

Laura Almond

From: Laura Almond
Sent: Tuesday, February 10, 2026 12:31 PM
To: 'apa.senatepresident@legis.la.gov'; 'apa.housespeaker@legis.la.gov'; 'apa.h-natr@legis.la.gov'; 'apa.s-envq@legis.la.gov'
Cc: Courtney Burdette (DEQ); Jill Clark; Deidra Johnson; William Little; Nathan Mills
Subject: Summary Report for Proposed Rule OS107
Attachments: OS107 NOI.pdf

February 10, 2026

The Honorable Eddie J. Lambert, Chairman
c/o Committee Staff
Senate Committee on Environmental Quality

The Honorable Brett F. Geymann, Chairman
House Committee on Natural Resources and Environment
c/o Committee Staff

**RE: Summary Report for Proposed Rule OS107
Expedited Permit Processing for a Federal Permitting Parity Program
(LAC 33:I.1802)
Proposed on December 20, 2025**

Pursuant to the Louisiana Administrative Procedure Act, the Louisiana Department of Environmental Quality is submitting a report regarding the above-referenced proposed rule, which was published in the *Louisiana Register*. Neither oral nor written comments were received. No changes have been made to the proposed rule since the report provided for in R.S. 49:966(B) was submitted. Attached is the Notice of Intent for informational purposes. The original proposed rule was previously provided to you and is not being resubmitted with this report.

We would appreciate it if you would acknowledge receipt of this message by return email. Please contact Laura Almond at laura.almond@la.gov or (225) 219-3981 if you have any questions regarding this material.

Sincerely yours,

Jill C. Clark
General Counsel

This concludes this transmission.

Laura Almond
Environmental Project Specialist
Louisiana Department of Environmental Quality
Legal Affairs Division

(225) 219-3985

NOTICE OF INTENT

Department of Environmental Quality
Office of the Secretary
Legal Affairs Division

Expedited Permit Processing for a Federal Permitting Parity Program (LAC 33:I.1802)

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Office of the Secretary regulations, LAC 33:I.1802 (OS107).

In accordance with Act 111 of the 2025 Regular Legislative Session, the department is authorized to institute a federal permitting parity program for advanced nuclear power generation applications submitted by electric public utilities. This proposed Rule provides that a utility shall submit that the application is for the development and construction of a small modular reactor and is consistent with a letter of collaboration entered into between the applicant and the federal government. Further, the proposed Rule indicates that the department shall provide notice that the permit is issued under the permitting parity program on the official website for the department. The basis and rationale for this proposed Rule are to institute a federal permitting parity program for advanced nuclear power generation applications submitted by electric public utilities in accordance with Act 111 of the 2025 Regular Legislative Session. This proposed Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:963.B(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

Title 33

ENVIRONMENTAL QUALITY

Part I. Office of the Secretary

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Chapter 18. Expedited Permit Processing Program §1802. Federal Permitting Parity Program

A. The department is authorized to institute a federal permitting parity program for advanced nuclear power generation applications submitted by electric public utilities.

B. The utility shall submit that the application is for the development and construction of a small modular reactor and is consistent with a letter of collaboration entered into between the applicant and the federal government.

C. The department shall provide notice that the permit is issued under the permitting parity program on the official website for the department.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 52:

Family Impact Statement

This proposed Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

This proposed Rule has no known impact on poverty as described in R.S. 49:973.

Small Business Analysis

This proposed Rule has no known impact on small business as described in R.S. 49:974.1 - 974.8.

Provider Impact Statement

This proposed Rule has no known impact on providers as described in HCR 170 of 2014.

Public Comments

All interested persons are invited to submit written comments on the proposed Rule. Persons commenting should reference this proposed Rule by OS107. Such comments must be received no later than February 5, at 4:30 p.m., and should be sent to William Little, Attorney Supervisor, Office of the Secretary, Legal Affairs Division, P.O. Box 4302, Baton Rouge, LA 70821-4302, by fax (225) 219-4068, or by E-mail to DEQ.Reg.Dev.Comments@la.gov. Copies of the proposed Rule can be purchased by contacting the LDEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of OS107. The proposed regulation is available on the Internet at <https://deq.louisiana.gov/page/monthly-regulation-changes-2025%20>.

