



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**

REGION IV  
1600 E. LAMAR BLVD.  
ARLINGTON, TX 76011-4511

May 23, 2014

Evita Lagard, Administrator  
Assessment Division  
Office of Environmental Compliance  
Louisiana Dept. of Environmental Quality  
P.O. Box 4312  
Baton Rouge, LA 70821-4312

Dear Ms. Lagard:

A periodic meeting was held on April 24, 2014 with you and your staff. The purpose of this meeting was to review and discuss the status of the Louisiana Agreement State Program. The NRC was represented by Anton Vogel, Director of the Division of Nuclear Materials Safety, and me. I have completed and enclosed a general meeting summary, including any specific actions resulting from the discussions.

If you feel that our conclusions do not accurately summarize the meeting discussion, or have any additional remarks about the meeting in general, please contact me at 817-200-1116 or email me at [Binesh.Tharakan@nrc.gov](mailto:Binesh.Tharakan@nrc.gov) to discuss your concerns.

Sincerely,

*/RA/*

Binesh K. Tharakan, CHP  
Regional State Agreements Officer

Enclosure:  
Periodic Meeting Summary for Louisiana

bcc: (via e-mail distribution):

- Anton Vegel, DNMS
- Binesh Tharakan, RSAO
- Duncan White, FSME
- John Moses, FSME
- Michelle Beardsley, FSME
- Karen Meyer, FSME
- Laura Dudes, FSME
- Linda Howell, DNMS
- Lisa Dimmick, FSME
- Pamela Henderson, FSME
- Randy Erickson, RSAO

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OFFICE	DNMS							
NAME	BKTharakan							
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DATE	05/23/2014							

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AGREEMENT STATE PERIODIC MEETING SUMMARY FOR THE  
LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY

DATE OF MEETING: APRIL 24, 2014

NRC Attendees	Louisiana Attendees
Binesh Tharakan, RSAO	Cheryl Nolan, Assistant Secretary, Office of Environmental Compliance
Tony Vegel, Director, DNMS	Evita Lagard, Administrator, Assessment Division
	Judith Schuerman, Manager, Radiation
	Scott Blackwell, Supervisor, Licensing and Registration
	Dwayne Stepter, Supervisor, Surveillance and Enforcement
	Joseph Noble, Staff
	James Pate, Staff
	Melanie Bauder, Staff, Licensing
	Karen Burgard, Staff, Licensing

**DISCUSSION:**

The Louisiana Agreement State Program is administered by the Assessment Division (the Division), which is one of four Divisions under the Office of Environmental Compliance (the Office) located within the Department of Environmental Quality (the Department).

The previous IMPEP review was conducted the week of April 23-27, 2012. At the conclusion of the IMPEP review, the review team found Louisiana's performance to be satisfactory, but needs improvement, for the non-common performance indicators of Compatibility Requirements and Sealed Source and Device Evaluation Program. Louisiana's performance was found to be satisfactory for all of the other indicators reviewed. The review team made two new recommendations regarding Louisiana's performance during the review period and kept one recommendation open from the 2008 IMPEP review.

The review team also recommended, and the Management Review Board (MRB) agreed, that the Louisiana Agreement State Program be found adequate to protect public health and safety and compatible with NRC's program.

The current status of the recommendations documented in the 2012 Louisiana final IMPEP report is summarized below.

- The review team recommends that the Department evaluate its review processes and develop appropriate actions to ensure that products issued are of high technical quality and meet the standard expectations of the Department.

Status: The Division stated that the program has provided training to staff and has re-emphasized the use of standard operating procedures to ensure products issued by the Division are of high technical quality. Prior to issuance of licensing documents and sealed source device evaluations, the Division performs several reviews to ensure the

product is of high quality. The review process includes peer reviews, subject matter expert technical reviews, as well as, supervisory and management reviews prior to issuance. At a minimum, five levels of review are performed on a document before it is issued. This recommendation should be verified and closed at the next IMPEP review.

- The review team recommends that all of the active sealed source and device registration commitments be located and made readily accessible by the State.

