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# Executive Orders

## EXECUTIVE ORDER EWE-77-8

WHEREAS, the Louisiana American Revolution Bicentennial Commission served the state and the nation with distinction and achievement during the official Bicentennial era; and

WHEREAS, the members of the Commission were generous and dedicated in the time and work devoted to a full participation at the community and State levels in a distinguished celebration of our country's heritage; and

WHEREAS, the work of the Commission was generally completed according to schedule to accommodate the mandate of the reorganization of the State agencies of the executive branch and to permit the Department of Urban and Community Affairs to discharge certain unfinished business of the Commission; and

WHEREAS, there exists a binding contract between the Commission and the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College with the necessary funds encumbered for the printing and publishing of a series of historical documents reflecting the heritage of Louisiana and the United States of America by reproducing the original editions no longer available to the general reading public or general circulation libraries; and

WHEREAS, although the project is near completion, there has been no provision by the general reorganization act, originally House Bill No. 750 by Mr.

Laborde and others of the 1977 Regular Session of the Louisiana Legislature, for a legal successor of the Commission to meet its obligation under the terms of this contract;

NOW, THEREFORE, I, EDWIN EDWARDS, Governor of the State of Louisiana, do hereby re-establish and continue the Louisiana American Revolution Bicentennial Commission composed of those members of the public who served pursuant to Executive Order No. 21 issued on January 12, 1973, and charge such Commission specifically to complete any pending contractual obligation between it and the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College for the publication of a historical series.

I FURTHER ORDER that the Commission, through its Chairman or its Executive Director, shall inform the Governor of the final execution of the terms of the contract, but in no case shall the Commission continue to function and discharge other powers, duties and responsibilities.

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 28th day of June, A.D., 1977.

**EDWIN EDWARDS**

**Governor of Louisiana**

# Emergency Rules

## DECLARATION OF EMERGENCY

### Board of Trustees for Colleges and Universities

At its meeting on June 24, 1977, the Board of Trustees for State Colleges and Universities adopted the following rule to be effective immediately:

In the published Policies and Procedures Manual of the Board of Trustees for State Colleges and Universities, Section 6.6(B) of Part VI, Financial and Leave Policies and Procedures, is amended to add the following:

Part VI, Section 6.6(B)

5. Each institution shall be allowed to charge a ten dollar additional out-of-state application fee for each out-of-state application for the following allied health programs: Dental Hygiene, Occupational Therapy, Nursing, Pharmacy and Radiologic Technology.

The Board of Trustees will not meet in regular session until the end of September, 1977; and therefore this emergency rule is necessary in order to implement the application fee change prior to mid-September when registration is held at most of the institutions under the jurisdiction of the Board.

This action was taken in accordance with the emergency provisions of the Administrative Procedures Act and under the authority of Article VIII, Section 6 of the 1974 Constitution.

Bill Junkin, Executive Director  
Board of Trustees for Colleges and  
Universities

## DECLARATION OF EMERGENCY

### Board of Elementary and Secondary Education

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*(Editor's Note: The following emergency policy was adopted by the State Board of Elementary and Secondary Education at its regular meeting on June 23, 1977, in order to relieve the local educational agencies of the hardship of financing additional staff as funds are not available for this fiscal year.)*

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### Rule 3.01.51b

Revision to Bulletin 741, 1977, page 75, Item 4, Staff Personnel, Standards for Approval of Elementary and Secondary Schools.

The Board delayed the implementation date for one year of the requirement of 450:1 pupil-counselor ratio in secondary schools.

Earl Ingram, Director  
Board of Elementary and  
Secondary Education

## DECLARATION OF EMERGENCY

### Department of Health and Human Resources Office of Family Services

The Louisiana Department of Health and Human Resources, Office of Family Services, exercised the emergency provision of the Administrative Procedures Act (R.S. 49:953B) to adopt, effective July 1, 1977, the following definitions for the levels of nursing care provided by a Skilled Nursing Facility (SNF), an Intermediate Care Facility I (ICF I) and an Intermediate Care Facility II (ICF II). These revisions will allow the Medical Assistance Program to comply with Federal regulations (45 CFR 245.10 (b)(4)(i) which require a common definition of skilled nursing care for the Medicare and Medicaid Programs. These regulations broaden the interpretation and application of the skilled level of care.

Skilled Nursing Facility Services Level of Care is skilled nursing and/or rehabilitation services ordered by and under the direction of a licensed physician which are needed on a daily basis and required to be provided on an inpatient basis and which can be provided only by or under the supervision of professional personnel, including registered nurse or licensed practical nurse on continuous basis over a twenty-four hour period and seven day registered nurse services and/or supervision.

Such services include specific skilled and/or rehabilitation services, skilled supervision, and management of a complicated or extensive plan of care instituted by a physician; or skilled observation, assessment, and monitoring of a complicated or unstable condition, or of the progress of a rehabilitation program; or skilled evaluation of the proper maintenance therapy for chronic on-going illnesses.

Intermediate Care Facility Services I Level of Care is basic nursing care and services ordered by and under the direction of a licensed physician which are needed in an institutional setting and which can be provided by and under the supervision of a registered nurse or licensed practical nurse on a continuous basis over a twenty-four hour period, for those individuals who do not require the degree of care and treatment provided in a skilled nursing facility.

Intermediate Care Facility Services II Level of Care is primarily supervised personal care and health related services ordered by and under the direction of a licensed physician which are required in an institutional setting and which usually can be provided by trained aides and orderlies under the supervision of a licensed practical nurse during twelve-hour daytime span with registered nurse consultation.

William A. Cherry, M.D., Secretary  
Department of Health and Human Resources

## Rules

### RULE

#### Capital Area Groundwater Conservation Commission

##### Rules and Regulations for Metering and/or Recording the Yield of Water Wells

###### Authority

The rules and regulations contained herein were prepared in accordance with the provisions of R.S. 38:3076A(8) that states "...to require well owners who are users or well owners providing water to other users, at their own expense, to meter wells to permit accurate determination of rates of use. Metering may be required on a continuous or periodic basis . . ."

###### Purpose

The purpose of these regulations is to implement the above stated authorization for new wells that are drilled and installed after the effective date of these regulations. The regulations apply to wells that are not excluded herein and not otherwise excluded by R.S. 38:3071-38:3084, and are located in the parishes of East

Baton Rouge, East Feliciana, Pointe Coupee, West Baton Rouge, and West Feliciana.

