by AQ173. Such comments must be received no later than July 1, 1998, at 4:30 p.m., and should be sent to Patsy Deaville, Investigations and Regulation Development Division, Box 82282, Baton Rouge, LA 70884 or to FAX (504) 765-0486. Copies of this proposed regulation can be purchased at the above referenced address. Contact the Investigations and Regulation Development Division at (504) 765-0399 for pricing information. Check or money order is required in advance for each copy of AQ173.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA 70810; 804 Thirty-first Street, Monroe, LA 71203; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 3519 Patrick Street, Lake Charles, LA 70605; 3501 Chateau Boulevard, West Wing, Kenner, LA 70065; 100 Asma Boulevard, Suite 151, Lafayette, LA 70508; or on the Internet at <http://www.deq.state.la.us/olae/irdd/olaeregs.htm>.

Gus Von Bodungen  
Assistant Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Federal Transportation Conformity**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

No costs or savings to state or local governmental units are anticipated as a result of the implementation of this proposed rule.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

Revenue collections of state or local governmental units will not be affected by this proposed rule.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

The proposed amendment to the rule will result in no additional estimated economic costs or economic benefits to directly affected persons or nongovernmental groups.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

Implementation of this proposed rule will not affect competition and employment in the public and private sectors.

Gus Von Bodungen  
Assistant Secretary  
9805#038

Richard W. England  
Assistant to the  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Environmental Quality  
Office of Air Quality and Radiation Protection  
Air Quality Division**

Lead-Based Paint Activities  
(LAC 33:III.2801)(AQ140)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air Quality Division regulations, LAC 33:III.2801.B (AQ140).

This proposed rule amends LAC 33:III.2801.B by changing "individuals" to "persons." The department is seeking authorization for its lead program from the federal government. The department believes that making this one word change will make the state's rule consistent with the intent of the federal rule and remove an impediment to authorization of the state's program. The basis and rationale for this proposed rule are to make the state's rule consistent with the intent of the federal rule and clarify an area of concern by the Environmental Protection Agency (EPA) in their review of the state's authorization package, which was submitted to EPA on March 5, 1998.

This proposed rule meets the exceptions listed in R.S. 30:2019(D)(3) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

**Title 33**

**ENVIRONMENTAL QUALITY**

**Part III. Air**

**Chapter 28. Lead-Based Paint Activities—Recognition, Accreditation, Licensure, and Standards for Conducting Lead-Based Paint Activities**

**§2801. Scope and Applicability**

\* \* \*

[See Prior Text in A]

B. This Chapter applies to all persons and contractors who are engaged in lead-based paint activities, as defined in LAC 33:III.2803, except persons who perform these activities within residential dwellings that they own, unless the residential dwelling is occupied by a person or persons other than the owner or the owner's immediate family while these activities are being performed, or a child residing in the building has been identified as having an elevated blood lead level.

\* \* \*

[See Prior Text in C - G]

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:1662 (December 1997), amended LR 24:

A public hearing will be held on June 24, 1998, at 1:30 p.m. in the Maynard Ketcham Building, Room 326, 7290 Bluebonnet Boulevard, Baton Rouge, LA 70810. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Patsy Deaville at the address given below or at (504) 765-0399.

All interested persons are invited to submit written comments on the proposed regulations. Commentors should reference this proposed regulation by AQ140. Such comments must be received no later than July 1, 1998, at 4:30 p.m., and should be sent to Patsy Deaville, Investigations and Regulation Development Division, Box 82282, Baton Rouge, LA 70884 or to FAX (504) 765-0486. Copies of this proposed regulation can be purchased at the above referenced address. Contact the Investigations and Regulation Development Division at (504) 765-0399 for pricing information. Check or money order is required in advance for each copy of AQ140.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA 70810; 804 Thirty-first Street, Monroe, LA 71203; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 3519 Patrick Street, Lake Charles, LA 70605; 3501 Chateau Boulevard, West Wing, Kenner, LA 70065; 100 Asma Boulevard, Suite 151, Lafayette, LA 70508; or on the Internet at <http://www.deq.state.la.us/olae/irdd/olaeregs.htm>.

Gus Von Bodungen  
Assistant Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Lead-Based Paint Activities**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
This revision has no implementation costs to state or local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
This revision will have no effects on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)  
This revision will have no costs and/or economic benefits to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
This revision will have no effect on competition and employment.

Gus Von Bodungen  
Assistant Secretary  
9805#037

Richard W. England  
Assistant to the  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Environmental Quality  
Office of Air Quality and Radiation Protection  
Air Quality Division**

New Stationary Sources  
(LAC 33:III.Chapters 5, 15, 21, 23, 25, and 30)(AQ171\*)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air Quality Division Regulations, LAC 33:III.Chapters 5, 15, 21, 23, 25, and 30 (AQ171\*).

This proposed rule is identical to a federal regulation found in 40 CFR Part 60, July 1, 1997, which is applicable in Louisiana. For more information regarding the federal requirement, contact the Investigations and Regulation Development Division at the address or phone number given below. No fiscal or economic impact will result from the proposed rule; therefore, the rule will be promulgated in accordance with R.S. 49:953(F)(3) and (4).

This proposed rule updates the reference to the Code of Federal Regulations (CFR) contained in LAC 33:III.Chapter 30 to those regulations published in 40 CFR part 60 in July 1997. This revision clarifies that all 40 CFR part 60 references that appear in LAC 33:III.Chapters 5, 15, 21, 23, 25, and 30 are as incorporated by reference in LAC 33:III.Chapter 30. Areas of state and federal authority are more clearly defined with this proposed rule. The basis and rationale for this proposed rule are to update the CFR reference and clarify the department's authority related to 40 CFR part 60 and proper reporting procedures.

This proposed rule meets the exceptions listed in R.S. 30:2019(D)(3) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

**Title 33**

**ENVIRONMENTAL QUALITY**

**Part III. Air**

**Chapter 5. Permit Procedures**

**§509. Prevention of Significant Deterioration**

\* \* \*

[See Prior Text in A-A.2]

B. Definitions. For the purpose of this Part the terms below shall have the meaning specified herein as follows:

\* \* \*

[See Prior Text]

*Reconstruction*—will be presumed to have taken place where the fixed capital cost of the new component exceeds 50 percent of the fixed capital cost of a comparable entirely new source. Any final decision as to whether reconstruction has occurred must be made in accordance with the provisions of 40 CFR 60.15(f).(1)-(3), as incorporated by reference in LAC 33:III.Chapter 30.

\* \* \*

[See Prior Text in B. Secondary Emissions-S.4]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

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 14:348 (June 1988), LR 16:613 (July 1990), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:478 (May 1991), LR 21:170 (February 1995), LR 22:339 (May 1996), LR 23:1677 (December 1997), LR 24:

**Chapter 15. Emission Standards for Sulfur Dioxide**  
**§1503. Emission Limitations**

As used in this Section a *three-hour average* means the average emissions for any three consecutive one-hour periods (each commencing on the hour), provided that the number of three-hour periods during which the SO<sub>2</sub> limitation is exceeded is not greater than the number of one-hour periods during which the SO<sub>2</sub> limitation is exceeded.

A. Sulfuric Acid Plants—New and Existing. The emissions of sulfur dioxide and acid mist from new sulfuric acid production units that commence construction or modification after August 17, 1971, shall be limited to that specified in 40 CFR 60.82 and 60.83, as incorporated by reference in LAC 33:III.Chapter 30, i.e., 4.0 pounds/ton of 100 percent H<sub>2</sub>SO<sub>4</sub> (2 kilograms/metric ton) and 0.15 pounds/ton of 100 percent H<sub>2</sub>SO<sub>4</sub> (.075 kilograms/metric ton) respectively (three-hour averages). Emissions from existing units shall be limited as follows: SO<sub>2</sub>—not more than 2000 ppm by volume (three-hour average); acid mist—not more than 0.5 pounds/ton of 100 percent H<sub>2</sub>SO<sub>4</sub> (three-hour average).

B. Sulfur Recovery Plants—New and Existing. The emission of sulfur oxides calculated as sulfur dioxide from a new sulfur recovery plant that commences construction or modification after October 4, 1976, shall be limited to that specified in 40 CFR 60.104(a)(2), as incorporated by reference in LAC 33:III.Chapter 30. The emission of sulfur oxides calculated as sulfur dioxide from an existing plant shall be limited to a sulfur dioxide concentration of not more than 1,300 ppm by volume (three-hour average).

\* \* \*

[See Prior Text in C-Table 4]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

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 by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 18:374 (April 1992), LR 22:1212 (December 1996), LR 23:1677 (December 1997), LR 24:

**§1507. Exceptions**

A. Start-up Provisions

1. A four-hour (continuous) start-up exemption from the emission limitations of LAC 33:III.1503.A may be authorized by the administrative authority for plants not subject to 40 CFR 60.82 and 60.83, as incorporated by reference in LAC 33:III.Chapter 30, that have been shut down. A report, in writing, explaining the conditions and duration of the start-up and listing the steps necessary to remedy, prevent, and limit the excess emission shall be submitted to the administrative authority within seven calendar days of the occurrence.

\* \* \*

[See Prior Text in A.2-B]

1. A four-hour (continuous) exemption from emission limitations of LAC 33:III.1503.A may be extended by the administrative authority to plants not subject to 40 CFR 60.82 and 60.83, as incorporated by reference in LAC 33:III.Chapter 30, where upsets have caused excessive emissions and on-line operating changes will eliminate a temporary condition. A report, in writing, explaining the conditions and duration of the upset and listing the steps necessary to remedy, prevent, and limit the excess emission shall be submitted to the administrative authority within seven calendar days of the occurrence.

\* \* \*

[See Prior Text in B.2-C]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

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 by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 18:375 (April 1992), LR 23:1678 (December 1997), LR 24:

**Chapter 21. Control of Emission of Organic Compounds**

**Subchapter A. General**

**§2108. Marine Vapor Recovery**

\* \* \*

[See Prior Text in A-E.1.b]

2. Vapor processing systems utilizing a flare stack to destruct the collected VOCs will be exempt from testing and must be designed and operated in accordance with 40 CFR 60.482-10(d), as incorporated by reference in LAC 33:III.Chapter 30.

\* \* \*

[See Prior Text in E.3-H.2]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 14:704 (October 1988), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 16:959 (November 1990), LR 22:1212 (December 1996), LR 23:1678 (December 1997), LR 24:

**§2122. Fugitive Emission Control for Ozone Nonattainment Areas**

\* \* \*

[See Prior Text in A-A.5]

6. Applicable facilities as defined in Subsection A.1 of this Section, which are subject to New Source Performance Standards, 40 CFR 60.480-489 (Subpart VV), 60.590-593 (Subpart GGG), 60.630-636 (Subpart KKK), or 61.240-247 (Subpart V), as incorporated by reference in LAC 33:III.Chapter 30, may become exempt from this Section by:

a. submitting a written notice to the administrative authority\* informing them of the facility's request to become exempt from this Section and how 40 CFR 60.480-489 (Subpart VV), 60.590-593 (Subpart GGG), 60.630-636 (Subpart KKK), or 61.240-247 (Subpart V), as incorporated by reference in LAC 33:III.Chapter 30, will be administered to obtain that exemption;

b. applying 40 CFR 60.480-489 (Subpart VV), 60.590-593 (Subpart GGG), 60.630-636 (Subpart KKK), or 61.240-247 (Subpart V), as incorporated by reference in LAC 33:III.Chapter 30, to leak limitations specified in Subsection C.1 of this Section rather than 10,000 ppm as specified in 40 CFR 60.480-489 (Subpart VV), 60.590-593 (Subpart GGG), 60.630-636 (Subpart KKK), or 61.240-247 (Subpart V), as incorporated by reference in LAC 33:III.Chapter 30;

c. including connectors as leak sources monitored and repaired using the restrictions in 40 CFR 60.480-489 (Subpart VV), 60.590-593 (Subpart GGG), 60.630-636 (Subpart KKK), or 61.240-247 (Subpart V), as incorporated by reference in LAC 33:III.Chapter 30, which apply to valves; and

d. increasing monitoring frequency only when the leaking sources monitored and repaired using the restrictions in 40 CFR 60.480-489 (Subpart VV), 60.590-593 (Subpart GGG), 60.630-636 (Subpart KKK), or 61.240-247 (Subpart V), as incorporated by reference in LAC 33:III.Chapter 30, which apply to valves, equal or exceed 2 percent of the valves monitored at or above 10,000 ppm.

\* \* \*

[See Prior Text in B-C.1.c]

d. Any pump or valve in heavy liquid service observed leaking by sight, sound, or smell shall be monitored within five days by the method specified in 40 CFR part 60, appendix A (Method 21), as incorporated by reference in LAC 33:III.Chapter 30. If the pump or valve is determined to be leaking in excess of the applicable limits given in this Subsection, it shall be repaired according to Subsection C.3 of this Section.

\* \* \*

[See Prior Text in C.2-G.6]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:1102 (October 1994), repromulgated LR 20:1279 (November 1994), amended LR 22:1129 (November 1996), LR 22:1212 (December 1996), repromulgated LR 23:197 (February 1997), amended LR 23:1678 (December 1997), LR 24:22 (January 1998), LR 24:

## **Subchapter B. Organic Solvents**

### **§2123. Organic Solvents**

\* \* \*

[See Prior Text in A-E.5]

6. Performance test procedures described in 40 CFR 60.444, as incorporated by reference in LAC 33:III.Chapter 30;

\* \* \*

[See Prior Text in E.7-G. Repair and Maintenance Thermoplastic Coating]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

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 16:119 (February 1990), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:654 (July 1991), LR 18:1122 (October 1992), LR 22:340 (May 1996), LR 22:1212 (December 1996), LR 23:1678 (December 1997), LR 24:23 (January 1998), LR 24:

## **Subchapter J. Limiting Volatile Organic Compound (VOC) Emissions from Reactor Processes and Distillation Operations in the Synthetic Organic Chemical Manufacturing Industry (SOCMI)**

### **§2147. Limiting VOC Emissions from SOCMI Reactor Processes and Distillation Operations**

\* \* \*

[See Prior Text in A-D.2]

3. The following methods in 40 CFR part 60, appendix A, as incorporated by reference in LAC 33:III.Chapter 30, shall be used to demonstrate compliance with the emission limit or percent reduction efficiency requirement listed in Subsection C.1.a of this Section.

\* \* \*

[See Prior Text in D.3.a-e]

4. When a flare is used to comply with the control requirements of this Subchapter, the flare shall comply with the requirements of 40 CFR 60.18, as incorporated by reference in LAC 33:III.Chapter 30.

\* \* \*

[See Prior Text in D.5-Figure 1]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:380 (April 1995), amended LR 22:1212 (December 1996), LR 23:1508 (November 1997), LR 23:1510 (November 1997), LR 23:1679 (December 1997), LR 24:

### **§2160. Procedures**

The following are Procedures F.1, F.2, G.1, G.2, L, and T to be used with the test protocols above:

\* \* \*

[See Prior Text in A-A.4.c.i.(d)]

d. Alternative Procedure. The direct interface sampling and analysis procedure described in 40 CFR part 60, appendix A, Method 18, 7.2-7.2.5, as incorporated by reference in LAC 33:III.Chapter 30, may be used to determine the gas VOC concentration. The system must be designed to collect and analyze at least one sample every 10 minutes.

\* \* \*

[See Prior Text in A.5-C.4.c.iv]

d. Alternative Procedure. The direct interface sampling and analysis procedure described in 40 CFR part 60, appendix A, Method 18, 7.2-7.2.5, as incorporated by reference in LAC 33:III.Chapter 30, may be used to determine the gas VOC concentration. The system must be designed to collect and analyze at least one sample every 10 minutes.

\* \* \*

[See Prior Text in C.5-D.4.c.iv]

d. Alternative Procedure. The direct interface sampling and analysis procedure described in 40 CFR part 60, appendix A, Method 18, 7.2-7.2.5, as incorporated by reference in LAC 33:III.Chapter 30, may be used to determine the gas VOC concentration. The system must be designed to collect and analyze at least one sample every 10 minutes.

\* \* \*

[See Prior Text in D.5-F.6.b.iii]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:653 (July 1991), amended LR 22:1212 (December 1996), LR 23:1680 (December 1997), LR 24:

**Chapter 23. Control of Emissions for Specific Industries<sup>1</sup>**

**Subchapter D. Nitric Acid Industry**

**§2307. Emission Standards for the Nitric Acid Industry**

\*\*\*

[See Prior Text in A-C.1]

a. A four-hour start-up exemption from emission regulations may be authorized by the administrative authority for plants not subject to 40 CFR part 60, subpart G, as incorporated by reference in LAC 33:III.Chapter 30, which have been shut down. It is recognized that existing nitrogen oxide abatement equipment is effective only at normal operating temperatures. This provision allows the necessary time to bring up a facility from a cold start to near steady state condition. A report, in writing, explaining the conditions and duration of the start-up and listing the steps necessary to remedy, prevent, and limit the excess emissions, shall be submitted to the administrative authority within seven calendar days of the occurrence.

\*\*\*

[See Prior Text in C.1.b-C.2]

a. A four-hour exemption from emission regulations may be extended by the administrative authority to plants not subject to 40 CFR part 60, subpart G, as incorporated by reference in LAC 33:III.Chapter 30, where upsets have caused excessive emissions and on-line operating changes will eliminate a temporary condition. A report, in writing, explaining the conditions and duration of the upset and listing the steps necessary to remedy, prevent, and limit the excess emissions shall be submitted to the administrative authority within seven calendar days of the occurrence.

\*\*\*

[See Prior Text in C.2.b-H.2]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

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 by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:1680 (December 1997), LR 24:

**Chapter 25. Miscellaneous Incineration Rules**

**Subchapter B. Biomedical Waste Incinerators**

**§2511. Standards of Performance for Biomedical Waste Incinerators**

\*\*\*

[See Prior Text in A-A.2]

B. Definitions. The words and terms used in this Subchapter are defined in LAC 33:III.Chapter 51, and LAC 33:III.111 and 40 CFR 60.2, as incorporated by reference in LAC 33:III.Chapter 30, unless otherwise specifically defined as follows:

\*\*\*

[See Prior Text in B. Antineoplastic Agents-L]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of

Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:1098 (October 1994), amended LR 21:1081 (October 1995), LR 22:1212 (December 1996), LR 23:1680 (December 1997), LR 24:

**Chapter 30. Standards of Performance for New Stationary Sources (NSPS)**

**Subchapter A. Incorporation by Reference (IBR)**

**§3003. BR 40 Code of Federal Regulations (CFR) Part 60**

A. Except as modified in this Section, regulations at 40 CFR part 60 as revised July 1, 1997, and specified below in Tables 1 and 1.A are hereby incorporated by reference as they apply to the State of Louisiana.

Table 1. 40 CFR Part 60	
40 CFR Part 60 Subpart	Subpart Heading
*** [See Prior Text in A-Ca]	
Cb	Emissions Guidelines and Compliance Schedules for Municipal Waste Combustors That Are Constructed on or Before December 19, 1995
Cc	Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills
Cd	Emissions Guidelines and Compliance Times for Sulfuric Acid Production Units
D	Standards of Performance for Fossil-Fuel-Fired Steam Generators for Which Construction Is Commenced After August 17, 1971
*** [See Prior Text in Da-K]	
Ka	Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984
Kb	Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced after July 23, 1984
*** [See Prior Text in L-M]	
N	Standards of Performance for Primary Emissions from Basic Oxygen Process Furnaces for Which Construction is Commenced After June 11, 1973
*** [See Prior Text in Na-X]	
Y	Standards of Performance for Coal Preparation Plants
*** [See Prior Text in Z-LL]	
MM	Standards of Performance for Automobile and Light-Duty Truck Surface Coating Operations
*** [See Prior Text in NN-SS]	
TT	Standards of Performance for Metal Coil Surface Coating
*** [See Prior Text in UU-MMM]	

NNN	Standards of Performance for Volatile Organic Compound (VOC) Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations
* * *	
[See Prior Text in OOO-WWW]	

\* \* \*

[See Prior Text in Table 1.A. 40 CFR Part 60 Appendices]

B. Final regulations published in the *Federal Register* on September 15, 1997, and specified below in Table 2, are hereby incorporated by reference as they apply to the State of Louisiana.

Table 2. 40 CFR Part 60			
40 CFR Part 60 Subpart/Appendix	Subpart Heading/Appendix	Federal Register Citation	Date Promulgated
Subpart A	General Provisions	62 FR 48379	September 15, 1997
* * *			
[See Prior Text in Subpart Ce-Subpart Ec]			

C. Corrective modification and clarification are made as follows:

1. whenever the referenced regulations (i.e., 40 CFR part 60) provide authority to "the Administrator," such authority in accordance with these regulations shall be exercised by the assistant secretary of the Office of Air Quality and Radiation Protection subject to continuing supervision by the secretary, notwithstanding any authority exercised by the U.S. Environmental Protection Agency (EPA). Reports, notices, or other documentation required by the referenced regulations (i.e., 40 CFR part 60) to be provided to "the Administrator" shall be provided to the Office of Air Quality and Radiation Protection where the state is designated authority by EPA as "the Administrator" or shall be provided to the Office of Air Quality and Radiation Protection and EPA where EPA retains authority as "the Administrator";

2. 40 CFR Part 60 Subpart A, Section 60.4 (b)(T), to read as follows: State of Louisiana: Program Administrator, Air Quality Division, Louisiana Department of Environmental Quality, Post Office Box 82135, Baton Rouge, Louisiana 70884-2135; and

3. the availability to the public of information provided to or otherwise obtained by the state under this Chapter shall be governed by LAC 33:I.501-509.

\* \* \*

[See Prior Text in D]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 22:1212 (December 1996), amended LR 23:1681 (December 1997), LR 24:

A public hearing will be held on June 24, 1998, at 1:30 p.m. in the Maynard Ketcham Building, Room 326, 7290 Bluebonnet Boulevard, Baton Rouge, LA 70810. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Patsy Deaville at the address given below or at (504) 765-0399.

All interested persons are invited to submit written comments on the proposed regulations. Commentors should reference this proposed regulation by AQ171\*. Such comments must be received no later than June 24, 1998, at 4:30 p.m., and should be sent to Patsy Deaville, Investigations and Regulation Development Division, Box 82282, Baton Rouge, LA 70884 or to FAX (504) 765-0486. The comment period for this rule ends on the same date as the public hearing. Copies of this proposed regulation can be purchased at the above referenced address. Contact the Investigations and Regulation Development Division at (504) 765-0399 for pricing information. Check or money order is required in advance for each copy of AQ171\*.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA 70810; 804 Thirty-First Street, Monroe, LA 71203; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 3519 Patrick Street, Lake Charles, LA 70605; 3501 Chateau Boulevard, West Wing, Kenner, LA 70065; 100 Asma Boulevard, Suite 151, Lafayette, LA 70508; or on the Internet at <http://www.deq.state.la.us/olae/irdd/olaeregs.htm>.

Gus Von Bodungen  
Assistant Secretary

9805#040

## NOTICE OF INTENT

### Department of Environmental Quality Office of Waste Services Hazardous Waste Division

Universal Waste  
(LAC 33:V.105,305,1501,2201 and Chapter 38)  
(HW059)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Hazardous Waste Division regulations, LAC 33:V.Chapters 1, 3, 15, 22, and 38 (HW059).

This proposed rule will allow waste antifreeze and fluorescent lamps to be handled as universal wastes rather than hazardous wastes. As this change will facilitate recycling, regulating these items as universal wastes is more cost-effective and environmentally beneficial. The basis for this rule is to utilize LAC 33:V.Chapter 38. The rationale is to improve implementation of the hazardous waste program by regulating potentially hazardous waste antifreeze and

fluorescent lamps as universal wastes instead of as hazardous wastes. This is expected to improve the management practices for these wastes by increasing the likelihood that the wastes will be diverted from nonhazardous and hazardous waste management systems to recycling.

This proposed rule meets the exceptions listed in R.S. 30:2019 (D) (3) and R.S.49:953 (G) (3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

### **Title 33**

## **ENVIRONMENTAL QUALITY**

### **Part V. Hazardous Waste and Hazardous Materials**

#### **Subpart 1. Department of Environmental Quality—Hazardous Waste**

#### **Chapter 1. General Provisions and Definitions**

##### **§105. Program Scope**

These rules and regulations apply to owners and operators of all facilities that generate, transport, treat, store, or dispose of hazardous waste, except as specifically provided otherwise herein. The procedures of these regulations also apply to denial of a permit for the active life of a hazardous waste management facility or TSD unit under LAC 33:V.706. Definitions appropriate to these rules and regulations, including *solid waste* and *hazardous waste*, appear in LAC 33:V.109. Those wastes which are excluded from regulation are found in this Section.

\* \* \*

[See Prior Text in A-D.7.a]

- b. pesticides as described in LAC 33:V.3805;
- c. thermostats as described in LAC 33:V.3807;
- d. lamps as described in LAC 33:V.3809; and
- e. antifreeze as described in LAC 33:V.3811.

\* \* \*

[See Prior Text in E-N.5]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 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 10:496 (July 1984), LR 11:1139 (December 1985), LR 12:319 (May 1986), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 13:651 (November 1987), LR 14:790 (November 1988), LR 15:181 (March 1989), LR 16:47 (January 1990), LR 16:217 (March 1990), LR 16:220 (March 1990), LR 16:398 (May 1990), LR 16:614 (July 1990), LR 17:362 (April 1991), LR 17:368 (April 1991), LR 17:478 (May 1991), LR 17:883 (September 1991), LR 18:723 (July 1992), LR 18:1256 (November 1992), LR 18:1375 (December 1992), amended by the Office of the Secretary, LR 19:1022 (August 1993), amended by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 20:1000 (September 1994), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:813 (September 1996), LR 22:831 (September 1996), amended by the Office of the Secretary, LR 23:298 (March 1997), amended by the Office of Solid And Hazardous Waste, Hazardous Waste Division, LR 23:564 (May 1997), LR 23:567 (May 1997), LR 23:721 (June 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:952 (August 1997), LR 23:1511 (November 1997), LR 24:298 (February 1998), LR 24:

### **Chapter 3. General Conditions for Treatment, Storage, and Disposal Facility Permits**

#### **§305. Scope of the Permit**

\* \* \*

[See Prior Text in A-C.11.a]

- b. pesticides as described in LAC 33:V.3805;
- c. thermostats as described in LAC 33:V.3807;
- d. lamps as described in LAC 33:V.3809; and
- e. antifreeze as described in LAC 33:V.3811.

\* \* \*

[See Prior Text in D-G.3]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 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 10:496 (July 1984), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 16:220 (March 1990), LR 16:614 (July 1990), LR 17:658 (July 1991), LR 20:1000 (September 1994), LR 20:1109 (October 1994), LR 21:944 (September 1995), LR 23:567 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:

#### **Chapter 15. Treatment, Storage, and Disposal Facilities**

##### **§1501. Applicability**

\* \* \*

[See Prior Text in A-C.11.a]

- b. pesticides as described in LAC 33:V.3805;
- c. thermostats as described in LAC 33:V.3807;
- d. lamps as described in LAC 33:V.3809; and
- e. antifreeze as described in LAC 33:V.3811.

\* \* \*

[See Prior Text in D-G]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 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 18:1256 (November 1992), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 23:565 (May 1997), LR 23:568 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:

#### **Chapter 22. Prohibitions on Land Disposal**

##### **Subchapter A. Land Disposal Restrictions**

##### **§2201. Purpose, Scope, and Applicability**

\* \* \*

[See Prior Text in A-I.5.a]

- b. pesticides as described in LAC 33:V.3805;
- c. thermostats as described in LAC 33:V.3807;
- d. lamps as described in LAC 33:V.3809; and
- e. antifreeze as described in LAC 33:V.3811.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 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 16:398 (May 1990), LR 16:1057 (December 1990), LR 17:658 (July 1991), LR 18:723 (July 1992), LR 21:266 (March 1995), LR 22:22

(January 1996), LR 23:568 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:300 (February 1998), LR 24:

## **Chapter 38. Universal Wastes**

### **Subchapter A. General**

#### **§3801. Scope and Applicability**

A. This Chapter establishes requirements for managing batteries, pesticides, thermostats, lamps, and antifreeze as described in LAC 33:V.3813. This Chapter provides an alternative set of management standards in lieu of regulations under this Subpart.