Public Hearing

A public hearing will be held on January 29, 2026, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend in person or online via Zoom at <https://deqlouisiana.zoom.us/j/6836133613?pwd=93495775038> or by phone at (646) 255-1997 Meeting ID 683 613 3613. Should individuals with a disability need an accommodation in order to participate, contact Doug Bordelon at the address given below or at (225) 219-1325.

The proposed Rule is available for inspection at the following LDEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 508 Downing Pines Road, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Jill C. Clark
General Counsel

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Expedited Permit Processing for a Federal Permitting Parity Program

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

The proposed rule change is not anticipated to have any implementation costs or savings to state or local government units. The department reports that it will be able to implement the proposed rule change using existing budget authority. The department has already established an expedited permitting process and anticipates being able to implement the rule with current staff and resources.

The proposed rule change, in accordance with Act 111 of the 2025 RS, authorizes the Department of Environmental Quality (DEQ) to establish a federal parity program for advanced nuclear power generation applications submitted by

electric public utilities. Under the proposed rule, a utility must demonstrate that its application pertains to the development and construction of a small modular reactor and aligns with a letter of collaboration executed between the applicant and the Federal Government. Additionally, the rule requires the department to provide public notice on its official website when a permit is issued under the Permitting Parity Program.

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

The proposed rule change is not anticipated to affect revenue collections for state or local governmental units.

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

The proposed rule change is not anticipated to have any costs for directly affected persons, small businesses, or nongovernmental groups. The Permitting Parity Program is designed to benefit private utility companies, which would allow them to save time in their permitting process to construct small nuclear reactors.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change is not anticipated to impact competition and employment.

Jill C. Clark
General Counsel
2512#030

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT
Office of the Governor
Division of Administration
Office of Facility Planning And Control

Designer Contracts (LAC 34:III.129)

Pursuant to the authority set forth in R.S. 39:1410, the Commissioner of Administration proposes to amend LAC 34:III, Chapter 1., Subchapter A., Section 129.

The Louisiana Capital Improvement Projects Procedure Manual for Design and Construction ("Procedure Manual") has been made a part and condition of the Contract Between Owner and Designer ("Design Contract") that the Office of Facility Planning and Control ("OFPC") enters into with design professionals. Currently, the Procedure Manual tracks the language in LAC 34:III.129(D), which appears to require all disputes with designers to be submitted to non-binding mediation followed by arbitration. However, it also states that any "legal action resulting from this contract shall take place in East Baton Rouge." No such ambiguity exists in OFPC's agreements with general contractors.

Because LAC 34:III.129(D) is arguably ambiguous, OFPC could potentially be foreclosed from initiating an action in court against a designer and, consequently, potentially forcing OFPC to pursue separate actions against a contractor and a designer in different forums. As these disputes are often complex and involve shared liability by both the general contractor and the designer, pursuing those two parties in separate actions not only results in additional attorney's fees, but it may result in inconsistent rulings and it may prevent OFPC from obtaining complete recovery when the designer and the contractor raise irreconcilable

allegations against one another. This situation creates a peril to the welfare of the citizens of Louisiana and to the public fisc.

Title 34

GOVERNMENT CONTRACTS, PROCUREMENT, AND PROPERTY CONTROL

Part III. Facility Planning and Control

Chapter 1. Capital Improvement Projects

Subchapter A. Designer Contracts

§129. Other Conditions

A. Insurance. Prior to the signing of the contract between owner and the designer, the designer shall furnish to the owner proof of coverage for the following:

1. Insurance. Professional liability insurance shall be required as per the owner's requirements on a project by project basis. Refer to Exhibit B of the contract for the extent of coverage required. Insurance will be required at the time of contract execution between the owner and the designer. Proof of coverage will be required at that time. No deductible shall be in excess of 5 percent of the amount of the policy.