###### Exclusions

The following water wells are excluded from the rules and regulations stated herein: Wells with a total depth of less than four hundred feet or wells in the Mississippi River alluvial aquifer; or wells from which the production is used exclusively for bona fide agricultural or horticultural purposes; or for domestic use of persons resident upon the same premises and capable of producing not more than fifty thousand gallons per day in the aggregate; geopressure and geothermal wells, and wells producing water from formations producing oil or gas or both for commercial purposes, or wells producing salt water used for pressure maintenance; wells used in secondary recovery operations or other operations for the production of oil or gas.

###### Effective Date

The effective date of the regulations as stated herein is July 20, 1977.

###### Measuring Well Yield

The well owner shall be required to (1) install a metering device that records and "totals" the yield of the well, or (2) measure well yield or rate under normal pressure to permit the calculation of the "total" yield of the well for a given period of time, or (3) design and construct into the discharge line of water well a bypass line that can be used to periodically measure the flow of the well as the well discharges to the atmosphere, using a measuring device such as a portable or permanently installed orifice plate and manometer. If method (2) or (3) is used, an hour meter or exact records shall be used and/or maintained to record the number of hours the well is pumped for a stated period of time.

###### Records

The well owner shall be required to keep records of well yield and shall, on request, furnish data concerning such records to the representatives of the Capital Area Groundwater Conservation Commission (R.S. 38:3076A(8)).

###### Variance

Requests to vary from the rules and regulations stated herein must be sent in writing to the Capital Area Groundwater Conservation Commission, whose address is: Capital Area Groundwater Conservation Commission, P. O. Box 64526, Baton Rouge, Louisiana 70896, Telephone: (504) 924-7420. The request must show that compliance is impractical and must outline an alternative method.

Adopted by the Commission May 16, 1977.

Marie H. Wenger, Chairman  
Capital Area Groundwater  
Conservation Commission

## RULE

### Department of Commerce Board of Certified Public Accountants

The State Board of Certified Public Accountants of Louisiana has adopted the following changes to its Rules 3, 4, 5, and 6 based on Sections 87 and 88 of the Revised Statutes of 1950, Title 37, Chapter 2 as follows:

Rules will read as follows:

3. Every certified public accountant and public accountant who is registered with the Board and who is engaged in the practice of his profession on his own behalf shall file annually with the Board a certification that he is practicing as an individual and that there are no partners or associates practicing with him.
4. All firms of certified public accountants or public accountants practicing public accounting in the State of Louisiana shall file annually with the Board a certification of its members and shall promptly notify the Board of any changes in its partners.
5. Each professional accounting corporation practicing public accounting in the State of Louisiana shall, at the time of incorporation, as well as annually thereafter, file with the Board a certification of its shareholders and shall promptly notify the Board of any changes in its shareholders. In addition, such corporation shall furnish to the Board an insurance certificate evidencing that it carries professional liability insurance in the amount of \$50,000.00 for each shareholder, and for each certified public accountant in its employ to a maximum of \$2,000,000.00.
6. An original letterhead must be attached to the certification referred to in Rules 3, 4, and 5 above. Licensed employees or associates may be shown on stationery but such names shall be separated from that of the individual practitioner or those of the partners or shareholders by an appropriate line. Deceased and retired partners or shareholders shall be appropriately identified.

Lydia F. Parek, Executive Director  
Board of Certified Public Accountants

## RULE

### Board of Elementary and Secondary Education

Rule 3.07.10a

(This policy should be substituted for the 1976-77 policy in effect.)

The Board adopted the 1977-78 State Plan for Adult Education for Louisiana on June 23, 1977, to become effective on July 20, 1977. The Department of the State Register, in accordance with R.S. 49:954.1C, has exercised its privilege to omit from the Louisiana Register the text of the State Plan. The public may inspect the State Plan at the Board's office, Room 104, Education Building, 646 North Fourth Street, Baton Rouge, Louisiana.

Earl Ingram,  
Board of Elementary and  
Secondary Education

## RULE

### Board of Regents

#### 4.3 Guidelines for Statewide Articulation at the Undergraduate Level

##### Preamble

It is the aim of this policy to ensure that various transitions which students may encounter in their educational careers will be orderly and, to the extent possible, easy. Such transitions occur when students change educational program or level, and when they attend more than one type of postsecondary institution or more than one institution of the same type. The specific policy provisions below place certain responsibilities on each public higher education institution in the state. They also indicate responsibilities on a statewide level to be assumed or delegated by the Board of Regents. For the policy to accomplish its intended purpose, it is necessary, also, that students take certain responsibilities. They must seek information they require; plan, to the extent possible, for the transitions they will experience; provide institutions with necessary records and information; and, if at all possible, abide by the time framework of each institution in matters such as submitting applications and forwarding transcripts. Additionally, students must recognize the necessity for the administration of institutional procedures designed to assess the individual student's level of competence.

\* \* \* \*

#### 2.10 Reconsideration of Terminated Academic Programs

Any academic program which the Board of Regents terminates may be reconsidered under the following conditions:

1. The Commissioner of Higher Education must receive a request from the appropriate management board within ninety days of the day on which the Board of Regents votes to terminate the program.
2. The Commissioner of Higher Education will

inform the affected management board at least one month in advance of the date on which the Academic Affairs Committee will review the request. Relevant written materials, which the affected institution and/or management board wishes the Board of Regents to consider, must be submitted to the Commissioner of Higher Education at least fifteen days prior to the date for the Academic Affairs Committee's review.

3. The Board of Regents will reconsider the status of a terminated academic program only once. If the Board then reaffirms its decision to terminate the program, the affected institution and management board may reapply for the program in accordance with policies 2.2, 2.3, 2.4, of the Board of Regents pertaining to the submittal of new academic programs.

