

CONTENTS

| | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| I. EXECUTIVE ORDERS | |
| DCT 80-5 — CETA Program | 155 |
| DCT 80-6 — State flags at half mast | 155 |
| II. EMERGENCY RULES | |
| Education Department: | |
| Board of Trustees for State Colleges and Universities — Conversions of basis | 156 |
| Health and Human Resources Department: | |
| Office of Family Security — Home leave days covered by Title XIX | 156 |
| Medicaid payments for abortions | 156 |
| Patient transfer procedure | 156 |
| Natural Resources Department: | |
| Environmental Control Commission — Interim rules of procedures | 158 |
| Public Safety Department: | |
| Office of State Fire Protection — Fire lanes | 163 |
| Transportation and Development Department: | |
| Office of Aviation and Public Transportation — Rules and regulations pertaining to aeronautics in Louisiana | 163 |
| III. RULES | |
| Commerce Department: | |
| Racing Commission — Rules LAC 11-6:53.11 and LAC 11-6:54 — medication | 174 |
| Education Department: | |
| Board of Elementary and Secondary Education — Adoption and Revision of Bulletins and Regulations, Amended Annual Program Plan for 1981-1983, Crime and Disruptive Behavior Module, Pupil Appraisal Handbook and Addendum — Talented | 174 |
| Board of Trustees for State Colleges and Universities — Patent policy | 174 |
| Health and Human Resources Department: | |
| Office of Family Security — Nonemergency medical transportation | 175 |
| Maximum Allowable Costs list amended | 175 |
| Natural Resources Department: | |
| Office of Conservation — NGPA rules | 175 |
| Surface mining regulations | 177 |
| Transportation and Development Department: | |
| Specifications for gasoline, unleaded gasoline, gasohol | 198 |
| Treasury Department: | |
| Board of Trustees of the State Employees' Group Benefits Program — Rules and regulations for election of members and related issues | 199 |
| Wildlife and Fisheries Department: | |
| Wildlife and Fisheries Commission — 1980 Brown shrimp season | 224 |
| IV. NOTICES OF INTENT | |
| Agriculture Department: | |
| State Market Commission — Loans and loan guarantees | 225 |
| Education Department: | |
| Board of Elementary and Secondary Education — Requirements for Certification of Adult Education School personnel, Louisiana Food and Nutrition Programs of Operation, generic certification requirements for special education | 225 |
| Louisiana State University and Agricultural and Mechanical College, Board of Supervisors — "Quorum" redefined | 225 |
| Board of Trustees for State Colleges and Universities — Student fees | 225 |
| Conversions of basis | 225 |
| Governor's Office: | |
| Division of Administration — Central Purchasing, rules and regulations | 226 |
| Health and Human Resources Department: | |
| State Board of Dentistry — Expenses of countinuing education courses | 226 |
| Dental hygiene licenses | 226 |
| Board of Examiners for Nursing Home Administrators — Clarification of definitions, update of regulations, strengthening of requirements for administrator-in-training and Continuing Education programs | 226 |
| Office of Family Security — Patient transfer procedure | 226 |
| Medicaid payments for abortions | 228 |
| Home leave days covered by Title XIX | 228 |
| Standards for payment to long term care facilities | 229 |
| Office of Hospitals — Unclaimed bodies | 229 |
| Natural Resources Department: | |
| Office of Conservation — Tight formation rules | 230 |
| Office of Environmental Affairs — Review process of application for hazardous waste permit | 230 |
| Environmental Control Commission — Amend permit fee schedules for Hazardous Waste, Air Quality, Nuclear Energy and Water Quality programs | 230 |
| Office of the Secretary — State/EPA agreement for fiscal year 1981 | 231 |

| | |
|--------------------------------------------------------------------------------------------------------------------------------|------|
| Public Safety Department: | |
| Office of Motor Vehicles — Special license plates | .231 |
| Revenue and Taxation Department: | |
| Severance Tax Section — Implementation and administration of Act 599 of the 1978 regular session | .232 |
| Transportation and Development Department: | |
| Office of Aviation and Public Transportation — Rules and regulations pertaining to aeronautics in Louisiana | .233 |
| Size, weight, load policies for vehicles on Louisiana highways | .234 |
| Urban and Community Affairs: | |
| Office of Consumer Protection — Advertising of air conditioning, refrigeration, and heating contractors and repairmen | .234 |
| Wildlife and Fisheries Department: | |
| Wildlife and Fisheries Commission — 1980-81 seasons and bag limits | .234 |