Status: The Division conducted an extensive search of hard copy and electronic records to ensure that all supporting documentation and commitments associated with sealed source and device registrations were located and readily accessible in the appropriate case file. The Division created individual folders for all 61 sealed source device registration evaluations. Each case file was reviewed and updated with hard copy documentation or were supported by electronic document references. Going forward, the Division implemented a peer review process to ensure that the supporting documentation is contained in the individual folder before issuing the registration and incorporates the guidance in NUREG-1556, Volume 3, "Application for Sealed Source Device Evaluation and Registration." This recommendation should be verified and closed at the next IMPEP review.

- The review team recommends that the State adhere to the document format and content guidance in current version NUREG-1556, Volume 3. (Section 4.2.2) (Kept open from the 2008 IMPEP review).

Status: The Division reviewed and updated all 61 of its Sealed Source and Device Nationwide Registry (SSDRs). The Division uses the format and content guidance in the current version of NUREG-1556, Volume 3. According to the Division, this recommendation was kept open from the 2008 IMPEP review because the Division did not review inactive sealed source and device registrations prior to the 2012 IMPEP review. Since the 2012 review, the Division has completed review of 61 device registrations including ones that were inactive and have updated all evaluations such that the files are current with NUREG-1556, Volume 3. This recommendation should be verified and closed at the next IMPEP review.

Other topics covered at the meeting included:

### Program Strengths

The Division has a stable workforce with experienced inspectors. The Division is able to travel again after recent budget constraints and they have relatively little turnover. The Division has very little difficulty in replacing staff that have left the program with well qualified candidates to be inspectors or license reviewers. The level of experience within the workforce is increasing as newly hired staff rapidly gain experience through mentoring, accompaniments, and attending NRC training courses. The ability to attend training classes at the rate with which staff in the Division have been attending them is a significant strength. In this review period, most of the staff has been able to attend multiple NRC training classes. As a result of the knowledge gained by new staff attending training and performing inspections, and the experience of senior staff, there is

currently no backlog of inspections and licensing actions. Communications between the NRC and the Division continue to be effective and provide the level of assistance that the Division needs to ensure the program is meeting its obligations under the Agreement.

### Program Weaknesses

The Division stated that losing one senior technical advisor position has impacted their ability to efficiently manage the workload in the Division and had a significant impact on rulemaking activities.

### Feedback on NRC's Program

The Division stated they greatly appreciated the training provided to their staff at NRC expense. They have not had any difficulties enrolling staff in training classes and hopes that this will continue into the future.

### Staffing and Training

The Division currently has a total of 23 staff positions and one administrative position, with one vacancy out of six positions in the licensing staff. The Division has plans to fill the vacancy in the near term and has adequate succession planning in place should they lose additional staff due to retirements. The inspection staff is comprised of 12 inspectors, who also investigate incidents that are reported to the Division. The staff are maintaining qualifications and continuing to receive training courses sponsored by the NRC or other equivalent courses. The Division maintains an adequate level of full time employees to accomplish their health and safety mission.

### Program Reorganizations

The Assessment Division Administrator is new to the position but a long term employee of the Department of Environmental Quality and is familiar with the Louisiana program's operations. Escalated enforcement cases are now handled out of the Enforcement Division under a different administrator. No other significant program reorganizations have occurred in the review period.

### Changes in Program Budget/Funding

The Division is adequately funded as a self-generating State agency and does not receive general funds from the State. The budget has been stable during the review period and it's unlikely the legislature will allow the Division to raise fees in the near term. However, the Division is allowed to hire new employees to maintain staffing at the current level.

### Materials Inspection Program

At the time of this periodic meeting, the Division reported that there were no overdue inspections. The Division currently meets the quarterly metrics that are developed and are committed to by legislative mandate.

### Materials Licensing Program

Currently, the Division licenses 496 radioactive materials users. During the 2012 IMPEP, the review team identified some deficiencies in the technical quality of licensing actions. The specific deficiencies identified in the 2012 IMPEP report have all been corrected. In 2010, the NRC issued a letter to all Agreement States, RCPD-10-007, "Requesting Implementation of a Policy on Maximum Possession Limits for Radioactive Material Licenses." At the periodic meeting, the Division reported that the requested actions were completed for all materials licensees in September 2013. Currently, there is no backlog of licensing actions within the Division.