William Arceneaux, Commissioner  
of Higher Education

**RULE**

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

The Department of Health and Human Resources, Office of Family Services, has adopted policy changes that will allow reimbursement to hospitals when dentists admit patients for emergency and/or life threatening conditions. An "emergency and/or life threatening condition" is defined as a condition arising as a result of an injury to or disease of the teeth or supporting structures which if left untreated may endanger the life of the individual. Inpatient hospital treatment for following dental conditions are reimbursable: lacerations, fractures, foreign bodies, dislocations, hemorrhages, neoplasms, sinusitis requiring dental intervention, cysts, osteomyelitis or major acute infection. A condition not listed above or not of an emergency nature must be pre-authorized for payment.

William A. Cherry, M.D., Secretary  
Department of Health and Human Resources

**RULE**

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

The Department of Health and Human Resources, Office of Family Services, has adopted the following policy which will permit a system of treatment passes in order to allow continuation of treatment to termination. Patients may be granted passes not to exceed seventy-two hours when the individual's treatment plan requires

a medically necessary home pass. Extensions to permit inpatient hospital treatment may be granted provided application is made to the Medical Director prior to the expiration of the fifteenth eligible day of inpatient hospital care. The medical need for the interruption of the treatment plan must be documented in the patient's hospital chart by the attending physician.

William A. Cherry, M.D., Secretary  
Department of Health and Human Resources

**RULE**

**Department of Health and Human Resources  
Board of Nursing**

Unit III

3.01 Legal Standards of Nursing Practice

The Louisiana State Board of Nursing recognizes that assessment, planning, intervention, teaching, and supervision are the major responsibilities of the registered nurse in the practice of nursing. The Standards of Nursing Practice provide a means of determining the quality of care which an individual receives regardless of whether the intervention is provided solely by a registered nurse or by a registered nurse in conjunction with other licensed or unlicensed personnel.

The Standards are based on the premise that the registered nurse is responsible for and accountable to the individual for the quality of nursing care he or she receives.

The Standards of Practice shall:

1. Be considered as base line for quality nursing care.
2. Be developed in relation to the law governing nursing.
3. Apply to the registered nurse practicing in any setting.
4. Govern the practice of the licensee at all levels of practice.

3.02 Standard No. 1.

Data concerning an individual's health status must be systematically and continuously collected, recorded, and communicated in order to determine nursing care needs, according to the following criteria.

1. The format for the collection of data provides for systematic collection, frequent updating, accessibility, and appropriate confidentiality.
2. The appropriate data includes: (a) growth and development factors, (b) biophysical status, (c) emotional status, (d) cultural, religious, socioeconomic background, (e) performance of activities of daily living, (f) patterns of coping, (g) interaction patterns, (h) individ-

ual's perception of and satisfaction with his health status, (i) individual's health goals, (j) environmental factor (physical, social, emotional, ecological), and (k) available and accessible human and material resources.

3. The data is collected by: (a) interview, (b) examination, (c) observation, and (d) reading of records and reports.
4. The data is collected from: (a) the individual, (b) family members, (c) pertinent others, and (d) other health care personnel.

3.03 Standard No. 2.

Nursing care goals are derived from an analysis of the health status data, according to the following criteria.

1. The individual's health status is compared to the norm to determine if there is a deviation and the degree and direction of deviation.
2. The individual's capabilities and limitations are identified.
3. Short and long term goals are mutually set with the individual and pertinent others. These goals are: (a) congruent with other planned therapies, (b) stated in realistic and measurable terms, and (c) assigned a time period for achievement.
4. Goals are established to maximize functional capabilities and are congruent with: (a) growth and development factors, (b) biophysical status, (c) behavioral patterns, and (d) human and material resources.

3.04 Standard No. 3.

The plan for nursing care must include priorities and nursing actions to achieve the established goals, according to the following criteria.

1. The plan includes priorities for nursing action.
2. The plan includes a logical sequence of actions to attain the goals.
3. The plan is based on current scientific knowledge.
4. The plan incorporates available and appropriate resources.
5. The plan can be implemented.
6. The plan reflects consideration of the dignity of man.
7. The plan includes measures to manage specific patient problems: (a) what is to be done, (b) how to do it, (c) when to do it, (d) where to do it, and (e) who is to do it.
8. The plan is communicated to the individual, to family, to pertinent others, and to health personnel as appropriate.

3.05 Standard No. 4.

The plan for nursing care is implemented according to the following criteria.

1. Nursing action is consistent with the plan for nursing care.

2. Nursing action is documented by: (a) written records, (b) observation of nursing performance, (c) report of nursing action by the individual and/or pertinent others.

3.06 Standard No. 5.

The plan for nursing care is evaluated according to the following criteria.

1. Current data about the individual are used to measure progress toward established goals.
2. Nursing actions are analyzed for their effectiveness in achievement of established goals.
3. The individual, family, and other significant health care personnel participate in the evaluation of established goals.
4. The individual's response is compared with observable outcomes which are specified in the established goals.
5. Determination is made of the long term effects of nursing care on the individual.

3.07 Standard No. 6.

The planning for nursing care is a continuous process of reassessment and modification, according to the following criteria.

1. The input of additional data determines new or revised approaches.
2. New nursing actions are accurately and appropriately initiated.

Ms. Merlyn M. Maillian, R. N.,  
Executive Director  
Board of Nursing

## RULES

### Department of Natural Resources Office of Conservation

#### Statewide Order No. 29-M

Statewide order adopting rules and regulations pertaining to the use of salt dome cavities (i.e. storage chambers) for storage of liquid and/or gaseous hydrocarbons, including surface storage facilities incident thereto and regarding hearings to determine the suitability and feasibility of use of particular salt domes for such purposes.

Pursuant to power delegated under the laws of the State of Louisiana and particularly Title 30 of the Revised Statutes of 1950, as amended by Section 23 adopted by the Legislature as Act 641 of 1976; and after a hearing held under Docket No. SDS 77-2 in Baton Rouge, Louisiana, on May 5, 1977, following publication of notice thereof, as required by the Louisiana Administrative Procedures Act, Title 49, Sections 951



through 968 of the Revised Statutes of 1950, as amended, the following rules and regulations are promulgated by the Commissioner of Conservation as being reasonably necessary for the prevention of waste, protection of rights of the owners of liquid and/or gaseous hydrocarbons stored in a cavity or storage chamber in any salt dome and otherwise to carry out the provisions of the laws of this State. All storage cavities or chambers, regardless of location, begun after the effective date hereof shall fall within the purview of this order.