\* \* \*

[See Prior Text in B - C]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:568 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:

#### **§3809. Applicability—Lamps**

A. Lamps Covered Under this Chapter. The requirements for this Chapter apply to persons managing lamps as described in LAC 33:V.3813, except those listed in Subsection B of this Section.

B. Lamps Not Covered Under this Chapter. The requirements of this Chapter do not apply to persons managing the following lamps:

1. lamps that are not yet wastes under LAC 33:V.Chapter 49. Subsection C of this Section describes when lamps become wastes; and

2. lamps that are not hazardous waste. A lamp is a hazardous waste if it exhibits one or more of the characteristics identified in LAC 33:V.4903.

C. Generation of Waste Lamps

1. The date a used lamp becomes a waste is the date the generator permanently removes it from its fixture.

2. The date an unused lamp becomes a waste is the date the generator discards it.

3. A waste lamp is a hazardous waste if it exhibits one or more of the characteristics identified in LAC 33:V.4903.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Waste Services, Hazardous Waste Division, LR 24:

#### **§3811. Applicability—Antifreeze**

A. Antifreeze Covered Under this Chapter. The requirements for this Chapter apply to persons managing antifreeze as described in LAC 33:V.3813, except those listed in Subsection B of this Section.

B. Antifreeze Not Covered Under this Chapter. The requirements of this Chapter do not apply to persons managing the following antifreeze:

1. antifreeze that is not yet a waste under LAC 33:V.Chapter 49. Subsection C of this Section describes when antifreeze becomes a waste; and

2. antifreeze that is not yet a hazardous waste. Antifreeze is a hazardous waste if it exhibits one or more of the characteristics identified in LAC 33:V.4903.

C. Generation of Waste Antifreeze

1. Used or unused antifreeze becomes a waste on the

date it is discarded (e.g., when sent for reclamation).

2. Waste antifreeze is a hazardous waste if it exhibits one or more of the characteristics identified in LAC 33:V.4903.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Waste Services, Hazardous Waste Division, LR 24:

#### **§3813. Definitions**

*Antifreeze*—an ethylene glycol based mixture that lowers the freezing point of water and is used as an engine coolant.

\* \* \*

[See Prior Text]

*Lamp*—the bulb or tube portion of a lighting device specifically designed to produce radiant energy, most often in the ultraviolet (UV), visible, and infra-red (IR) regions of the electromagnetic spectrum. Examples of common electric lamps include, but are not limited to, incandescent, fluorescent, high intensity discharge, and neon lamps.

*Large Quantity Handler of Universal Waste*—a universal waste handler (as defined in this Section) who accumulates 5,000 kilograms or more total of universal waste (batteries, pesticides, thermostats, lamps, or antifreeze, calculated collectively) at any time. This designation as a large quantity handler of universal waste is retained through the end of the calendar year in which 5,000 kilograms or more total of universal waste is accumulated.

*Mercury-Containing Lamp*—an electric lamp in which mercury is purposely introduced by the manufacturer for the operation of the lamp.

\* \* \*

[See Prior Text]

*Small Quantity Handler of Universal Waste*—a universal waste handler (as defined in this Section) who does not accumulate more than 5,000 kilograms total of universal waste (batteries, pesticides, thermostats, lamps, or antifreeze, calculated collectively) at any time.

\* \* \*

[See Prior Text]

*Universal Waste*—any of the following hazardous wastes that are subject to the universal waste requirements of this Chapter:

1. batteries as described in LAC 33:V.3803;
2. pesticides as described in LAC 33:V.3805;
3. thermostats as described in LAC 33:V.3807;
4. lamps as described in LAC 33:V.3809; and
5. antifreeze as described in LAC 33:V.3811.

\* \* \*

[See Prior Text]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:570 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:

### **Subchapter B. Standards for Small Quantity Handlers of Universal Waste**

#### **§3821. Waste Management**

\* \* \*

[See Prior Text in A-C.3.b]

D. Universal Waste Lamps. A small quantity handler of universal waste must manage universal waste lamps in a way that prevents releases of any universal wastes or a component of any universal waste to the environment, as follows:

1. a small quantity handler of universal waste must contain unbroken lamps in packaging that will minimize breakage during normal handling conditions; and

2. a small quantity handler of universal waste must contain broken lamps in packaging that will minimize the releases of lamp fragments and residues.

E. Universal Waste Antifreeze. A small quantity handler of universal waste must manage universal waste antifreeze in a way that prevents releases of any universal waste or component of a universal waste to the environment. The universal waste antifreeze must be contained in one or more of the following:

1. a container that remains closed, structurally sound, and compatible with the antifreeze and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;

2. a container that does not meet the requirements of Subsection E.1 of this Section, provided that the unacceptable container is overpacked in a container that does meet the requirements of Subsection E.1 of this Section;

3. a tank that meets the requirements of LAC 33:V.1915.C; or

4. a transport vehicle or vessel that is closed, structurally sound, and compatible with the antifreeze and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:571 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:

### §3823. Labeling/Marking

A small quantity handler of universal waste must label or mark the universal waste to identify the type of universal waste as specified below:

\* \* \*

[See Prior Text in A.1-4]

5. universal waste lamps (i.e., each lamp), or a container in which the lamps are contained, must be labeled or marked clearly with any one of the following phrases: "Universal Waste - Lamps," or "Waste Lamps," or "Used Lamps;"

6. universal waste antifreeze, or a container in which the antifreeze is contained, must be labeled or marked clearly with any one of the following phrases: "Universal Waste - Antifreeze," or "Waste Antifreeze," or "Used Antifreeze."

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:572 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:

## Subchapter C. Standards for Large Quantity Handlers of Universal Waste

### §3841. Notification

\* \* \*

[See Prior Text in A-B.3]

4. a list of all of the types of universal waste managed by the handler (e.g, batteries, pesticides, thermostats, lamps, antifreeze); and

5. a statement indicating that the handler is accumulating more than 5,000 kilograms of universal waste at one time and the types of universal waste (e.g, batteries, pesticides, thermostats, lamps, antifreeze) the handler is accumulating above this quantity.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:574 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:

### §3843. Waste Management

\* \* \*

[See Prior Text in A-C.3.b]

D. Universal Waste Lamps. A large quantity handler of universal waste must manage universal waste lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

1. a large quantity handler of universal waste must contain unbroken lamps in packaging that will minimize breakage during normal handling conditions; and

2. a large quantity handler of universal waste must contain broken lamps in packaging that will minimize the releases of lamp fragments and residues.

E. Universal Waste Antifreeze. A large quantity handler of universal waste must manage universal waste antifreeze in a way that prevents releases of any universal waste or component of a universal waste to the environment. The universal waste antifreeze must be contained in one or more of the following:

1. a container that remains closed, structurally sound, and compatible with the antifreeze and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;

2. a container that does not meet the requirements of Subsection E.1 of this Section, provided that the unacceptable container is overpacked in a container that does meet the requirements of Subsection E.1 of this Section;

3. a tank that meets the requirements of LAC 33:V.Chapter 19, except for LAC 33:V.1915.C;

4. a transport vehicle or vessel that is closed, structurally sound, and compatible with the antifreeze and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:574 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:

### §3845. Labeling/Marking

A large quantity handler of universal waste must label or mark the universal waste to identify the type of universal waste as specified below:

\* \* \*

[See Prior Text in A.1-4]

5. Universal waste lamps (i.e., each lamp), or a container in which the lamps are contained, must be labeled or

marked clearly with any one of the following phrases: "Universal Waste - Lamps," or "Waste Lamps," or "Used lamps."

6. Universal waste antifreeze, or a container in which the antifreeze is contained, must be labeled or marked clearly with any one of the following phrases: "Universal Waste - Antifreeze," or "Waste Antifreeze," or "Used Antifreeze."

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:575 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:

#### **§3855. Tracking Universal Waste Shipments**

\* \* \*

[See Prior Text in A-A.1]

2. the quantity of each type of universal waste received (e.g., batteries, pesticides, thermostats, lamps, antifreeze); and

\* \* \*

[See Prior Text in A.3-B.1]

2. the quantity of each type of universal waste sent (e.g., batteries, pesticides, thermostats, lamps, antifreeze); and

\* \* \*

[See Prior Text in B.3-C.2]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:576 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:

#### **Subchapter E. Standards for Destination Facilities**

#### **§3877. Tracking Universal Waste Shipments**

\* \* \*

[See Prior Text in A-A.1]

2. the quantity of each type of universal waste received (e.g., batteries, pesticides, thermostats, lamps, antifreeze); and

\* \* \*

[See Prior Text in A.3-B]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:578 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:

A public hearing will be held on June 24, 1998, at 1:30 p.m. in the Maynard Ketcham Building, Room 326, 7290 Bluebonnet Boulevard, Baton Rouge, LA 70810. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Patsy Deaville at the address given below or at (504) 765-0399.

All interested persons are invited to submit written comments on the proposed regulations. Commentors should reference this proposed regulation by HW059. Such comments must be received no later than July 1, 1998, at 4:30 p.m., and should be sent to Patsy Deaville, Investigations and Regulation Development Division, Box 82282, Baton Rouge, LA 70884 or to FAX (504) 765-0486. Copies of this proposed regulation can be purchased at the above referenced address.

You may contact the Investigations and Regulation Development Division at (504) 765-0399 for pricing information. Check or money order is required in advance for each copy of HW059.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA 70810; 804 Thirty-first Street, Monroe, LA 71203; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 3519 Patrick Street, Lake Charles, LA 70605; 3501 Chateau Boulevard, West Wing, Kenner, LA 70065; 100 Asma Boulevard, Suite 151, Lafayette, LA 70508; or on the Internet at <http://www.deq.state.la.us/olae/irdd/olaeregs.htm>.

H. M. Strong  
Assistant Secretary

#### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Universal Waste**

##### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

No significant costs to state or local governments are anticipated as a result of the implementation of this rule.

##### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There should be no significant effect on current revenue collections of state or local governments as a result of this rule.

##### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

Generators of waste fluorescent lamps and antifreeze will benefit to the extent that they avoid the additional costs of hazardous waste regulation including fees and the hazardous waste disposal tax.

##### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

Adoption of this rule will ease the regulatory burden on industry. Competition will not be significantly affected since all parties must follow the same rules. Employment in the regulated industries will not be affected much since, in this case, the environmental compliance costs are a small part of total business costs. Employment in the recycling industry will be stimulated as the proposed rule will encourage recycling.

H.M. Strong  
Assistant Secretary  
9805#035

Richard W. England  
Assistant to the  
Legislative Fiscal Officer

#### **NOTICE OF INTENT**

#### **Louisiana Lottery Corporation**

On-Line Lottery Games (LAC 42:XV.105)

The Louisiana Lottery Corporation in compliance with, and under authority of R.S. 49:950 et seq., and R.S. 47:9001 et seq., hereby gives notice of its intent to amend the rules and

regulations pertaining to the operations of on-line lottery games, in particular LAC 42:XV.105, to allow the Louisiana Lottery Corporation to offer the following on-line lottery games: "Cash Quest" and "Pick 4."

**Title 42**

**LOUISIANA GAMING**

**Part XV. Lottery**

**Chapter 1. On-Line Lottery Games**

**§105. General Provisions**

A. These game rules authorize the corporation to offer the following on-line lottery games.

1. Pick 3 Daily Game. An on-line numbers game permitting a player to choose a three-digit number, the winner being determined by a drawing.

2. Lotto. An on-line lotto game permitting a player a choice of six numbers out of a specified field of numbers, the winner being determined by a drawing.

3. Easy 5. An on-line lotto game permitting a player a choice of five numbers out of a specified field of numbers, the winner being determined by a drawing.

4. Cash Quest. An on-line lotto game providing a player multiple sets of four numbers out of a specified field of numbers, the winner being determined by a drawing.

5. Pick 4 Game. An on-line numbers game permitting a player to choose a four-digit number, the winner being determined by a drawing.

B. Introduction of a new on-line lottery game may only be accomplished by amendment of these game rules to include the game as an authorized game. These game rules shall apply to the on-line lottery games listed in this Section. The detailed information regarding each on-line game will be contained in a game directive promulgated by the president. The game directive must be signed by the president prior to the start of the game. Each game directive will be distributed and posted at every corporation office and will be available for public inspection during the sales period of the particular game.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:9001 et seq.

HISTORICAL NOTE: Adopted by the Louisiana Lottery Corporation on October 22, 1992 and promulgated in *The Advocate* November 3, 1992, amended October 21, 1994, promulgated in *The Advocate* October 28, 1994, repromulgated LR 23:63 (January 1997), amended LR 24:

All interested persons are invited to submit written comments on the proposed regulations. Such comments should be submitted no later than June 25, 1998, at 9 a.m., to John Carruth, Louisiana Lottery Corporation, Box 90008, Baton Rouge, LA 70879.

A public hearing will be held on June 26, 1998 at 9 a.m., at the offices of the Louisiana Lottery Corporation, 11200 Industriplex Boulevard, Suite 190, Baton Rouge, LA. Interested persons are invited to attend and submit oral comments on the proposed amendments.

Charles R. Davis  
President

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: On-Line Lottery Games**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO**

**STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The Louisiana Lottery Corporation (corporation) was created by R.S. 47:9000 et seq. and exists as a quasi-public corporation. All costs of the corporation are funded by revenue generated by the corporation. The direct costs associated with any on-line game operated by the corporation totals approximately 60.175 percent of sales, including prize expense (50.0 percent), retailer commissions (5.5 percent), and on-line vendor commissions (4.675 percent). With sales estimates for the new games of almost \$10 million for the fiscal year ending June 30, 1999 and over \$19 million for the fiscal year ending June 30, 2000, the direct expenses are projected to be \$6 million and \$11.5 million, respectively. The general and administrative costs associated with the new games are projected to be \$20,000 for the fiscal year ending June 30, 1999 with no increase in general or administrative costs in subsequent years. Attachment IV outlines all costs associated with the revenue from the proposed new games.

**Attachment IV**

	% to		% to		% to	
	FY 98-99	Revenue	FY 99-2000	Revenue	FY 2000-2001	Revenue
<b>Additional Revenue from</b>						
<b>the New Games</b>	<u>\$9,910,117</u>	<u>100.00%</u>	<u>\$19,072,300</u>	<u>100.00%</u>	<u>\$20,194,200</u>	<u>100.00%</u>
<b>Expenses</b>						
<b>Direct Operating Expenses</b>						
Prize Expense (50% of sales)	\$4,955,059	50.00%	\$9,536,150	50.00%	\$10,097,100	50.00%
Retailer Commissions (estimated @5.50% of sales)	545,056	5.50%	1,048,977	5.50%	1,110,681	5.50%
Online Vendor Commissions (estimated @4.675% of sales)	<u>\$463,298</u>	<u>4.675%</u>	<u>\$891,630</u>	<u>4.675%</u>	<u>\$944,079</u>	<u>4.675%</u>
<b>Total Direct Operating Expenses</b>						
<b>Expenses</b>	<u>\$5,963,413</u>	<u>60.175%</u>	<u>\$11,476,757</u>	<u>60.175%</u>	<u>\$12,151,860</u>	<u>60.175%</u>
<b>General Operating Expenses</b>						
Automated Drawing Machine Modifications	<u>\$20,000</u>	<u>0.20%</u>	<u>\$0</u>	<u>0.00%</u>	<u>\$0</u>	<u>0.00%</u>
<b>Total All Operating Expenses</b>						
<b>Expenses</b>	<u>\$5,983,413</u>	<u>60.38%</u>	<u>\$11,476,757</u>	<u>60.18%</u>	<u>\$12,151,860</u>	<u>60.18%</u>
<b>Required Transfer to the</b>						
State	<u>3,468,541</u>	<u>35.00%</u>	<u>6,675,305</u>	<u>35.00%</u>	<u>7,067,970</u>	<u>35.00%</u>
<b>Funds Used to Cover</b>						
<b>Overhead Costs of the Corporation</b>	<u>458,163</u>	<u>4.62%</u>	<u>920,238</u>	<u>4.83%</u>	<u>974,370</u>	<u>4.82%</u>

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

As required by R.S. 47:9029, the Louisiana Lottery Corporation transfers not less than 35 percent of gross revenues to the lottery proceeds fund in the state treasury. As a result of the introduction of the new games, sales are expected to increase by approximately \$10 million for the fiscal year ending June 30, 1999 and over \$19 million for the fiscal year ending June 30, 2000. The corresponding additional revenue to the lottery proceeds fund is estimated to be \$3.5 million for the fiscal year ending June 30, 1999 and \$6.7 million for the fiscal year ending June 30, 2000. Please note that the additional revenue is estimated based on the start dates of October 1998 for Cash

Quest and March 1999 for Pick 4. The first full year of sales will be the fiscal year ending June 30, 2000.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The corporation pays approximately 50 percent of sales as prizes, the remaining 50 percent is used to generate revenue to the state, compensate retailers, and fund the operations of the lottery. The distribution of each dollar received from the new games is shown in Attachment IV (above).

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The additional revenue from the new games will be generated from consumer's discretionary income. The specific effects on competition and employment cannot be determined.

Charles R. Davis  
President  
9805#034

Richard W. England  
Assistant to the  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Health and Hospitals  
Board of Dentistry**

Mobile Dental Clinics (LAC 46:XXXIII.312)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Dental Practice Act, R.S. 37:751 et seq., and particularly R.S. 37:760(8), notice is hereby given that the Department of Health and Hospitals, Board of Dentistry intends to enact LAC 46:XXXIII.312, Mobile Dental Clinics. No preamble has been prepared.

**Title 46**

**PROFESSIONAL AND OCCUPATIONAL  
STANDARDS**

**Part XXXIII. Dental Health Professions**

**Chapter 3. Dentists**

**§312. Mobile Dental Clinics**

A. Definition. *Mobile Dental Clinic* or *Mobile Dental Unit* means any self-contained facility in which dentistry will be practiced which may be moved, towed, or transported from one location to another.

B. Application for Permit. A licensed dentist who wishes to operate a mobile dental clinic shall apply to the board for a permit on an application form to be provided by the board and by providing evidence of compliance with the requirements of this section and paying all appropriate fees.

C. Exempt from the requirements of this rule are all federal, state, or local governmental agencies.

D. Requirements

1. The applicant shall certify that:

a. there is a written agreement for emergency follow-up care for patients treated in the mobile dental clinic and that such agreement includes identification of and arrangements for treatment in a dental facility which is permanently established in the immediate area. Such agreement shall be filed with the initial application and all subsequent renewals thereof;

b. the mobile dental clinic has communication facilities which will enable the operator thereof to contact necessary parties in the event of a medical or dental emergency;

c. the mobile dental clinic conforms to all applicable federal, state, and local laws, regulations, and ordinances dealing with radiographic equipment, flammability, construction, sanitation, zoning, and Federal Centers for Disease Control Guidelines and the applicant possesses all applicable parish and city licenses or permits to operate the unit.

2. The applicant shall maintain an official business or mailing address of record which shall not be a post office box and which shall be filed with the board. The board shall be notified within 30 days of any change in the address of record. All written or printed documents available from or issued by the mobile dental clinic shall contain the official address of record for the mobile dental clinic. When not in transit, all dental and official records shall be maintained at the official office address of record.

3. Each mobile dental clinic shall:

a. have ready access to a ramp or lift;

b. have a properly functioning sterilization system;

c. have ready access to an adequate supply of potable water, including hot water;

d. have ready access to toilet facilities;

e. have a covered galvanized, stainless steel, or other non-corrosive metal container for deposit of refuse and waste materials;

f. prominently display all applicable licenses and permits in compliance with LAC 46:XXXIII.104.

4. The applicant shall identify and advise the board within 30 days of any personnel change relative to all licensed dentists, dental hygienists, laboratory technicians, and auxiliary personnel associated with the mobile dental clinic by providing their full name, address, telephone numbers, and license numbers where applicable.

5. The applicant shall provide the exact street address or location of each and every place within this state where the mobile or movable dental office will provide dental services, and the dates and times such services will be provided at each location. This notification shall be updated within 10 days of any addition or deletion of a location and shall be sent to the board in writing.

E. Transferability. A permit to operate a mobile dental clinic is not transferable.

F. Renewal. A permit to operate a mobile dental clinic expires at the same time as the permit holder's dental license. The permit holder may apply for renewal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 24:

Interested persons may submit written comments on these proposed rules to C. Barry Ogden, Executive Director, Board of Dentistry, 1515 Poydras Street, Suite 1850, New Orleans, La 70112. Written comments must be submitted to and received by the Board within 60 days of this notice. A request pursuant to R.S. 49:953(A)(2) for oral presentation, argument,

or public hearing must be made in writing and received by the Board within 20 days of the date of this notice.

C. Barry Ogden  
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Mobile Dental Clinics**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
A cost of \$100 is estimated to implement this rule. Notification of this rule change will be provided to our licensees via newsletter and/or pamphlet which is already budgeted. Further, those dentists who are already identified as providing a mobile dentistry will be notified by regular U.S. Mail.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There will be no effect on revenue collections by the Board of Dentistry or any other state or local governmental unit.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)  
There will be no costs and/or economic benefit to directly affected persons or non-governmental groups. At present, there is no regulation concerning mobile dental clinics, and this rule is intended to bring those mobile dental clinics into compliance with all applicable federal, state, and local laws and regulations. As such, each mobile dental clinic may incur costs to bring them into compliance.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There will be no effect on competition and employment.

C. Barry Ogden  
Executive Director  
9805#014

Richard W. England  
Assistant to the  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Health and Hospitals  
Board of Medical Examiners**

Clinical Exercise Physiologists—Licensure  
(LAC 46:XLV.3741, 3743, and 3763)

Notice is hereby given, in accordance with R.S. 49:950 et seq., that the Louisiana State Board of Medical Examiners (Board) pursuant to the authority vested in the Board by the Louisiana Clinical Exercise Physiologists Licensing Act, R.S. 37:3421-3433, the Louisiana Medical Practice Act, R.S. 37:1270(B)(6), and in accordance with applicable provisions of the Administrative Procedure Act, proposes to amend its existing rules governing the licensure of clinical exercise physiologists, LAC 46:XLV, Subpart 2, Chapter 37, §§3741, 3743 and 3763, to implement and provide for the annual renewal of licensure on or before the first day of month in which the licensee was born. The proposed rule amendments, which are set forth below, add new Subsections B to §§3741 and 3743; amend §3743.C; and remove the word “calendar”

from §3763.B. All other provisions of the sections, some of which are re-lettered, remain as originally promulgated.

**Title 46  
PROFESSIONAL AND OCCUPATIONAL  
STANDARDS**

**Part XLV. Medical Professions  
Subpart 2. Licensure and Certification  
Chapter 37. Clinical Exercise Physiologists  
Subchapter E. Licensure Issuance, Expiration, Renewal  
and Termination**

**§3741. Expiration of License**

A. ...  
B. Notwithstanding the provisions of §3741.A, every license issued by the board under this Chapter to be effective on or after January 1, 1999, and each year thereafter, shall expire, and thereby become null, void and to no effect the following year on the first day of month in which the licensee was born.

C. The timely submission of an application for renewal of license shall operate to continue the expiring license in full force and effect pending the board's issuance or denial of issuance, of the renewal license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3421-3433 and R.S. 37:1270(A)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 23:405 (April 1997), amended LR 24:

**§3743. Renewal of License**

A. ...  
B. Notwithstanding the provisions of §3743.A, every license issued by the board under this Chapter to be effective on or after January 1, 1999, shall be renewed in the year 2000, and each year thereafter, on or before the first day of the month in which the licensee was born. Renewal fees shall be prorated if the license is to be effective for more than one year.

C. An application for renewal of license shall be mailed by the board to each person holding a license at least 30 days prior to the expiration of the license each year. Such form shall be mailed to the most recent address of each licensee as reflected in the official records of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3421-3433 and R.S. 37:1270(A)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 23:405 (April 1997), amended LR 24:

**Subchapter G. Continuing Professional Education  
§3763. Failure to Satisfy Continuing Professional  
Education Requirements**

A. ...  
1. - 3. ...  
B. The license of a clinical exercise physiologist which has expired by nonrenewal or has been revoked for failure to satisfy continuing professional education requirements of these rules may be reinstated by the board upon written application to the Board, accompanied by payment of the reinstatement fee prescribed by §3745.B hereof, together with documentation and certification that the applicant has, for each year since the date on which the applicant's license lapsed, expired or was revoked, completed an aggregate of 10 contact hours (1.0

CEU) of qualifying continuing professional education.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3421-3433 and R.S. 37:1270(A)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 23:405 (April 1997), amended LR 24:

Inquiries concerning the proposed amendments may be directed in writing to Delmar Rorison, Executive Director, Louisiana State Board of Medical Examiners, at the address set forth below.

Interested persons may submit data, views, arguments, information or comments on the proposed rule amendments, in writing, to the Louisiana State Board of Medical Examiners, 630 Camp Street, New Orleans, Louisiana 70130. Written comments must be submitted to and received by the Board within 60 days from the date of this notice. A request pursuant to R.S. 49:953(A)(2) for oral presentation, argument or public hearing must be made in writing and received by the Board within 20 days of the date of this notice.

Delmar Rorison  
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Clinical Exercise Physiologists —Licensure**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

It is not anticipated that the proposed rule amendments will result in any additional costs to the Board of Medical Examiners.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

It is not anticipated that the proposed rule amendments will have any effect on the board's revenue collections.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

It is not anticipated that the proposed rule amendments will have any adverse costs and/or economic impact on the affected licenses, as the proposed rule amendments will not result in any fee increase to such licensees. During the implementation year for the modified renewal cycle, licensure fees will be prorated to the licensees' birth month during the year 2000.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

It is not anticipated that the proposed rule amendments will have any significant impact on competition or employment in either the public or private sector.

Delmar Rorison  
Executive Director  
9805#057

Richard W. England  
Assistant to the  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Health and Hospitals  
Board of Medical Examiners**

**Occupational Therapists and Occupational  
Therapy Assistants—Licensure  
(LAC 46:XLV.1945, 1947, and 1975)**

Notice is hereby given, in accordance with R.S. 49:950 et seq., that the Louisiana State Board of Medical Examiners (Board), pursuant to the authority vested in the Board by the Louisiana Occupational Therapy Practice Act and the Medical Practice Act, R.S. 37:3012(A), (B) and 37:1270(B)(6), and the provisions of the Administrative Procedure Act, intends to amend its rules governing the licensure of occupational therapists and occupational therapy assistants, LAC 46:XLV, Subpart 2, Chapter 19, §§1945, 1947 and 1975, to implement and provide for the annual renewal of licensure on or before the first day of the month in which the licensee was born. The proposed rule amendments, which are set forth below, include new Subsections B in §§1945 and 1947, amend Subsection C of §1947 and remove the word "calendar" from §1975.B.1. All other provisions of the Sections, some of which are re-lettered, remain as originally promulgated.

**Title 46**

**PROFESSIONAL AND OCCUPATIONAL  
STANDARDS**

**Part XLV. Medical Professions**

**Subpart 2. Licensure and Certification**

**Chapter 19. Occupational Therapists and Occupational  
Therapy Assistants**

**Subchapter F. License Issuance, Termination, Renewal  
and Reinstatement**

**§1945. Expiration of License**

A. ...

B. Notwithstanding the provisions of §1945.A, every license issued by the board under this Chapter to be effective on or after January 1, 1999, and each year thereafter, shall expire, and thereby become null, void and to no effect the following year on the first day of the month in which the licensee was born.

C. The timely submission of an application for renewal of a license shall operate to continue the expiring license in full force and effect pending issuance of the renewal license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3001-3014 and R.S. 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 20:1003 (September 1994), LR 24:

**§1947. Renewal of License**

A. ...

B. Notwithstanding the provisions of §1947.A, every license issued by the board under this Subchapter to be

effective on or after January 1, 1999, shall be renewed in the year 2000, and each year thereafter, on or before the first day of the month in which the licensee was born. Renewal fees shall be prorated if the license is to be effective for more than one year.