2. Comprehensive general liability with minimum limits of \$500,000 per accident/occurrence.

3. Comprehensive automobile liability insurance with minimum limits of \$300,000 per accident/occurrence.

4. The designer shall provide a certificate of insurance as proof of workmen's compensation coverage.

B. Affidavit. The designer, on signing the contract, shall submit to the owner, on such form as the owner shall designate, a noncollusion affidavit.

C. When the time schedule has been established by the owner and designer, a completion date shall be set up for delivery of 100 percent completed, coordinated and ready to bid construction documents to the owner. If the designer is delayed through no fault of his/her own, then the completion date shall be extended accordingly, provided the designer makes such request in writing before starting the subsequent phase and the owner approves such as justified. The designer shall continue to work during this process.

D. Fault. Time delays, cost overruns, design inadequacies or other problems with performance of the designer may result in the designer being held "at fault." The owner shall determine if the designer is to be held at fault as provided in R.S. 38:2313.B.(5).

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1410.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Facility Planning and Control in LR 8:478 (September 1982), amended LR 11:854 (September 1985), LR 46:1571 (November 2020), LR 52:

Family Impact Statement

The proposed Rule is not anticipated to have an impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

The proposed Rule is not anticipated to have an impact on poverty as defined by R.S. 49:973.

Small Business Analysis

Pursuant to R.S. 49:965.6, methods for reduction of the impact on small businesses, as defined in the Regulatory Flexibility Act, have been considered when creating this proposed Rule.

Laura Almond

From: APA - Senate President <APA.senatepresident@legis.la.gov>
Sent: Tuesday, February 10, 2026 12:32 PM
To: Laura Almond
Subject: Request received

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

ELECTRONIC RECEIPT FROM THE OFFICE OF THE PRESIDENT

Your Administrative Procedure Act (APA) submission has been received by the Office of the President, Louisiana Senate.

(Please do not respond to this automatically generated response.)

If your communication is unrelated to an APA required submission, it has been deleted.

If you would like to contact your state legislator, click here <https://www.legis.la.gov/legis/HowDoI2.aspx?p=3#11> to determine the name of your state representative and state senator and to find their contact information.

If you would like to contact members of a particular committee, click here for House Committees <https://www.legis.la.gov/legis/Committees.aspx?c=H> and here for Senate Committees <https://www.legis.la.gov/legis/Committees.aspx?c=S>. The name and contact information of all committee members is available at these sites.

Laura Almond

From: APA - House Speaker <apa.housespeaker@legis.la.gov>
Sent: Tuesday, February 10, 2026 12:32 PM
To: Laura Almond
Subject: Request received

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

ELECTRONIC RECEIPT FROM THE OFFICE OF THE SPEAKER

Your Administrative Procedure Act (APA) submission has been received by the Office of the Speaker, Louisiana House of Representatives.

(Please do not respond to this automatically generated response.)

If your communication is unrelated to an APA required submission, it has been deleted.

If you would like to contact your state legislator, click here <https://www.legis.la.gov/legis/HowDoI2.aspx?p=3#11> to determine the name of your state representative and state senator and to find their contact information.

*If you would like to contact members of a particular committee, click here for House Committees
<https://www.legis.la.gov/legis/Committees.aspx?c=H> and here for Senate Committees*

<https://www.legis.la.gov/legis/Committees.aspx?c=S>. The name and contact information of all committee members is available at these sites.

Laura Almond

From: APA - House Natural Res <apa.h-natr@legis.la.gov>
Sent: Tuesday, February 10, 2026 12:32 PM
To: Laura Almond
Subject: Request received

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ELECTRONIC RECEIPT BY COMMITTEE

Your Administrative Procedure Act (APA) submission has been received by the Committee on Natural Resources, Louisiana House.