#### F i n d i n g s

The Commissioner of Conservation finds as follows:

Finding No. 1: That rules and regulations should be established governing the use and/or development of salt dome caverns for storage of liquid and/or gaseous hydrocarbons under those certain conditions as set forth herein below where it is shown that such use and/or storage will carry out the purpose and intent of the laws of this State.

Finding No. 2: That except as to liquid and/or gaseous hydrocarbon storage projects begun before October 1, 1976, no such project to develop and/or use a salt dome in the State of Louisiana for the injection, storage, and withdrawal of liquid and/or gaseous hydrocarbons shall be permitted until the Commissioner has issued an order following a public hearing after ten days notice, under the rules covering such matters, which order shall include the following findings of fact:

A. That the salt dome sought to be used for the injection, storage, and withdrawal of liquid and/or gaseous hydrocarbons is suitable and feasible for such use as to area, salt volume, depth, and other physical characteristics.

B. That the use of salt dome cavity for the storage of liquid and/or gaseous hydrocarbons will not contaminate other formations containing fresh water, oil, gas, or other commercial mineral deposits, except salt.

C. That the proposed storage, including all surface pits and surface storage facilities incidental thereto which are used in connection with the salt dome cavity storage operation, will not endanger lives or property and is environmentally compatible with existing uses of the salt dome area.

And which order shall provide that (i) liquid and/or gaseous hydrocarbons, which are injected and stored in a salt dome cavity, shall at all times be deemed the property of the injector, his successors or assigns, subject to the provisions of any contract with the affected land or mineral owners, and (ii) in no event shall the owner of the surface of the lands or water bottoms or of any mineral interest under or adjacent to which the salt dome cavity may lie, or any other person, be entitled to

any right of claim in or to such liquid and/or gaseous hydrocarbons stored unless permitted by the injector.

Finding No. 3: That in presenting evidence to the Commissioner to enable him to make the findings described in Finding No. 2, the applicant shall demonstrate that the proposed storage of liquid and/or gaseous hydrocarbons will be conducted in a manner consistent with established practices to preserve the integrity of the salt deposit and the overlying sediments. This shall include an assessment of the stability of the proposed cavity design, particularly with regard to the size, shape, and depth of cavity, the amount of separation among cavities, and the amount of separation between the outermost cavity wall and the periphery of the salt deposit.

Finding No. 4: That all projects for the storage of liquid and/or gaseous hydrocarbons approved by the Commissioner pursuant to Finding No. 2 above should be designed, located, equipped, and operated in accordance with the following standards:

#### Section I. Design of Underground Storage Chamber

ber

- A. Prior to the design and construction of an underground storage chamber, a qualified engineer and geologist shall perform an investigation to determine the feasibility of such a storage system at a particular site.
- B. The data obtained during the feasibility investigation shall be considered in the design of a solution mined underground storage system. Design shall be performed by or under the supervision of an engineer or geologist qualified for this type of work, and shall include such factors, among others, as: type of storage use, location of the cavity(ies), number of cavities, cavity capacity, and maximum development diameter of the cavity(ies). The design shall assure that project development can be conducted in a reasonable, prudent, and systematic manner; and shall stress physical and environmental safety and the prevention of waste. The design and solutioning shall be continually reviewed throughout the construction phase to take into consideration pertinent additional detailed subsurface information; and shall include provisions for protection from damage caused by hydraulic shock. The original development and operational plans shall be modified to conform with good engineering practices, if necessary.

#### Section II. Location of Underground Storage

Chamber

- A. The wellhead and borehole shall be located so that the storage chamber at maximum development diameter shall not extend closer than one hundred feet to the property of others who have not consented to subsurface storage under their land.
- B. The minimum separation of adjacent walls of

storage chambers as measured in any direction shall be established by a qualified engineer, considering (i) the salt properties, (ii) the elevation of the top and bottom of the adjacent cavities, (iii) their maximum development diameter relative to the spacing of the cavities, and (iv) other considerations deemed appropriate for the specific site; but, in no case shall such separation at any time during the storage project be less than two hundred feet. The walls of storage chambers shall be no less than one hundred feet from the boundary of the lands included in the storage project on which the chambers are located.

- C. If the design should involve the intentional sub-surface connection between two adjacent storage chambers under one property (e.g. a "U" tube storage chamber system) the minimum separation between cavities specified in B above shall not apply.

#### Section III. Casing Program

- A. The bore of a storage chamber access hole shall be cased and completed in accordance with rules, regulations, and good engineering practices pertaining to oil and/or gas wells of comparable depth applicable in the same area in which the chamber is located as established by the Commissioner, except as specifically provided below.
- B. The borehole shall be dually cased from the surface into the salt, one casing string being an intermediate string, the other being the final cemented string. Exceptions to this procedure will be processed under Finding No. 7.
- C. The intermediate cemented casing string shall have adequate tensile and collapse strengths as established by the Commissioner for the setting depth. This string shall be cemented from casing seat (bottom of casing) to ground surface when practicable; however, in every case, it shall be cemented a sufficient distance to prevent migration of the stored products into zones of porosity or permeability in the overburden.
- D. The final cemented string shall have adequate tensile and collapse strengths as established by the Commissioner for the setting depth. This string shall be cemented from casing seat (bottom of string) to ground surface and shall be set a minimum of three hundred feet into the salt.
- E. The final (production) cemented casing string shall be hydrostatically pressure tested before drilling out the plug (shoe). The test pressure applied at the surface shall be a minimum of two hundred pounds per square inch. However, the test pressure when measured at the surface shall not cause pressure at the casing seat to exceed 0.9 pounds per square inch per foot of depth. The test pressure shall be maintained for a minimum of one hour to verify casing integrity and absence of thread leaks.

- F. The casing seat and cement of final cemented casing string shall be hydrostatically tested after drilling out. At least ten feet of salt below the casing shall be penetrated prior to this test. The test pressure calculated at the casing seat shall equal the maximum operating pressure at that point.
- G. After the wellhead has been installed and prior to storing products, the system shall be hydrostatically pressure tested as a unit.
- H. All tests required by this section shall be prepared and supervised by a qualified engineer.