C. An application for renewal of license form shall be mailed by the board to each person holding a license at least thirty days prior to the expiration date of the license each year. Such form shall be mailed to the most recent address of each licensee as reflected in the official records of the board.

D. The renewal of a license which has expired for 60 days or less may be renewed by submitting to the board an application for renewal upon forms supplied by the board together with the late renewal fee prescribed in Chapter 81 of these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3001-3014 and R.S. 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 20:1003 (September 1994), LR 24:

**Subchapter H. Continuing Professional Education**  
**§1975. Failure to Satisfy Continuing Professional Education Requirements**

A. ...

1. - 3. ...

B. The license of an occupational therapist or occupational therapy assistant whose license has expired by nonrenewal or has been revoked for failure to satisfy the continuing professional education requirements of these rules may be reinstated by the board upon written application to the board, accompanied by payment of a reinstatement fee, in addition to all other applicable fees and costs, of Fifty Dollars (\$50.00), together with documentation and certification that:

1. the applicant has, during each year since the date on which the applicant's license lapsed, expired, or was revoked, completed 12 contact hours (1.2 CEUs) of qualifying continuing professional education and the following additional continuing professional education, as applicable:

B.1.a. - 2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3012(B) and R.S. 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 20:1006 (September 1994), amended LR 24:

Inquiries concerning the proposed amendments may be directed, in writing, to: Delmar Rorison, Executive Director, Louisiana State Board of Medical Examiners, at the address set forth below.

Interested persons may submit data, views, arguments, information, or comments on the proposed rule amendments, in writing, to the Louisiana State Board of Medical Examiners, at 630 Camp Street, New Orleans, Louisiana, 70130. Written comments must be submitted to and received by the Board within 60 days from the date of this notice. A request pursuant to R.S. 49:953(A)(2) for oral presentation, argument, or public hearing must be made, in writing, and

received by the Board within 20 days of the date of this notice.

Delmar Rorison  
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT**  
**FOR ADMINISTRATIVE RULES**  
**RULE TITLE: Occupational Therapists and Occupational Therapy Assistants—Licensure**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is not anticipated that the proposed rule amendments will result in any additional costs to the Board of Medical Examiners.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is not anticipated that the proposed rule amendments will have any effect on the Board's revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

It is not anticipated that the proposed rule amendments will have any adverse costs and/or economic impact on the affected licensees, as the proposed rule amendments will not result in any fee increase to such licensees. During the implementation year for the modified renewal cycle, licensure fees will be prorated to the licensees' birth month during the year 2000.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is not anticipated that the proposed rule amendments will have any significant impact on competition or employment in either the public or private sector.

Delmar Rorison  
Executive Director  
9805#059

Richard W. England  
Assistant to the  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Health and Hospitals**  
**Board of Medical Examiners**

Physician Assistants—Licensure  
(LAC 46:XLV.1517)

Notice is hereby given, in accordance with R.S. 49:953, that the Louisiana State Board of Medical Examiners (Board), pursuant to the authority vested in the Board by the Louisiana Medical Practice Act, R.S. 37:1270(B)(6), the Physician Assistants Practice Act, R.S. 37:1360.23(B) and (F), and in accordance with applicable provisions of the Administrative Procedure Act, proposes to amend its rules governing the licensure of physician assistants, LAC 46:XLV, Subpart 2, Chapter 15, §1517, to implement and provide for the annual renewal of licensure on or before the first day of the month in which the licensee was born. The proposed rule amendments, which are set forth below, amend §1517.B. Section 1517.A and §1517.C - F remain as originally promulgated.

**Title 46**  
**PROFESSIONAL AND OCCUPATIONAL**  
**STANDARDS**

**Part XLV. Medical Professions**

**Subpart 2. Licensing and Certification**

**Chapter 15. Physician Assistants**

**§1517. Expiration of Licensure; Renewals; Modification;  
Notification of Intent to Practice**

A. ...

B. Notwithstanding the provisions of §1517.A, every license issued under this Chapter to be effective on or after January 1, 1999, and each year thereafter, shall expire, and thereby become null, void and to no effect the following year on the first day of the month in which the licensee was born. Every license issued under this Chapter shall be renewed on or before December 31, 1998 for the year 1999, as well as through the first day of the month in which the licensee was born in the year 2000, and each year thereafter, by submitting to the board an application for renewal upon forms supplied by the board, together with satisfactory documentation of current certification or recertification by the National Commission on Certification of Physicians' Assistants. Each application for renewal shall be accompanied by a fee of \$100. Renewal fees shall be prorated if the license is to be effective for more than one year.

C. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6) and R.S. 37:1360.23(B), (F).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 4:111 (April 1978), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:1104 (November 1991), LR 22:201 (March 1996), LR 24:

Inquiries concerning the proposed amendments may be directed in writing to: Delmar Rorison, Executive Director, Louisiana State Board of Medical Examiners, at the address set forth below.

Interested persons may submit data, views, arguments, information or comments on the proposed rule amendments, in writing, to the Louisiana State Board of Medical Examiners, 630 Camp Street, New Orleans, Louisiana, 70130. Written comments must be submitted to and received by the Board within 60 days from the date of this notice. A request pursuant to R.S. 49:953(A)(2) for oral presentation, argument or public hearing must be made in writing and received by the Board within 20 days of the date of this notice.

Delmar Rorison  
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Physician Assistants—Licensure**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

It is not anticipated that the proposed rule amendments will result in any additional costs to the Board of Medical Examiners.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

It is not anticipated that the proposed rule amendments will have any effect on the Board's revenue collections.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

It is not anticipated that the proposed rule amendments will have any adverse costs and/or economic impact on the affected licensees, as the proposed rule amendments will not result in any fee increase to such licensees. During the implementation year for the modified renewal cycle, licensure fees will be prorated to the licensees' birth month during the year 2000.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

It is not anticipated that the proposed rule amendments will have any significant impact on competition or employment in either the public or private sector.

Delmar Rorison  
Executive Director  
9805#060

Richard W. England  
Assistant to the  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Health and Hospitals  
Board of Medical Examiners**

**Physicians and Surgeons—Licensure  
(LAC 46:XLV.415 and 417)**

Notice is hereby given, in accordance with R.S. 49:953, that the Louisiana State Board of Medical Examiners (Board), pursuant to the authority vested in the Board by the Louisiana Medical Practice Act, R.S. 37:1270(B)(6), and the provisions of the Administrative Procedure Act, intends to amend its rules governing the licensure of physicians and surgeons, LAC 46:XLV, Subpart 2, Chapter 3, §§415 and 417, to implement and provide for the annual renewal of licensure on or before the first day of the month in which the licensee was born. The proposed rule amendments, which are set forth below, include a new §415.B and §417.B and amend §417.C. All other provisions of the Sections, some of which are re-lettered, remain as originally promulgated.

**Title 46**  
**PROFESSIONAL AND OCCUPATIONAL**  
**STANDARDS**

**Part XLV. Medical Professions**

**Subpart 2. Licensure and Certification**

**Chapter 3. Physicians and Surgeons**

**Subchapter I. License Issuance, Termination, Renewal  
and Reinstatement**

**§415. Expiration of Licenses and Permits**

A. ...

B. Notwithstanding the provisions of §415.A, every license issued by the board under this Chapter to be effective on or after January 1, 1999, and each year thereafter, shall expire, and thereby become null, void and to no effect the following year on the first day of the month in which the licensee was born.

C. The timely submission of a properly completed application for renewal of a license, but not a permit, as provided by §417 of this Chapter, shall operate to continue the expiring licensing in full force and effect pending issuance of

the renewal license.

D. Permits are not subject to renewal, except as expressly provided in these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and R.S. 37:1280.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 10:914 (November 1984), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:523 (June 1990), LR 22:212 (March 1996 [withdrawn LR 22:280 April 1996]), LR 24:

#### **§417. Renewal of License**

A. ...

B. Notwithstanding the provisions of §417.A, every license issued by the board under this Chapter to be effective on or after January 1, 1999, shall be renewed in the year 2000, and each year thereafter, on or before the first day of the month in which the licensee was born. Renewal fees shall be prorated if the license is to be effective for more than one year.

C. An application for renewal of license form shall be mailed by the board to each person holding a license issued under this Chapter at least 30 days prior to the expiration of the license each year. Such form shall be mailed to the most recent address of each licensee as reflected in the official records of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, R.S. 37:1280 and R.S. 37:1281.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 10:914 (November 1984), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:523 (June 1990), LR 24:

Inquiries concerning the proposed amendments may be directed in writing to: Delmar Rorison, Executive Director, Louisiana State Board of Medical Examiners, at the address set forth below.

Interested persons may submit data, views, arguments, information or comments on the proposed rule amendments, in writing, to the Louisiana State Board of Medical Examiners, 630 Camp Street, New Orleans, Louisiana, 70130. Written comments must be submitted to and received by the Board within 60 days from the date of this notice. A request pursuant to R.S. 49:953(A)(2) for oral presentation, argument or public hearing must be made in writing and received by the Board within 20 days of the date of this notice.

Delmar Rorison  
Executive Director

#### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Physicians and Surgeons—Licensure**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is not anticipated that the proposed rule amendments will result in any additional costs to the Board of Medical Examiners.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is not anticipated that the proposed rule amendments will have any effect on the Board's revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

It is not anticipated that the proposed rule amendments will have any adverse costs and/or economic impact on the affected licensees, as the proposed rule amendments will not result in any fee increase to such licensees. During the implementation year for the modified renewal cycle, licensure fees will be prorated to the licensees' birth month during the year 2000.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is not anticipated that the proposed rule amendments will have any significant impact on competition or employment in either the public or private sector.

Delmar Rorison  
Executive Director  
9805#060

Richard W. England  
Assistant to the  
Legislative Fiscal Officer

### **NOTICE OF INTENT**

#### **Department of Health and Hospitals Board of Medical Examiners**

Podiatrists—Licensure  
(LAC 46:XLV.1359-1361)

Notice is hereby given, in accordance with R.S. 49:950 et seq., that the Louisiana State Board of Medical Examiners (Board), pursuant to the authority vested in the Board by the Louisiana Medical Practice Act, R.S. 37:1261-1292, the Louisiana Podiatry Practice Act, R.S. 37:621, and the provisions of the Administrative Procedure Act, intends to adopt rules governing the licensure and certification of podiatrists, LAC 46:XLV, Subpart 2, Chapter 13, §§1359 and 1361, to implement and provide for the annual renewal of licensure on or before the first day of the month in which the licensee was born. The proposed rules, as well as an index to future rules which may be adopted, are set forth below.

#### **Title 46**

#### **PROFESSIONAL AND OCCUPATIONAL STANDARDS**

#### **Part XLV. Medical Professions**

#### **Subpart 2. Licensure and Certification**

#### **Chapter 13. Podiatrists**

#### **Subchapter A. General Provisions**

§1301. Scope of Chapter [Reserved]

§1303. Definitions [Reserved]

#### **Subchapter B. Requirements and Qualifications for Licensure**

§1305. Scope of Subchapter [Reserved]

§1307. Qualifications for Licensure [Reserved]

§1309. Procedural Requirements [Reserved]

§1311. Waiver of Examination Requirements  
[Reserved]

#### **Subchapter C. Board Approval of Podiatry Schools and Colleges**

§1313. Scope of Subchapter [Reserved]

§1315. Applicability of Approval [Reserved]

§1317. List of Approved Schools [Reserved]

**Subchapter D. Licensure by Reciprocity**

§1319. Definitions [Reserved]

§1321. Qualifications for Podiatry Licensure by Reciprocity [Reserved]

**Subchapter E. Application**

§1323. Purpose and Scope [Reserved]

§1325. Application Procedure [Reserved]

§1327. Effect of Application [Reserved]

**Subchapter F. Examination**

§1329. Designation of Examinations [Reserved]

§1331. Eligibility for Examination [Reserved]

§1333. Observance of Examination [Reserved]

§1335. Subversion of Examination Process [Reserved]

§1337. Finding of Subversion [Reserved]

§1339. Sanctions for Subversion of Examination [Reserved]

§1341. Passing Scores [Reserved]

§1343. Restriction, Limitations on Examinations [Reserved]

§1345. Examinations in or for Another State [Reserved]

§1347. Lost, Stolen or Destroyed Examinations [Reserved]

**Subchapter G. Temporary License**

§1349. Temporary License in General [Reserved]

§1351. License Pending Examination [Reserved]

§1353. Provisional Temporary Permit Pending Application for Visa [Reserved]

§1355. License Pending Reexamination [Reserved]

**Subchapter H. Licensure Issuance, Termination, Renewal, Reinstatement**

§1357. Issuance of License [Reserved]

§1359. Expiration of License or Permit

A. Every license or permit issued by the board under this Chapter, the expiration date of which is not stated thereon or provided by these rules, shall expire, and thereby become null, void and to no effect, on the last day of the year in which such license or permit was issued.

B. Notwithstanding the provisions of §1359.A, every license, but not a permit, issued by the board under this Chapter to be effective on or after January 1, 1999, and each year thereafter, shall expire, and thereby become null, void and to no effect the following year, on the first day of the month in which the licensee was born.

C. The timely submission of a properly completed application for renewal of a license, as provided in §1361, shall operate to continue the expiring licensing in full force and effect pending issuance of the renewal license.

D. Permits are not subject to renewal, except as expressly provided in these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and R.S. 37:621.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 24:

**§1361. Renewal of License**

A. Every license issued by the board under this Chapter shall be renewed annually on or before its date of expiration by submitting to the board a properly completed application for renewal, upon forms supplied by the board, together with the renewal fee prescribed by the Board.

B. Notwithstanding the provisions of §1361.A, every license issued by the board under this Chapter to be effective on or after January 1, 1999, shall be renewed in the year 2000,

and each year thereafter, on or before the first day of the month in which the licensee was born. Renewal fees shall be prorated if the license is to be effective for more than one year.

C. An application for renewal of license form shall be mailed by the board to each person holding a license issued under this Chapter at least 30 days prior to the expiration of the license each year. Such form shall be mailed to the most recent address of each licensee as reflected in the official records of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and R.S. 37:621.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 24:

**§1363. Reinstatement of Expired License [Reserved]**

**Subchapter I. Podiatry Advisory Committee**

§1365. Constitution of Committee [Reserved]

§1367. Composition; Appointment [Reserved]

§1369. Delegated Duties and Responsibilities [Reserved]

Inquiries concerning the proposed rules may be directed in writing to: Delmar Rorison, Executive Director, Louisiana State Board of Medical Examiners, at the address set forth below.

Interested persons may submit data, views, arguments, information or comments on the proposed rules, in writing, to the Louisiana State Board of Medical Examiners, 630 Camp Street, New Orleans, Louisiana, 70130. Written comments must be submitted to and received by the Board within 60 days from the date of this notice. A request pursuant to R.S. 49:953(A)(2) for oral presentation, argument or public hearing must be made in writing and received by the Board within 20 days of the date of this notice.

Delmar Rorison  
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Podiatrists—Licensure**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
It is not anticipated that the proposed rules will result in any additional costs to the Board of Medical Examiners.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
It is not anticipated that the proposed rules will have any effect on the Board's revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)  
It is not anticipated that the proposed rules will have any adverse costs and/or economic impact on the affected licensees, as the proposed rules will not result in any fee increase to such licensees. During the implementation year for the modified renewal cycle, licensure fees will be prorated to the first day of the month in which the licensee was born during the year 2000.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
It is not anticipated that the proposed rules will have any significant impact on competition or employment in either the public or private sector.

Delmar Rorison  
Executive Director

Richard W. England  
Assistant to the

**NOTICE OF INTENT**

**Department of Health and Hospitals  
Board of Medical Examiners**

**Registered Dispensing Physicians—Registration  
Renewal/Expiration (LAC 46:XLV.6523 and 6525)**

Notice is hereby given, in accordance with R.S. 49:950 et seq., that the Louisiana State Board of Medical Examiners (Board), pursuant to the authority vested in the Board by the Louisiana Medical Practice Act, R.S. 37:1261-1292, and R.S. 37:1204, and the provisions of the Administrative Procedure Act, intends to amend its existing rules governing the licensure of registered dispensing physicians, LAC 46:XLV, Subpart 3, Chapter 65, §§6523 and 6525, to implement and provide for the annual renewal of registration on or before the first day of the month in which the registrant was born. The proposed rule amendments, which are set forth below, include a new Subsection B to each Section and amend §6525.C. All other provisions of the Sections, some of which are re-lettered, remain as originally promulgated.

**Title 46**

**PROFESSIONAL AND OCCUPATIONAL  
STANDARDS**

**Part XLV. Medical Professions  
Subpart 3. Practice**

**Chapter 65. Dispensation of Medications  
Subchapter C. Registration**

**§6523. Expiration of Registration**

A. ...

B. Notwithstanding the provisions of §6523.A, every registration issued by the board under this Chapter, to be effective on or after January 1, 1999, and each year thereafter, shall expire, and thereby become null, void and to no effect the following year on the first day of the month in which the registrant was born.

C. The timely submission of an application for renewal of registration as a dispensing physician, as provided by §6525 of this Chapter, shall operate to continue the expiring registration in effect pending certification of renewal registration or other final action by the board on such application for renewal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1261-1292 and R.S. 37:1204.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 13:570 (October 1987), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 24:

**§6525. Renewal of Registration**

A. ...

B. Notwithstanding the provisions of §6525.A, every registration issued by the board under this Chapter to be effective on or after January 1, 1999 shall be renewed in the year 2000, and each year thereafter, on or before the first day of the month in which the registrant was born. Renewal fees shall be prorated if the registration is to be effective for more than one year.

C. An application for registration renewal form shall be mailed by the board to each registrant at least 30 days prior to the expiration of the registration each year. Such form shall

be mailed to the most recent address of each registrant as reflected in the official records of the board.

D. Registration as a dispensing physician which has expired by virtue of nonrenewal shall not be reinstated by the board except upon the applicant's satisfaction of the qualifications, requirements and procedures prescribed by this Chapter for original application for registration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1261-1292 and R.S. 37:1204.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 13:570 (October 1987), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 24:

Inquiries concerning the proposed amendments may be directed in writing to Delmar Rorison, Executive Director, Louisiana State Board of Medical Examiners, at the address set forth below.

Interested persons may submit data, views, arguments, information or comments on the proposed rule amendments, in writing, to the Louisiana State Board of Medical Examiners, 630 Camp Street, New Orleans, Louisiana, 70130. Written comments must be submitted to and received by the Board within 60 days from the date of this notice. A request pursuant to R.S. 49:953(A)(2) for oral presentation, argument or public hearing must be made in writing and received by the Board within 20 days of the date of this notice.

Delmar Rorison  
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Registered Dispensing  
Physicians—Registration Renewal/Expiration**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
It is not anticipated that the proposed rule amendments will result in any additional costs to the Board of Medical Examiners.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
It is not anticipated that the proposed rule amendments will have any effect on the Board's revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)  
It is not anticipated that the proposed rule amendments will have any adverse costs and/or economic impact on the affected licensees, as the proposed rule amendments will not result in any fee increase to such licensees. During the implementation year for the modified renewal cycle, licensure fees will be prorated to the licensees' birth month during the year 2000.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
It is not anticipated that the proposed rule amendments will have any significant impact on competition or employment in either the public or private sector.

Delmar Rorison  
Executive Director  
9805#056

Richard W. England  
Assistant to the  
Legislative Fiscal Officer

## NOTICE OF INTENT

### Department of Health and Hospitals Board of Medical Examiners

Respiratory Therapists and Respiratory  
Therapy Technicians—Licensure  
(LAC 46:XLV.2541, 2543 and 2565)

Notice is hereby given, in accordance with R.S. 49:950 et seq., that the Louisiana State Board of Medical Examiners (Board), pursuant to the authority vested in the Board by the Louisiana Respiratory Act, R.S. 37:3351-3361, and particularly 37:3355(3) and 37:3357, the Louisiana Medical Practice Act, R.S. 37:1270(B)(6), and the provisions of the Louisiana Administrative Procedure Act, intends to amend its rules governing the licensure of respiratory therapists and respiratory therapy technicians, LAC 46:XLV, Subpart 2, Chapter 25, §§2541, 2543 and 2565, to implement and provide for the annual renewal of licensure on the first day of the month in which the licensee was born. The proposed rule amendments, which are set forth below, add a new Subsection B to §2541, amend Subsection B of §2543 and replace the word "calendar" with the word "year" in §2565.B.1. All other provisions of the Sections, some of which are re-lettered, remain as originally promulgated.

#### Title 46

### PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part XLV. Medical Professions

#### Subpart 2. Licensure and Certification

#### Chapter 25. Respiratory Therapists and Respiratory Therapy Technicians

#### Subchapter E. Licensure, Issuance, Termination, Renewal, Temporary Issuance and Reinstatement

#### §2541. Expiration of License

A. ...

B. Notwithstanding the provisions of §2541.A, every license issued by the board under this Chapter to be effective on or after January 1, 1999, and each year thereafter, shall expire, and thereby become null, void and to no effect the following year on the first day of the month in which the licensee was born.

C. The timely submission of an application for renewal of a license, as provided by §2543 hereof, shall operate to continue the expiring license in force and effect pending the board's issuance, or denial of issuance, of the renewal license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6) and R.S. 37:3351-3361.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 22:1218 (December 1996), LR 24:

#### §2543. Renewal of License

A. ...

B. Notwithstanding the provisions of §2543.A, every license issued by the board under this Chapter to be effective on or after January 1, 1999, shall be renewed in the year 2000,

and each year thereafter, on or before the first day of the month in which the licensee was born. Renewal fees shall be prorated if the license is to be effective for more than one year. An application for renewal of license shall be mailed by the board to each person holding a license issued under this Chapter at least 30 days prior to the expiration of the license each year. Such form shall be mailed to the most recent address of each licensed respiratory therapist or licensed respiratory therapy technician as reflected in the official records of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6) and R.S. 37:3351-3361.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 12:767 (November 1986), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 22:1218 (December 1996), LR 24:

#### Subchapter G. Continuing Professional Education §2565. Failure to Satisfy Continuing Professional Education Requirements

A. ...

1. - 3. ...

B. The license of a respiratory therapist or respiratory therapy technician whose license has expired by nonrenewal or has been revoked for failure to satisfy the continuing professional education requirements of these rules may be reinstated by the board upon written application to the board, made not more than two years from the date of expiration or revocation, accompanied by payment of a reinstatement fee, in addition to all other applicable fees and costs, of fifty dollars (\$50.00), together with documentation and certification that:

1. the applicant has, for each year since the date on which the applicant's license lapsed, expired or was revoked, completed eight (8) hours (0.8 CEU) of qualifying continuing professional education, and if the application for reinstatement is made more than one year following the date on which such license lapsed, expired or was revoked, the applicant shall evidence completion of an additional four (4) hours of qualifying continuing professional education since the date on which the applicant's license lapsed, expired or was revoked; or

B.2. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3357(D) and R.S. 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 22:1218 (December 1996), amended LR 24:

Inquiries concerning the proposed amendments may be directed in writing to: Delmar Rorison, Executive Director, Louisiana State Board of Medical Examiners, at the address set forth below.

Interested persons may submit data, views, arguments, information or comments on the proposed rule amendments, in writing, to the Louisiana State Board of Medical Examiners, 630 Camp Street, New Orleans, Louisiana, 70130. Written comments must be submitted to and received by the Board within 60 days from the date of this notice. A request pursuant to R.S. 49:953(A)(2) for oral presentation, argument or public hearing must be made in writing and received by the Board

within 20 days of the date of this notice.

Delmar Rorison  
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Respiratory Therapists and  
Respiratory Therapy Technicians—Licensure**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
It is not anticipated that the proposed rule amendments will result in any additional costs to the Board of Medical Examiners.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
It is not anticipated that the proposed rule amendments will have any effect on the Board's revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)  
It is not anticipated that the proposed rule amendments will have any adverse costs and/or economic impact on the affected licensees, as the proposed rule amendments will not result in any fee increase to such licensees. During the implementation year for the modified renewal cycle, licensure fees will be prorated to the licensees' birth month during the year 2000.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
It is not anticipated that the proposed rule amendments will have any significant impact on competition or employment in either the public or private sector.

Delmar Rorison  
Executive Director  
9805#058

Richard W. England  
Assistant to the  
Legislative Fiscal Officer

**NOTICE OF INTENT**

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

**Medicaid—Electric Wheelchair Repairs**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing is proposing to adopt the following rule as authorized by LA R.S. 46:153 and pursuant to Title XIX of the Social Security Act. This proposed rule is in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

Current policy governing electric wheelchair repairs require that repairs must be prior authorized and that authorization is granted only if the recipient is in an educational or training program or is employed. The Bureau seeks to amend the previous prior authorization criteria by establishing additional criteria for the coverage of repairs to electric wheelchairs under the Durable Medical Equipment Program.

**Proposed Rule**

The Department of Health and Hospitals, Bureau of Health

Services Financing replaces previous criteria governing repairs of electric wheelchairs with the following:

- (1) repairs for electric wheelchairs may be considered if the recipient is in an educational or training program or is employed; or
- (2) repairs of electric wheelchairs may also be considered for recipients who already own an electric wheelchair, even if they are not currently enrolled in an educational or training program, or not employed, if the following conditions are met:

- (a) the electric wheelchair is the recipient's only wheelchair;
- (b) the only alternative to the repairs is replacement by a new manual type wheelchair;
- (c) the repairs do not cost more than the estimated replacement cost of a new appropriate, manual type chair; and
- (d) only basic repairs, not major modifications or reconstruction, of the chair is being requested.

Interested persons may submit written comments to the following address: Thomas D. Collins, Bureau of Health Services Financing, P. O. Box 91030, Baton Rouge, LA 70821-9030. He is the person responsible for responding to inquiries regarding this proposed rule.

A public hearing on this proposed rule is scheduled for Friday, June 26, 1998 at 9:30 a.m. in the Department of Transportation and Development Auditorium, First Floor, 1201 Capitol Access Road, Baton Rouge, Louisiana. At that time all interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

David W. Hood  
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Medicaid—Electric Wheelchair Repairs**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There are no costs or savings to the state as a result of this proposed rule. However, \$80 will be incurred in SFY 1998 for the state's administrative expense of promulgating this proposed rule as well as the final rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There is no estimated effect on revenue collections. However, \$80 will be incurred in SFY 1998 for the federal share of promulgating this proposed rule as well as the final rule.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)  
Repairs to electric wheelchairs of persons not in educational or training programs, or employed will be covered when the only alternative is replacements by new manual type, custom wheelchairs. Therefore, there are no costs and/or economic benefits. Medicaid recipients requiring repairs to electric wheelchairs must meet the established criteria for prior authorization of these devices offered through the Durable Medical Equipment Program.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition and employment.

Thomas D. Collins  
Director  
9805#046

Richard W. England  
Assistant to the  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Public Safety and Corrections  
Gaming Control Board**

Video Poker—Code of Conduct of Licensees  
(LAC 42:XI.2417)

The Gaming Control Board hereby gives notice that it intends to amend LAC 42:XI.2417 in accordance with R.S. 27:15 and 24, et seq., and the Administrative Procedure Act, R.S. 49:950 et seq.

**Title 42**

**LOUISIANA GAMING  
Part XI. Video Poker**

**Chapter 24. Video Draw Poker**

**§2417. Code of Conduct of Licensees**

- A.1. - 3. ...
- B. Unsuitable Conduct
  - 1. - 5. ...

6.a. No licensee or any partner, shareholder, officer, director or employee of a licensee shall play or participate in the play of any video draw poker device operated under authority of the licensee's video draw poker license.

b. The prohibition contained in §2417.B.6.a. shall not apply to certified technicians performing service and/or repairing a video draw poker device at any licensed establishment.

c. No licensee shall permit the operation of any video draw poker device at any time the licensed establishment is not open for business to the general public.

- C. - D.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Gaming Enforcement Section, Video Gaming Division, LR 18:196 (February 1992), amended LR 21:582 (June 1995), amended by the Department of Public Safety and Corrections, Gaming Control Board, LR 24:

All interested persons may contact Tom Warner, Attorney General's Gaming Division, telephone number (504) 342-2465, and may submit written comments relative to these proposed rules, through June 9, 1998, to 339 Florida Boulevard, Suite 500, Baton Rouge, LA 70801.

