



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
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ARLINGTON, TEXAS 76011-4005**

March 5, 2003

Michael E. Henry
Louisiana Department of Environmental Quality
Permits Division
Office of Environmental Services
7220 Bluebonnet Road
P.O. Box 82135
Baton Rouge, LA 70884-2135

Dear Mr. Henry:

A periodic meeting was held with you and your staff on February 19, 2003. The purpose of this meeting was to review and discuss the status of Louisiana's Agreement State Program. The NRC was represented by Elmo Collins from NRC's Region IV Office, Andrew Mauer from the Office of State and Tribal Programs, and me. I have completed and enclosed a meeting summary, including any specific actions that will be taken as a result of the meeting.

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) 860-8116 or e-mail mlm1@nrc.gov to discuss your concerns.

/RA

Linda McLean
Regional State Agreements Officer
Region IV

Enclosure:
As stated

cc w/enclosure:
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Summary

**AGREEMENT STATE PERIODIC MEETING SUMMARY
LOUISIANA**

DATE OF MEETING: February 19, 2003

ATTENDEES:

NRC

Elmo Collins, Director, Division of Nuclear Materials Safety, Region IV
Linda McLean, Regional State Agreements Officer, Region IV
Andrew Mauer, STP

State of Louisiana

Michael Henry, State Liaison Officer
Lourdes Itturralde.
Verretta Johnson
Jodi Miller
Sharon Parker
Joe Noble
Ann Troxler
Jennifer Moutin

In addition, Mr. Collins and Mrs. McLean met with Dr. Bohlinger, Mr. Wascom, and Mr. Vince to discuss some items from the meeting.

DISCUSSION:

The following is a summary of the meeting held in Baton Rouge, Louisiana, on February 19, 2003, between representatives of the NRC and the State of Louisiana, Department of Environmental Quality (the Department). During the meeting, the topics suggested in the letter dated December 19, 2002, from Mrs. McLean to Mr. Henry, were discussed. The discussion pertaining to each topic is summarized below.

The status of the recommendation outlined in Section 5.0 of the final IMPEP report was discussed and is summarized below.

The review team recommended that the Department either use the existing site characterization to terminate the cesium-137 contamination possession license; recharacterize the site using current decommissioning criteria; or require the licensee to begin decommissioning activities in accordance with the Decommissioning Timeliness Rule.

Status at Last Periodic Meeting: The Department recharacterized the site and found that the site does not meet the criteria for license termination. The Department has contacted the EPA for their assistance in decontaminating the site under EPA's Super Fund program. The EPA has done extensive sampling at the site, but has not yet decided to include this site to their Super Fund program.

Current Status: The EPA has included this site to their Super Fund program. Decontamination of the site has been on going. It is expected that the work will be completed by April 2003.

It is recommended that this item be closed at the next IMPEP review.

Strengths and/or weaknesses of the State program as identified by the State or NRC, including identification of actions that could diminish weaknesses.

Strengths: The State has had very little turn-over; therefore, the Department's staff is well qualified and experienced. In addition, the dedication and conscientiousness of the Department's staff was recognized as a major program strength. Another program strength is the Department's new database system and management tool called TEMPO.

Weaknesses: The reorganization that occurred in 1999-2000 has been a challenge to the Department. On July 1, 1999, the Department began a significant reorganization. The Department is divided into four Offices which report to the Secretary. The Office of Environmental Services contains the Permits Division; the Office of Environmental Compliance contains the Surveillance and Enforcement Divisions; the Office of Management and Finance has the Laboratory Services Division; and the Office of Environmental Assessment includes the Environmental Planning Division.

The reorganization assigned Departmental offices by function rather than by program specialty. Thus, all Departmental inspection and compliance activities, including emergency response, are performed by the Surveillance Division. This Division inspects radioactive materials, hazardous materials, radiation-producing machines, air quality, water quality, asbestos, underground storage tanks, tire disposal, etc. The Permits Division is responsible for all licensing/permitting in the same manner. The radioisotope laboratory is part of the Laboratory Services Division. Enforcement is performed by the Enforcement Division. Regulations are developed and maintained by the Environmental Planning Division. Staff is still adjusting to the new organization.

Feedback on NRC's program as identified by the State and including identification of any action that should be considered by NRC.

The Department would like NRC to reconsider providing funding to Agreement States for training.

Status of State Program or policy changes under development or recently completed including:

- a. Changes in program staff/program reorganization: See above section on the Department's reorganization.
- b. Legislative changes: The Department may have field citation capabilities, (i.e., inspectors will be authorized to issue monetary fines).
- c. Changes in program budget/funding: Fees have been increased by 10% this fiscal year with an additional 5% authorized in the future. All fees go into a general fund for the entire Department's budget.

Status of NRC program changes (similar to those in 4) that could impact Agreement States.

Topics discussed: Portable gauge rulemaking: A package was shared with the Agreement States in mid-December on the proposed rulemaking. Since that time NRC has modified the rule language because of possible conflicts with the DOT/NRC Memorandum of Understanding. A new version of the package is currently still within the working group.

Panoramic Irradiator Compensatory Measures: These are currently under consideration by the Commission. The State of Louisiana has one panoramic irradiator licensee at Louisiana State University.

Periodic Meetings: Currently the NRC is reviewing the Periodic Meeting process and is reviewing comments received by NRC staff and Agreement States

Status of Inspections:

The Department acknowledged that they have overdue inspections and they are behind in reciprocity inspections. In addition, not all inspectors have been accompanied annually. (The exact number of reciprocity or overdue inspections was not available for this meeting.) It was suggested that they use the calculation in Procedure SA-101, "Status of Materials Inspection Program" to determine where they are in the rating categories.

Status of all allegations and concerns previously referred by NRC to the Agreement State Radiation Control Program for action, and methods used to resolve allegations that have been closed.

There were no allegations forwarded to the State during this review period.

Compatibility of Agreement State regulations.

The State of Louisiana is current with all of their regulations. There was one amendment (RATS-ID 1998-6) mentioned that STP hasn't reviewed. A review of the State's regulations shows that the amendment was adopted. The State has since furnished a copy of this amendment to STP for review.

NMED reporting including event follow-up and closure information.

The State of Louisiana consistently provides complete information to NMED.

Date of the next IMPEP Review.

The next IMPEP is scheduled for fiscal year 2004. The State requested that the review be scheduled for the first quarter of FY04.