#### Section IV. Operating Pressure on Solution Mined Storage Chamber

- A. The maximum and minimum operating pressure of a storage chamber shall be determined by a qualified engineer after considering the geological characteristics of the dome. The maximum operating pressure (gauge) at the casing seat or chamber ceiling, whichever is the shallowest, shall not exceed .9 pounds per square inch per foot of overburden.
- B. The storage chamber shall not be subjected to pressures in excess of the maximum operating pressure even for short periods of time (including pressure pulsation peaks, abnormal operating condition, etc.)

#### Section V. Wellhead and Flowlines

- A. All wellhead components (casinghead, tubinghead, etc.), valves and fittings shall be of steel. The water side of the wellhead shall have the same pressure rating as the products side. Each flowline connected to the wellhead shall be equipped with a remotely operated shutoff valve as well as a manual<sup>lv</sup> operated positive shutoff valve located on the wellhead. The wellhead, flowlines, valves, and all related connections shall have a test pressure rating at least equivalent to 125% of the maximum pressure which could be exerted at the surface. All valves shall be periodically inspected and maintained in good working order.
- B. The wellhead and storage chamber shall be protected with safety devices to prevent pressures in excess of maximum operating pressure from being exerted on the storage chamber, and to prevent backflow of stored products in event of flowline rupture.
- C. The brine flow line(s) shall be equipped with a safety device(s) to prevent the escape of product.
- D. A continuous flare or other safety system shall be installed at or near each brine pit or at any other location where the uncontrollable escape of liquefied gases are likely to occur and the flare shall be burned continuously when a liquefied gas is being injected into a cavern.
- E. Caverns containing hydrocarbons that exist as liquids at ambient conditions shall be surrounded

by levees, booms, or other containment devices suitable for retention of liquids released by accidental spillage.

- F. Competent personnel shall be at either the well or other control sites during injection or withdrawal from any storage well. An automated system approved by the Commissioner may be employed in lieu of the above.
- G. The wellhead shall be protected from mechanical damage by trespassers and/or accidental physical damage.

Section VI. Salt Water Disposal and Brine Storage  
Salt water disposal wells shall be drilled and completed in accordance with existing statewide rules and regulations of the Commissioner. Brine disposal reservoirs shall be designed to prevent the contamination of air, fresh water, or soil, or as directed by appropriate State agencies.

Finding No. 5: That all hydrocarbon storage projects conducted in the State of Louisiana should comply with the following requirements pertaining to inspection, record keeping, safety, and abandonment:

Section I. Safety Inspections

- A. Each operator of a solution cavern storage well shall conduct semi-annual safety inspections of such facility, and file with the Commissioner a written report consisting of the inspection procedures and results within thirty days following the inspection. Such inspections shall be conducted during the months of January and July of each year. The operator shall notify the Commissioner at least five days prior to such inspections so that his representative may be present to witness the inspections. Inspections shall include, but not be limited to, the following:
  - (i) operation of all manual valves,
  - (ii) operation of all automatic shut-in safety valves, including sounding or alarm devices,
  - (iii) flare system installation, or hydrocarbon filters,
  - (iv) earthen brine pits, tanks, firewalls, and related equipment,
  - (v) flowlines, manifolds, and related equipment, and
  - (vi) warning signs, safety fences, etc.

Additional inspections may be made by representatives of the Office of Conservation at any time during regular working hours and upon reasonable notice to the cavern owner.

- B. A capacity determination for each storage chamber shall be made and filed with the Commissioner prior to operation of those projects begun after October 1, 1976. The latest available determination for each storage chamber existing on or begun prior to October 1, 1976, shall be filed within ninety days of the effective date of this order. These

determinations shall be verified every five years, or as soon as possible thereafter; but in no event shall this period exceed ten years.

- C. A complete inspection of the Christmas tree and casing shall be conducted every five years or as soon as possible thereafter.

Section II. Design and Construction Records

Records pertaining to project design and construction shall be retained for the life of the storage chamber. (Such data shall include well drilling logs, electrical logs, directional surveys, completion and cementing data, pressure test records, geophysical records, washing records, surveys, photographs, inspection, reports, permits, certified location plat, etc.)

Section III. Safety Warnings

Appropriate safety precaution signs shall be displayed and unauthorized personnel kept out of the storage area. Each storage wellhead shall be visibly marked with an appropriate identifying sign.

Section IV. Abandonment Procedure

Prior to the commencement of plugging operations on any project well or the abandonment of any storage cavity, an application describing the method to be used shall be filed with and approved by the Commissioner. Unless the Commissioner specifies to the contrary, wells shall be plugged in accordance with Section XIX of Statewide Order No. 29-B.

Finding No. 6: That should the Commissioner determine that the continued operation of a storage chamber and/or the product storage well or associated wellhead facilities (wellhead, valves, brine tanks or pits and flares) would cause unsafe operating conditions, waste, pollution, or contamination of air, fresh water or soil, or encroachment on adjacent property, he may immediately prohibit further operation of the well or associated wellhead facilities until such time as he has determined that the project can and will be conducted in a physically and environmentally safe manner.

Finding No. 7: That exceptions to the guidelines and requirements set forth in Finding Nos. 4 and 5 should be granted by the Commissioner only upon proper showing by the applicant at a public hearing that such exception is reasonable, justified by the particular circumstances, and consistent with the intent of this order regarding physical and environmental safety and the prevention of waste.

ORDER

NOW, THEREFORE, IT IS ORDERED THAT:

- 1. From and after the effective date hereof, any applicant for approval of the use and/or development of cavities in a salt dome for storage of liquid and/or gaseous hydrocarbons in the State of Louisiana shall comply with the provisions of Findings Nos. 2, 3, 4, and 5 hereof.

2. From and after the effective date hereof, all operators of solution cavern storage wells shall comply with the provisions of Finding No. 5 hereof.

3. If it is determined by the Commissioner that any unsafe operating condition, waste, pollution, or contamination of air, fresh water, or soil is imminent (reference Finding No. 6 above), further operation of any affected storage chamber and/or product storage well and associated facilities shall be discontinued until such time as it is determined that the project will be conducted in a physically and environmentally safe manner.

4. Exceptions to the guidelines set forth in Finding Nos. 4 and 5 shall be granted pursuant to Finding No. 7 above.

This order shall be effective as of July 20, 1977.