Executive Orders

EXECUTIVE ORDER DCT-80-5

WHEREAS, the Comprehensive Employment and Training Act of 1973 (Public Law 93-203) as amended, which is commonly referred to as "CETA", establishes a new decentralized federal, state and local system of manpower programs that provide job training, employment opportunities, education and other services for economically disadvantaged, unemployed and underemployed persons; and,

WHEREAS, CETA requires the Governor to coordinate the manpower policy, plans and services of the prime sponsor and the state agency, throughout the State of Louisiana; and,

WHEREAS, the term "manpower" includes training and education programs, and supportive services aimed at increasing the skills and employment opportunities for persons who are unemployed, underemployed and economically disadvantaged; and,

WHEREAS, manpower programs provide skill training, rehabilitation, transitional employment experience, job placement and related child care, social and health services; and,

WHEREAS, it is vital that state and local agencies closely coordinate their efforts in developing plans which meet the locally determined needs in recommending meaningful programs to alleviate employment problems, in reducing duplication and gaps in manpower services, and in effectively and economically utilizing state and federal manpower funds; and,

WHEREAS, employment and training programs should be integrated with all human services to serve better the trainable segment of our society; and,

WHEREAS, the Comprehensive Employment and Training Act of 1973 as amended, and the U.S. Secretary of Labor's Rules and Regulations as published in the Federal Register (Vol. 44 No. 65, Section 675.4) and any subsequent regulations thereto designate the Governor to act as the Prime Sponsor for planning and delivery of manpower and related services in those areas in the State not under the jurisdiction of other federally designated prime sponsors of the State;

NOW, THEREFORE, I, DAVID C. TREEN, Governor of the State of Louisiana, by virtue of the authority vested in me, by the Constitution and the laws of this State, do hereby order and direct the following:

1. The Louisiana Department of Labor, Office of Labor, under the direction of the Secretary of Labor, shall be designated as the administrator of all CETA programs for the Balance of State prime sponsorship.

2. The Louisiana Department of Labor, under the direction of the Secretary of Labor, shall be designated as the administrator for the CETA Governor's Special Grant programs.

3. The Secretary of Labor shall designate the contracting officer for all CETA grants, subgrants, contracts and subcontracts.

4. The Governor's State Employment and Training Council is created and established with its membership to be structured in accordance with the Federal Secretary of Labor's Rules and Regulations. The Council Chairman and its members will be appointed by the Governor.

5. The State Employment and Training Council shall meet at regular intervals and at other times it deems advisable. The Council shall be provided staff and support services through the Louisiana Department of Labor, Office of the Secretary. The Council staff will be under the direction of the Deputy Secretary of Labor, Office of the Secretary, or any other designee as authorized by the Secretary.

6. All state agencies and prime sponsors dealing with man-

power related programs shall cooperate in a coordination of planning process, identification of common goals and objectives, sharing of data, and allocation of resources toward these ends which shall be manifested in linkages with the State Employment and Training Council, other state agencies and prime sponsors.

7. All state agencies and prime sponsors dealing with manpower related programs shall support and aid the Governor's State Employment and Training Council in its manpower coordination initiatives, which shall include review of agency and prime sponsor plans. All state agencies and prime sponsors shall provide annual plans, requests for grants, and any modifications thereto to the Governor's State Employment and Training Council for review and comment.

8. Each state agency and prime sponsor responsible for manpower related programs shall exchange manpower program information and data among the state agencies and the CETA prime sponsors through this Council as well as coordinate and communicate with the State Council and all local manpower program advisory councils.

9. The Governor's State Employment and Training Council shall continuously review all manpower programs of each state agency and prime sponsor dealing with manpower or manpower related programs. The reviews conducted by the Council shall include an emphasis upon statewide and inter-prime sponsor issues of utilization and coordination of plans and operations in contiguous areas.

BE IT FURTHER RESOLVED that Executive Order No. 76-13 is hereby rescinded and recalled, and is null, void and of no effect.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 8th day of April, A.D., 1980.