Hillary J. Crain  
Chairman

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Code of Conduct of Licensees**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There are no implementation costs to state or local

government units estimated.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no determinable effect on revenue collections of state or local government units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

No significant cost and/or economic benefit to directly affected persons or non-governmental groups is estimated.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No effect on competition or employment is estimated.

Hillary J. Crain  
Chairman  
9805#036

H. Gordon Monk  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Public Safety and Corrections  
Office of Motor Vehicles**

Compulsory Liability Insurance  
(LAC 55:III.Chapter 17)  
(Repeal of LAC 37:VII.125 and 127)

Notice is hereby given that the Department of Public Safety and Corrections, Office of Motor Vehicles proposes to adopt new rules relating to notification of the initiation, termination, or modification of liability security pursuant to R.S. 32:863.2, and to repeal the existing rules contained in LAC 37:VII.125 and 127. These rules implement the significant change in the reporting period for liability insurance information from 45 days to 15 working days. These rules also contain the only acceptable reporting method for compliance in accordance with R.S. 32:861-866.

The Fiscal and Economic Impact Statement for Administrative Rules has been approved by the Legislative Fiscal Office and follows this notice of intent.

**Title 55**

**PUBLIC SAFETY**

**Part III. Motor Vehicles**

**Chapter 17. Compulsory Insurance**

**Subchapter B. Reporting of Initiation and any Subsequent Change in Insurance Coverage**

**§1751. Definitions**

As used in this subchapter, the following terms have the meanings described below.

*Department*—Department of Public Safety and Corrections, Office of Motor Vehicles.

*Edit Error*—a record submitted by an insurance company or servicing agent unacceptable for filing purposes due to the absence of information in a required field or the presence of invalid information in the key data fields identified and detailed in the technical filing specifications given to the security provider by the department pursuant to LAC 55:III.Chapter 17, Subchapter B. Any record which is returned to an insurance company or servicing agent as an edit error is not a filing and counts against the overall match rate. The filing must be corrected and re-reported within 15 days. (Disposition code is "E.")

*Filing Report*—a report prepared by the department for an insurance company or servicing agent following completion of processing (record matching) containing the disposition of each record. It is the responsibility of the insurance company or servicing agent to review and take the necessary corrective action as required by these regulations. This return report is written on the same medium submitted by the insurance company, i.e., tape or cartridge.

*Fleet Policy*—a policy insuring a business with a fleet of five or more vehicles registered in Louisiana, issued on a fleet basis, by any insurance company, either admitted or non-admitted, writing motor vehicle liability insurance.

*Hit*—a record submitted by an insurance company or servicing agent which matches the department vehicle registration record. (Disposition code is "H.")

*Insurance Company Code*—a unique number assigned to each insurance company. National Association of Insurance Commissioners Code (NAIC code) will be used or a temporary identification number assigned by the department to an insurance company for the purpose of R.S. 32:863.2 of the Compulsory Motor Vehicle Liability Security Law.

*Insured Owner*—the name of the lessee or owner of the listed motor vehicle as obtained by the security provider.

*Magnetic Tape*—a magnetically encoded computer tape or cartridge which is machine readable by the installed computer system of the department and which conforms with the technical filing specifications given to the security provider by the department.

*Match Rate*—the percentage of hits relative to the total number of filings reported.

*Nonrenewal*—

a. a nonrenewal of a motor vehicle liability insurance policy shall include:

i. a refusal by the insurer to issue a superseding policy or a renewal of such policy;

ii. a request by the insured that a superseding policy not be issued or such policy not be renewed; or

iii. a failure of the insured to make the first premium payment due upon a superseding policy or a renewal of such policy offered by the insurer;

b. nonrenewals are to be reported in the same manner as cancellations or terminations.

*Notification*—the furnishing of information by a security provider to the department concerning liability security or lack of liability security on a motor vehicle, or a change or correction of data concerning the item of security, the vehicle or the lessee or owner, as required by R.S. 32:863.2 of the Motor Vehicle Liability Security Law and these regulations.

*Owner*—every person who holds the legal title to a motor vehicle or in the event a motor vehicle is the subject of an agreement for the conditional sale, lease or transfer of the possession, however, thereof, with the right of purchase upon performance of the condition stated in the agreement and with an immediate right of possession vested in the conditional vendee, lessee, possessor or in the event such or similar transaction is had by means of a mortgage, and the mortgagor of a vehicle is entitled to possession, then such conditional vendee, lessee, possessor or mortgagor shall be deemed the owner for the purpose of this Chapter.

*Owner ID Number*—driver's license number for an individual lessee or owner (the leftmost nine characters of driver's license number) or federal tax identification number for the lessee or owner if the lessee or owner is not a natural person.

*Recall of Notification*—a notice submitted to the department by a security provider or servicing agent, which rescinds a notification previously submitted to the department in error.

*Record*—insurance information pertaining to the items required by law and these regulations for an individual vehicle or fleet coverage.

*Resolved No-Hit Exception*—a no-hit exception which is resolved during the department's exception matching process and results in a match to the department's vehicle registration record. Effective October 1, 1998, the department will no longer attempt to resolve no-hits. (Disposition code is "R.")

*Return Date*—the department will provide a return date in its filing report. The date, in year, month, date (YYMMDD) format, will be placed in character positions 237-242 of the returned filing record. The return date will be the date the department writes the filing report to tape and will equal the date in the DATE-PROCESSED field of the trailer record.

*Security Provider*—a liability insurance company or other provider of liability security required under the Compulsory Motor Vehicle Liability Security Law (R.S. 32:861 et seq.).

*Servicing Agent*—any person or organization duly designated by a security provider to prepare, transmit or deliver records on behalf of such insurance company.

*Tape Receipt*—a two-part document furnished and prepared by an insurance company or servicing agent containing information prescribed in the technical filing specifications. Such receipt, along with a self-addressed return envelope, must accompany each magnetic tape or cartridge transmitted to the department, one copy of which, when duly endorsed and dated upon delivery and returned to the insurance company, shall constitute proof that such magnetic tape or cartridge was received by the department.

*Termination/Cancellation of Liability Security*—any cancellation or termination of liability security on a motor vehicle (whether caused by the insurer or insured).

*Unresolved No-Hit Exception*—a no-hit exception which is not resolved during the department's exception matching process. Insurance company must respond with corrected information within 15 days from department's returned filing report. (Disposition code is "U.") (See §1761.B.)

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:

### **§1753. Introduction**

A. Effective July 1, 1988, security providers shall report to the Department of Public Safety and Corrections, Office of Motor Vehicles, certain information, on a vehicle-by-vehicle basis, with certain exceptions, in accordance with the Compulsory Motor Vehicle Liability Security Law (R.S. 32:861 et seq.), the Compulsory Security Law, and with these regulations regarding the initiation of liability coverage.

B. Effective July 9, 1988, security providers shall report to the Department of Public Safety and Corrections, Office of

Motor Vehicles, certain information, on a vehicle by vehicle basis, with certain exceptions, in accordance with the Compulsory Motor Vehicle Liability Security Law (R.S. 32:861 et seq.), the Compulsory Security Law, and with these regulations regarding the termination, withdrawal, cancellation, lapsing, or otherwise rendering ineffective of liability coverage.

C. As required by law and LAC 55:III.Chapter 17, Subchapter B, reports shall be made to the department whenever a liability policy on a motor vehicle is issued, procured, recalled, reinstated, terminated, canceled, or to change binder status to active policy number. Such information must be transmitted to the department in an efficient and timely manner in accordance with these regulations. Security providers shall not provide information to the department except as required by law or LAC 55:III.Chapter 17, Subchapter B. Examples of information which shall not be submitted to the department by security providers include, but are not limited to, the following:

1. information on non-liability coverage such as collision and comprehensive policies;
2. information on liability policies not in compliance with the Compulsory Security Law such as umbrella policies with excess coverage and non-ownership policies;
3. addition or deletion of other drivers.

D. The notification required by R.S. 32:863.2 and LAC 55:III.Chapter 17, Subchapter B, shall be made in the manner and form required by the department as set forth in these regulations. A separate notice shall be submitted for each vehicle. The failure of a security provider to properly notify the department may result in the imposition of the fee authorized in R.S. 32:863.2(B).

E. The purpose of the required information is to enforce the Motor Vehicle Safety Responsibility Law, R.S. 32:851 et seq., and particularly the Compulsory Security Law, R.S. 32:861 et seq. Consistently with this purpose, the information maintained by the department shall only be provided to a person making proper written request under R.S. 32:863.2(C) and R.S. 32:871 only after an accident is reported in accordance with R.S. 32:871. The information will be provided on a single individual or vehicle basis only. In order to preserve the proprietary information of security providers, insurance coverage information compiled by company, by zip code, or by other classifications shall not be made available to inquirers. Additionally, the department will not develop or maintain any composite list by insurance company or insurance company identifier except for unresolved no-hits and edit errors. The department will cooperate fully with the insurance industry in preserving the security of customer lists and related data.

F. *Louisiana Administrative Code* 55:III.Chapter 17, Subchapter B provides for adjustments to technical specifications of reporting requirements. The security providers will be advised by mail of any changes in the technical specifications of the reporting requirements. The department will always attempt to give 90 days notice of these adjustments so that security providers may have enough time to implement the changes, however, legislative changes or

other circumstances may result in notice of less than 90 days. Such mailings may be called "Advisory Bulletins" or "Memorandums" from the assistant secretary, Office of Motor Vehicles. These bulletins or memorandums may also contain clarifications, helpful hints, and such additional information as may be deemed applicable to compliance with the Compulsory Security Law. Moreover, in the event that an unusual situation is not covered by these regulations, a reasonable procedure consistent with the Compulsory Security Law will be followed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:

#### **§1755. Failure to Comply with Reporting Requirements**

A. In cases where, after written notice, a security provider fails to supply the information required by R.S. 32:863.2 and LAC 55:III.Chapter 17, Subchapter B in the manner approved by the department for the security provider, or fails to provide the information required by R.S. 32:863.3 and LAC 55:III.Chapter 17, Subchapter B within the 15 working day period established in R.S. 32:863.2, the fees as provided by R.S. 32:863.2(B) may be imposed. A security provider will not be charged a fee for providing data based on a reasonable assumption, such as assuming in good faith that the owner's address is the same as the named insured's address. Special consideration shall be given to unusual problems in compliance, proved in writing.

B. The security provider shall have 30 days from the date of the notice imposing a fee to make a written request for an administrative hearing to review the imposition of the fee. The security provider may also make a written request for an informal review of the imposition of the fee described in §1755.A. A request for an informal review shall suspend the running of the 30-day period contained in this Subsection. Upon completion of the informal review and the issuance of a written determination by the Office of Motor Vehicles, the remaining balance of the 30-day period within which to request an administrative hearing shall resume running.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:

#### **§1757. Questions Regarding Procedures and Technical/Data Issues**

A. Procedural questions concerning LAC 55:III.Chapter 17, Subchapter B, or the official questions concerning policies of the department shall be referred to the Louisiana Department of Public Safety and Corrections, 17 Office of Motor Vehicles, Box 64886, Baton Rouge, LA 70896, Attention: Cancellation Unit, telephone (504) 925-7285, (504) 925-6983, or FAX (504) 922-0158.

B. Technical/data questions concerning the official policies of the department should be referred to the Louisiana Department of Public Safety and Corrections, Data Processing Center, 8001 Independence Boulevard, Baton Rouge, LA 70806, DMB Project Leader, telephone (504) 925-6246, or FAX (504) 925-4019.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:

#### **§1759. Match Rate and Reporting Period**

A. The department shall enforce a 92 percent match rate insofar as reporting liability insurance information in accordance with R.S. 32:863.2 and LAC 55:III.Chapter 17, Subchapter B. The 92 percent match rate is one of the criteria used to evaluate compliance with reporting requirements.

B. The match rate is evaluated on any given one year reporting period. The match rate will not be evaluated for a period to exceed one year. This reporting period will be used in determining any possible fee assessments for failure to report or successfully report information in accordance with LAC 55:III.Chapter 17, Subchapter B. The department will send to the security provider at least once a year a report of said company's current match rate. The notice provided for in this Section may be combined with any notice issued pursuant to §1755.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:

#### **§1761. Credit for Correcting Unresolved No-Hits**

A. A direct "match" or "hit" is based on the Vehicle Identification Number (VIN). When the vehicle identification number does not match with Louisiana motor vehicle records and fails the vehicle identification number edit check, the record is coded "Unresolved." In accordance with LAC 55:III.Chapter 17, Subchapter B, the security provider has 15 days from receipt of the return filing to correct the vehicle identification number and resubmit the report. The failure to resubmit the report or the failure to submit corrected vehicle identification number data results in a "no-hit" filing which goes against the match rate.

B. A credit is given when an identified "Unresolved" is resubmitted with the correct vehicle identification number and matches with the Department's motor vehicle files. The program will "+1" in Hits and "-1" in the Unresolved category. Any vehicle data resubmitted with corrected vehicle identification number information will be coded as transaction "C" or "1" and will not count against the match rate a second time if the corrected information is unmatched and it will also not apply as a credit to the original error. In cases of resubmitted information, the original "unresolved" will be counted against the match rate only once.

C. If a security provider submits a vehicle identification number (VIN) for a 1981 or newer vehicle, and the Department's VIN check determines that the VIN is valid, but the VIN is not matched to a VIN in the department's records, the company is returned a disposition "R," resolved. In these records, the insurance company VIN and the VIN returned as the "Matched" VIN are identical. Effective October 1, 1998, the disposition code will change to "H," Hit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:

#### **§1763. Reporting an Initiation of Coverage and Cancellation of Coverage at the Same Time**

All records must be submitted in chronological order. The

last record received from a security provider for a vehicle is considered to reflect the status of the vehicle with the company. Multiple filings for a single vehicle having the same company code and owner-ID will result in the last record received being maintained by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:

#### **§1765. Recalling Notification by Security Provider**

When a security provider discovers that a cancellation or initiation of coverage was reported by mistake, the security provider shall submit to the department a notice of recall of notification. All the data but the transaction type must be the same as originally submitted in order to match the recall with the notification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:

#### **§1767. Warning on Notice of Acknowledgment of Termination to Insured**

The Notice of Acknowledgment of Termination sent to an insured shall contain the following warning notice:

"If you do not keep your liability insurance in force during the entire registration period, your registering privileges will be subject to revocation. By law your insurance carrier is required to report specific termination information to the Secretary of the Department of Public Safety and Corrections."

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:

#### **§1769. Timely Insurance Filings**

A. In accordance with LAC 55:III.Chapter 17, Subchapter B, the security provider shall notify the department after motor vehicle liability security is initiated, terminated, or modified. Such notification shall be made within 15 working days of the effective date of the initiation or termination of coverage and shall not be reported prior to the effective date. The security provider has 15 days from receipt of the department's returned filings to correct the "Unresolved No-Hit Exception" and resubmit the report.

B. Any report submitted prior to the effective date will result in an edit error. An edit error is not a filing. Edit errors shall be corrected and resubmitted.

C. A security provider who violates §1769 may be subject to possible fee assessments pursuant to R.S. 32:863.2(B) even though a 92 percent match rate is maintained.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:

#### **§1771. Manual Filings**

A. Eligibility. The department may authorize a security provider to use manual filing of reports of initiation, termination and other reportable information changes by a security provider insuring less than 250 motor vehicles registered in this state on a calendar year basis.

B. Authorization. Any requests shall be in writing and made on a company by company basis. A request for authorization should be mailed to the Department of Public

Safety and Corrections, Office of Motor Vehicles, Box 64886, Baton Rouge, LA 70896, Attention: Cancellation Unit. If approval is granted, these filings shall to be mailed to Cancellation Unit.

C. Conditions of Filing. A security provider must notify the department after motor vehicle liability security is initiated, terminated, or in certain ways modified. Such notification shall be made within 15 working days of the effective date of the initiation, termination, or modification.

D. Format and Content. Each notification must be transmitted by an official of the company on the company's letterhead in a typewritten or typeset format. Multiple notices may be reported under a single submission. However, notices so submitted shall be numbered in a sequential order beginning with the designation "Notice 1:". Information items shall be inset, and single spaced separated by a double space. Notices must be submitted as specified in the manual filing data field requirements using the formats provided in LAC 55:III.Chapter 17, Subchapter B.

E. Alternative Format. A security provider may, at its option, develop its own form based upon the sample below, provided that the same formatting and display of information are utilized. Any alternative format is subject to prior approval by the department.

F. Frequency of Filing. Security providers shall not submit written notices more frequently than weekly.

G. Confirmation of Receipt. The department shall provide a filing report to the security provider. If the notice information provided by an insurance company is not in accordance with format and reporting requirements, or does not match a corresponding registration record, or if there are discrepancies in informational content, the company will be so advised. All filings will contain a disposition code indicating the disposition of each notice.

H. Recalling Notification. When a security provider discovers that a cancellation or initiation of coverage was reported by mistake, the security provider shall submit to the department a notice of recall of notification. All the data but the transaction type must be the same as originally submitted in order to match the recall with the notification. (See Record Format and Field Descriptions.)

I. Field Requirements. The following fields are required for reporting new business, termination or modification of liability security. (See Record Format and Field Descriptions):

1. vehicle identification number (VIN);
2. year of vehicle;
3. make or model of vehicle;
4. insurance company code;
5. type of transaction;
6. lessee or owner's address(to be reported only for termination);
7. lessee or owner's city(to be reported only for termination);
8. lessee or owner's state(to be reported only for termination);
9. lessee or owner's zip code;
10. policy number (or "binder");
11. termination, change date, or effective date;
12. lessee or owner's name;

13. lessee or owner's name indicator;
  14. lessee or owner's identification number;
- J. Sample Manual Filing

INSURANCE COMPANY LETTERHEAD ( RESERVED )  
( FOR )  
( DPS&C USE )

DATE: \_\_\_\_\_

TO: Louisiana Department of Public Safety & Corrections

Pursuant to R.S. 32:863.2 of the Louisiana Compulsory Motor Vehicle Liability Security Law and the Rules and Regulations of the Department, the following information is hereby submitted for filing with your office.

MANUAL REPORTING  
OF  
LIABILITY SECURITY

NOTICE 1:

VIN: 12345678901234567  
YEAR: 85  
MAKE/MODEL: FORD  
INS. CO. CODE: 11000  
TYPE OF TRANSACTION: 0  
LESSEE OR OWNER ADDRESS: 100 South Swan Street  
LESSEE OR OWNER CITY: New Orleans  
LESSEE OR OWNER STATE: Louisiana  
LESSEE OR OWNER ZIP CODE: 70110  
POLICY NUMBER (OR "BINDER"): 0013081883  
TERMINATION, CHANGE DATE OR EFFECTIVE DATE: 880115  
LESSEE OR OWNER NAME: Motorist Michael A  
LESSEE OR OWNER NAME: 2  
LESSEE OR OWNER IDENTIFICATION NUMBER: 1234567

NOTICE 2:

VIN: 2314567890232224567  
YEAR: 85  
etc .

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:

**§1773. Guidelines for Fleet Filings**

A. Eligibility. Any insurance company writing motor vehicle liability insurance in Louisiana and insuring a fleet of five or more vehicles registered in Louisiana for which vehicle identification number (VIN) information is not maintained on each vehicle must manually report said fleet coverage as specified in LAC 55:III.Chapter 17, Subchapter B. If the insurance company maintains the VIN number of each vehicle within the fleet, the filing shall be reported on a vehicle-by-vehicle basis.

B. Conditions of Filing. A security provider must notify the department after motor vehicle liability security has begun, ended, or in certain ways modified. Such notification shall be made within 15 working days of the effective date of the beginning, ending, or modification. After the initiation has been reported, the cancellation is not to be reported until the entire fleet policy has been canceled. (Do not report the addition or deletion of individual vehicles.)

C. Format and Content. Each notification must be transmitted by an official of the company on the company's

letterhead in a typewritten or typeset format. Multiple notices may be reported under a single submission. However, notices so submitted shall be numbered in a sequential order beginning with the designation "Notice 1:." Information items shall be inset, and single spaced separated by a double space. Notices must be submitted as specified in the manual filing data field requirements using the formats provided in these rules and regulations.

D. No Special Forms Required. A company may, at its option, develop its own form based upon our sample, provided that the same formatting and display of information are utilized, and the form has received prior approval of the department.

E. Frequency of Filing. Insurance companies may submit written notices daily.

F. Confirmation of Receipt. The department shall provide a filing report to the insurance company. If the notice information provided by an insurance company is not in accordance with format and reporting requirements or if there are discrepancies in informational content, the company will be so advised. All filings will contain a disposition code indicating disposition of such notice.

G. Number of Vehicles. The estimated number of vehicles in a fleet is reported in lieu of vehicle identification number information on a vehicle-by-vehicle basis.

H. Recalling Notification. When a security provider discovers that a cancellation or initiation of coverage was reported by mistake, the security provider must submit to the department a notice of recall of notification. All the data but the transaction type must be the same as originally submitted in order to match the recall with the notification. (See Record Format and Field Descriptions.)

I. Fields. The following fields are required for reporting new business, termination, or modification of liability security (See Record Format and Field Descriptions.):

1. insurance company code;
2. type of transaction;
3. lessee or owner's address (to be reported only for termination);
4. lessee or owner's city (to be reported only for termination);
5. lessee or owner's state (to be reported only for termination);
6. lessee or owner's zip code;
7. policy number (or "binder");
8. termination, change date, or effective date;
9. lessee or owner's name;
10. lessee or owner's name indicator;
11. lessee or owner's federal tax identification number driver's license number for individual;
12. estimated number of vehicles in fleet.

J. Sample Fleet Filing

INSURANCE COMPANY LETTERHEAD ( RESERVED )  
 ( FOR )  
 ( DPS&C USE )

DATE: \_\_\_\_\_

To: Louisiana Department of Public Safety & Corrections

Pursuant to R.S. 32:863.2 of the Louisiana Compulsory Motor Vehicle Liability Security Law and the Rules and Regulations of the Department, the following information is hereby submitted for filing with your office:

MANUAL REPORTING  
 OF  
 LIABILITY SECURITY

NOTICE 1:

INS. CO. CODE: 11000  
 TYPE OF TRANSACTION: 0  
 LESSEE OR OWNER ADDRESS: 321 Tulane Avenue  
 LESSEE OR OWNER CITY: New Orleans  
 LESSEE OR OWNER STATE: Louisiana  
 LESSEE OR OWNER ZIP CODE: 70734  
 POLICY NUMBER ( OR BINDER): 0013081883  
 TERMINATION, CHANGE DATE, OR EFFECTIVE DATE: 880201  
 LESSEE OR OWNER NAME: JRS TOOL CO.  
 LESSEE OR OWNER NAME INDICATOR: 4  
 LESSEE OR OWNER IDENTIFICATION NUMBER: 721234567  
 ESTIMATED NUMBER OF VEHICLES: 25

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:

**§1775. Fee Assessments**

A. The failure by a security provider to report the required information, failure to timely report the required information and/or failure to maintain at least a 92 percent match rate may result in the insurance company being assessed a \$50 fee per vehicle coverage in accordance with R.S. 32:863.2(B).

B. The department's motor vehicle records will be checked against liability insurance filings on an ongoing basis. Fees will continue to be assessed to those companies in noncompliance with the statute and LAC 55:III.Chapter 17, Subchapter B. Further, in cooperation with the insurance commissioner's office, continuous violations and noncompliance could result in additional administrative or judicial action.

C. Fees will not be assessed to those security providers who continue to report all insured vehicles, report on a timely basis, and maintain at least a 92 percent match rate during any given one-year reporting period.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:

**§1777. Transaction Types and How the Transaction Types are Used**

A. Described below are the transaction types and how each may be used for cancellations.

1. 0 = Termination. A termination or cancellation notice is submitted whenever liability security is canceled or terminated as described in the following circumstances.

a. An individual sells a vehicle and drops it from his policy. A cancellation notice is submitted.

b. An individual drops liability coverage from his policy but maintains comprehensive coverage on his vehicles. A cancellation notice is submitted for each vehicle affected.

c. A notice with a transaction type of "0" was returned as an edit error. It is resubmitted with corrected information.

2. 1 = Recall. The recall is used whenever a cancellation

notice is submitted in error. A cancellation notice was incorrectly reported. The cancellation date was reported as February 2 instead of February 13. A recall of the February 2 cancellation notice is submitted followed by a cancellation notice of having a canceled date of February 13.

3. 2 = Re-reporting. A re-reporting is used whenever the department returns a cancellation notice with a disposition of "U." A cancellation notice was returned with a disposition of "U." Corrected information is available and the cancellation notice is resubmitted.

4. 4 = Back-dated. Back-dating is used whenever a company back-dates a cancellation at the request of the insured, and where it would be impossible to submit a cancellation notice within 15 working days of the date of cancellation. As an example, an individual notifies his insurance company that he sold one of his vehicles two months ago. He requests a credit for two months of coverage. A back-dated cancellation notice is submitted with the cancellation date equaling the date the vehicle was sold.

B. Described below are the transaction types and how each may be used for initiations of coverage.

1. A = Initiation. An initiation notice is submitted whenever liability security is initiated (new business).

a. An individual purchases a vehicle and has it added to an existing policy. An initiation notice is submitted for the new vehicle.

b. A notice with a transaction type of "A" was returned as an edit error. It is resubmitted with corrected information.

2. B = Recall. The recall is used whenever an initiation notice is submitted in error. As an example, an initiation notice was incorrectly reported with a starting date reported as February 2 instead of February 13. A recall of the February 2 initiation notice is submitted followed by an initiation notice having a starting date of February 13.

3. C = Re-reporting. A re-reporting is used whenever the department returns an initiation notice with a disposition of "U." As an example, an initiation notice was returned with a disposition of "U." Corrected information is available and the initiation notice is resubmitted.

4. E = Back-dated. Back-dating is used whenever a company back-dates new business at the request of the insured, and where it would be impossible to submit an initiation notice within 15 working days of the date of inception of the policy. As an example, an individual notifies his insurance company that he purchased a vehicle two months ago. The insured's company back-dates the coverage to the date the vehicle was purchased. A back-dated initiation notice is submitted with the starting date equal to the date the vehicle was purchased.

5. F = Change. A change notice is submitted only for changing the policy number from a binder to an active policy number. As an example, an initiation notice was submitted with a policy number of "Binder." A change notice is submitted with an active policy number.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:

**§1779. Contact Person Information**

A. Certain updated information is periodically needed by the department in order for the department to implement and enforce the provisions of R.S. 32:863.2 and LAC 55:III.Chapter 17, Subchapter B. Each security provider shall give the department the name of a contact person within the insurance company to provide the most updated information or to correct problems as they arise.

B. The contact information sheet shall be completed and returned to this department. The contact sheet shall be submitted during January of each year and whenever there is a change in any of a security provider's contact personnel. A contact information sheet shall be submitted for each insurance company.

C. The security provider shall furnish the name of the company representative responsible for compliance with each of the following areas:

1. administrative reporting requirements
2. data processing;
3. commercial lines;
4. personal lines;
5. manual/fleet filings;
6. other personnel responsible for filings or fee assessments.

CONTACT PERSON INFORMATION SHEET  
LA. OFFICE OF MOTOR VEHICLES  
CANCELLATION UNIT  
P.O. BOX 64886  
BATON ROUGE, LA 70896

Certain updated information is needed periodically by this agency in order for us to contact the correct person within your insurance company to provide the most updated information or to correct problem areas. The contact information sheet is to be completed and returned to this department. The contact sheet must be submitted during the month of January each year and whenever there is a change in any of your company's contact personnel. A contact information sheet must be submitted for each insurance company. Please furnish the name of the representative responsible for compliance with administrative reporting requirements, data processing, commercial lines, personal lines, manual/fleet filings, and other personnel responsible for filings or fee assessments. This information will assist us in contacting your company's representative(s) in regard to specific compliance regulations.