R. T. Sutton  
Commissioner of Conservation

## **RULE**

### **Department of Natural Resources Office of the Secretary**

#### **Granting of Pipeline Rights-of-way to Corporations or Individuals**

The following rules and regulations concerning the granting of rights-of-way have been adopted by the Secretary of the Department of Natural Resources, per R.S. 41:1173-74 and R.S. 36:1 et seq.

1. Applicants are to use the State Right-of-Way Form provided by the Department of Natural Resources. A special form is used for escrow agreement permits.

2. The Right-of-Way Form must be submitted in triplicate with a legal size plat(s) attached to each copy.

3. The description contained in the Right-of-Way Form must indicate section, township, and range, or area and block number(s) if offshore; name of the body of water to be crossed; the size of the pipe and the length of the right-of-way in rods.

4. The plat(s) must reveal the following:

a. Station numbers at the mean low water elevation on a river; the station number at the mean high water elevation on a lake, bay or Gulf of Mexico; or station number at ingress and egress of State properties. Said plat, when illustrating the mean low water line of a river or the mean high water line of a lake or the Gulf, will be authoritative only as to the date of the application for calculation of the State's consideration. The limits of State property reflected on said plat are illustrative only and recognized solely and only for computing the fee for this grant, and are not intended and shall not be construed as determinative of actual title for the benefit of any adjoining owners, whether a grantee herein or a third party.

b. The section, township and range if in an area that has been surveyed.

c. The product to be transported.

d. The location of the pipeline with respect to the right-of-way.

5. Names of adjoining land owners cannot be shown on the plat unless necessary for legal description.

6. The Right-of-Way Form must be accompanied by a letter of intent which shall contain the following information:

a. Initiating and terminating point of the pipeline.

b. Point of origination of product to be transported as a result of this construction.

c. Capacity or if a loopline added capacity as a result of this construction.

d. Estimated volume of product to be transported as a result of this construction.

e. A detail of construction.

f. Pipe specifications including size, wall thickness, and type.

g. The proposed and maximum operating pressures.

7. Where State mineral leases are traversed, an applicant will furnish the Secretary of the Department of Natural Resources a copy of the letter of notification (with signed, certified returned receipt attached) which has been sent to the mineral lessees.

8. It is necessary that permission or clearance be obtained from the United States Corps of Engineers; Office of Public Works, Department of Transportation and Development; and Louisiana Stream Control Commission if the proposed line crosses navigable waters. A copy of the letter of clearance from the Office of Public Works, Department of Transportation and Development, must accompany the application.

9. Clearance shall be obtained from the Secretary of the Department of Wildlife and Fisheries, 400 Royal Street, New Orleans, Louisiana, when oyster leases are to be traversed.

10. Written consent must be obtained from the Secretary of the Department of Wildlife and Fisheries if the proposed right-of-way crosses a State or Federal Preserve. Similar clearance is required from any agency having jurisdiction over surface rights of State lands being crossed.

11. The State requires payment for all grants across State lands or navigable streams, regardless of size.

12. The proposed route of the pipeline shall be subject to approval of the Secretary of the Department of Natural Resources.

13. Fees for permits shall be as follows:

Class 1. Pipe two inches to nineteen inches outside diameter with a maximum of seventy-five feet right-of-way during construction to revert to thirty-five feet after construction is completed with the additional right of ingress and egress for the purpose of maintenance, repairs, removal or modi-

fication—twenty-five dollars per rod.

Class 2. Pipe nineteen inches to thirty-six inches outside diameter with a maximum of one hundred feet right-of-way during construction to revert to fifty feet after construction is completed with the additional right of ingress and egress for the purpose of maintenance, repairs, removal, or modification—thirty-five dollars per rod.

Class 3. Pipe over thirty-six inches outside diameter with a maximum of two hundred feet right-of-way during construction to revert to sixty feet after construction is completed with the additional rights of ingress and egress for the purpose of maintenance, repairs, removal, or modification—forty-five dollars per rod.

The minimum fee for any application processed shall be fifty dollars with a one hundred fee assessed for any assignment of permit thereafter.

14. Contract term—twenty years with option to renew for additional twenty-year term. The option to renew shall be on the same terms and conditions as the original agreement except that the consideration shall be adjusted to reflect the percentage of increase or decrease in the cost of living index as established by the Consumer Price Index for Urban Wage Earners and Clerical Workers published by the Bureau of Labor Statistics of the United States Department of Labor or any revision or equivalent of any such index published by the United States Government, which has occurred from date of this instrument to the date of renewal provided however that in no event shall consideration of such renewal be less than the consideration paid herein for the original term.

15. There shall be no aboveground installations, i.e., valve setting, tie-overs, platforms, etc., without the express consent and approval of the Secretary of the Department of Natural Resources. The Secretary shall have the authority to establish the basis of compensation (which amount shall be in addition to the per-rod consideration referred to in these rules) for such aboveground installation. The application for pipeline rights-of-way shall contain a concise description of any such aboveground facility together with appropriate drawing, showing location of same and profile of design and style.

16. All pipelines constructed under permits granted by the State of Louisiana shall be in accordance with Parts 191, 192, and 195 of Title 49 of the Code of Federal Regulations, as amended, and other Federal and State laws not in conflict therewith.

17. The State of Louisiana is held free from any and all liabilities.

18. A copy of the right-of-way grant, along with a pertinent plat(s) attached, must be filed with the Clerk

of Court of the parish or parishes affected and the Department of Natural Resources furnished recordations data.

William C. Huls, Secretary  
Department of Natural Resources

**RULE**

**Department of Public Safety  
Liquefied Petroleum Gas Commission**

**Class VII-E Permit**

Holders of these permits may transport liquefied petroleum gases on the highways of Louisiana. These permits are valid for ninety days from date of issue and may be secured from the office of the Director upon receipt of the following:

A. Application must be submitted to the office of the Liquefied Petroleum Gas Commission.

B. Check for filing fee in the amount of twenty-five dollars made payable to the Liquefied Petroleum Gas Commission must be submitted.

C. Check for Emergency Permit (valid for ninety days only) made payable to the Department of Revenue in the amount of one hundred dollars must be submitted. In the event the applicant desires to obtain a permanent Class VII, seventy-five dollars of the emergency fee will be applicable to current year's fee.