### Regulations and Legislative Changes

The 2012 IMPEP review team found that Compatibility Requirements were Satisfactory but needs improvement. Four amendments were considered overdue and 6 comments generated from previous NRC reviews of Louisiana's regulations still needed to be addressed in upcoming rulemaking activities. Louisiana's rulemaking process normally takes approximately two to three months, if the proposed State regulations are identical to Federal regulations, and about six months if they are not identical. Current NRC policy requires that Agreement States adopt certain equivalent regulations or legally binding requirements no later than three years after the effective date of NRC's regulations.

As noted in the Staffing and Training section of this summary, one of the duties of the vacated Senior Technical Staff position included the development of regulations. The Program Manager has recently completed the process of identifying overdue regulation amendments, submitting them for NRC review, reviewing the NRC comments on the final regulation amendments submitted during this review period, and addressing the comments in upcoming rulemaking. Upon completion of these activities Louisiana will be current on all RATS IDs listed on the State Regulation Status Summary Sheets. The following is the current status of Louisiana's rulemaking activities.

The 2012 IMPEP review team noted that the following four amendments were not submitted and were overdue at the time of the review.

- **"Medical Use of Byproduct Material – Minor Corrections and Clarifications," 10 CFR Parts 32 and 35 amendments (72 FR 45147, 72 FR 54207) became effective on October 29, 2007, and were due for Agreement State adoption on October 29, 2010, (RATS ID 2007-1).**

These amendments were addressed in RP051ft, which was submitted to NRC as a final rule on May 1, 2012. NRC responded with one comment. Louisiana addressed the comment in RP055ft, which was published as a final rule in the Louisiana Register on February 20, 2014, and was submitted to the NRC on March 19, 2014 for approval.

- **"Exemptions From Licensing, General Licenses, and Distribution of Byproduct Material: Licensing and Reporting Requirements," 10 CFR Parts 30, 31, 32, and 150 amendments (72 FR 58473) became effective on December 17, 2007, and were due for Agreement State adoption by December 17, 2010, (RATS ID 2007-2).**

These amendments were addressed in RP052ft, which was published as a final rule in the Louisiana Register on November 20, 2012, and was submitted to the NRC on

November 27, 2012. NRC responded with six comments. These comments were addressed in RP056ft, which was published in the Louisiana Register on April 20, 2014, and was submitted to the NRC on May 2, 2014, for approval.

- **“Requirements for Expanded Definition of Byproduct Material,” Parts 20, 30, 31, 32, 33, 35, 61, and 150 amendments (72 FR 55864) became effective on November 30, 2007, and were due for Agreement State adoption by November 30, 2010, (RATS ID 2007-3).**

These amendments were addressed in RP055ft, which was published as a final rule in the Louisiana Register on February 20, 2014, and submitted to the NRC on March 19, 2014 for approval.

- **“Occupational Dose Records, Labeling Containers, and Total Effective Dose Equivalent,” 10 CFR Parts 19 and 20 amendments (72 FR 68043) became effective February 15, 2008; and were due for Agreement State adoption by February 15, 2011, (RATS ID 2008-1).**

These amendments were addressed in RP053ft, which was published as a final rule in the Louisiana Register on November 20, 2012, and was submitted to the NRC on November 27, 2012. NRC responded with one comment. The comment was addressed in RP056ft, which was published in the Louisiana Register on April 20, 2014, and was submitted to the NRC on May 2, 2014, for approval.

The 2012 IMPEP review team noted that the following two amendments were submitted overdue.

- **“Energy Compensation Sources for Well Logging and Other Regulatory Clarifications,” 10 CFR Part 39 amendment (65 FR 20337) that was due for Agreement State adoption on May 17, 2003, (RATS ID 2000-1).**

The NRC accepted this as a final rule on April 14, 2008, with no comments. No further action is required.