NAIC# \_\_\_\_\_ NAME OF INSURANCE COMPANY \_\_\_\_\_

ADMINISTRATIVE COMPLIANCE	DATA PROCESSING
NAME: _____	NAME: _____
ADDRESS: _____ _____	ADDRESS: _____ _____
PHONE: ( ) _____	PHONE: ( ) _____
FAX: ( ) _____	FAX: ( ) _____
E-MAIL ADDRESS: _____	E-MAIL ADDRESS: _____

AREA OF RESPONSIBILITY: _____	AREA OF RESPONSIBILITY: _____
NAME: _____	NAME: _____
ADDRESS: _____ _____	ADDRESS: _____ _____
PHONE: ( ) _____	PHONE: ( ) _____
FAX: ( ) _____	FAX: ( ) _____
E-MAIL ADDRESS: _____	E-MAIL ADDRESS: _____

CONTACT PERSON INFORMATION SHEET  
 LA. OFFICE OF MOTOR VEHICLES  
 CANCELLATION UNIT  
 P.O. BOX 64886  
 BATON ROUGE, LA 70896

NAIC# \_\_\_\_\_ NAME OF INSURANCE COMPANY \_\_\_\_\_

AREA OF RESPONSIBILITY: _____	AREA OF RESPONSIBILITY: _____
NAME: _____	NAME: _____
ADDRESS: _____ _____	ADDRESS: _____ _____
PHONE: ( ) _____	PHONE: ( ) _____
FAX: ( ) _____	FAX: ( ) _____
E-MAIL ADDRESS: _____	E-MAIL ADDRESS: _____

AREA OF RESPONSIBILITY: _____	AREA OF RESPONSIBILITY: _____
NAME: _____	NAME: _____
ADDRESS: _____ _____	ADDRESS: _____ _____
PHONE: ( ) _____	PHONE: ( ) _____
FAX: ( ) _____	FAX: ( ) _____
E-MAIL ADDRESS: _____	E-MAIL ADDRESS: _____

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:

**§1781. Reporting Methods**

**A. Reporting via Magnetic Tape**

1. The magnetic tape/cartridge sent by a security provider or servicing agent shall be received during business hours only, 8 a.m. to 4:30 p.m., Monday through Friday, excluding state holidays, by the Louisiana Department of Public Safety and Corrections, Data Control, 8001 Independence Boulevard, Baton Rouge, LA 70806.

2. Each magnetic tape containing required notices shall be accompanied by, and uniquely identified with, a duly prepared tape receipt in accordance with the technical filing specifications. Such magnetic tape may contain all types of

notification. Insurance groups may report multiple companies on the same tape provided the servicing agent code is the same for all records on the tape.

3. When the department receives a magnetic tape from a security provider or servicing agent, an employee of the department shall endorse a copy of the tape receipt with the date of delivery and return such copy to the insurance company or servicing agent.

4. Each record accepted as a filing shall be deemed received by the department on the date the magnetic tape containing said record was delivered to the department as evidenced in the tape receipt.

B. Frequency of Filing and First Time Filing. A security provider may not submit notices more frequently than weekly. First time filings should be coordinated by contacting the department prior to the filing. All contact information must be provided and a test tape/cartridge processed and checked before live data will be processed on a routine basis.

C. Reporting via File Transfer Protocol. Effective October 1, 1998, security providers which currently file via magnetic tape shall begin filing using the file transfer protocol method. The only acceptable procedures for contacting the department's computer shall be via the Internet, dedicated data circuit, or dial-in access. All record formats shall be as described in LAC 55:III.Chapter 17, Subchapter B. The department will provide, upon request, all technical specifications to accomplish this connectivity. Any security provider requiring additional assistance may contact the Information Services Deputy Director of the Data Processing Center at (504) 925-6226. Section 1785.C shall not apply to security providers authorized to file reports manually or fleet coverage reports.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 24:

**§1783. Technical Specifications**

A. The technical specifications for magnetic tape and cartridges are contained in Office of Motor Vehicles policies, and shall be made available to a security provider upon the security provider notifying the department that the security provider will be submitting the reports required by R.S. 32:863.2 and LAC 55:III.Chapter 17, Subchapter B. The technical specifications are not contained in LAC 55:III.Chapter 17, Subchapter B, so as to allow for flexibility as technology changes.

B. The technical specifications for reporting via file transfer protocol are contained in Office of Motor Vehicles policies, and shall be made available to a security provider upon the security provider notifying the department that the security provider will be submitting the reports required by R.S. 32:863.2 and LAC 55:III.Chapter 17, Subchapter B. The technical specifications are not contained in LAC 55:III.Chapter 17, Subchapter B, so as to allow for flexibility as technology changes.

C. The department shall provide the security provider with the appropriate technical specifications, and the security provider shall acknowledge receipt of the technical specifications in writing, on company letterhead, dated, and signed by a company officer, director, or other person



to the security provider's insured. The sample copies shall be mailed to the Louisiana Department of Public Safety and Corrections, Office of Motor Vehicles, Cancellation Unit, Box 64886, Baton Rouge, LA 70896-4886, or sent by FAX to (504) 922-0158, Attention: Cancellation Unit.

5. A security provider with any questions in regard to implementation of §1789 may call the Cancellation Unit at (504) 925-7285.

**B. Louisiana Identification Card Specifications**

1. The size of document need not be uniform.  
 2. The identification card should be a one-part form on at least 20-pound white paper stock.

3. The security provider shall designate on the card in either bold print or contrasting color the following information:

a. on the front of the identification card:

i. the following language, verbatim:

"Louisiana Auto Insurance Identification Card";

ii. the following language, verbatim:

"An insurer authorized to transact business in Louisiana has issued the Motor Vehicle Policy identified hereon. The coverage provided by this policy meets the minimum liability insurance limits prescribed by law.";

iii. the following language, verbatim:

"This card must be carried in the vehicle at all times as evidence of liability insurance.";

b. on the reverse or backside of the identification card, the following language, verbatim:

"IMPORTANT NOTICE. La. R.S. 32:863.1 requires that an operator of a motor vehicle produce upon demand by a law enforcement officer documentation of motor vehicle security which is required to be maintained within the vehicle at all times. Failure to comply may result in fines, revocation of registration privileges and block against the renewal or issuance of a driver's license.".

4. The security provider shall include the following information on the identification card:

a. on the front of the identification card:

i. the name, address, and NAIC number of the insurance company;

ii. the name of insured, policy number, effective date and expiration date;

iii. vehicle description: the year may be shown as two digits and the make may be abbreviated. The full 17-digit vehicle identification number, with the exception of those model vehicles 1981 or older, must be shown. Only when the insurer does not have the VIN information under a fleet policy, is the word "Fleet" to be entered. The federal tax identification number of the listed insured must be provided when "Fleet" is used;

iv. any excluded drivers on the policy shall be listed.

The inclusion of the following information is optional: the excluded driver's date of birth and/or operator's license number;

b. on the front or back of the identification card: the insurance agent's name, address and telephone number.

5. The identification card shall be provided to each liability policy holder at least annually or at each renewal, at the discretion of the security provider.

6. Other items may be included on the reverse side of the card, at the discretion of the security provider, including but

not limited to the company logo or trademark, or any other message including claim locations, what actions to take in the event of an accident or other claim.

**C. Example of Louisiana Identification Card**

<b>LOUISIANA AUTO INSURANCE IDENTIFICATION CARD</b>		
An insurer authorized to transact business in Louisiana has issued the Motor Vehicle Policy identified hereon. The coverage provided by this policy meets the minimum liability insurance limits prescribed by law.		
NAIC NUMBER	COMPANY	
POLICY NUMBER	EFFECTIVE DATE	EXPIRATION DATE
VEHICLE DESCRIPTION		
YEAR	MAKE/MODEL	VEHICLE IDENTIFICATION NUMBER
INSURED		
THIS CARD MUST BE IN THE VEHICLE AT ALL TIMES AS EVIDENCE OF INSURANCE		

<b>IMPORTANT NOTICE</b>
La. R.S. 32:863.1 requires that an operator of a motor vehicle produce upon demand by a law enforcement officer documentation of motor vehicle security which is required to be maintained within the vehicle at all times.
Failure to comply may result in fines, revocation of registration privileges and block against the renewal or issuance of a driver's license.
INSURANCE AGENT:
EXCLUDED DRIVERS:

**1. Sample with Vehicle Identification Number**

<b>LOUISIANA AUTO INSURANCE IDENTIFICATION CARD</b>		
An insurer authorized to transact business in Louisiana has issued the Motor Vehicle Policy identified hereon. The coverage provided by this policy meets the minimum liability insurance limits prescribed by law.		
NAIC NUMBER	COMPANY	
12345	Compulsory Insurance Company 1234 Liability Lane Security, LA 10000	
POLICY NUMBER	EFFECTIVE DATE	EXPIRATION DATE
ABC 12345	01/01/95	01/01/96
VEHICLE DESCRIPTION		
YEAR	MAKE/MODEL	VEHICLE IDENTIFICATION NUMBER
95	Chev/Cam	1GTCE1456PB123456
INSURED		
John Doe 203 Doe Street Baton Rouge, LA 70895		
THIS CARD MUST BE IN THE VEHICLE AT ALL TIMES AS EVIDENCE OF INSURANCE		



AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicle, LR 11:874 (September 1985), amended LR 13:667 (November 1987), repealed LR 24:

### §127. Record Format and Field Descriptions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:863.2.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 11:874 (September 1985), amended LR 13:667 (November 1987), repealed LR 24:

Persons having comments or inquiries may contact Stephen A. Quidd, attorney for the Office of Motor Vehicles by writing to Box 66614, Baton Rouge, LA 70896, by calling (504) 925-4068, or by sending a FAX to (504) 925-3974. These comments and inquiries must be received by June 20, 1998.

A public hearing on these rules is tentatively scheduled for Monday, June 29, 1998, in the Executive Conference Room at the Office of Motor Vehicles Headquarters at 109 South Foster Drive, Baton Rouge, LA 70806. Any person wishing to attend the public hearing should call to confirm the time and the location of the hearing.

Thomas Normile  
Undersecretary

### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Compulsory Liability Insurance

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There should be no implementation costs or savings to the department as the department is currently accepting insurance coverage reports from security providers. These rules are being proposed to address changes in the law which shorten the reporting period for insurance companies from 45 days to 15 days. These rules also change the manner in which security providers submit reports to the department with certain exceptions.

There should be no implementation costs or savings to local governments as only the state administers this program.

#### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There should be no effect on the revenue collections of either state or local governments. As stated above, local governments are not involved in the reporting process. The state only charges the fee authorized by R.S. 32:863.2 in those cases in which the security provider fails to report the required insurance information in a timely and appropriate manner. These fees have been assessed in the past and will continue to be assessed to those security providers who fail to report information in the approved manner.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Insurance companies are already required by state law to submit the reports of insurance information to the department, so there should be no increased costs. There may be a negligible reduction in the supply costs of these companies as they will no

longer have to buy the supplies such as the tapes or cartridges effective October 1, 1998.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There should be no effect on competition or employment as security providers are already required to submit insurance information to the department. The only changes are the 15-day reporting requirement mandated by state law, R.S. 32:863.2, and the manner in which the reports are to be submitted to the department. In both cases, the changes will apply equally to all security providers.

Thomas Normile  
Undersecretary  
9805#053

H. Gordon Monk  
Staff Director  
Legislative Fiscal Office

### NOTICE OF INTENT

#### Department of Public Safety and Corrections Office of the State Fire Marshal

Boilers (LAC 55:V.Chapters 50-58)

In accordance with the provisions of R.S. 49:950 et seq., and R.S. 40:1563(D), relative to the authority of the Office of the State Fire Marshal to promulgate rules and regulations, notice is hereby given that the Office of the State Fire Marshal intends to repeal LAC 46:VIII, Chapters 3 - 13 in their entirety and replace these existing Boiler Inspectors rules with new rules in LAC 55:V.Chapters 50 - 58.

#### Title 55 PUBLIC SAFETY Part V. Fire Protection Subpart 2. Boilers

#### Chapter 50. General Provisions

#### §5001. Preface

A. The objective of these rules is to promote safe and efficient boiler practices for the construction, repair, alteration, operation and inspection of all boilers, and to provide for inspection during fabrication, assembly, modification, repair or alteration of those pressure vessels which are required by the owner or user to:

1. meet American Society of Mechanical Engineers (ASME) rules for construction, and the *National Board Inspection Code* (NBIC) rules for repair; and

2. be stamped as meeting those rules, thereby insuring better protection of life and property. To this end we invite the cooperation of all boiler and pressure vessel manufacturers, owners, users, operators and insurance companies.

B. It is intended that these rules will effect reasonable and adequate regulations governing the construction, maintenance, inspection and use of boilers, and provide for the inspection during fabrication, repair or alteration of those pressure vessels that are required by the owner or user to:

1. meet ASME and NBIC requirements; and
2. be stamped as meeting those rules.

C. These rules are not designed to provide an inspection program for unfired pressure vessels, except as provided for by the Act, however, inspections will be provided when requested by the owner or user. They are intended to promote uniform

standards for the design, fabrication, repair, alteration and inspection of steam and hot water boilers, and the inspection during fabrication, repair or alteration of those pressure vessels that are required by the owner or user to:

1. meet ASME and NBIC requirements; and
2. be stamped as meeting those rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563(D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:

### §5003. Application

A. The rules herein promulgated apply to all boilers subject to the provisions of the Louisiana Revised Statutes of 1950, Title 23, Chapter 5, Part III, Sections 531 through 545, [Except boilers exempted by R.S. 23:540 and R.S. 23:541(D)], and to those pressure vessels that are required by the owner or user to:

1. meet ASME and NBIC requirements; and
2. be stamped as meeting those rules, as provided for by R.S. 23:531.

B. These rules shall conform as nearly as practicable to the *ASME Boiler and Pressure Vessel Codes*:

1. Section I—Power Boilers;
2. Section IV—Heating Boilers;
3. Section V—Nondestructive Examination;
4. Section VI—Recommended Rules for the Care and Operation of Heating Boilers;
5. Section VII—Recommended Guidelines for the Care of Power Boilers;
6. Section VIII—Pressure Vessels to the extent the rules and regulations apply;
7. Section IX—Welding and Brazing Qualifications;
8. ASME B31.1—Power Piping;
9. ASME C.S.D.-1—Controls and Safety Devices for Automatically Fired Boilers; and
10. NAPA 54—*National Fuel Gas Code*, with the addenda, code cases, and interpretations adopted by the council of the American Society of Mechanical Engineers; and the *National Board Inspection Code*, current edition.

C. Where the application of a rule would cause expense materially out of proportion to the increase of safety secured thereby, or would be unreasonable under the facts of the particular case, and safety can be secured in other ways, the assistant secretary may, upon adequate showing by the owner or user, grant an exemption or modification of the rule complained of, under such requirements as will secure a reasonable condition of safety.

D. The rules providing for inspection of new and existing installations shall apply to all boilers subject to the provisions of Act 264 of the Regular Session of 1938, as continued or substituted for by Title 23, Chapter 5, Part III, of the Louisiana Revised Statutes of 1950, regardless of whether inspected by an inspector employed by the Department of Public Safety or by an insurance company inspector, and shall apply to all boilers whether stationary or portable, insofar as is practical.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563(D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:

### §5005. Definitions

*Act*—regulations affecting boilers, as enacted, amended and reenacted by the Legislature of Louisiana, herein referred to as the Louisiana Revised Statutes of 1950, Title 23, Chapter 5, Part III, Sections R.S. 23:531-545.

*Alteration*—a change in any item described on the original manufacturers' Data Report which effects the pressure containing capability of the boiler or pressure vessel. Nonphysical changes such as an increase in maximum allowable working pressure (internal or external) or design temperature shall be considered an alteration. A reduction in minimum temperature such that additional mechanical tests are required shall also be considered an alteration.

*Assistant Secretary*—as used herein shall be the fire marshal for the State of Louisiana.

*ASME*—the American Society of Mechanical Engineers.

*ASME Code*—the *American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code* published by that society, including addenda and code cases, approved by its council and adopted by the assistant secretary, shall hereafter be known as the *Louisiana Boiler Construction Code*. A copy of this code will be on file at the State of Louisiana, Department of Public Safety, Office of the State Fire Marshal, Boiler Inspection Section, Baton Rouge, Louisiana.

*Authorized Inspection Agency*—one of the following:

1. a department or division established by a jurisdiction which has adopted and does administer one or more sections of the *ASME Code*, one of which shall be Section I as a legal requirement, and whose inspectors hold valid commissions issued by the National Board of Boiler and Pressure Vessel Inspectors. For these rules this shall be the Boiler Inspection Section, Office of the State Fire Marshal, State of Louisiana;

2. an insurance company which has been licensed or registered by the appropriate authority of a state of the United States or a province of Canada, to write and does write boiler and pressure vessel insurance, and to provide inspection service of boilers and pressure vessels that they insure in such state or province, and whose inspectors meet the requirements of authorized inspector above.

*Authorized Inspector*—an inspector who holds a current commission as an inspector of boilers and other pressure vessels, issued by the National Board of Boiler and Pressure Vessel Inspectors; a certificate of competency and commission as a boiler inspector, issued by the Boiler Inspection Section, Office of the State Fire Marshal, State of Louisiana.

*Boiler*—a vessel in which water is heated, steam is generated, steam is superheated, or any combination thereof, under pressure or vacuum for use external to itself, by the direct application of heat, that is heat resulting from the combustion of fuel, electrical elements, nuclear fuel, or waste gases. Vessels known as evaporators or heat exchangers and vessels in which steam and other vapor is generated by the use of heat resulting from operation of a processing system containing a number of pressure vessels such as used in the manufacture of chemical and petroleum products, would be exempted from jurisdictional inspection requirements. The term *boiler* shall include the following.

1. *Electric Boiler*—a power boiler or a hot water heating or supply boiler in which the source of heat is electricity.

2. *Heat Recovery Boiler*—a vessel or system of vessels comprised of one or more heat exchanger surfaces used for the recovery of waste heat. Vessels known as evaporators or heat exchangers in which steam and other vapors generated by the use of heat resulting from the operation of a processing system containing a number of pressure vessels such as used in the manufacturing of chemical and petroleum products, are to be exempted from jurisdictional inspection requirements.

3. *Heating Boiler*—a steam boiler operating at pressures not exceeding 15 psig, or a hot water boiler operating at pressures not exceeding 160 psig or temperatures not exceeding 250EF.

4. *High Pressure/High Temperature Water Boiler*—a water boiler intended for operation at pressures in excess of 160 psig and/or temperatures in excess of 250EF.

5. *Hot Water Heating Boiler*—a boiler in which no steam is generated, from which hot water is circulated for heating purposes and then returned to the boiler, and which operates at a pressure not exceeding 160 psig and/or a temperature of 250EF at or near the boiler outlet.

6. *Hot Water Supply Boiler*—a boiler completely filled with water that furnishes hot water to be used externally to itself at pressures not exceeding 160 psig or a temperature not exceeding 250EF at or near the boiler outlet.

7. *Miniature Boiler*—a power boiler or a high-temperature water boiler which does not exceed the following limits:

- a. 16 inches inside diameter of shell;
- b. 20 square feet heating surface (not applicable to electric boilers);
- c. 5 cubic feet gross volume exclusive of casing and insulation;
- d. 100 psig maximum allowable working pressure.

8. *Potable Boiler*—a boiler which is primarily intended for temporary location and the construction and usage permits it to be readily moved from one location to another.

9. *Potable Water Boiler*—a vessel in which water is heated and withdrawn for use external to itself at pressures not exceeding 160 psig and temperatures not exceeding 210EF. This shall include hot water heaters (fired and electric), supplying potable hot water, 50 gallons and over in capacity; coil water heaters and fired jacketed kettles. This includes all size hot water heaters when not exempt by R.S. 23:541(D).

10. *Power Boiler*—a boiler in which steam is generated at a pressure of more than 15 psig.

11. *Steam Heating Boiler*—a steam boiler for operation at pressures not exceeding 15 psig, used for heating purposes.

12. *Unfired Steam Boiler*—an unfired vessel intended for operation at a pressure in excess of 15 psig steam for the purpose of producing and controlling an output of thermal energy. Vessels known as evaporators or heat exchangers and vessels in which steam and other vapor is generated by the use of heat resulting from the operation of a processing system containing a number of pressure vessels such as used in the manufacture of chemical and petroleum products, are to be exempted from jurisdictional inspection requirements.

13. *Waste Heat Boiler*—an unfired vessel or system of unfired vessels intended for operation in excess of 15 psig steam for the purpose of producing and controlling an output of thermal energy. Vessels known as evaporators or heat exchangers and vessels in which steam and other vapor is generated by the use of heat resulting from the operation of a processing system containing a number of pressure vessels such as used in the manufacture of chemical and petroleum products, are exempted from jurisdictional inspection requirements.

*Certificate Inspection*—an inspection, the report of which is used by the chief inspector as justification for issuing, withholding or revoking the inspection certificate. This certificate inspection shall be an internal inspection when required, otherwise, it shall be as complete an inspection as possible.

1. *Internal Inspection*—as complete an examination as can be made of the internal and external surface of a boiler or pressure vessel while it is shut down and manhole plates, hand hole plates or other inspection opening closures are removed as required by the inspector.

2. *External Inspection*—an inspection made when a boiler or pressure vessel is in operation, if possible.

*Certificate of Competency*—a certificate issued to a person who has passed the examination prescribed by the assistant secretary.

*Certificate of Inspection*—a certificate issued by the chief inspector for the operation of a boiler or pressure vessel as required by the Act.

*Commission—National Board*—the commission issued by the National Board of Boiler and Pressure Vessel Inspectors to a holder of a certificate of competency who desires to make shop inspections or field inspections in accordance with the national board bylaws and whose employer submits the inspector application to the national board for such commission.

*Condemned Boiler or Pressure Vessel*—a boiler or pressure vessel that has been inspected and declared unsafe, or disqualified by legal requirements, by an inspector and a stamping or marking designating its condemnation has been applied by the chief inspector, deputy or special inspector.

*Existing Installation*—includes any boiler constructed, installed, placed in operation, or contracted for before July 7, 1938 and any pressure vessel (when required by the Act) before July 16, 1975.

*Inspector*—the chief inspector, any deputy inspector or special inspector.

1. *Chief Inspector*—the chief boiler and pressure vessel inspector, appointed under the Act.

2. *Deputy Inspector*—any inspector, employed by this state and appointed by the assistant secretary under the provisions of the Act.

3. *Special Inspector*—an inspector holding a Certificate of Competency, and who is regularly employed by an insurance company authorized to insure against loss from explosion of boilers or pressure vessels in this state.

*Jurisdiction*—a state, commonwealth, county or municipality of the United States or a province of Canada, which has adopted one or more sections of the *ASME Code*, or

other codes and standards accepted by the National Board of Boiler and Pressure Vessel Inspectors, and maintains a duly constituted department, bureau or division for the purpose of enforcement of such Code.

*National Board*—the National Board of Boiler and Pressure Vessel Inspectors, 1055 Crupper Avenue, Columbus, Ohio 43229, whose membership is composed of the chief inspectors of jurisdictions, who are charged with the enforcement of the provisions of the *ASME Code*.

*National Board Inspection Code*—the manual for boiler and pressure vessel inspectors published by the National Board of Boiler and Pressure Vessel Inspectors, from which copies may be obtained.

*New Boiler or Pressure Vessel*—includes all boilers constructed, installed, placed in operation or contracted for after July 7, 1938, or pressure vessels (when requested) after July 16, 1975.

*Nonstandard Boiler or Pressure Vessel*—a boiler or pressure vessel that does not bear the ASME stamp, the API-ASME stamp, or the stamp of any jurisdiction which has adopted a standard of construction equivalent to that required by these rules.

*Owner or User*—any person, firm or corporation legally responsible for the safe installation, operation and maintenance of any boiler or pressure vessel within this jurisdiction.

*Pressure Vessel*—a vessel in which the pressure is obtained from an external source, or by the application of heat from an indirect source, or from a direct source other than those boilers defined herein, and shall be those vessels within the scope of Section VIII of the *ASME Code*.

*PSIG*—pounds per square inch gauge.

*Reinstalled Boiler or Pressure Vessel*—a boiler or pressure vessel removed from its original setting and reinstalled at the same location or at a new location without change of ownership.

*Repair*—the work necessary to restore a boiler or pressure vessel to a safe and satisfactory operating condition, provided there is no deviation from the original design.

*Repair/Pressure Relief Valve*—the replacement, re-machining or cleaning of any critical part, lapping of seat and disk or any other operation which may affect the flow passage, capacity function or pressure retaining ability of the valve. Disassembly, reassembly and/or adjustments which affect the pressure relief valve function are also considered repair.

*Second Hand Boiler or Pressure Vessel*—a boiler or pressure vessel which has changed both locations and ownership since its primary use.

*Standard Boiler or Pressure Vessel*—a boiler or pressure vessel which bears the stamp of the state, the ASME stamp, the API-ASME stamp, both the ASME and national board stamp, or the stamp of another jurisdiction which has adopted a standard of construction equivalent to that required by this state.

*Water Heater*—a vessel in which water is heated by combustion of fuel or electricity, for use external to the system at pressures not exceeding 160 psig and shall include all controls and devices necessary to prevent water temperatures

from exceeding 210°F as well as storage vessels connected to the water heater (also defined as a *potable water boiler*).

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563(D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:

## **Chapter 52. Administration**

### **§5201. Compliance with Code Requirements**

A. No boiler shall be installed in this state unless it has been constructed, inspected and stamped in conformity with the *ASME Code* and registered with the National Board except:

1. those exempt by the Act;
2. those existing installations (see definitions);
3. those potable water heaters exempted by Part HLW-101, Section IV of the *ASME Code*, that are required by the Act, to comply with these rules. (Those heaters must be designed and constructed according to Underwriter's Laboratories or other nationally recognized standards, and shall bear their label on the completed unit);
4. those approved as "Louisiana Special."

B. Louisiana Special. If, due to a valid impediment to compliance with the original code of construction, a boiler cannot bear the required construction code and national board stamping, details in the English language and United States customary units of the proposed construction, material specifications and calculations, approved by a registered professional engineer experienced in boiler systems design, shall be submitted to the chief inspector by the owner or user and approval as Louisiana Special obtained before construction is started.

C. A boiler having a standard or special stamping of another state that has adopted a standard of construction equivalent to that required for Louisiana, may be accepted by the assistant secretary. The owner/user desiring to install such a boiler shall make application for the installation of same and shall file with the application of a manufacturer's data report covering the construction of the boiler in question and a copy of the approval for construction from the state in which the boiler was fabricated.

D. The stamping, ASME, NB, or Standard Label, shall not be concealed by lagging or paint and shall be exposed at all times unless a suitable cover is provided and identifies the stamping as beneath the cover, or a suitable record is kept of the location of the stamping so that it may be readily uncovered.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563(D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:

### **§5203. Boiler Inspections**

A. Upon completion of installation, all boilers shall be inspected by an inspector commissioned to inspect boilers in this state, and shall be inspected thereafter as follows.

1. Power boilers shall receive an internal certificate inspection annually, with the exception of those covered by R.S. 23:536(A), and may receive an external inspection while under pressure at approximately six months following the internal inspection.

2. High temperature and high pressure water boilers shall receive an external inspection annually, with an internal inspection done every six years based on the date of manufacture.

3. Low pressure boilers and potable water boilers shall receive a certificate inspection annually as follows.

a. Steam heating boilers shall receive an internal inspection every two years where construction permits, otherwise, a thorough external inspection shall be performed.

b. Hot water heating and hot water supply boilers shall receive an external inspection every two years and where construction permits an internal inspection every six years based on the date of manufacture.

c. All potable water boilers/water heaters shall receive an external inspection, including the functions of all controls and devices, at the initial installation, except those located in privately owned residences. Those potable water boilers/water heaters 50 gallons in capacity and larger (including any attached storage vessels) and/or 100,000 Btu/hr heat input, shall be issued a state jurisdiction number and a certificate to operate. Those heaters issued an operating certificate will require an external inspection every two years thereafter.

