



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

November 22, 1989

Dr. Paul Templet, Secretary
Department of Environmental Quality
P. O. Box 44066
Baton Rouge, Louisiana 70804

Dear Dr. Templet:

This confirms the discussion Mr. Robert J. Doda and Mr. Donald Mackenzie held with Dr. Michael McDaniel, Assistant Secretary of Air Quality and Nuclear Energy, and Mr. William H. Spell of the Nuclear Energy Division on August 31, 1989, following our review of the Louisiana radiation control program.

As a result of our review of the State's program and the routine exchange of information between the Nuclear Regulatory Commission and the State of Louisiana, the staff determined that the Louisiana radiation control program for the regulation of agreement materials is adequate to protect the public health and safety and is compatible with the Commission's program.

We wish to commend the Nuclear Energy Division for their efforts in completing 542 inspections during the current review period with the result that Louisiana has, according to NRC criteria, no overdue inspections for the more significant licensees at the present time. Also, we wish to recognize Louisiana's excellent support in supplying speakers for a number of NRC's training courses over the past few years. This expertise has greatly improved the effectiveness of these courses.

Enclosure 1 contains our summary of assessments regarding the program. An explanation of our policies and practices for reviewing Agreement State programs is attached as Enclosure 2. These were discussed with Dr. McDaniel during the closeout meeting.

Our review disclosed that all other program indicators were within NRC guidelines. Also, a number of other technical matters were discussed with the radiation control staff and resolved during the course of the review meeting.

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I appreciate the courtesy and cooperation you and your staff extended to Mr. Doda and the other NRC reviewer during the review meeting. Also, I am enclosing a copy of this letter for placement in the State Public Document Room or to otherwise be made available for review.

Sincerely,

original signed by Carlton Kammerer

Carlton Kammerer, Director
State, Local and Indian Tribe Programs
Office of Governmental and Public Affairs

Enclosures:
As Stated

cc: J. M. Taylor, Acting Executive Director for Operations
R. D. Martin, Regional Administrator, RIV
Mr. W. H. Spell, Administrator, Louisiana Nuclear Energy Division
NRC Public Document Room
State Public Document Room
L. H. Bollinger, State Liaison Officer

bcc: Chairman Carr
Commissioner Roberts
Commissioner Rogers
Commissioner Curtiss

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Louisiana File

R. Doda is made by other one to W. H. Spell

Handwritten signatures and initials over the routing table.

OFC	RIV:RSAO	:RA:RIV	:SLITP	:SLITP	:GPA	:GPA	:EDO
NAME	:RDoda	:RDMartin	:VMiller	:CKammerer	:SSchwartz	:HDenton	:JTaylor
DATE	:10/26/89	:10/26/89	:10/26/89	:10/26/89	:10/15/89	:10/16/89	:10/21/89

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SUMMARY OF ASSESSMENTS AND COMMENTS
FOR THE LOUISIANA RADIATION CONTROL PROGRAM
SEPTEMBER 4, 1987 TO SEPTEMBER 1, 1989

Scope of Review

This program review was conducted in accordance with the Commission's Policy Statement for reviewing Agreement State Programs published in the Federal Register on June 4, 1987, and the internal procedures established by the Office of Governmental and Public Affairs, Agreement States Program. The State's program was reviewed against the 29 program indicators provided in the Guidelines. The review included inspector accompaniments, discussions with program management and staff, technical evaluation of selected license and compliance files, and the evaluation of the State's responses to an NRC questionnaire that was sent to the state in preparation for the review.

The 20th Regulatory Program Review meeting with Louisiana representatives was held during the period of August 28 through September 1, 1989, in Baton Rouge, Louisiana. The State was represented by Mr. William H. Spell, Administrator, Nuclear Energy Division; and Mr. Hall Bohlinger and Mr. Ronald Wascom of the Nuclear Energy Division. The NRC was represented by Mr. Robert J. Doda, State Agreements Officer, NRC, Region IV, and Mr. Donald Mackenzie, State, Local, and Indian Tribe Programs. A review of selected license and compliance files was conducted during August 29-30, 1989. A review of legislation and regulations, organization, management and administration, and personnel was conducted on August 28, 1989. A summary meeting regarding results of the regulatory program review was held with Dr. Michael McDaniel, Assistant Secretary, Department of Environmental Quality, on August 31, 1989.

In addition to the routine program review, an accompaniment incident investigation was made at a major radiography licensee: Mobile-Labs, Inc., Harvey Louisiana, License Number, LA 1888-L01.

Conclusion

As a result of our review of the State's program and the routine exchange of information between the NRC and the State of Louisiana, the staff determined that the Louisiana program for the regulation of agreement materials is adequate to protect public health and safety and is compatible with the NRC's program for the regulation of similar materials. However, one regulation, which is a matter of compatibility, has not been adopted during the three-year period provided for States to update their radiation control regulations. As an interim measure the Division staff added this requirement by administrative amendment of radiography licenses.