David C. Treen
Governor of Louisiana

EXECUTIVE ORDER DCT 80-6

WHEREAS, United States military personnel have attempted to rescue the American hostages held prisoners in the country of Iran;

WHEREAS, eight members of the rescue team sustained fatal injuries and gave their lives trying to save their fellow countrymen; and

WHEREAS, the bodies of these eight men are on the way home to the United States; and

WHEREAS, the people of the State of Louisiana are proud of their efforts and want to show their appreciation; and

WHEREAS, the people of the State of Louisiana share the grief and sorrow of the families and loved ones whose lives were lost,

NOW, THEREFORE, by virtue of the powers vested in me as Governor of the State of Louisiana, and in order to show the respect of the people of the State of Louisiana for the gallant efforts of those military personnel on the rescue team who died in Iran, I, DAVID C. TREEN, acting as Governor and Commander-in-Chief, do hereby order the flag of the United States and the flag of the State of Louisiana to be flown at half-mast, until the bodies of the eight men rest again on American soil, over the State Capitol and the public departments and institutions of the state and over the Court . . .

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 5th day of May, A.D., 1980.

David C. Treen
Governor of Louisiana

Emergency Rules

DECLARATION OF EMERGENCY

Board of Trustees for State Colleges and Universities

At its meeting on April 18, 1980, the Board of Trustees for State Colleges and Universities adopted the following rule, effective immediately.

"The Policies and Procedures Manual of the Board of Trustees for State Colleges and Universities, Part VII, Section 7.2B is changed to read as follows:

B. Conversions of Basis - Nine to Twelve Months. Unclassified personnel whose employment is being changed from a nine-month to a twelve-month basis, without change in duties and responsibilities or a promotion, shall be increased in salary by one-third of their nine-month salary. Any such employee whose status changes from a twelve-month to a nine-month salary basis without a change in duties and responsibilities or a promotion shall be decreased in salary by one-fourth of his previous twelve-month salary. Unclassified personnel whose employment is being changed either from a nine-month to a twelve-month basis or from a twelve-month to a nine-month basis, with a change in duties and responsibilities or a promotion shall be paid a salary appropriate for the new duties and responsibilities.

This was taken as an emergency action in order to put it into effect immediately, as personnel actions of this nature are brought to the board at nearly every meeting. The Board wished to make its position clear on this matter. This action was taken in accordance with the emergency provisions of the Administrative Procedures Act and under the authority of Article VII, Section 6 of the 1974 Constitution.

Bill Junkin
Executive Director

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Security

In accordance with the provisions of Louisiana R.S. 40:29, the Department of Health and Human Resources, Office of Family Security, has implemented the following rule regarding Home Leave Days Covered by the Medical Assistance (Title XIX) Program:

Payment is made to reserve the bed of a resident of an Intermediate Care Facility for the Mentally Retarded (ICF/MR) for twenty-five days per calendar year for leave(s) of absence. For the year 1980, the Medical Assistance Program will consider extensions on an individual basis for any case in which a recipient has exhausted his twenty-five days covered leave, and denial of additional leave time is contrary to the goals of the active treatment plan for mental retardation.

This policy will allow the Medical Assistance Program to comply with the goal of emphasis on a treatment plan of normalization and preparation for the individual's return to the community effective January 1, 1980.

George A. Fischer, Secretary
Department of Health and Human Resources

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Security

In accordance with the provision of Louisiana R.S. 40:29, the Department of Health and Human Resources, Office of Family Security has implemented the following policy regarding Title XIX (Medicaid) payment for abortions:

Effective February 19, 1980, the Louisiana Medical Assistance Program will make payment for medically necessary abortions for eligible recipients. Abortions will be covered which are necessary in the professional judgment of the pregnant woman's attending physician, that judgment exercised in the light of all factors (physical, emotional, psychological, familial, and the woman's age) relevant to the health-related well-being of the pregnant woman. Claims for abortions must be accompanied by a written statement signed by the attending physician certifying that in his judgment the abortion was medically necessary because of those factors (as defined above) which would have adverse effect on the health-related well-being of the patient.

This action will allow the Medical Assistance Program to be in compliance with regulations issued in the recent Federal Court ruling which was issued effective February 19, 1980. Compliance with these regulations assures continued federal financial participation in Louisiana's Medical Assistance Program.