B. Upon application from the owner or user with the recommendation of a deputy inspector or special inspector, the chief inspector may authorize an extension of the internal inspection period, as provided for by the Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563(D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:

#### **§5205. Second-Hand Installations to Comply with New Installation Requirements**

In any case where a second-hand boiler is installed, that is, both the ownership and location of which is changed, all fittings and appliances must comply with the applicable current *ASME Code* section for New Installations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563(D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:

#### **§5207. Application of State Serial Numbers**

A. Upon completion of the installation of a boiler, or at the time of the initial certificate inspection of an already installed boiler that has not been inspected and stamped according to these rules, each power boiler and high pressure high temperature water boiler shall be stamped by the inspector with a serial number of the state, consisting of letters and figures to be not less 5/16 inch in height and arranged as follows: 00000LA (state serial numbers 00001-49999 shall be referred to as high pressure numbers and used for power boilers and high pressure high temperature water boilers. Numbers 50000 and above shall be referred to as low pressure numbers and a decal provided for attachment to all other boilers).

B. All other low pressure boilers, potable water boilers and water heaters shall have securely attached to the front of the

unit, if possible, the low pressure decal provided by the boiler inspection section, containing the state serial number.

C. Pressure vessels when requested to be inspected by the owner or user shall have securely attached one of the low pressure decals provided by the boiler inspection section containing the state serial number, and shall be stamped under the same pressure and temperature guidelines provided for boilers by these rules.

D. State serial numbers that have been stamped or otherwise attached to a boiler shall not be defaced or removed except as provided for by these rules and regulations, and shall not be covered by insulation or other material.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563(D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:

#### **§5209. Examination for an Inspector's Certificate of Competency**

A. Examination for an inspector's certificate of competency shall be held at the Office of the State Fire Marshal or any other location to be selected by the chief inspector, four times each year, namely the first Wednesday and one-half day Thursday in the months of March, June, September and December. An applicant for an examination shall have education and experience equal to at least one of the following:

1. from an accredited school, a degree in engineering plus one year of experience in design, construction, operation or inspection of high-pressure boilers and pressure vessels;

2. an associate degree in mechanical technology plus two years of experience in design, construction, operation or inspection of high-pressure boilers and pressure vessels;

3. a high school education or the equivalent plus three years of experience:

a. in high-pressure boiler and pressure vessel construction or repair; or

b. in charge of high-pressure boiler operation; or

c. in the inspection of high-pressure boilers and pressure vessels.

B. Applications for examination shall be in writing on a form to be furnished by the chief inspector stating the education of the applicant, a list of the applicant's employers, the applicant's period of employment and position held with each employer. Applications containing willful falsifications or untruthful statements shall be cause for rejection. Applications shall be submitted to the chief inspector at least 45 days prior to the date of examination. If the applicant's education and experience are acceptable to the chief inspector, the applicant shall be given a written examination prepared by the National Board of Boiler and Pressure Vessel Inspectors or the American Petroleum Institute, as applicable, dealing with the construction, maintenance and repair of boilers and pressure vessels and appurtenances, and the applicant shall be accepted or rejected on the merits of this examination. If the applicant is successful in meeting the requirements, a certificate of competency will be issued by the chief inspector,

when the applicant is employed on a full-time basis by an authorized inspection organization (see definitions). Upon the expiration of 90 days, an applicant who failed to pass the examination will be permitted to take another written examination and applicant's acceptance or rejection will be determined on the basis of this examination.

C. An NDE Level II examiner of *ASME Code* boilers and pressure vessels may be credited one year toward the experience requirements above, provided the applicant has five years of documented experience in that position and meets all other requirements.

D. A quality control inspector of *ASME Code* boilers and pressure vessels, applying under §5209.A.3, may be credited with 4 months of experience under the experience requirements of such section for each year of documented, diversified experience he/she possesses in the implementation of an ASME accepted written quality control/assurance system, up to a maximum of 24 months of such credit, provided that the applicant meets all other applicable requirements and provided that he/she has the balance of experience required under §5209.A.3 in actual work described in §5209.A.3.a, b, or c.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563(D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:

#### **§5211. Examination Fees**

A fee of \$25 will be charged for each applicant taking the examination for a certificate of competency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563(D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:

#### **§5213. Certificate of Competency and Identification Card**

A. Upon request of an employer, a certificate of competency and an identification card may be issued by the chief inspector to:

1. an inspector employed by the jurisdiction;
2. an inspector who is employed full-time by an insurance company which is authorized to insure and does insure against loss from explosions of boilers and pressure vessels in this jurisdiction;
3. an inspector employed as described in either one or two above who conducts shop or field inspections of new boilers, pressure vessels, or nuclear components in accordance with the applicable *ASME Code* requirements.

B. The request for the certificate of competency and identification card shall be completed on forms to be provided by the chief inspector and shall be accompanied by, when applicable, a facsimile of the applicant's commission and commission card, certificate of competency and identification card as named above, and a fee of \$40.

C. The certificate of competency and valid identification card shall be returned to the chief inspector when the inspector to whom they were issued is no longer employed by the organization employing that inspector at the time that the certificate was issued. Each person holding a valid certificate of competency and who conducts inspections as provided by the Act shall apply to the chief inspector on forms provided

and obtain a renewal identification card annually, not later than March 31 of each year. A fee of \$20 for each card shall accompany each applicant.

D. An inspector's certificate of competency may be suspended by the chief inspector after due investigation for neglect of duty, incompetency, untrustworthiness or conflict of interest of the holder thereof, or for willful falsification of any matter or statement contained in his/her application, or in a report of any inspection made by him/her. Written notice of any such suspension shall be given to the inspector and his/her employer by the chief inspector within not more than 10 days after the effective date of such suspension. Persons whose certificates of competency have been suspended shall be entitled to an appeal to the assistant secretary and to be present in person and represented by counsel at the hearing of the appeal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563(D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:

#### **§5215. Conflict of Interest**

An inspector shall not engage in the sale of any services, article or device relating to boilers, pressure vessels, or their appurtenances.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563(D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:

#### **§5217. Inspection Reports to be Submitted by Inspectors**

A. Insurance companies inspecting boilers subject to the rules and regulations herein, shall be responsible for the proper invoicing of any fees due for the certificates of operation on any boilers inspected by such company.

B. Reports shall be submitted on approved forms or format within 30 from the date of the inspection. The copy of the report filed with the assistant secretary shall be filled out in ink or typewritten, and shall be signed by the inspector.

C. External inspection reports are required when they are used to support a request for an extension of internal inspection, when the design of a vessel does not provide for an internal inspection an annual external certificate inspection shall be completed, and to report unsafe conditions or code violations which would affect the safety of the boiler.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563(D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:

#### **§5219. Insurance Companies to Notify Chief Inspector of New, Canceled or Suspended Insurance on Boilers, Pressure Vessels, or Nuclear Systems**

All insurance companies shall notify the chief inspector, within 30 days, of all boilers, pressure vessels, or nuclear systems on which insurance is written, canceled, not renewed or suspended because of unsafe conditions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563(D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:

#### **§5221. Special Inspectors to Notify Chief Inspector of Unsafe Boilers**

If a special inspector, upon first inspection of a new risk,

finds that a boiler or any appurtenance thereof, is in such condition that the special inspector's company would refuse insurance, the company shall immediately notify the chief inspector and submit a report on the defects. If, upon inspection, a special inspector finds a boiler to be unsafe for further operation, the special inspector shall promptly notify the owner or user, stating what repairs or other corrective measures are required to bring the object into compliance with these rules. If the owner or user fails to make such repairs or adopt such other corrective measures promptly, the special inspector shall immediately notify the chief inspector. Until such corrections have been made, no further operation of the boiler involved shall be permitted. If an inspection certificate for the object is required and is in force, it shall be suspended by the chief inspector. When reinspection establishes that the necessary repairs have been made or corrective actions have been taken and that the boiler is safe to operate, the chief inspector shall be notified. At that time an inspection certificate, where applicable, will be issued.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563(D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:

#### **§5223. Defective Conditions Disclosed at Time of External Inspection**

If, upon an external inspection, there is evidence of a leak or crack, sufficient covering of the boiler shall be removed to permit the inspector to satisfactorily determine the safety of the boiler. If the covering cannot be removed at that time, he/she may order the operation of the boiler stopped until such time as the covering can be removed and proper examination made.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563(D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:

### **Chapter 54. Existing Installations: Power, Steam, Hot Water Heating and Hot Water Supply Boilers**

#### **§5401. Age Limits of Existing Boilers**

A. The age limit of any boiler of nonstandard construction, installed prior to the date the Act became effective, shall be 30 years except that, a boiler having other than a lap-riveted longitudinal joint, after a thorough internal and external inspection, and when required by the inspector, a hydrostatic test of one and one half times the allowable working pressure held for a period of at least 30 minutes during which no distress or leakage develops, may be continued in operation at the working pressure determined by §5405. The age limit on any nonstandard boiler having lap-riveted longitudinal joints and operating at a pressure in excess of 50 psig shall be 20 years. This type of boiler, when removed from an existing setting shall not be reinstalled for a pressure in excess of 15 psig. A reasonable time for replacement, not to exceed one year, may be given at the discretion of the assistant secretary.

B. The age limit of boilers of standard construction installed prior to the date this law, Title 23, Chapter 5, Page III, of the Louisiana Revised Statutes of 1950, became effective shall be dependent on thorough internal and external inspection and where required by the inspector, a hydrostatic

pressure test not exceeding one and one-half times the allowable working pressure, if the boiler, under these test conditions, exhibits no distress or leakage, it may be continued in operation at the working pressure determined by §5403.

C. The shell or drum of a boiler in which a lap seam crack develops along a longitudinal lap-riveted joint shall be condemned. A lap seam crack is a crack found in lap seams extending parallel to the longitudinal joint and located either between or adjacent to rivet holes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563(D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:

#### **§5403. Maximum Allowable Working Pressure for Standard Boilers**

The maximum allowable working pressure for standard boilers shall be determined in accordance with the applicable provisions of the edition of the *ASME Code* under which they were constructed and stamped.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563(D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:

#### **§5405. Maximum Allowable Working Pressure for Nonstandard Boilers**

A. The maximum allowable working pressure for boilers fabricated by riveting shall be determined by the applicable rules of the 1971 Edition of Section I of the *ASME Code*.

B. The lowest factor of safety permissible on existing installations shall be 5 except for horizontal-return-tubular boilers having continuous longitudinal lap seams more than 12 feet in length, the factor of safety shall be 8. When this latter type of boiler is removed from its existing setting, it shall not be reinstalled for pressure in excess of 15 psig.

C. The maximum allowable working pressure for boilers of welded construction in service may not exceed that allowable in Section I of the *ASME Code* for new boilers of the same construction.

D. The maximum allowable working pressure on the shell of a boiler or drum shall be determined by the strength of the weakest course computed from the thickness of the plate, the tensile strength of the plate, the efficiency of the longitudinal joint, the inside diameter of the course, and the factor of safety allowed by these rules and regulations in accordance with the following formula:

$$\frac{TStE}{RFS} = \text{maximum allowable working pressure, psig}$$

where:

TS = specified minimum tensile strength of shell plate material, psi. When the tensile strength of steel or wrought-iron shell plate is not known, it shall be taken as 55,000 psi for steel and 45,000 psi for wrought iron.

t = minimum thickness of shell plate, in weakest course, inches.

E = efficiency of longitudinal joint, method of determining which is given in Paragraph PG-27 of Section I of the *ASME Code*.

R = inside radius of the weakest course of the shell of drum, inches.

FS = factor of safety which shall be at least 5.

E. The inspector may increase the factor of safety, if the condition and safety of the boiler warrant it.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563(D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:

#### **§5407. Cast-Iron Headers and Mud Drums**

The maximum allowable working pressure on a water tube boiler, the tubes of which are secured to cast-iron or malleable-iron headers or which have cast-iron mud drums, shall not exceed 160 psig.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563(D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:

#### **§5409. Pressure on Cast-Iron Boilers**

The maximum allowable working pressure for any cast-iron boiler, except hot water boilers, shall be 15 psig.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563(D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:

#### **§5411. Safety Valves**

A. The use of weighted-lever safety valves or safety valves having either the seat or disk of cast-iron is prohibited; valves of this type of construction shall be replaced by direct, spring-loaded, pop-type valves that conform to the requirements of *ASME Code*, Section I.

B. Each boiler shall have at least one ASME/NB stamped and certified safety valve, and if it has more than 500 square feet of water-heating surface, or an electric power input of more than 1,100 KW, it shall have two or more safety valves of the same type.

C. The valve or valves shall be connected to the boiler, independent of any other steam connection and attached as close as possible to the boiler without unnecessary intervening pipe or fittings. Where alteration is required to conform to this requirement, owner or user shall be allowed reasonable time in which to complete the work as permitted by the chief inspector.

D. No valves of any description shall be placed between the safety valve and the boiler nor on the escape pipe, if used. When an escape pipe is used, it shall be at least the full size of the safety valve discharge and fitted with an open drain to prevent water lodging in the upper part of the safety valve or in the escape pipe. When an elbow is placed on a safety valve escape pipe, it shall be located close to the safety valve outlet or the escape pipe shall be anchored and supported securely. All safety discharges shall be so located or piped as to be carried clear from walkways or platforms.

E. The safety valve capacity of each boiler shall be such that the safety valve or valves will discharge all the steam that can be generated by the boiler without allowing the pressure to rise more than 6 percent above the highest pressure to which any valve is set, and in no case to more than 6 percent above the maximum allowable working pressure.

F. One or more safety valves on every boiler shall be set at or below the maximum allowable working pressure. The remaining valves may be set within a range of 3 percent above the maximum allowable working pressure, but the range of setting of all the safety valves on a boiler shall not exceed 10 percent of the highest pressure to which any valve is set.

G. When boilers of different maximum allowable working pressures with minimum safety valve settings varying more than 6 percent are so connected that steam can flow toward the lower pressure units, the latter shall be protected by additional safety valve capacity, if necessary, on the lower pressure side of the system. The additional safety valve capacity shall be based upon the maximum amount of steam which can flow into the lower pressure system.

H. In those cases where the boiler is supplied with feedwater directly from water mains without the use of feeding apparatus (not to include return traps), no safety valve shall be set at a pressure greater than 94 percent of the lowest pressure obtained in the supply main feeding the boiler.

I. The relieving capacity of the safety valves on any boiler shall be done by one of the three following methods and, if found to be insufficient, additional valves shall be provided:

1. by making an accumulation test, which consists of shutting off all other steam discharge outlets from the boiler and forcing the fires to the maximum. The safety valve capacity shall be sufficient to prevent a rise of pressure in excess of 6 percent of the maximum allowable working pressure. This method should not be used on a boiler with a superheater or reheater;

2. by measuring the maximum amount of fuel that can be burned and computing the corresponding evaporative capacity (steam generating capacity) upon the basis of the heating value of this fuel. These computations shall be made as outlined in the Appendix of the *ASME Code*, Section I;

3. by measuring the maximum amount of feedwater that can be evaporated. When either of the methods outlined in §5411.I.2 or 3 is employed, the sum of the safety valve capacities shall be equal to or greater than the maximum evaporative capacity (maximum steam generating capacity) of the boiler.

J. Repairs to safety and safety-relief valves shall be conducted only by holders of the National Board "VR" Certificate of Authorization, or by owner/users that have obtained the state certificate of authorization to repair safety and safety-relief valves.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563(D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:

#### **§5413. Boiler Feeding**

A. Each boiler shall have a feed supply which will permit it to be fed at any time while under pressure.

B. A boiler having more than 500 square feet of water heating surface shall have at least two suitable means of feeding, at least one of which shall be a feed pump. A source of feed at a pressure 6 percent greater than the set pressure of the safety valve with the highest setting may be considered one of the means. Boilers fired by gaseous, liquid, or solid

fuel in suspension may be equipped with a single means of feeding water provided means are furnished for the shutoff of heat input prior to the water level reaching the lowest safe level.

C. The feedwater shall be introduced into a boiler in such a manner that the water will not be discharged directly against surfaces exposed to gases of high temperature to direct radiation from the fire. For pressures of 400 psig over, the feedwater inlet through the drum shall be fitted with shields, sleeves, or other suitable means to reduce the effects of temperature differentials in the shell or head.

D. The feed piping to the boiler shall be provided with a check valve near the boiler and a valve or cock between the check valve and the boiler. When two or more boilers are fed from a common source, there shall also be a valve on the branch to each boiler between the check valve and the source of supply. Whenever a globe valve is used on feed piping, the inlet shall be under the disk of the valve.

E. In all cases where returns are fed back to the boiler by gravity, there shall be a check valve and stop valve in each return line, the stop valve to be placed between the boiler and the check valve, and both shall be located as close to the boiler as practicable. It is recommended that no stop valves be placed in the supply and return pipe connections of a single boiler installation.

F. Where deaerating heaters are not employed, it is recommended that the temperature of the feedwater be not less than 120°F to avoid the possibility of setting up localized stress. Where deaerating heaters are employed, it is recommended that the minimum feedwater temperature be not less than 215°F so that dissolved gases may be thoroughly released.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563(D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:

#### **§5415. Water Level Indicators**

A. Each boiler, except forced-flow steam generators with no fixed steam and waterline, and high-temperature water boiler of the forced circulation type that have no steam and waterline, shall have at least one water gage glass. Boilers operated at pressures over 400 psig shall be provided with two water gage glasses which may be connected to a single water column or connected directly to the drum.

B. Two independent remote level indicators may be provided instead of one of the two required gage glasses for boiler drum water level indication in the case of power boilers with all drum safety valves set at or above 400 psig. When both remote level indicators are in reliable operation, the remaining gage glass may be shut off, but shall be maintained in serviceable condition.

C. When the direct reading of gage glass water level is not readily visible to the operator in his/her working area, two dependable indirect indications shall be provided, either by transmission of the gage glass image or by remote level indicators.

D. The lowest visible part of the water gage glass shall be at least 2 inches above the lowest permissible water level, at which level there will be no danger of overheating any part of

the boiler when in operation at that level. When remote level indication is provided for the operator in lieu of the gage glass, the same minimum level reference shall be clearly marked.

E. Connections from the boiler to the remote level indicator shall be at least ¾-inch pipe size to and including the isolation valve and from there to the remote level indicator at least ½-inch outside diameter (o.d.) tubing. These connections shall be completely independent of other connections for any function other than water level indication. For pressures of 400 psig or over, lower connections to drums shall be provided with shields, sleeves, or other suitable means to reduce temperature differentials in the shells or heads.

F. Boilers of the horizontal firetube types shall be so set that when the water is at the lowest reading in the water gage glass there shall be at least 3 inches of water over the highest point of the tubes, flues, or crown sheets.

G. Boilers of locomotives shall have at least one water glass provided with top and bottom shutoff cocks and lamp, and two gage cocks for boilers 36 inches in diameter and under, and three gage cocks for boilers over 36 inches in diameter.

H. The lowest gage cock and the lowest reading of water glass shall not be less than 2 inches above the highest point of crown sheet on boilers 36 inches in diameter and under, nor less than 3 inches for boilers over 36 inches in diameter. These are minimum dimensions, and on larger locomotives and those operating on steep grades, the height should be increased, if necessary, to compensate for change of water level on descending grades.

I. The bottom mounting for water glass and for water column if used must extend not less than 1½ inches inside the boiler and beyond any obstacle immediately above it, and the passage therein must be straight and horizontal.

J. Tubular water glasses must be equipped with a protecting shield.

K. All connections on the gage glass shall be not less than ½-inch pipe size. Each water gage glass shall be fitted with a drain cock or valve having an unrestricted drain opening of not less than ¼-inch diameter to facilitate cleaning. When the boiler operating pressure exceeds 100 psig the glass shall be furnished with a connection to install a valved drain to the ash pit or other safe discharge point.

L. Each water gage glass shall be equipped with a top and bottom shutoff valve of such through-flow construction as to prevent stoppage by deposits of sediments. If the lowest valve is more than 7 feet above the floor or platform from which it is operated, the operating mechanism shall indicate by its position whether the valve is open or closed. The pressure-temperature rating shall be at least equal to that of the lowest set pressure of any safety valve on the boiler drum and the corresponding saturated-steam temperature.

M. Straight-run globe valves shall not be used on such connections.

N. Automatic shutoff valves, if permitted to be used, shall conform to the requirements of Section I of the *ASME Code*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563(D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:

### §5417. Water Columns

A. The water column shall be so mounted that it will maintain its correct position relative to the normal waterline under operating conditions.

B. The minimum size of pipes connecting the water column to a boiler shall be 1 inch. For pressures of 400 psig or over, lower water column connections to drums shall be provided with shields, sleeves or other suitable means to reduce the effect of temperature differentials in the shells or heads. Water glass fittings or gage cocks may be connected directly to the boiler.

C. The steam and water connections to a water column or a water gage glass shall be such that they are readily accessible for internal inspection and cleaning. Some acceptable methods of meeting this requirement are by providing a cross or fitting with a back outlet at each right-angle turn to permit inspection and cleaning in both directions, or by using pipe bends or fittings of a type which does not leave an internal shoulder or pocket in the pipe connection and with a radius of curvature which will permit the passage of a rotary cleaner. Screwed plug closures using threaded connections as allowed by Section I of the *ASME Code* are acceptable means of access for this inspection and cleaning. For boilers with all drum safety valves set at or above 400 psig, socket-welded plugs may be used for this purpose in lieu of screwed plugs. The water column shall be fitted with a connection for a drain cock or drain valve to install a pipe of at least ¾-inch pipe size to the ash pit or other safe point of discharge. If the water connection to the water column has a rising bend or pocket which cannot be drained by means of the water column drain, an additional drain shall be placed on this connection in order that it may be blown off to clear any sediment from the pipe.

D. The design and material of a water column shall comply with the requirements of Section I of the *ASME Code*. Water columns made of cast iron in accordance with SA-278 may be used for maximum boiler pressures not exceeding 250 psig. Water columns made of ductile iron in accordance with SA-395 may be used for maximum boiler pressures not exceeding 350 psig. For higher pressures, steel construction shall be used.

E. Shutoff valves shall not be used in the pipe connections between a boiler and a water column or between a boiler and the shutoff valves required for the gage glass, unless they are either outside-screw- and-yoke or lever-lifting type gate valves or stopcocks with lever permanently fastened thereto and marked in line with their passage, or of such other through-flow construction as to prevent stoppage by deposits of sediment, and to indicate by the position of the operating mechanisms whether they are in open or closed position; and such valves or cocks shall be locked or sealed open. Where stopcocks are used, they shall be of a type with the plug held in place by a guard or gland.

F. No outlet connections, except for control devices (such as damper regulators and feedwater regulators), drains, steam gages, or apparatus of such form as does not permit the escape of an appreciable amount of steam or water therefrom shall be placed on the pipes connecting a water column or gage glass to a boiler.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563(D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:

### §5419. Gage Glass Connections

A. Gage glasses and/or gage cocks that are not connected directly to a shell or drum of the boiler shall be connected by one of the following methods.

1. The water gage glass or glasses and gage cocks shall be connected to an intervening water column.

2. When only water gage glasses are used, they may be mounted away from the shell or drum and the water column omitted, provided the following requirements are met:

a. the top and bottom gage glass fittings are aligned, supported, and secured so as to maintain the alignment of the gage glass; and

b. the steam and water connections are not less than one inch pipe size and each water glass is provided with a valved drain; and

c. the steam and water connections comply with the requirements of the following:

i. the lower edge of the steam connection to a water column or gage glass in the boiler shall not be below the highest visible water level in the water gage glass. There shall be no sag or offset in the piping which will permit the accumulation of water; and

ii. the upper edge of the water connection to a water column or gage glass and the boiler shall not be above the lowest visible water level in the gage glass. No part of this pipe connection shall be above the point of connection at the water column.

B. Each boiler (except those not requiring water level indicators) shall have three or more gage cocks located within the visible length of the water glass, except when the boiler has two water glasses located on the same horizontal lines.

C. Boilers not over 36 inches in diameter in which the heating surface does not exceed 100 square feet require two gage cocks.

D. The gage cock connections shall be not less than ½-inch pipe size.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563(D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:

### §5421. Pressure Gages

A. Each boiler shall have a pressure gage so located that it is easily readable. The pressure gage shall be installed so that it shall at all times indicate the pressure in the boiler. Each steam boiler shall have the pressure gage connected to the steam space or to the water column or its steam connection. A valve or cock may be located near the boiler providing it is locked or sealed in the open position. No other shutoff valves shall be located between the gage and the boiler. The pipe connection shall be of ample size and arranged so that it maybe cleared by blowing out. For a steam boiler the gage or connection shall contain a siphon or equivalent device which will develop and maintain a water seal that will prevent steam from entering the gage tube. Pressure gage connections shall be suitable for the maximum allowable working pressure and temperature but, if the temperature exceeds 406EF, brass or

copper pipe or tubing shall not be used. The connections to the boiler, except the siphon, if used, shall not be less than ¼ inch inside the diameter standard pipe size but where steel or wrought iron pipe or tubing is used they shall not be less than ½ inch. The minimum size of a siphon, if used, shall be ¼ inch inside diameter. The dial of the pressure gage shall be graduated to approximately double the pressure at which the safety valve is set, but in no case no less than one and 1½ times this pressure.

B. Each force-flow steam generator with no fixed steam and water line shall be equipped with pressure gages or other pressure measuring devices located as follows:

1. at the boiler or superheater outlet (following the last section which involves absorption of heat); and
2. at the boiler or economizer inlet (preceding any section which involves absorption of heat); and
3. upstream of any shutoff valve which may be used between any two sections of the heat absorbing surface.

C. Each high-temperature water boiler shall have a temperature gage so located and connected that it shall be easily readable. The temperature gage shall be installed so that it at all times indicates the temperature in degrees Fahrenheit of the water in the boiler, at or near the outlet connection.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563(D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:

#### **§5423. Stop Valves**

A. Each steam outlet from a boiler (except safety valve and water column connections) shall be fitted with a stop valve located as close as practicable to the boiler.

B. When a stop valve is so located that water can accumulate, ample drains shall be provided. The drainage shall be piped to a safe location and shall not be discharged on the top of the boiler or its settings.

C. When boilers provided with manholes are connected to a common steam main, the steam piping connected from each boiler shall be fitted with two stop valves having an ample free blow drain between them. The discharge of the drain shall be visible to the operator while manipulating the valves and shall be piped clear of the boiler setting. The stop valves shall consist preferably of one automatic nonreturn valve (set next to the boiler) and a second valve of the outside-screw-and-yoke type.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563(D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:

#### **§5425. Blowoff Piping**

A. A blowoff as required herein is defined as a pipe connection provided with valves located in the external piping through which the water in the boiler may be blown out under pressure, excepting drains such as are used on water columns, gage glasses, or piping to feedwater regulators, etc., used for the purpose of determining the operating conditions of such equipment. Piping connections used primarily for continuous operation, such as deconcentrators or continuous blowdown systems, are not classed as blowoffs but the pipe connections and all fittings up to and including the first shutoff valve shall be equal at least to the pressure requirements for the lowest set

pressure of any safety valve on the boiler drum and with the corresponding saturated-steam temperature.

B. A surface blowoff shall not exceed 2-½-inch pipe size, and the internal pipe and the terminal connection for the external pipe, when used, shall form a continuous passage, but with clearance between their ends and arranged so that the removal of either will not disturb the other. A properly designed steel bushing, similar to or the equivalent of those shown in Figure PG-59.1 of Section I of the *ASME Code* or a flanged connection shall be used.

C. Each boiler except forced-flow steam generators with no fixed steam and waterline and high-temperature water boilers shall have a bottom blowoff outlet in direct connection with the lowest water space practicable for external piping conforming to PG-58.3.6 of Section I of the *ASME Code*.

D. All water walls and water screens which do not drain back into the boiler, and all integral economizers, shall be equipped with outlet connections for a blowoff or drain line and conform to the requirements of PG-58.3.6 or PG-58.3.7 of the *ASME Code*.

E. Except as permitted for miniature boilers, the minimum size of piping and fittings shall be 1 inch, and the maximum size shall be 2½ inches, except that for boilers with 100 square feet of heating surface or less, the minimum size of pipe and fittings may be ¾ inch.