- **“Minor Amendments,” 10 CFR Parts 20, 32, 35, 40 and 70 amendments (71 FR 15005) that was due for Agreement State adoption on March 27, 2009, (RATS ID 2006-1).**

The NRC accepted this as a final rule on January 26, 2010. NRC responded with six comments. The comments were addressed in final rule RP051ft and proposed rule RP056ft. The final rule was submitted to the NRC on May 1, 2012. The proposed rule was published in the Louisiana Register on April 20, 2014, and was submitted to the NRC on May 2, 2014, for approval.

The 2012 IMPEP review team noted that the following eight amendments were not reviewed as final regulations and were overdue:

- **“Standards for Protection Against Radiation” 10 CFR Part 20 amendment (56 FR 23360) (56 FR 61352) (57 FR 38588) (57 FR 57877) (58 FR 67657) (59 FR 41641) (60**

**FR 20183) became effective on January 1, 1991, and was due for Agreement State adoption by January 1, 1994, (RATS ID 1991-3).**

The NRC accepted this rule (NE003) as a proposed rule on October 15, 1998. They had no comments at that time; however, it was never submitted as a final rule. This final rule was submitted to the NRC on December 21, 2012. The NRC had four comments, which were addressed in RP056ft. The proposed rule was published in the Louisiana Register on April 20, 2014, and was submitted to the NRC on May 2, 2014, for approval.

- **“Notification of Incidents,” 10 CFR Parts 20, 30, 31, 34, 39, 40, and 70 amendments (56 FR 64980) that became effective on October 15, 1991, and was due for Agreement State adoption by October 15, 1994, (RATS ID 1991-4).**

The final rule (NE017) was submitted to the NRC on December 21, 2012. The NRC had no comments. No further action is required.

- **“Decommissioning Recordkeeping and License Termination: Documentation Additions,” 10 CFR Parts 30 and 40 amendments (58 FR 39628) that became effective on October 25, 1993, and was due for Agreement State adoption by October 25, 1996, (RATS ID 1993-1).**

The NRC accepted this rule (NE020) as a proposed rule on April 4, 1997, with no comments at that time; however, it was never submitted as a final rule. The final rule was submitted to the NRC on December 21, 2012. The NRC had no comments. No further action is required.

- **“Termination or Transfer of Licensed Activities: Recordkeeping Requirements,” 10 CFR Parts 20, 30, 40, 61, and 70 amendments (61 FR 24669) that became effective on June 17, 1996, and was due for Agreement State adoption by June 17, 1999, (RATS ID 1996-3).**

The NRC accepted this rule (NE022) as a proposed rule on June 29, 2000, with no comments. The final rule was submitted to NRC on December 21, 2012. NRC had no comments on the final rule. No further action is required.

- **“Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiography Operations,” Parts 30, 34, 71, and 150 amendments (62 FR 28947) that became effective on June 27, 1997, and was due for Agreement State adoption by June 27, 2000, (RATS ID 1997-5).**

The NRC accepted this as a final rule on February 15, 2002, with 3 comments. The comments were addressed in final rules RP028and RP032, and proposed rule RP056ft. The proposed rule was published in the Louisiana Register on April 20, 2014, and was submitted to the NRC on May 2, 2014, for approval.

- **“Minor Corrections, Clarifying Changes, and a Minor Policy Change,” 10 CFR Parts 20, 35, and 36 amendments (63 FR 39477, 63 FR 45393) that became effective on October 26, 1998, and was due for Agreement State adoption by October 26, 2001, (RATS ID 1998-5).**

The NRC accepted this as a final rule on November 15, 2001. The NRC responded with two comments which were addressed in proposed rule RP056ft and final rule RP030.

- **“Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material,” 10 CFR Parts 30, 31, and 32 amendments (65 FR 79162) that became effective on February 16, 2001, and was due for Agreement State adoption on February 16, 2004, (RATS ID 2001-1).**

The NRC accepted this as a final rule on July 27, 2006. The NRC responded with three comments, which were addressed in final rules RP055ft and RP043ft.

- **“Minor Amendments”, 10 CFR Parts 20, 30, 32, 35, 40 and 70 amendments (71 FR 15005) that became effective on March 27, 2006, and was due for Agreement State adoption on March 27, 2009. (RATS ID 2006-1).**

The NRC accepted this as a final rule on January 26, 2010. The NRC responded with six comments that were addressed in final rule RP051ft and proposed rule RP056ft. The final rule was submitted to NRC on May 1, 2012. The proposed rule was published in the Louisiana Register on April 20, 2014, and was submitted to the NRC on May 2, 2014, for approval.