George A. Fischer, Secretary
Department of Health and Human Resources

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Security

In accordance with the provision of Louisiana R.S. 40:29, the Department of Health and Human Resources, Office of Family Security has adopted the following policy regarding Patient Transfer Procedure for Title XIX recipients in Long Term Care facilities:

Patient Transfer Procedure

A. Individual Recipient Transfers - Involuntary transfer of discharge of a nursing home Medical Assistance recipient may occur only for medical reasons, for the recipient's welfare or that of other residents, or for nonpayment of the facility fee. Except in an emergency, a recipient must be given reasonable advance notice to ensure orderly transfer and continuity of care. Orderly transfer takes into account the availability of suitable alternative facilities, sufficient time to afford the recipient a choice, if possible, in whether to move and where, a review by facility and agency staff of his medical/psychological condition, the availability of adequate appropriate transportation, sufficient appraisal of the receiving facility as to the recipient's condition.

1. Facility responsibility in assuring orderly transfer shall include:

a. Final update, with the transfer in mind, of the individual plan of care, including discharge plan, which has been reviewed and revised periodically since admission. Individual plan of care includes nursing and medical plans, a plan for any therapies required, a social care plan, an activity plan, and a dietary plan.

In addition, the facility shall propose specific plans for transfer including transportation arrangements and, when feasible, visits by the recipient to the proposed receiving facility.

b. Following a medical assessment of the resident as near as practicable to the date of transfer, and execution by the physician of a written statement that, based on the resident's current

physical condition, there are no medical contra-indications to transfer, preparation of a discharge/transfer plan containing all information pertinent to the recipient's present condition and need for continued care and submittal of same to Long Term Care Regional Office. Included in the discharge/transfer plan shall be nursing procedures required by the patient, rehabilitative needs, appropriate level of medical care, and any special medical arrangements necessary to alleviate adverse impacts on the patient.

Information regarding the following may be pertinent: patient's intellectual capacity, memory and orientation as to time, place, and person, the patient's social disturbance or maladjustment, length of the patient's residence in the facility and dependence on familiar surroundings and staff.

The facility shall have completed final update of individual plan of care and the discharge/transfer plan as required by sections A1 a and b, before notice of transfer is sent to a recipient and/or responsible person.

c. Written notification to recipient, responsible person, (attending physician) and Long Term Care Regional Office of proposed transfer and reason(s) as soon as possible and as far in advance as is necessary, but at least forty-eight hours prior to the discharge conference. Written notification shall contain the following:

1. Proposed date of transfer or discharge and reason(s) for same.
2. Discharge conference date, time and place.
3. Availability of nursing home personnel to assist in locating new nursing home facilities.
4. Right of the resident to be represented by a third party at all stages of the discharge or transfer process.
5. Right of the resident within three days from date of discharge conference to register a complaint concerning the transfer with the Regional Long Term Care Unit.

d. As soon in advance of the transfer as possible to insure an orderly transfer, but at least ten days in advance of the proposed date of transfer, but nursing home administrator and/or director of nursing and/or social worker shall meet with the resident and responsible party to discuss the transfer. The requirement that the resident be present is waivable upon a written statement from his physician detailing the medical contraindications to the resident's participation in such a meeting. The resident and the responsible party shall be notified at least forty-eight hours prior to the conference and invited to attend and participate, although it is not mandatory that the responsible party attend. Among those items discussed at this conference shall be those items enumerated in A1, b and c.

e. Provision of all pre-transfer services required in the final up-date of the individual plan of care and transfer/discharge plan.

f. Maintaining the recipient in the facility for as long as necessary, even beyond the proposed date of transfer when medical conditions warrant, in order to ensure orderly transfer as defined above.

g. Arranging for the transportation required in the recipient's transfer plan.

h. Referral, as appropriate, to parish office social service staff to locate another facility most suitable to the recipient's needs.

2. Regional Long Term Care Unit responsibility shall include:

a. Review of available medical/social data and discharge summary prior to transfer to assure medical certification for admission to receiving facility and to ensure that recipient is being transferred in accordance with the patient's bill of rights.

b. Evaluation and referral to State Office Medical Assistance Program of any violation of patient rights.

3. Parish Social Service Staff responsibility shall include:

a. Acceptance of request by recipient and/or responsible person for services in locating and arranging transfer to an appropriate facility or return to noninstitutional living arrangements.

b. Acceptance of referral by Long Term Care Regional Office for services in locating and arranging transfer to an appropriate facility or return to noninstitutional living arrangement.

c. Resolution of complaints filed by nursing home resident and/or responsible party.