D. Bond in the amount of five thousand dollars must be properly executed and submitted with application.

E. Insurance certificate certifying automobile public liability and property damage coverage in the amount of not less than ten thousand dollars for operation in Louisiana must be submitted.

F. All trucks entering the State of Louisiana shall be inspected by a field inspector from the staff of the Commission and certified safe.

G. Operators of the equipment must pass appropriate examination.

Section 1.1 (b) of the Rules and Regulations is hereby declared nonapplicable to the Class VII-E Permit.

\* \* \* \* \*

Add paragraph (I) to Section 3.11 of the Rules and Regulations as follows:

(I) All trucks delivering liquefied petroleum gas for domestic use shall be equipped with a suitable measuring device which shall be used to accurately gauge the amount of gas placed in each system, either by meter or by weight.

Lionel T. Ortego, Director  
Liquefied Petroleum Gas Commission

**RULES**

**Department of Revenue and Taxation  
Tax Commission**

**Rules and Regulations on Notice by  
Louisiana Assessors as to the Public  
Exposure and Board of Review  
Hearings on Assessment Lists**

1. Each assessor shall give notice of the public exposure of the assessment lists within ten days prior to said exposure. This notice shall be published in a newspaper of general circulation in their respective parishes.
2. Each assessor shall give notice in the same manner as in paragraph 1 as to the time and place their respective boards of review will meet to conduct public hearings on real and personal property.

\* \* \* \*

**Guidelines for Appeal to the  
Tax Commission**

Any taxpayer or assessor dissatisfied with the determination of the Board of Review may appeal to the Tax Commission. The appeal shall be in writing and presented to the Tax Commission in person or by certified mail not later than seven calendar days after certification of the assessment lists by the Board of Review. The Commission will set a hearing date within forty days. The appellant shall be notified as to the time and place of the hearing within three days.

C. Gordon Johnson, Chairman  
Tax Commission

**RULES**

**Department of Urban and Community Affairs  
Office of Planning and Technical Assistance**

- I. Purpose: To institute and put forth the policies by which the State of Louisiana through the Louisiana Department of Urban and Community Affairs (DUCA), acting as the officially designated State agency to manage the U.S. Department of Housing and Urban Development's (HUD 701) Comprehensive Planning Assistance Program, will administer said program in the areas of areawide planning and management, large city planning and management, and local assistance.
- II. Definitions: The Louisiana Department of Urban and Community Affairs complies with all definitions as assigned by HUD (Federal Register, Volume 40, Number 164 August 22, 1975; Federal Register, Volume 39, Number 240, December 12,

1974; Federal Register, Volume 42, Number 21, February 1, 1977; HUD Handbook I, II, and III). In addition, as used in this part, the following terms will have the meaning as indicated:

- A. "DUCA" means Louisiana Department of Urban and Community Affairs.
- B. "Consultant" means an individual or an organization, private or nonprofit which has entered into a legal contract with DUCA to do local assistance and/or regional planning.
- C. "S-O-P" means Supervisor of Planning.
- D. "Subgrantee" means a metropolitan or non-metropolitan areawide planning organization, a large city, or an urban parish (all as defined by the Department of Housing and Urban Development) which has entered into a legal contract with DUCA for planning and management assistance.

III. Local Assistance Program:

- A. Application Requirements:
  1. Application for grant or technical assistance will be required on an annual basis.
  2. Department of Urban and Community Affairs (DUCA) will notify all eligible program participants of deadline dates for submittal of application. Application for local assistance grants and/or technical aid will take the form described in the appropriate applicant eligibility category indicated below.

.. To be considered eligible for a local assistance grant, a locality must either be a current program participant or a participant in the previous year's program which, due to a circumstance other than poor program performance, could not be included in the current year's program. Such eligible localities will receive notification of deadline dates for submittal of application by registered mail. A resolution from the planning commission recommending planning program will be attached to a resolution from the locality's governing body. This governing body's resolution must approve the recommendations set forth in the planning commission resolution. Resolutions will conform to standard resolutions prepared by DUCA. The complete application must be submitted to DUCA and postmarked no later than the date indicated in the afore-

mentioned letter of instructions. DUCA will mail a copy of the standard resolution to current program participants (localities and consultants) and on request to other interested parties who contact DUCA for such information.

- b. To be considered eligible for a program of technical aid that will qualify it as a first year program participant, a locality must either never have participated in the HUD 701 Comprehensive Planning Assistance Program or not have been a participant subsequent to a program year specified by DUCA. Such eligible localities will receive notification of a deadline date for submittal of application by regular mail. A resolution must be approved by the locality's governing body requesting to participate in the planning program. Resolutions will conform to standard resolutions prepared by DUCA. The complete application must be submitted to DUCA and postmarked no later than the date indicated in the aforementioned letter of instructions. DUCA will mail a copy of the standard resolution and application package to eligible localities and consultants and other interested parties who contact DUCA for such information.

**B. Allocation of Funds for Local Assistance:**

1. Only applicants submitting a complete application by the date discussed above will be considered. Selection of applicants for participation in the program will be determined based on HUD and State guidelines. Final determination of participation in the program will be made by DUCA.
2. The planning program will be evaluated on an individual applicant basis at the time of contract execution. Such evaluations will be based on HUD guidelines and on availability of existing planning information as determined by DUCA in coordination with other State agencies.

**C. Performance of Work:**

1. (a) A preliminary report is a report which addresses, in narrative form, all the minimum requirements as given in the Scope of Services and any other needs of the locality. The

report must be typed and paginated. Both primary and secondary data sources must be referenced through the use of footnotes and bibliography. The additional required inclusions for a final draft must also be included. A preliminary report must be designated as such on the front cover.