F. Condensate return connections of the same size or larger than the size herein specified may be used, and the blowoff may be connected to them. In such case, the blowoff shall be so located that the connection may be completely drained.

G. A bottom blowoff pipe when exposed to direct furnace heat shall be protected by firebrick or other heat resisting material which is so arranged that the pipe may be inspected.

H. An opening in the boiler setting for a blowoff pipe shall be arranged to provide free expansion and contraction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563(D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:

#### **§5427. Repairs, Renewals and Alterations**

A. Boiler Fittings and Appliances. Whenever repairs are made to fittings or appliances or it becomes necessary to replace them, the work shall comply with the requirements for new installations.

B. Boilers and Pressure Vessels. Repairs and alterations to boilers and pressure vessels shall be made, in accordance with the latest edition of the *National Board Inspection Code* (NBIC), only by, or on behalf of, an owner/user, a repair organization, or an individual having a valid Certificate of Authorization for use of the "R" Symbol stamp issued by the National Board of Boiler and Pressure Vessel Inspectors.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563(D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:

#### **§5429. Conditions Not Covered by these Requirements**

All cases not specifically covered by these requirements shall be treated as new installations or may be referred to the chief inspector for instructions concerning the requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S.

40:1563(D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:

**§5431. Standard Boilers**

The maximum allowable working pressure of standard boilers shall in no case exceed the pressure indicated by the manufacturer's identification stamped or cast on the boiler or on a plate secured to it.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563(D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:

**§5433. Nonstandard Boilers**

A. Riveted Boilers. The maximum allowable working pressure on the shell of a nonstandard riveted heating boiler shall be determined in accordance with §5405.D, Power Boilers, except that in no case shall the maximum allowable working pressure of a steam heating boiler exceed 15 psig, or a hot water boiler exceed 160 psig or 250EF temperature.

B. Welded Boilers. The maximum allowable working pressure of a nonstandard steel or wrought iron heating boiler of welded construction shall not exceed 15 psig for steam. For other than steam service, the maximum allowable working pressure shall be calculated in accordance with Section IV of the *ASME Code*, but in no case shall it exceed 30 psig.

C. Cast Iron Boilers

1. The maximum allowable working pressure of a nonstandard boiler composed principally of cast iron shall not exceed 15 psig for steam service or 30 psig for hot water service.

2. The maximum allowable working pressure of a nonstandard boiler having cast iron shell or heads and steel or wrought iron tubes shall not exceed 15 psig for steam service or 30 psig for hot water service.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563(D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:

**§5435. Potable Water Heaters**

A potable water heater shall not be installed or used at pressures exceeding 160 psig or water temperatures exceeding 210EF. Water heaters may be used to simultaneously provide potable hot water and space heat in combination, except in places of public assembly.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563(D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:

**§5437. Safety Valves**

A. Each steam boiler shall have one or more ASME/National Board stamped and certified safety valves of the spring pop-type adjusted and sealed to discharge at a pressure not to exceed 15 psig. Seals shall be attached in a manner to prevent the valve from being taken apart without breaking the seal. The safety valves shall be arranged so that they cannot be reset to relieve at a higher pressure than the maximum allowable working pressure on the boiler. A body drain connection below seat level shall be provided by the manufacturer and this drain shall not be plugged during or after field inspection. For valves exceeding 2 inches pipe size, the drain hole or holes shall be tapped not less than 3d -inch pipe

size. For valves less than 2 inches, the drain hole shall not be less than ¼ inch in diameter.

B. No safety valve for a steam boiler shall be smaller than ½ inch. No safety valve shall be larger than 4½ inches. The inlet opening shall have an inside diameter equal to, or greater than, the seat diameter.

C. The minimum relieving capacity of the valve or valves shall be governed by the capacity marking on the boiler. The minimum valve capacity in pounds per hour shall be the greater of that determined by dividing the maximum Btu output at the boiler nozzle obtained by the firing of any fuel for which the unit is installed by 1,000, or shall be determined on the basis of the pounds of steam generated per hour per square foot of boiler heating surface as given in Table EHB-6. In many cases a greater relieving capacity of valves than the minimum specified by these rules will have to be provided. In every case, the requirements of §5437.D shall be met.

**Table EHB-6  
Minimum Pounds of Steam per Hour  
per Square Foot of Heating Surface**

	<b>Firetube Boilers</b>	<b>Watertube Boilers</b>
<b>Boiler Heating Surface:</b>		
Hand fired	5	6
Stoker fired	7	8
Oil, gas, or pulverized fuel fired	8	10
<b>Waterwall Heating Surface:</b>		
Hand fired	8	8
Stoker fired	10	12
Oil, gas, or pulverized fuel fired	14	16

1. When a boiler is fired only by a gas giving a heat value not in excess of 200 Btu per cubic foot, the minimum safety valve or safety relief valve relieving capacity may be based on the value given for hand fired boilers above.

2. The minimum safety valve or safety relief valve relieving capacity for electric boilers shall be 3½ pounds per hour per kilowatt input.

3. For heating surface determination see *ASME Code* Section IV, Paragraph HG-403.

D. The safety valve capacity for each steam boiler shall be such that with the fuel burning equipment installed and operating at maximum capacity, the pressure cannot rise more than 5 psig above the maximum allowable working pressure.

E. When operating conditions are changed, or additional boiler heating surface is installed, the valve capacity shall be increased, if necessary, to meet the new conditions and be in accordance with §5437.D. When additional valves are required, they may be installed on the outlet piping provided there is no intervening valve.

F. If there is any doubt as to the capacity of the safety valve, an accumulation test shall be run (See *ASME Code*, Section VI, Recommended Rules for Care and Operation of Heating Boilers).

G. No valve of any description shall be placed between the safety valve and the boiler, nor on the discharge pipe between

the safety valve and the atmosphere. THE DISCHARGE PIPE SHALL BE AT LEAST FULL SIZE AND BE FITTED WITH AN OPEN DRAIN TO PREVENT WATER LODGING IN THE UPPER PART OF THE SAFETY VALVE OR IN THE DISCHARGE PIPE. When an elbow is placed on the safety valve discharge pipe, it shall be located close to the safety valve outlet or the discharge pipe shall be securely anchored and supported. All safety valve discharges shall be so located or piped as not to endanger persons working in the area.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563(D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:

**§5439. Safety Relief Valve Requirements for Hot Water Heating and Hot Water Supply Boilers**

A. Each hot water heating and hot water supply boiler shall have at least one ASME/National Board stamped and certified safety relief valve set to relieve at or below the maximum allowable working pressure of the boiler. Each hot water supply boiler shall have at least one ASME/National Board stamped and certified safety relief valve of the automatic reseating type set to relieve at or below maximum allowable working pressure of the boiler. Safety relief valves ASME/National Board stamped and certified as to capacity shall have pop action when tested by steam. When more than one safety relief valve is used on either a hot water heating or hot water supply boiler, the additional valve or valves shall be ASME/National Board stamped and certified and may be set within a range not to exceed 6 psig above the maximum allowable working pressure of the boiler up to and including 60 psig and 10 percent for those having a maximum allowable working pressure exceeding 60 psig. Safety relief valves shall be spring loaded. Safety relief valves shall be so arranged that they cannot be reset at a higher pressure than the maximum indicated in this Subsection.

B. No materials liable to fail due to deterioration or vulcanization when subject to saturated steam temperature corresponding to capacity test pressure shall be used for any part.

C. No safety relief valve shall be smaller than  $\frac{3}{4}$  inch nor larger than  $4\frac{1}{2}$ -inch standard pipe size, except that boilers having a heat input not greater than 15,000 Btu per hour may be equipped with a safety relief valve of  $\frac{1}{2}$ -inch standard pipe size. The inlet opening shall have an inside diameter approximately equal to, or greater than, the seat diameter. In no case shall the minimum opening through any part of the valve be less than  $\frac{1}{4}$  inch in diameter or its equivalent area.

D. The required steam relieving capacity, in pounds per hour, of the pressure relieving device or devices on a boiler shall be the greater of that determined by dividing the maximum output in Btu at the boiler nozzle obtained by the firing of any fuel for which the unit is installed by 1,000 or shall be determined on the basis of pounds of steam generated per hour per square foot of boiler heating surface as given in Table EHB-6. In many cases, a greater relieving capacity of valves will have to be provided than the minimum specified by these rules. In every case, the requirements of §5439.F shall be met.

E. When operating conditions are changed, or additional boiler heating surface is installed the valve capacity shall be

increased, if necessary, to meet the new conditions and shall be in accordance with §5439.F. The additional valves required because of changed conditions may be installed on the outlet piping provided there is no intervening valve.

F. Safety relief valve capacity for each boiler shall be such that, with the fuel burning equipment installed and operated at maximum capacity, the pressure cannot rise more than 6 psi above the maximum allowable working pressure for pressures up to and including 60 psi and 10 percent of maximum allowable working pressure over 60 psi.

G. If there is any doubt as to the capacity of the safety relief valve, an accumulation test shall be run. (See *ASME Code*, Section VI, Recommended Rules for Care and Operation of Heating Boilers.)

H. No valve of any description shall be placed between the safety relief valve and the boiler, nor on the discharge pipe between the safety relief valve and the atmosphere. THE DISCHARGE PIPE SHALL BE NOT LESS THAN THE DIAMETER OF THE SAFETY RELIEF VALVE OUTLET AND FITTED WITH AN OPEN DRAIN TO PREVENT WATER LODGING IN THE UPPER PART OF THE SAFETY RELIEF VALVE OR IN THE DISCHARGE PIPE. When an elbow is placed on the safety relief valve discharge pipe, it shall be located close to the safety relief valve outlet or the discharge pipe shall be securely anchored and supported. All safety relief valve discharges shall be so located or piped as not to endanger persons working in the area.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563(D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:

**§5441. Steam Gages for Steam Heating Boilers**

A. Each steam boiler shall have a steam gage or compound steam gage connected to its steam space or to its water column or to its steam connection. The gage or connection shall contain a siphon or equivalent device which will develop and maintain a water seal that will prevent steam from entering the gage tube. The connection shall be so arranged that the gage cannot be shut off from the boiler except by a cock placed in the pipe at the gage and provided with a tee or lever handle arranged to be parallel to the pipe in which it is located when the cock is open. The connections to the boiler shall be not less than  $\frac{1}{4}$ -inch standard pipe size, but where steel or wrought iron pipe or tubing is used, they shall not be less than  $\frac{1}{2}$ -inch standard pipe size. The minimum size of a siphon, if used, shall be  $\frac{1}{4}$ -inch inside diameter. Ferrous and nonferrous tubing having inside diameters at least equal to that of standard pipe sizes listed above may be substituted for pipe.

B. The scale on the dial of a steam boiler gage shall be graduated to not less than 30 psig nor more than 60 psig. The travel of the pointer from 0 to 30 psig pressure shall be at least 3 inches.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563(D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:

**§5443. Pressure or Altitude Gages and Thermometer**

A. Each hot water boiler shall have a pressure or altitude gage connected to it or to its flow connection in such a manner that it cannot be shut off from the boiler except by a cock with tee or lever handle placed on the pipe near the gage. The

handle of the cock shall be parallel to the pipe in which it is located when the cock is open.

B. The scale on the dial of the pressure of altitude gage shall be graduated approximately to not less than 1½ nor more than 3 times the pressure at which the safety relief valve is set.

C. Piping or tubing for pressure or altitude-gage connections shall be of nonferrous metal when smaller than 1 inch pipe size.

D. Each hot water boiler shall have a thermometer so located and connected that it shall be easily readable when observing the water pressure or altitude. The thermometer shall be so located that it shall at all times indicate the temperature in degrees Fahrenheit of the water in the boiler at or near the outlet.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563(D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:

#### **§5445. Water Gage Glasses**

A. Each steam boiler shall have one or more water gage glasses attached to the water column or boiler by means of valved fittings not less than ½-inch pipe size, with the lower fitting provided with a drain valve of a type having an unrestricted drain opening not less than ¼ inch in diameter to facilitate cleaning. Gage glass replacement shall be possible under pressure. Water glass fittings may be attached directly to a boiler.

B. Boilers having an internal vertical height of less than 10 inches may be equipped with a water level indicator of the glass bull's-eye type provided the indicator is of sufficient size to show the water at both normal operating and low water cutoff levels.

C. The lowest visible part of the water gage glass shall be at least 1 inch above the lowest permissible water level recommended by the boiler manufacturer. With the boiler operating at this lowest permissible water level, there shall be no danger of overheating any part of the boiler.

D. Each boiler shall be provided at the time of manufacture with a permanent marker indicating the lowest permissible water level. The marker shall be stamped, etched, or cast in metal; or it shall be a metallic plate attached by rivets, screws, or welding; or it shall consist of material with documented tests showing its suitability as permanent marking for the application. This marker shall be visible at all times. Where the boiler is shipped with a jacket, this marker may be located on the jacket.

E. In electric boilers of the submerged electrode type, the water gage glass shall be so located to indicate the water levels both at startup and under maximum steam load conditions as established by the manufacturer.

F. In electric boilers of the resistance heating element type the lowest visible part of the water gage glass shall not be below the top of the electric resistance heating element. Each boiler of this type shall also be equipped with an automatic low-water electrical power cutoff so located as to automatically cut off the power supply before the surface of the water falls below the top of the electrical resistance heating elements.

G. Tubular water glasses on electric boilers having a normal water content not exceeding 100 gallons shall be equipped with a protective shield.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563(D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:

#### **§5447. Stop Valves**

A. When a stop valve is used in the supply pipe connection of a single steam boiler, there shall be one used in the return pipe connection.

B. Stop valves in single hot water heating boilers shall be located at an accessible point in the supply and return pipe connections, as near the boiler nozzle as is convenient and practicable, to permit draining the boiler without emptying the system.

C. When the boiler is located above the system and can be drained without draining the system, stop valves may be eliminated.

D. A stop valve shall be used in each supply and return pipe connection of two or more boilers connected to a common system.

E. All valves or cocks shall conform to the applicable portions of HF-203 of Section IV of the *ASME Code* and may be ferrous or nonferrous.

F. The minimum pressure rating of all valves or cocks shall be at least equal to the pressure stamped upon the boiler, and the temperature rating of such valves or cocks, including all internal components, shall be not less than 250EF.

G. Valves or cocks shall be flanged, threaded or have ends suitable for welding or brazing.

H. All valves or cocks with stems or spindles shall have adjustable pressure type packing glands and, in addition, all plug type cocks shall be equipped with a guard or gland. The plug or other operating mechanism shall be distinctly marked in line with the passage to indicate whether it is opened or closed.

I. All valves or cocks shall have tight closure when under boiler pressure test.

J. When stop valves are used, they shall be properly designated substantially by tags of metal or other durable material fastened to them.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563(D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:

#### **§5449. Feedwater Connections**

A. Feedwater, makeup water, or water treatment shall be introduced into a boiler through the return piping system. Alternatively, makeup water or water treatment may be introduced through an independent connection. The water flow from the independent connection shall not discharge directly against parts of the boiler exposed to direct radiant heat from the fire. Makeup water or water treatment shall not be introduced through openings or connections provided inspection or cleaning, safety valve, safety relief valve, blowoff, water column, water gage glass, pressure gage, or temperature.

B. The makeup water pipe shall be provided with a check valve near the boiler and a stop valve or cock between the check valve and the boiler or between the check valve and the return pipe system.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563(D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:

#### **§5451. Water Column and Water Level Control Pipes**

A. The minimum size of ferrous or nonferrous pipes connecting a water column to a steam boiler shall be 1 inch. No outlet connections, except for damper regulator, feedwater regulator, steam gages, or apparatus which does not permit the escape of any steam or water except for manually operated blowdowns, shall be attached to a water column or the piping connecting a water column to a boiler. (See HG-705 of Section IV of the *ASME Code* for introduction of feedwater into a boiler.) If the water column, gage glass, low-water fuel cutoff, or other water level control device is connected to the boiler by pipe and fittings, no shutoff valves of any type shall be placed in such pipe, and a cross or equivalent fitting to which a drain valve and piping may be attached shall be placed in the water piping connection at every right angle turn to facilitate cleaning.

B. The steam connections to the water column of a horizontal firetube wrought iron boiler shall be taken from the top of the shell or the upper part of the head, and the water connection shall be taken from a point not above the center line of the shell. For a cast iron boiler, the steam connection to the water column shall be taken from the top of an end section or the top of the steam header, and the water connection shall be made on an end section not less than 6 inches below the bottom connection to the water gage glass.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563(D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:

#### **§5453. Return Pump**

A. Each boiler equipped with a condensate return pump shall be provided with a water level control arranged to automatically maintain the water level in the boiler within the range of the gage glass.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563(D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:

### **Chapter 56. Potable Water Heaters (Hot Water Heaters Other Than Hot Water Supply Boilers)**

#### **§5601. Service Restrictions and Exceptions**

A. Potable water heaters supplying potable hot water for commercial purposes that exceed a heat input of 200,000 Btu per hour or a nominal water-containing capacity of 120 gallons, shall be designed, constructed, inspected and stamped in conformity with Part "HLW" of the *ASME Code*, Section IV.

B. Potable water heaters supplying potable hot water for commercial purposes that do not exceed a heat input of 200,000 Btu per hour or a nominal water-containing capacity of 120 gallons, but exceeds a nominal water-containing

capacity of 50 gallons, shall be designed and constructed to Underwriter's Laboratories or other nationally recognized standard and shall bear their label on the completed unit.

C. All other potable water heaters not otherwise exempted by the Act, shall be designed and constructed to Underwriter's Laboratories or other Nationally Recognized Standard and shall bear their label on the completed unit.

D. The maximum allowable working pressure of a potable water heater shall in no case exceed the pressure indicated by the manufacturer's identification stamped or cast on the heater or a plate or label secured to it. In no case shall the maximum allowable working pressure of a potable water heater exceed 160 psi or a water temperature of 210EF.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563(D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:

#### **§5603. Safety Relief Valves**

A. Each potable water heater shall have at least one ASME certified pressure temperature relief valve of the automatic reseating type set to relieve at or below the maximum allowable working pressure of the potable water heater and/or no greater than 210EF. Safety relief valves officially rated as to capacity shall have pop action when tested by steam. When more than one safety relief valve is used on a potable water heater, the additional valve or valves shall be ASME rated and may be set within a range not to exceed 10 percent of the set pressure of the first valve. Safety relief valves shall be spring-loaded. Safety relief valves shall be so arranged that they cannot be reset at a higher pressure.

B. When water supply to a potable water heater exceeds 75 percent of the design pressure of the water heater, a pressure reducing valve is required.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563(D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:

#### **§5605. Controls**

A. Each individual automatically-fired potable water heater, in addition to the operating control used for normal water heater operation shall have a separate high limit temperature actuated combustion control that will automatically cut off the fuel supply. The temperature range of the high limit temperature actuated control shall not allow a setting over 210EF.

1. On gas-fired water heaters, the high limit temperature control when actuated shall shut off the fuel supply with a shut off means other than the operating control valve. Separate valves may have a common body.

2. On electrically-heated potable water heaters, the high limit temperature control when actuated shall cut off all power to the operating controls.

3. On oil-fired potable water heaters, the limit temperature control when actuated shall cut off all current flow to the burner mechanism.

B. All potable water heaters shall be equipped with suitable primary (flame safeguards) safety controls, safety limit switches, and burners, or electrical elements as required by one of the following nationally recognized standards:

1. ANSI C95.3 Standard for Safety Oil-Fired Water Heaters (UL 732).

2. NASI Z 21.10.3 American National Standards for Gas Water Heaters, Volume III, Circulating Rank, Instantaneous and Large Automatic Storage Type water Heaters.

3. Underwriter's Laboratories Inc. UL 795. Standards for Safety, Commercial-Industrial Gas-Heating Equipment.

4. Underwriter's Laboratories Inc. UL 1453, Standards for Safety, Electric Booster and Commercial Storage Tank Water Heaters.

C. The symbol of the certifying organization which has investigated such as having complied with a nationally recognized standard shall be affixed to the equipment and shall be considered as evidence that controls and heat generating apparatus were manufactured in accordance with that standard. (A certifying organization is one that provides uniform testing, examination, and listing procedures under established, nationally recognized standards and that is acceptable to the jurisdiction.)

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563(D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:

#### **§5607. Repairs**

Whenever repairs are made to fittings or appliances, or it becomes necessary to replace them, the repairs must comply with Section IV of the *ASME Code* for new construction. Welded repairs must meet the additional requirements of §5427.B.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563(D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:

### **Chapter 58. General Requirements**

#### **§5801. Notice of Internal Inspection of Boilers**

The owner or user of a boiler or boilers not exempted by the Act or by rules and regulations promulgated under the Act, shall be provided 14 days notice of impending internal inspection requirements, by the inspector responsible for inspections of subject boiler(s). No such notice shall be required for external inspections. No inspection shall be made on Sunday or other legal holiday by an inspector employed by the Department of Public Safety except in case of accident or other emergency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563(D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:

#### **§5803. Preparation for Internal Inspection**

The owner or user shall prepare each boiler for internal inspection, and shall prepare for and apply a hydrostatic pressure test, whenever necessary, on the date arranged by the inspector. The boiler shall be prepared for internal inspection as follows.

1. Water shall be drawn off and the boiler washed thoroughly.

2. Manhole and handhole plates, washout plugs and inspection plugs in water column connections shall be removed as required by the inspector. The furnace and

combustion chambers shall be cooled and thoroughly cleaned.

3. All grates of internally fired boilers shall be removed.

4. Insulation or brickwork shall be removed as required by the inspector in order to determine the condition of the boiler, headers, furnace, supports or other parts.

5. The pressure gauge shall be removed for testing, as required by the inspector.

6. Any leakage of steam or hot water into the boiler shall be prevented by disconnecting the pipe or valve(s) at the most convenient point or any appropriate means approved by the inspector.

7. Before opening the manhole or handhole covers and entering any parts of the steam generating unit connected to a common header with other boilers, the non-return and steam stop valves must be closed, tagged and padlocked, and drain valves or cocks between the two valves opened. The feed valves must be closed, tagged and padlocked, and drain valves or cocks located between the two valves opened. After draining the boiler, the blowoff valves shall be closed, tagged and padlocked. Blowoff lines, where practicable, shall be disconnected between pressure parts and valves. All drain and vent lines shall be opened.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563(D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:

#### **§5805. Boilers Improperly Prepared for Inspection**

If a boiler has not been properly prepared for an internal inspection, or if the owner or user fails to comply with the requirements for a pressure test as set forth in these rules, the inspector may decline to make the inspection or test and the inspection certificate shall be withheld or the right to operate revoked, until the owner or user complies with the requirement. The owner or user shall be charged the applicable inspection fees as set by law for this missed inspection.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563(D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:

#### **§5807. Removal of Covering to Permit Inspection**

If the boiler is jacketed so that the longitudinal seams of shells, drums or domes cannot be seen, sufficient jacketing, setting wall, or other form of casing or housing shall be removed to permit reasonable inspection of the seams and other areas necessary to determine the condition and safety of the boiler, provided such information cannot be determined by other means.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563(D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:

#### **§5809. Lap Seam Crack**

The shell or drum of a boiler, in which a lap seam crack is discovered along a longitudinal riveted joint, shall be immediately condemned. Patching is prohibited. (By lap seam crack is meant a crack found in lap seams, extending parallel to the longitudinal joint and located either between or adjacent to rivet holes.)

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563(D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:

**§5811. Pressure Test**

A. A pressure test, when applied to boilers or pressure vessels, need not exceed the maximum allowable working pressure or the setting of the lowest set safety valves. The pressure shall be under proper control so that in no case shall the required test pressure be exceeded.

B. During a pressure test, the safety valve or valves shall be removed or each valve disk shall be held to its seat by means of a testing clamp and not by screwing down the compression screw upon the spring. A plug device designed for this purpose may be used.

C. The temperature of the water used to apply a hydrostatic test shall be no less than ambient temperature, but in no case less than 70EF. The maximum temperature of the water during inspection shall not exceed 120EF.

D. When a hydrostatic test is applied to determine tightness, the pressure shall be equal to the normal operating pressure but need not exceed the release pressure of the safety valve having the lowest release pressure setting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563(D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:

**§5813. Inspection of Power Boilers**

The internal and external inspections of Power Boilers shall meet the guidelines of Subsection C6 of the *ASME Code*, Section VII, Recommended Rules for Care of Power Boilers; and the *National Board Inspection Code*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563(D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:

**§5815. Inspection of Heating, Supply and Potable Water Boilers**

The internal (when required), and the external inspections of Steam and Hot Water Heating, Hot Water Supply and Potable Water Boilers (Hot Water Heaters), shall meet the guidelines of 7.09 and 8.09 of the *ASME Code*, Section VI, Recommended Rules for Care of Heating Boilers; and the *National Board Inspection Code*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563(D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:

**§5817. Changes from Louisiana Boiler Law/Rules and Regulations**

A. On each inspection of a boiler, the inspector shall determine if changes or departures from the Louisiana Boiler Law/rules and regulations have taken place since the previous inspection was made.

B. If repairs have been made to a boiler, the owner or user shall provide documentation to the inspector determining if the repairs meet the requirements of these rules and regulations. In all cases where repairs and/or replacements are made, or new fittings or appurtenances are installed, the material and workmanship must comply with the Louisiana Boiler Law/rules and regulations for new installations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563(D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:

**§5819. Defective Conditions Disclosed at Time of External Inspection**

If, upon an external inspection, there is evidence of a leak or crack, sufficient covering of the boiler shall be removed to permit the inspector to satisfactorily determine the safety of the boiler. If the covering cannot be removed at that time, the inspector may order the boiler taken out of service until such time as the covering can be removed and proper examination made.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563(D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:

**§5821. Unsafe Boilers**

Whenever the chief inspector, a deputy inspector or special inspector finds a boiler in operation or about to be placed in operation, the continued use of which constitutes an imminent hazard to life or limb, he shall order such boiler to be instantly taken out of service and/or not placed in service until proper repairs or changes have been made. He shall at that time serve a Notice of Violation on the owner or user ordering the use of such boiler discontinued. He shall have the owner or user sign the Notice of Violation, and submit the original copy to the chief inspector. He shall notify the chief inspector by telephone when a Notice of Violation is issued.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563(D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:

**§5823. Condemned Boilers**

A. A boiler having been inspected and declared unfit for further service by an inspector shall be stamped by the inspector on either side of the state serial number with the letters "XXX," which will designate a condemned boiler, as shown by the following facsimile:

XXX 0000 LA XXX

B. Any person, firm, partnership, or corporation using a condemned boiler shall be subject to the penalties provided by the Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563(D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:

**§5825. Owner or User to Notify Chief Inspector of Accident**

When an accident occurs to a boiler, the owner or user shall, within seven calendar days, notify the chief inspector by submitting a detailed report of the accident. In the event of a personal injury or any explosion, notice shall be given within 12 hours by telephone, telegraph or messenger, and neither the boiler, nor any parts thereof, shall be removed or disturbed before permission has been given by the chief inspector, except for the purpose of saving human life and limiting consequential damage.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563(D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:

**§5827. Automatic Low Water fuel Cutoff and/or Water Feeding Device**

A. Each automatically fired steam boiler shall have an automatic low-water fuel cutoff so located as to automatically cut off the fuel supply when the surface of the water falls to the lowest visible part of the water gauge glass. If a water feeding device is installed, it shall be so constructed that the water inlet valve cannot feed water into the boiler through the float chamber and so located as to supply requisite feedwater. Such a fuel cutoff or water feeding device shall comply with HG-606 of the *ASME Code*, Section IV.

B. Each automatically fired hot water heating boiler with heat input greater than 400,000 Btu/hr shall have an automatic low-water fuel cutoff which has been designed for hot water service, and it shall be located as to automatically cut off the fuel supply when the surface of the water falls to the lowest safe water level established by the boiler manufacturer. Such low-water fuel cutoff shall comply with HG-614 of the *ASME Code*, Section IV.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563(D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:

**§5829. Pressure Reducing Valves**

A. Where pressure reducing valves are used, one or more safety relief valves shall be provided on the low pressure side of the reducing valve when the piping or equipment on the low pressure side does not meet the requirements for the full initial pressure. The safety or safety relief valves shall be located adjoining or as close as possible to the reducing valve. Proper protection shall be provided to prevent injury or damage caused by the escaping fluid from the discharge of the safety relief valves if vented to the atmosphere. The combined discharge capacity of the safety or safety relief valves shall be such that the pressure rating shall not be exceeded in case the reducing valve fails in the open position.

