AGREEMENT BETWEEN THE U.S. ATOMIC ENERGY COMMISSION AND THE STATE OF LOUISIANA PURSUANT TO SECTION 274I. OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

The State of Louisiana ("State") and the U.S. Atomic Energy Commission ("Commission") have this date entered into an "Agreement between the U.S. Atomic Energy Commission and the State of Louisiana for Discontinuance of Certain Commission Regulatory Authority and Responsibility within the State pursuant to Section 274 of the Atomic Energy Act of 1954, as Amended" ("274 b. Agreement"), the effective date of which is May 1, 1967.

The State and the Commission have this date also entered into a "memorandum of understanding between the U.S. Atomic Energy Commission and the State of Louisiana", with the same effective date, in order to facilitate the parties' administration of the 274 b. Agreement in view of, but without prejudice to, a cause pending before the U.S. Supreme Court, styled United States of America v. State of Louisiana, et al., No. 9 Original ("pending litigation") concerning an area of submerged land off the coast of the State which is currently in dispute between the State and the United States.

Under section 274 i. of the Atomic Energy Act of 1954, as amended, the Commission in carrying out its licensing and regulatory responsibilities under the Act is authorized to enter into agreements with any State to perform inspections or other functions on a cooperative basis as the Commission deems appropriate. In view of the pending litigation, but without prejudice thereto, the parties deem it appropriate that the State be authorized to perform certain functions for and on behalf of the Commission.

It is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

First: The Commission hereby authorizes the State to perform, for and on behalf of the Commission, the following functions with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass in the possession of Commission licenses in and seaward of the area of submerged land which is the subject of the pending litigation:

(a) Perform inspections to determine compliance with the Commission's rules and regulations and with the provisions of the applicable Commission licenses;

(b) Notify Commission licensees in writing of any items of noncompliance disclosed by such inspections, and request the licensees concerned to advise the State of corrective action taken or to be taken;

(c) With respect to emergency situations in which an immediate and serious hazard to public health and safety, or property, exists, take such temporary emergency measures as may be required to eliminate the hazard.

Such functions as are performed by the State pursuant hereto shall be performed without cost or expense to the Commission.

Second: The functions authorized to be performed hereunder shall be subject to the Commission's supervision and shall be performed by the State in accordance with such standards, criteria, policies and procedures as may be specified by the Commission from time to time. The State shall promptly notify the Commission of all activities performed by the State hereunder.

Third: In taking any actions authorized hereunder, the State shall not undertake to amend or revoke Commission licenses, nor to institute judicial action against Commission licensees.

Fourth: Nothing herein nor in the 274 b. Agreement nor any action or abstention taken pursuant to either document shall in any manner affect, or be alleged to affect, the position of either party in the pending litigation.

Fifth: Nothing herein shall be deemed to preclude or affect in any manner the authority of the Commission to perform or to have performed by others any or all of the functions described herein. Should the Commission decide to have others perform such functions, it will use its best efforts to provide the State with advance notice thereof.

Sixth: This Agreement shall become effective on May 1, 1967, and shall remain in effect so long as the 274 b. Agreement remains in effect unless sooner terminated by either party on 30 days' prior written notice.

Done at Baton Rouge, State of Louisiana, in triplicate, this 17th day of April, 1967.

For the United States Atomic Energy Commission.

[SEAL] WILFRID E. JOHNSON,
Commissioner.

For the State of Louisiana.

[SEAL] C. C. AYCOCK,
Lieutenant Governor.

For the Louisiana Division of Radiation Control.

ROY A. PARKER,
Director.

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