(Please do not respond to this automatically generated response.)

If your communication is unrelated to an APA required submission, it has been deleted.

If you would like to contact your state legislator, click here <https://www.legis.la.gov/legis/HowDoI2.aspx?p=3#11> to determine the name of your state representative and state senator and to find their contact information.

If you would like to contact members of a particular committee, click here for House Committees <https://www.legis.la.gov/legis/Committees.aspx?c=H> and here for Senate Committees <https://www.legis.la.gov/legis/Committees.aspx?c=S>. The name and contact information of all committee members is available at these sites.

Laura Almond

From: APA - Senate Environment <apa.s-envq@legis.la.gov>
Sent: Tuesday, February 10, 2026 12:32 PM
To: Laura Almond
Cc: APA - Senate Environment
Subject: Request received

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ELECTRONIC RECEIPT BY COMMITTEE

Your Administrative Procedure Act (APA) submission has been received by the Committee on Environment, Louisiana Senate.

(Please do not respond to this automatically generated response.)

If your communication is unrelated to an APA required submission, it has been deleted.

If you would like to contact your state legislator, click here <https://www.legis.la.gov/legis/HowDoI2.aspx?p=3#11> to determine the name of your state representative and state senator and to find their contact information.

If you would like to contact members of a particular committee, click here for House Committees <https://www.legis.la.gov/legis/Committees.aspx?c=H> and here for Senate Committees <https://www.legis.la.gov/legis/Committees.aspx?c=S>. The name and contact information of all committee members is available at these sites.

Laura Almond

From: Microsoft Outlook
To: 'apa.senatepresident@legis.la.gov'; apa.housespeaker@legis.la.gov; 'apa.h-natr@legis.la.gov'; apa.s-envq@legis.la.gov
Sent: Tuesday, February 10, 2026 12:32 PM
Subject: Relayed: Summary Report for Proposed Rule OS107

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

'apa.senatepresident@legis.la.gov' (apa.senatepresident@legis.la.gov)

apa.housespeaker@legis.la.gov (apa.housespeaker@legis.la.gov)

'apa.h-natr@legis.la.gov' (apa.h-natr@legis.la.gov)

apa.s-envq@legis.la.gov (apa.s-envq@legis.la.gov)

Subject: Summary Report for Proposed Rule OS107



Summary Report
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Laura Almond

From: Microsoft Outlook
To: Jill Clark
Sent: Tuesday, February 10, 2026 12:32 PM
Subject: Delivered: Summary Report for Proposed Rule OS107

Your message has been delivered to the following recipients:

Jill Clark (Jill.Clark@la.gov)

Subject: Summary Report for Proposed Rule OS107



Summary Report
for Proposed Ru...

Laura Almond

From: Microsoft Outlook
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Subject: Delivered: Summary Report for Proposed Rule OS107

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William Little (William.Little@la.gov)

Subject: Summary Report for Proposed Rule OS107



Summary Report
for Proposed Ru...

Laura Almond

From: Microsoft Outlook
To: Deidra Johnson
Sent: Tuesday, February 10, 2026 12:32 PM
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Summary Report
for Proposed Ru...

Laura Almond

From: Microsoft Outlook
To: Nathan Mills
Sent: Tuesday, February 10, 2026 12:32 PM
Subject: Delivered: Summary Report for Proposed Rule OS107

Your message has been delivered to the following recipients:

Nathan Mills (Nathan.Mills@LA.GOV)

Subject: Summary Report for Proposed Rule OS107



Summary Report
for Proposed Ru...

Laura Almond

From: Microsoft Outlook
To: Courtney Burdette (DEQ)
Sent: Tuesday, February 10, 2026 12:32 PM
Subject: Delivered: Summary Report for Proposed Rule OS107

Your message has been delivered to the following recipients:

Courtney Burdette (DEQ) (Courtney.Burdette@LA.GOV)

Subject: Summary Report for Proposed Rule OS107



Summary Report
for Proposed Ru...