The 2012 IMPEP review team noted that the following amendments will need to be addressed in upcoming rulemaking or by adopting alternate legally binding requirements.

- **“Medical Use of Byproduct Material – Authorized User Clarification,” 10 CFR Part 35 amendment (74 FR 33901) that became effective on September 28, 2009, and is due for Agreement State adoption by September 28, 2012, (RATS ID 2009-1).**

These amendments are addressed in RP054ft, which was published as a final rule in the Louisiana Register on November 20, 2012, and were submitted to the NRC on November 27, 2012. The NRC responded with 11 comments. These comments were addressed in RP056ft, which was published in the Louisiana Register on April 20, 2014, and was submitted to the NRC on May 2, 2014, for approval.

- **“Decommissioning Planning”, 10 CFR Parts 20, 30, 40 and 70 (76 FR 35512) that became effective on December 17, 2012, and is due for Agreement State adoption by December 17, 2015, (RATS ID 2011-1).**

This will be addressed in RP058ft, which has yet to be published at the time of the periodic meeting.

- **“Licenses, Certifications, and Approvals for Materials Licensees”, 10 CFR Parts 30, 36, 39, 40, 70 and 150 (76 FR 56951) that became effective on November 14, 2011, and is due for Agreement State adoption by November 14, 2014, (RATS ID 2011-2).**

This change was addressed in RP057ft, and was submitted to the NRC as proposed on March 14, 2014, for approval.

- **“Change of Compatibility of 10 CFR 31.5 and 31.6”, (77 FR 3640) became effective on January 25, 2012, and is due for Agreement State adoption by January 25, 2015, (RATS ID 2012-1).**

This change was addressed in RP057ft, and was submitted to the NRC as proposed on March 14, 2014.

#### Event Reporting, Including Follow-up and Closure Information in NMED

The Division reported 25 events to the Nuclear Material Events Database (NMED) since the 2012 IMPEP review. At the periodic meeting, the Division stated that the events were appropriately reported to the NRC and were properly entered and updated in NMED. The Division stated that they are following their standard operating procedures and there are no outstanding events that are being tracked at the time of the meeting.

#### Response to Incidents and Allegations

The Division continues to be responsive to notifications of incidents and allegations. Incidents and allegations are immediately reviewed to assess the potential impact to public health and safety. Inspectors are dispatched to the incident location when necessary. No significant events during the review period were noted.

#### Status of Allegations and Concerns Referred by the NRC for Action

NRC referred one allegation to Louisiana during the review period, which was addressed by the Division the same day it was received.

#### Emerging Technologies

The Division is currently reviewing emerging technologies for radiography of underwater pipelines using a Cesium-137 source using a multi-leaf collimator, and a revolving therapy device for head and neck cancers using Co-60 sources that is similar to gamma knife technology.

#### Large, Complicated, or Unusual Authorizations for use of Radioactive Materials

None noted

#### Current State Initiatives

None noted

#### State’s Mechanisms to Evaluate Performance

The Division reviews standard operating procedures annually to ensure they contain the most current guidance. The Division reviews quarterly performance reports to ensure the Division is on track to meet performance goals for the year, which are subsequently reported to the Louisiana legislature.

The Division uses supervisory and peer reviews of inspection reports, licensing actions, and sealed source device evaluations to ensure that high quality regulatory products are issued. Inspectors are accompanied at least two times a year by a supervisor or staff scientist. The records of the accompaniments are maintained by the supervisor. Inspection and licensing records are maintained in the Division's database for easy access to queries and reports about any of the Division's safety programs

#### Current NRC Initiatives

NRC staff discussed the status of ongoing initiatives with the Louisiana representatives. The discussion included national source tracking system, web-based licensing, 10 CFR Part 37 implementation, IMPEP process improvement reviews, and concerns about recent radiography events.

#### Schedule for the Next IMPEP Review

The NRC staff recommends that the next IMPEP review be held in two years.