- (b) A final draft is a report which is ready for printing. Such a report adequately addresses all Scope of Services requirements and any other requirements of the locality; references all primary and secondary data sources through the use of footnotes and bibliography; contains all documentation as listed in Section D 2-3 of these policies. A final draft must be designated as such on the front cover.
  - (c) Printed report refers to a report ready for distribution with the appropriate number of printed and bound copies of such report.
2. Preliminary local assistance reports will be scheduled for submittal to DUCA in coordination with DUCA, the planning commission, and the consultant. Preliminary reports must be scheduled for submittal to DUCA at least fifteen working days prior to presentation of that report at an official planning commission meeting.
  3. These preliminary reports must be scheduled for submittal throughout the contractual period, but prior to May 1 of the program year.
  4. Nonperformance of local assistance plans: Failure to comply with established preliminary planning report submittal dates as specified under contract, may result in the following action. A grace period beginning the first working day following the scheduled submittal date and not exceeding five working days will be allowed. Upon expiration of the grace period, there will be a daily deduction of two percent of the element cost, that cost as stipulated by contract, for each working day that the planning report is overdue past the grace period, up to a maximum of twenty-five percent. The entire contract may be subject to termination if the planning report is not submitted within thirty working days

- following the scheduled submittal date.
5. Amendments to the planning activities as specified in the contract will be made in writing and signed by the planning commission chairman and will be submitted to DUCA for approval. Such amendments should be submitted to DUCA as soon as the need for the revision becomes evident. Proposed amendments will not be accepted by DUCA after March 31 of the program year.
  6. Requests for time extensions on preliminary report submittal dates must be made in writing and must be received by DUCA at least ten working days prior to the originally scheduled submittal date.
  7. Local assistance plans will be subject to approval by DUCA in regard to quality of work performed. A Scope of Services outlining minimum acceptable planning standards will be issued by DUCA. All consultants in their preparation of planning reports are required to meet these standards.
  8. Prior to presentation of the preliminary report to the planning commission, the following procedures will be utilized by DUCA, consultants, and areawide planning organizations in the submittal and evaluation of preliminary local assistance planning reports:
    - (a) One copy of the preliminary report will be submitted to DUCA, one copy to each planning commission member of the locality, and one copy to the appropriate areawide planning organization.
    - (b) The preliminary will arrive fifteen working days prior to the official planning commission meeting at which the report is scheduled for presentation.
    - (c) The areawide planning organization will review the study for compliance with regional plans. Written comments will be submitted to DUCA within six working days following receipt of report.
    - (d) DUCA will review the report and will submit written comments to the consultant, incorporating the areawide planning organization's comments when appropriate, within ten working days following receipt of report.
    - (e) The written comments, if contain-
- ing approval of the preliminary report or comments on minor deficiencies, will be sent to the consultant.
- (f) Should the preliminary report have major deficiencies in meeting the Scope of Services, the deficiencies will be resolved between DUCA and the consultant without review sheets going to the planning commission members. However, in the event this should occur, a letter explaining the delay in DUCA's acceptance of the report will be sent to each planning commission member. Should the preliminary report be deemed unacceptable, the consultant will be required to resubmit corrected preliminary within ten working days following the official Planning Commission meeting at which the report was presented. Because of the existence of a Scope of Services, DUCA reserves the right to determine the acceptability of planning reports.
9. Final drafts will be submitted to DUCA and to the planning commission members for approval prior to the printing of such reports. If only minor changes are required in the preliminary report, only those pages requiring corrections need be submitted to DUCA. Written approval will be given by DUCA within ten working days of submittal. Notice of approval will be sent to the planning commission members and to the consultant.
  10. Printed reports must be submitted to DUCA prior to June 30 of each year.
- D. Publication and Depository Requirements:
1. The individual reports and maps (hereinafter referred to as "product") which comprise a comprehensive plan will be published by the consultant in final form, each product under separate cover, within the same planning program year in which that product is funded. Exceptions may be given on an individual basis by DUCA.
  2. Each final product will meet HUD requirements as outlined in Handbook II concerning basic inclusions. The HUD citation will be affixed in a conspicuous location on preliminary and final products and will read:
 

This report (or map) was prepared



under contract (Contract Number) for (Name of Locality) by (Name of Consultant). The preparation of this report (or map) was financially aided through a comprehensive planning grant from the Department of Housing and Urban Development (HUD), and through the financial assistance of the State of Louisiana, Department of Urban and Community Affairs and by (Name of Locality).

Note: For maps the lower right-hand corner is preferred, if feasible.

3. Additional inclusion requirements which must appear in the report in the order given are as follows:

- (a) Outside cover sheet which gives name of report, name of locality, name and address of consultant, and the month and year in which the report was prepared.

- (b) Bibliographic data sheet.
  - (c) Inside title sheet which gives the same information as the outside title sheet. The HUD citation must appear at the bottom of this sheet.
  - (d) Roster sheet giving the names of the planning commission members, local elected officials of the governing body, and the DUCA planning staff.
  - (e) Table of contents.
  - (f) List of tables, if applicable.
  - (g) List of maps, if applicable.
  - (h) Body of report.
  - (i) Bibliography (standard form)
4. A consultant performing comprehensive local assistance plans will submit an original reproducible or a duplicate film reproducible of the base map of the locality to DUCA.
5. The consultant will provide the appropriate number of copies of each of the final products based on the following distribution needs:

Number of Copies	Name of Recipients	Name of Distributor
15	Designated HUD depositories	DUCA
2	Louisiana Department of Urban & Community Affairs	DUCA
4	Secretary of State, Louisiana	DUCA
2	State Library	DUCA
1	Parish Library	DUCA
1	Substate District	DUCA
5-9	Planning Commission Members	Consultant
5-16	Mayor, Town Council, or Police Juries	Consultant
20	Locality (General Use)	Consultant

Note: The consultant at his discretion or at the request of the Planning Commission may produce for local use more report copies than the number given above. However, no additional funds will be provided by DUCA.

E. Procedures for Payment: The consultant may submit a standard DUCA invoice to DUCA upon submittal of the preliminary report. The invoice must have the original signature of the planning commission chairman or his designated representative. Comments from the planning commission, in the form of meeting minutes, signed by the planning commission secretary, indicating approval of the final draft, must be attached to the invoice. Processing of the invoice will require fifteen working days. It is expressly understood that

DUCA will not release the check until the consultant has submitted the required number of printed reports.

F. Professional Competency:

- 1. In accordance with HUD requirements on professional competency (Federal Register, Volume 40, Number 164, August 22, 1975), DUCA requires that each planning agency entering into a contract with DUCA on local assistance work have the staff person supervising the planning work fulfill certain qualifications prior to execution of the contract. (This staff member would meet criteria used to designate the previously used "Planner-In-Charge" classification.)
- 2. Only those consultants under contract to DUCA or under consideration for a