B. The use of hand controlled bypasses around the reducing valves are permissible. If a bypass is used around the reducing valve, the safety valve required on the low pressure side shall be of sufficient capacity to relieve all the fluid that can pass through the bypass without over pressuring the low pressure side.

C. A pressure gauge shall be installed on the low pressure side of the reducing valve.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563(D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:

**§5831. Boiler Blowoff Equipment**

A. The blowdown from a boiler that enters a sanitary sewer system or blowdown which is considered a hazard to life or property shall pass through some form of blowoff equipment that will reduce the pressure leaving the blowdown equipment to not more than 5 psi, and the temperature to no more than 150EF.

B. All blowoff equipment shall be fitted with openings to facilitate cleaning and inspection and shall conform to the recommended rules for National Board Boiler Blowoff Equipment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563(D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:

**§5833. Location of Discharge Piping Outlets**

The discharge of safety valves, blowoff pipes and other outlets shall be located and supported so as to prevent injury to personnel.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563(D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:

**§5835. Repairs or Alterations**

Where repairs or alterations to a boiler are necessary, an authorized inspector shall be called for consultation and advice as to the best method of making such repairs or alterations. After such repairs or alterations are made, they shall be reviewed by and found acceptable to an authorized inspector. Organizations making repairs or alterations shall be qualified in accordance with §5427.B.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563(D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:

**§5837. Supports**

Each boiler shall be supported by masonry or structural supports of sufficient strength and rigidity to safely support the boiler and its contents. There shall be no excessive vibration in either the boiler or its connecting piping.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563(D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:

**§5839. Boiler Door Latches**

A. A watertube boiler shall have the firing doors of the inward opening type, unless such doors are provided with substantial and effective latching or fastening devices or otherwise so constructed as to prevent them, when closed, from being blown open by pressure on the furnace side.

B. These latches or fastenings shall be of the positive self-locking type. Friction contacts, latches, or bolts actuated by springs shall not be used. The foregoing requirements for latches or fastening shall not apply to coal openings of downdraft or similar furnaces.

C. All other doors, except explosion doors, not used in the firing of the boiler, may be provided with bolts or fastenings in lieu of self-latching devices.

D. Explosion doors, if used and if located in the setting walls within 7 feet of the firing floor or operating platform, shall be provided with substantial deflectors to divert the blast.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563(D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:

**§5841. Clearance**

When boilers are replaced or new boilers are installed in either existing or new buildings, they shall be so located that adequate space will be provided for the proper operation of the boilers and their appurtenances, for the inspection of all

surfaces, tubes, waterwalls economizers, piping, valves and other equipment, and for their necessary maintenance and repair and replacement tubes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563(D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:

**§5843. Ladders and Runways**

When necessary for safety, there shall be a steel runway or platform of standard construction installed across the tops of adjacent boilers or at some other convenient level for the purpose of affording safe access. All walkways shall have at least two means of exit, each to be remotely located from the other.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563(D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:

**§5845. Exit from Boiler Room**

All boiler rooms exceeding 500 square feet floor area and containing one or more boilers having a fuel burning capacity 1,000,000 Btu/hr, or equivalent electrical heat input, shall have at least two means of exit. Each shall be remotely located from the other. Each elevation in such boiler room shall have two means of exit, each remotely located from the other.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563(D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:

**§5847. Air and Ventilation Requirements—Combustion Air Supply and Ventilation of Boiler Room**

A. A permanent source of outside air shall be provided for each boiler room to permit satisfactory combustion of the fuel as well as proper ventilation of the boiler room under normal operating conditions.

B. The total requirements of the burners for all fired pressure vessels in the boiler room must be used to determine the louver sizes whether fired by coal, oil or gas; however, the minimum net free louvered area must not be less than 1 square foot. The following table or formula shall be used to determine the net louvered area in square feet:

Input (Btu/hr)	Required Air (cu. ft./min.)	Minimum Net Louvered Area (sq. ft.)
500,000	125	1.0
1,000,000	250	1.0
2,000,000	500	1.6
3,000,000	750	2.5
4,000,000	1,000	3.3
5,000,000	1,250	4.1
6,000,000	1,500	5.0
7,000,000	1,750	5.8
8,000,000	2,000	6.6
9,000,000	2,250	7.5
10,000,000	2,500	8.3

$$\frac{BTUH}{10,000} \times 2.5 \text{ ' CFM} \& 300 \text{ DFM per sq. ft. of net required area}$$

C. When mechanical ventilation is used in lieu of §5847.A, the supply of combustion and ventilation air to the boiler room and the firing device shall be interlocked with the fan so the firing device will not operate with the fan off. The velocity of the air through the ventilating fan shall not exceed 500 feet per minute and the total air delivered shall be equal to or greater than shown in §5847.A.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563(D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:

**§5849. Gas Burners**

For installations which are gas fired, the burners used shall conform to the applicable requirements of the American Gas Association or other Nationally Recognized Standards.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563(D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:

**§5851. Attendance on Power Boilers**

A. No power boiler while in active service, i.e., that portion of time when the main stop valves are open and the fires are burning, shall be left unattended longer than it will take the water level to drop from the normal operating level in the water gauge glass, or by indicating devices or recorders, when the feed water is shut off and the boiler is forced to its maximum capacity unless the following are complied with:

1. the boiler is equipped with an audible alarm that will operate when the water reaches the highest and/or the lowest permissible operating level, or, for boilers having no fixed steam or water line, when the highest permissible operating temperature is reached. The audible alarm shall be sufficiently loud that it can be plainly heard at the most remote point from the boiler that the attendant is required to work; and

2. the boiler is equipped with two independently connected low water safety devices that will shut off the fuel to the burner or burners when the water reaches the lowest permissible operating level, or, for boilers having no fixed steam or water line, when the highest permissible operating temperature is reached. These devices shall require manual resetting; or

3. the attendant shall personally check the operation of the boiler, the necessary auxiliaries, and the water level in the boiler at such intervals as are necessary to insure safe operation of the boiler, and in no case shall this exceed 120 minutes.

B. The operation of the automatic controls shall be checked at the beginning of each shift.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563(D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:

**§5853. Restamping of Boilers**

When the stamping on a boiler becomes indistinct, the inspector shall instruct the owner or user to have it restamped. Request for permission to restamp the boiler shall be made to the chief inspector and proof of the original stamping shall accompany the request. The chief inspector may grant such

authorization. Restamping authorized by the chief inspector shall be done only in the presence of an Authorized Inspector, and shall be identical with the original stamping. If the *ASME Code* symbol is to be restamped, it may only be done by the original manufacturer of the boiler in the presence of the inspector who signed the Manufacturers' Data Report. Notice of completion of such restamping shall be filed with the chief inspector by the inspector who witnessed the stamping on the boiler, together with a facsimile of the stamping applied.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563(D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:

#### **§5855. Moving of Boilers**

When a boiler is moved from one setting to another setting, the owner or user thereof shall furnish the chief inspector with a notice of change in location, and shall have the boiler inspected by an authorized inspector prior to firing of the boiler at the new location.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563(D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:

#### **§5857. Safety Appliances**

A. No person shall attempt to remove or do any work on any safety appliance prescribed by these rules and regulations while the appliance is subject to pressure.

B. Should any of these appliances be removed for repair during an outage of the boiler, they must be reinstalled and in proper working order before the boiler is again placed in service.

C. No person shall alter any safety or safety relief valves or pressure relief devices in any manner to maintain a working pressure in excess of that stated on the boiler inspection certificate.

D. Repairs to safety or safety relief valves shall be made only by organizations qualified in accordance with §5411.J.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563(D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:

#### **§5859. Variations**

A. Any person who believes the rules and regulations promulgated by the assistant secretary are unreasonable or impose an undue burden upon the owner or user, may request a variation from such rule or regulation. The request shall be in writing and shall specify how equivalent safety is to be maintained. The assistant secretary, after investigation and such hearing as he may direct, may grant such variation from the terms of any rule or regulation provided such special conditions as may be specified are maintained in order to provide equivalent safety.

B. When there is a reason to believe, or upon receipt of a complaint that a variation does not provide freedom from danger equivalent to the published rule or regulation, the assistant secretary, after notice to the owner or user and complainant after such hearing and investigation as he may direct, may continue in force, suspend, revoke or modify the conditions specified in any variation. No declaration, act or omission of the assistant secretary, or the chief inspector,

deputy inspector or special inspectors other than a written order authorizing a variation as permitted above, shall be deemed to exempt, either wholly or in part, expressly or implied, any owner or user from full compliance with the terms of any rule or regulation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563(D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:

#### **§5861. Conditions not Covered by These Rules and Regulations**

For any condition not covered by these rules and regulations, the applicable provisions of the *ASME Code* or the *National Board Inspection Code* shall apply.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563(D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:

#### **§5863. Suggestions for Operations**

It is suggested that the Recommended Rules for Care of Power Boilers, Section VII, and the Recommended Rules for Care and Operation of Heating Boilers, Section VI of the *ASME Code*, be used as a guide for proper and safe operating practices.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563(D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 24:

### **Title 46**

## **PROFESSIONAL AND OCCUPATIONAL STANDARDS**

### **Part VIII. Boiler Inspectors**

#### **Chapters 3 - 13. Repealed.**

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:531.

HISTORICAL NOTE: Adopted by the Department of Labor in 1938, filed in the Department of the State Register in 1974, amended by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 12:237 (May 1986), repealed LR 24:

Interested persons may submit written comments on these proposed rules to Bob Cate at 5150 Florida Boulevard, Baton Rouge, LA 70806. Comments will be accepted through the close of business June 22, 1998.

Thomas H. Normile  
Undersecretary

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

#### **RULE TITLE: Boilers**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There are no estimated implementation costs or savings to the Office of the State Fire Marshal. Local governments' expenditures will decrease according to the number of objects not requiring inspection.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
Removing the required inspections of water heaters under 50 gallons in capacity will decrease state fire marshal revenues by \$136,980 per year.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There is an estimated savings of over \$36,000 per year to daycare operators, nursing homes, group homes and other affected businesses.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no impact on competition and employment.

Thomas Normile  
Undersecretary  
9805#001

H. Gordon Monk  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Social Services  
Office of Rehabilitation Services**

**Community Rehabilitation  
Program (LAC 67:VII.Chapter 2)**

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Social Services, Louisiana Rehabilitation Services proposes to adopt the following rule in LAC 67:VII. Rehabilitation Services, Community Rehabilitation Program, Program Standards.

The rule governing Louisiana Rehabilitation Services policy relative to Community Rehabilitation Programs is proposed in order to establish standards for Community Rehabilitation Program vendors who provide services to clients of Louisiana Rehabilitation Services through the Vocational Rehabilitation Program.

**Title 67  
SOCIAL SERVICES**

**Part VII. Rehabilitation Services**

**Chapter 2. Community Rehabilitation Program**

**§201. Purpose**

A. Principle. The Community Rehabilitation Program (CRP) shall establish its purpose and direct its activities toward accomplishment of that purpose.

B. The CRP shall state its goals and purposes clearly in appropriate publications for distribution to staff, those served, referral and payment sources, and the public.

C. The CRP shall describe the specific rehabilitation needs it is prepared to address as well as the programs and services available for that purpose.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:664.4 and R.S. 36:477.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, LR 24:

**§203. Organization and Management**

A. Licenses. All public and private community rehabilitation programs shall be licensed by the Department of Social Services, Bureau of Licensing or the Department of Health and Hospitals, as appropriate, based on the standards developed and published according to state law.

**B. General Requirements**

1. The CRP shall allow representatives of Louisiana Rehabilitation Services (LRS) and the appropriate program

office in the performance of their mandated duties to monitor all aspects of a program's functioning which impact on clients and to interview staff members and clients.

2. The CRP shall make any information which the program is required to have under the present requirements and any information reasonably related to assessment of compliance with these requirements available to LRS and the appropriate program office.

a. The client's rights shall not be considered abridged by this requirement.

b. A CRP shall promptly provide all necessary and needed information for review.

c. A CRP shall provide adequate space and privacy for the surveyor to review records uninterrupted.

C. A CRP shall have an administrative file including:

1. documents identifying the governing body and/or ownership of the agency;

2. list of members and officers of the governing body and their addresses and terms of membership, if applicable;

3. bylaws of the governing body and minutes of formal meetings, if applicable;

4. a written statement of the program's mission and philosophy;

5. documentation of the agency's incorporation in the state;

6. organizational chart of the agency;

7. all leases, contracts and purchase-of-service agreements to which the center is a party;

8. insurance policies;

9. annual budgets;

10. master list of all consultants used by the center.

D. Organization and Administration. The CRP should engage in short-range and long-range planning, and develop or modify its services according to identified community needs and other LRS identified needs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:664.4 and R.S. 36:477.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, LR 24:

**§205. Governing Body**

A. The membership of the governing body shall be representative of the community being served, and include person(s) with disabilities and/or families of person(s) with disabilities; or

B. A CRP has for-profit status, it shall have an advisory board which meets regularly and is representative of the community being served and include person(s) with disabilities and/or families of person(s) with disabilities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:664.4 and R.S. 36:477.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, LR 24:

**§207. Fiscal Accounting Systems and Record Keeping**

A. The CRP must maintain adequate fiscal records and accountability so as to demonstrate, upon request, receipt and utilization of funds from LRS. Each CRP must have an annual external audit and management letter and include a single audit where indicated or required by law.

B. The CRP must have adequate insurance to protect persons served.

C. A CRP shall not permit funds to be paid, or committed to be paid, to any corporate person to which any of the members of the governing body, administrative personnel or members of the immediate families or members of the governing body or administrative personnel have any direct or indirect financial interest, or in which any of these persons serve as an officer or employee, unless the services or goods involved are provided at a competitive cost or under terms favorable to the CRP. The CRP shall have a written disclosure of any financial transaction with the agency in which a member of the governing body, administrative personnel or his/her immediate family is involved.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:664.4 and R.S. 36:477.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, LR 24:

### **§209. Personnel Administration and Staff Development**

A. Providers of vocational rehabilitation services shall use qualified personnel, in accordance with any applicable national or state-approved or recognized certification, licensing, or registration requirements, or in the absence of these requirements, other comparable requirements (including state personnel requirements), that apply to the profession or discipline in which that category of personnel is providing vocational rehabilitation services.

B. The CRP should encourage and support staff growth and development by providing opportunities for training, education and interaction with other persons in the rehabilitation field.

C. Providers of vocational rehabilitation services should take affirmative action to employ and advance in employment qualified individuals with disabilities.

D. The CRP will include among their personnel or make available personnel able to communicate in the native languages of individuals who have limited English proficiency if those native languages are spoken by substantial segments of the population of the state; and provide special modes of communication for individuals who rely on these special modes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:664.4 and R.S. 36:477.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, LR 24:

### **§211. Physical Plan and Accessibility**

The CRP must comply with accessibility requirements as established in Section 504 of the Rehabilitation Act of 1973, as amended, and by the Uniform Federal Accessibility Standards and the Americans with Disabilities Act of 1990.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:664.4 and R.S. 36:477.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, LR 24:

### **§213. Confidentiality and Case Records**

#### **A. General**

1. All client information is confidential. All personal information in the possession of the CRP shall be used only for purposes directly connected with the administration of the program.

2. A CRP shall have written procedures for the maintenance and security of records specifying who shall

supervise the maintenance of records, who shall have custody of records and to whom records may be released. Records shall be the property of the center and the center, as custodian, shall secure records against loss, tampering or unauthorized use.

B. Notification to Clients. Individuals asked to supply the CRP with information concerning themselves shall be informed of the CRP's need to collect confidential information and the policies governing its use, release, and access including:

1. a Consent to Release Case Record Information form contained in case files which must document that individuals have been advised of the confidentiality of information pertinent to their case;

2. the principal purpose for which the CRP intends to use or release the requested data;

3. whether the individuals may refuse, or are legally required to supply the requested data;

4. any known consequence arising from not providing the requested information;

5. the identity of other agencies to which information is routinely released.

C. Release of Confidential Information. The case file must contain documentation concerning any information released with the individual's written consent.

D. No use shall be made of the name or picture of an individual served without the prior written consent of the individual, or his or her legal guardian.

E. Client Access to Data. When requested in writing by the involved individual or an authorized representative, clients or applicants have the right to see and obtain in a timely manner copies of any information that the CRP maintains on them, including information in their case files, except:

1. medical and/or psychological information, when the service provider states in writing that disclosure to the individual would be detrimental to the individual's physical or mental health;

2. medical, psychological, or other information which the CRP determines harmful to the individual;

Note: Such information may not be released directly to the individual, but must be released, with the individual's informed consent, to the individual's representative, or a physician or a licensed or certified psychologist;

3. personal information that has been obtained from another agency or organization. Such information may be released only by or under the conditions established by the other agency or organization.

F. Informed Consent. Informed consent means that the individual has signed an authorization to release information and such authorization is as follows:

1. in a language that the individual understands;

2. dated;

3. specific as to the nature of the information which may be released;

4. specifically designates the parties to whom the information may be released;

5. specific as to the purpose(s) for which the released information may be used;

6. specific as to the expiration date of the informed consent which must not exceed one year.

G. Release of Client Information Without Informed Consent

1. The CRP must have written authorization to release confidential client information except in the following instance:

a. the CRP can release personal information without informed written authorization to protect the client or others when the client poses a threat to his/her safety or to the safety of others;

b. the CRP can only release that information necessary to protect the client or others.

c. the CRP or employee providing the information must carefully record all the facts and circumstances in the client's case record.

2. Examples of Emergency Situations. Emergency situations that might require release of personal information without informed written authorization could possibly include the following:

- a. threats of murder and/or suicide;
- b. threats to the safety of the workplace;
- c. national security violations.

H. Confidentiality—HIV Diagnosis. Each time confidential information is released on applicants or clients who have been diagnosed as HIV positive, a specific informed written consent form must be obtained.

I. Location of Records

1. The CRP shall keep on site the following records:

- a. all IWRP's and Agency Service Plans;
- b. all client plan updates and progress notes;
- c. all client evaluations;
- d. a copy of the CRP's policy and procedure manual(s);
- e. a copy of the employee's criminal history check.

2. All other records shall be kept in the main office of the CRP, if applicable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:664.4 and R.S. 36:477.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, LR 24:

**§215. Available Programs and Program Outcomes**

A. Intake and Orientation. The CRP should make a reasonable effort to obtain necessary case file information before planning services for an individual, and make appropriate use of such information throughout the individual's program.

B. Assessment and Program Planning

1. The CRP should review referral information and, using appropriate appraisal and evaluation procedures, determine the individual's need for services.

2. The CRP's policies shall specify that the individual's plan for rehabilitation services will be established with his or her involvement and that it will focus on the individual's achievement of independent functioning in the community and/or achievement or maintenance of the individual's appropriate level of employment outcome or independent functioning.

C. Program Management, Treatment, and Training

1. The CRP shall develop a procedure to insure that services provided each individual are organized, coordinated

and reviewed regularly by a program manager or service coordinator.

2. The individual's progress toward the planned goals shall be measured and recorded monthly and communicated to the individual, the referral source, LRS and any other authorized parties.

3. Individually scheduled conferences shall take place on a timely basis to review the progress of the individual served and to develop further plans, if necessary. The results shall be recorded in the case record and communicated to LRS and any other appropriate parties.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:664.4 and R.S. 36:477.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, LR 24:

**§217. Public Relations and Marketing**

A. Principle. The CRP shall be actively involved in its community to create acceptance, understanding and support for its goals and services.

B. The CRP should thoroughly investigate the employment and related needs of its current and future users, and organize its services to meet those needs.

C. The CRP should conduct its activities in a manner that encourages understanding, cooperation and support from the public, from other agencies and from other groups in the community.

D. The CRP should function in the community as an advocate for those it serves by promoting positive attitudes toward them, and developing awareness of their legal rights.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:664.4 and R.S. 36:477.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, LR 24:

**§219. Vocational Modules**

A. A Vocational Evaluation/Assessment shall utilize professionally accepted methods based on client-specific needs to result in a suitable and appropriate employment goal.

B. A Community Based Situational Assessment shall be client-specific to result in a suitable and appropriate employment goal.

C. Employment Preparation (Job Club, Job Readiness, Job Retention Training, etc.)

1. The employment preparation should be provided according to the needs identified in the evaluation/assessment and IWRP.

2. The employment preparation should be provided according to goals that are specific and individualized to meet the demands of the employment goal.

3. The employment preparation should result in skills required for successful placement of the individual into a job in the community based on the designated employment goal.

D. Job Development/Placement

1. Job development and placement of LRS clients should meet the employment goal cited in the IWRP.

2. The CRP shall provide documentation of the job development efforts which are consistent with the employment goal on the client's IWRP.

3. Client shall be placed into an integrated competitive employment position and be compensated at or above the

minimum wage, but not less than the customary or usual wage paid by the employer for the same or similar work performed by individuals who are not disabled.

4. Individuals should be followed in their employment progress for at least 90 days and should be contacted at 6-month and 12-month intervals to ascertain progress.

5. The CRP shall have an 80 percent placement and retention rate of all individuals referred by LRS.

6. The CRP shall maintain and disseminate client performance information regarding their employment to LRS staff.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:664.4 and R.S. 36:477.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, LR 24:

Interested persons may also submit written comments for 40 days from the date of this publication to May Nelson, Director, Louisiana Rehabilitation Services, 8225 Florida Boulevard, Baton Rouge, LA 70806-4834. Ms. Nelson is responsible for responding to inquiries regarding the proposed rule.

Public hearings will be conducted at 10 a.m. on Wednesday, June 24, 1998, as follows: Shreveport, LRS Regional Office, 1525 Fairfield Avenue; Baton Rouge, LRS Regional Office, 2097 Beaumont Drive; and New Orleans, University of New Orleans, Training, Resource and Assistive Technology Center, UNO Lakefront Campus.

Individuals with disabilities who require special services should contact Marsha Blackmon, Program Manager, Louisiana Rehabilitation Services, at least 14 working days prior to the hearing if special services are needed for their attendance. For information or assistance, call (504) 925-4131 or 1-800-737-2958 or for voice and TDD, 1-800-543-2099.

Madlyn B. Bagneris  
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Community Rehabilitation Program**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There is no projected implementation cost. This rule proposes to adopt standards for Community Rehabilitation Program vendors who provide services to clients through the Vocational Rehabilitation Program.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There is no anticipated increase or decrease in revenue.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

This rule will affect LRS Community Rehabilitation Program vendors who provide services to LRS' vocational rehabilitation clients. If a vendor does not meet the 80 percent successful job placement rate, the vendor could potentially be removed from the LRS' list of approved vendors.

There is no effect on the receipts and/or income resulting from this rule change.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

There is no proposed change in competition and employment in the public and private sectors.

May Nelson  
Director  
9805#044

Richard W. England  
Assistant to the  
Legislative Fiscal Officer

**NOTICE OF INTENT**

**Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission**

**Commercial Fisherman's Assistance  
Program (LAC 76:XVII.101)**

The Wildlife and Fisheries Commission does hereby give notice of its intent to amend the rule on proof of income for the Commercial Fisherman's Assistance Program.

The secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the commission to promulgate and effectuate this notice of intent and the final rule, including but not limited to, the filing of the Fiscal and Economic Impact statement, the filing of the notice of intent and final rule and the preparation of reports and correspondence to other agencies of government.

**Title 76**

**WILDLIFE AND FISHERIES**

**Part XVII. Commercial Fisherman's Assistance  
Program**

**Chapter 1. Proof of Income**

**§101. Criteria for Establishing Proof of Income and Procedures**

A. The eligibility of applicants for economic assistance under R.S. 56:13.1, Commercial Fisherman's Assistance Program, shall be determined in accordance with the following criteria:

1. the applicant shall have purchased a saltwater gill net license in at least two of the years 1993, 1994 and 1995; and
2. the applicant shall have derived more than 50 percent of his earned income from the legal capture and sale of seafood species in at least two of the years 1993, 1994 and 1995; and
3. the applicant shall have suffered a loss of income due to the enactment of the Louisiana Marine Resources Conservation Act of 1995; and
4. applicant must have been a bona fide resident of Louisiana on June 30, 1995 and must provide proof of such as defined under R.S. 56:8(12)(a); and
5. the applicant must have submitted his/her application not later than October 1, 1998.

B. Proof of such income for any of the years 1993, 1994 and 1995 shall be provided by applicant using any of the methods listed below.

1. Method 1. Applicant shall submit to the Department of Wildlife and Fisheries (Licensing Section) a copy of his federal income tax return including all attachments (i.e., Schedule C of federal form 1040, form W-2, etc.), which has been certified by the Internal Revenue Service (IRS).

2. Method 2. Applicant shall submit to the Department of Wildlife and Fisheries (Licensing Section) a copy of his federal income tax return including all attachments (i.e., Schedule C of federal form 1040, form W-2, etc.), which has been filed and stamped "received" at a local IRS office

accompanied with a signed cover letter acknowledging receipt by the IRS.

3. Method 3. Applicant shall submit to the Department of Wildlife and Fisheries (Licensing Section) a signed copy of his federal tax return including all attachments (i.e., Schedule C of federal form 1040, form W-2, etc.), along with IRS stamped transcripts and IRS signed cover letter. Transcripts are available at local IRS offices.

C. The Socioeconomic Section of the Department of Wildlife and Fisheries, Office of Management and Finance will review the submitted tax return information and determine applicants income eligibility as defined by R.S. 56:13.1(B)(1). Proof of loss of income by the applicant shall be provided in the form of federal tax returns as specified in §101.B and determined by using the method below.

1. Proof of income loss will be determined by comparing the applicants average earned income from the legal capture and sale of seafood species for two of the years 1993, 1994 and 1995 and the earned income for tax years 1996 or 1997 as reported on their federal income tax returns. Proof of such income shall be provided by the applicant using any of the methods listed in §101.B.

2. The criteria for providing economic assistance shall be determined by the Department of Wildlife and Fisheries, and shall be based on an individuals loss of income due to the enactment of the Louisiana Marine Resources Conservation Act of 1995.

D. Applicants who receive economic assistance under the Commercial Fisherman's Assistance Program (R.S. 56:13.1) shall be disqualified from receiving any mullet license permit pursuant to R.S. 56:333.

E. The Department of Labor will provide to the Department of Wildlife and Fisheries Licensing Section a quarterly status report containing the name, address, social security number, type of training with beginning date and estimated ending date, the anticipated cost and actual cost as incurred, for each fisherman receiving economic assistance under the Commercial Fisherman's Assistance Program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:13.1(D).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 22:235 (March 1996), amended LR 24:

Interested persons may comment on the proposed rule in writing to Janis Landry, Fiscal Section, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000 until 4:30 p.m., July 2, 1998.

Thomas M. Gattle, Jr.  
Chairman

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Commercial Fisherman's Assistance Program**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

It is the opinion of the department that there will be virtually no commercial fishers participating in the Commercial Fisherman's Assistance Program, since applicants receiving assistance will be disqualified from receiving a mullet permit. Thus, no costs or savings and no increase or decrease in workloads is anticipated from the implementation of this rule.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

Effects on state and local revenue collections cannot be determined at this time and are not anticipated to change from previous years.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

Louisiana residents who are eligible and choose to participate in the Commercial Fisherman's Assistance Program will be directly affected by the proposed rule. Commercial fisher participants will receive economic assistance to obtain training at approved Department of Labor educational facilities until July 1, 2000. Those fishers who chose to participate in the program will be disqualified from receiving any license or permit pursuant to R.S. 56:333, thus, forgoing any future income benefits from the capture and sale of Mullet.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

No significant effect on competition and employment in the public and private sectors is anticipated from the proposed rule change.

Ronald G. Couvillion, Sr.  
Undersecretary  
9805#051

Richard W. England  
Assistant to the  
Legislative Fiscal Officer