4. State Office Medical Assistance Program responsibility shall include:

a. Notification to facility of any instance in which transfer of a recipient is contrary to patient rights.

b. Appropriate sanctions with respect to provider agreement.

c. Maintenance of statistical data regarding frequency of involuntary transfers statewide and by individual facility.

d. Receipt of complaint from the resident or responsible party and arranging for visit with the resident or responsible party prior to transfer to investigate said complaint and take appropriate action as required.

5. Licensing and Certification Division responsibility shall include:

a. Assurance that each participating facility has adequate written transfer policies and procedures.

b. Establishment of written criteria for monitoring transfers based on the Agency's patient transfer procedure.

c. Conducting reviews based on written criteria of the adequacy of facilities' transfer procedures and pre- and post-transfer care of recipients.

6. DHHR Appeals Section has responsibility for processing recipient requests for fair hearings in accordance with 42 CFR 431.200.

B. Mass Transfer of Recipients - The following provisions shall apply to any mass transfer, which is defined as the intended relocation of more than fifteen residents within a thirty day period.

When the Licensing and Certification Division determines that a facility no longer meets State and Federal Title XIX certification requirements, decertification action is taken, usually with an advance effective date unless patients are in immediate danger.

On the date the facility is notified of decertification, DHHR shall immediately begin notifying residents and responsible parties of the decertification and of the availability of the services listed below:

In situations in which a facility discontinues operations or participation in the Medical Assistance Program, recipients and/or their responsible persons shall be notified as far in advance of the effective date as possible to assure orderly transfer and continuity of care. If the facility is closing, plans must be made for transfer. If the facility is withdrawing from the program, the recipient has the option of remaining in the facility on a private-pay basis.

Payments may continue for Title XIX eligible patients not to exceed thirty days following the effective date of decertification. This applies to Title XIX applicants or recipients admitted prior to the notice of decertification and is permitted only if the facility cooperates completely in the orderly movement of patients to other Title XIX facilities or other placement arrangements of their choice. The facility shall not admit new medical assistance recipients after receipt of the decertification notice. There will be no payment approved for such an admittance.

The process of certification requires concentrated and prompt coordination between the Long Term Care Regional Office, Parish Office Assistance Payments and Social Services, and the facility in order to safeguard the protection of Medical Assistance recipients, to assist in the most appropriate placement for each recipient when such assistance is needed or requested by the patient and/or the responsible relative, and to close vendor payment timely upon the patient's discharge. The facility retains its usual responsibility to notify the parish office promptly of all changes in patient's status.

The Office of Human Development and the Office of Family Security shall designate at least two individuals to function as a

transfer team, and to be responsible for supervising transfer activities in the event of proposed facility decertification, or when the home voluntarily elects to terminate its participation in the Title XIX program. The following steps and procedures must be taken by, or under the supervision of, this team.

1. When a provider agreement is extended in accordance with 42 CFR 442.16, the transfer team shall immediately begin to identify appropriate receiving facilities for affected recipients. The team shall begin to plan for transfer of those recipients and will coordinate efforts with Long Term Care Regional Office who will evaluate the condition of affected recipients and make determinations of level of care appropriate for those recipients.

2. When payments are continued for up to thirty days under Title XIX pursuant to 42 CFR 441.11 following decertification, the following steps shall be taken:

a. Notification and Offer of Services - Immediately upon receipt of the written notification from the Medical Assistance Program, the parish office Assistance Payments staff assigned responsibility for the facility shall send a letter to each medical assistance recipient and/or responsible person, containing the following information:

1. Decertification of the facility to participate in the Medical Assistance Program because of deficiencies in certain standards which have not been corrected or because of voluntary withdrawal;

2. The last date for which vendor payment for care of the recipient can be made;

3. The offer of services to assist in making the most appropriate arrangements for the patient, providing the name of the state member assigned to contact immediately if such help is needed.

b. Provision of Services and Effecting Transfer - OHD parish office has responsibility to provide social services called for in the transfer/discharge plan or otherwise necessary to ensure orderly transfer in accordance with Title XX State Plan and to obtain services available under Title XIX. Communication between OHD, OFS parish office, and the Long Term Care Regional Office is essential to explore and define needs, appropriate resources and take appropriate action. The transfer planning team shall be responsible for maintaining this communication.

OFS parish office shall maintain a listing of individual patient status as authorization forms are submitted for closures and transfers. At the conclusion of the thirty day period, the transfer planning team shall submit a report of arrangements made for all recipients to State Office, Medical Assistance Program, with a copy to the Assistance Payments Program.

Within five days following the termination of a provider agreement, transfer planning team members shall meet with appropriate administrative and other personnel of the Home in order to discuss the transfer process. These transfer planning team members shall continue to meet periodically with nursing home personnel, as needed throughout the transfer planning process. In addition, the designated Agency representatives, in order to assure an orderly transfer planning process, shall identify any potential problems, monitor the home's compliance with transfer procedures, and resolve any dispute in the best interest of the patients. The transfer team shall encourage the home to take as active a role as possible in transfer planning. Failure of the nursing home to comply with instructions of the transfer planning team members regarding patient transfers may subject the home to denial of reimbursement for the thirty-day extension period.

C. Emergency Situations - A resident may be immediately transferred or discharged when a bona fide emergency exists, such as fire or contagious disease, or a severe threat to the safety and well-being of residents.

Such emergency transfers shall be closely monitored and reviewed by the State Office Medical Assistance Program. Approp-

iate sanctions shall be imposed on facilities that use emergency transfer provisions when no bona fide emergency situation exists.

D. Reservation of Patient Rights - Nothing in this plan shall be construed in derogation of the presently existing rights of patients.

E. Intelligent Waiver of Rights by Patient - A patient may knowingly and intelligently waive any of the provisions of these regulations, provided such waiver shall be in writing. The State Office Medical Assistance Program shall review all such waivers to ensure that they were made freely and intelligently, after the recipient and/or responsible party was fully informed of his or her rights under these transfer procedures. Appropriate sanctions shall be imposed on Facilities that obtain waivers by coercion, or without providing full information about residents rights.

This action will allow the Medical Assistance Program to be in compliance with the recent consent judgment by the U.S. District Court that was signed and became effective March 8, 1980.

George Fischer, Secretary

Department of Health and Human Resources

DECLARATION OF EMERGENCY

Department of Natural Resources Environmental Control Commission

In accordance with the provisions of Louisiana Revised Statutes 48:953 (B), the Environmental Control Commission hereby gives notice that it has found that an imminent peril to the public health, safety and welfare requires the extension of its Interim Rules of Procedure as an emergency rule.

The Department of Natural Resources has received numerous letters and telephone calls alleging violations in various parts of the State on environmental matters and there is at present no mechanism to handle these complaints or to enforce applicable statutory and regulatory requirements concerning the environment. The Commission's Interim Rules of Procedure are specifically designed to deal with this problem.

The Interim Rules of Procedure adopted by the Environmental Control Commission on January 14, 1980 form the basis for all actions of the Commission in the administration of the Louisiana Environmental Affairs Act and the various environmental regulatory programs under this act. The expeditious enforcement of the Environmental Affairs Act and the existing substantive rules and regulations of the various environmental programs required the immediate adoption of the proposed Interim Rules of Procedure. The Commission has determined that the existing provisions of the Sanitary Code dealing with solid waste, the regulations of the Air Control Commission, the regulations of the Stream Control Commission, the regulations of the Nuclear Energy Division and the State's Hazardous Waste Program are not enforceable without such Rules of Procedure. Additionally, no action would be possible on numerous permit requests pending at the present time. Further delays in processing these permits could adversely affect the public welfare by possibly denying jobs to Louisiana citizens or restricting available sources of radiation for medical treatment. The inability of the State to administer or enforce these environmental programs clearly presents an imminent peril to the health, safety and welfare of the citizens of Louisiana.

Under the provisions of the Environmental Affairs Act, the Commission is authorized to delegate various aspects of its authority under the Act to the Assistant Secretary of the Office of Environmental Affairs. In the area of enforcement, this delegation of authority is crucial in order to allow prompt reaction to a violation which might endanger the public or the environment. The Commission's Interim Rules of Procedure accomplish this and other delegations of authority required for the proper and efficient administration of the Environmental Affairs Act. These Interim Rules of Procedure expire according to their terms on April 30, 1980. The Commission is presently in the process of adopting final