Status of Program Related to Previous NRC Findings

The previous NRC program review was concluded September 4, 1987, and comments and recommendations were sent to the State in a letter dated October 20, 1987. At that time, the program was found to be adequate to protect the public health and safety and compatible with the NRC's program for the regulation of similar materials. At that time, the State's revised regulations were expected to be promulgated in October 1987. They were actually promulgated on October 20, 1987.

The comments and recommendations from the previous program review were followed up and the State's responses were evaluated for adequacy. All previous comments and recommendations have been closed out.

Current Review Comments and Recommendations

The Louisiana radiation control program (RCP) satisfies the Guidelines in 28 of the 29 indicators. The State did not meet the Guidelines in a Category I indicator, Status and Compatibility of Regulations. However, the Division staff committed to the addition of this requirement (relating to a quarterly audit of radiographers) by administratively conditioning the licenses. The Division completed this on October 31, 1989, thus, Louisiana's requirements are fully compatible during the period of time preceding a formal revision of the State's radiation control regulations, which is scheduled for calendar year 1990.

Status and Compatibility of Regulations (Category I Indicator)

Comment

The review of the State's radiation control regulations disclosed that one regulatory amendment, which is a matter of compatibility, has not been adopted by the State within a three-year period after adoption by the NRC. This amendment is concerned with radiography requirements relating to a quarterly audit of each radiographer who is used by a licensee. A copy of the necessary amendment was provided to the Division staff during the review meeting. This requirement was imposed by administratively amending the radiography licenses.

Recommendation

We recommend this amendment, and any others approaching the three-year period allowed after NRC adoption, be promulgated as effective State radiation control regulations in the near future.

During the Louisiana review, an examination in detail of the facility decontamination and inspections related to the decontamination of Gamma Industries was made. When Gamma Industries was acquired by Amersham, in early 1988, it was agreed that the facilities at 2255 Ted Dunham Avenue would be decontaminated and returned to the lessee (the railroad). The decommissioning activities for the facility are being performed by Gulf Nuclear, Inc., the (GNI) Group.

The GNI Group has recently (the week of 8/21-25/89) submitted a report to Louisiana on facility decontamination and radiological survey prior to release for unrestricted use. The State is in the process of reviewing this document and if the proposed plan meets their approval, they will conduct a final confirmatory survey. If this survey confirms the GNI survey, the license will be terminated.

Summary Discussion with State Representatives

A summary meeting to present the results of the regulatory program review was held with Dr. Michael McDaniel, Assistant Secretary, Department of Environmental Quality, on August 31, 1989. The scope and findings of the review were discussed. He was informed of the significance of the one Category I finding regarding the one radiography amendment that was not adopted by Louisiana within the three-year period provided by the NRC for States to adopt compatible regulations. Dr. McDaniel and Mr. Spell decided that the Division could address this problem in the interim by adopting the requirement administratively by using a license condition. This was subsequently done.

Dr. McDaniel stated the Division was aware of the workload in radiation control and had made the addition of one FTE the top priority within the Division. He also expressed the State's appreciation for past NRC assistance and training for the Division staff. He said the Department will continue to support the radiation control program, any NRC-sponsored training courses, and cooperative efforts with the NRC and other Agreement State Programs.

A close out meeting with the RCP technical staff was conducted on September 1, 1989. The State was represented by William H. Spell, Administrator, and Hall Bohlinger, Licensing and Registration Manager, Division of Nuclear Energy. The review guideline questions and the State's responses were discussed in detail. In addition, the results of the license and compliance casework reviews were provided to the staff for discussion.

APPLICATION OF "GUIDELINES FOR NRC REVIEW
OF AGREEMENT STATE RADIATION CONTROL PROGRAMS

The "Guidelines for NRC Review of Agreement State Radiation Control Programs," were published in the Federal Register on June 4, 1987, as an NRC Policy Statement. The Guidelines provide 29 indicators for evaluating Agreement State Program areas. Guidance as to their relative importance to an Agreement State program is provided by categorizing the indicators into two categories.

Category I indicators address program functions which directly relate to the State's ability to protect the public health and safety. If significant problems exist in several Category I indicator areas, then the need for improvements may be critical.

Category II indicators address program functions which provide essential technical and administrative support for the primary program functions. Good performance in meeting the guidelines for these indicators is essential in order to avoid the development of problems in one or more of the principal program areas, i.e., those that fall under Category I indicators. Category II indicators frequently can be used to identify underlying problems that are causing, or contributing to, difficulties in Category I indicators.

It is the NRC's intention to use these categories in the following manner. In reporting findings to State management, the NRC will indicate the category of each comment made. If no significant Category I comments are provided, this will indicate that the program is adequate to protect the public health and safety and is compatible with the NRC's program. If one or more significant Category I comments are provided, the State will be notified that the program deficiencies may seriously affect the State's ability to protect the public health and safety and that the need of improvement in particular program areas is critical. If, following receipt and evaluation, the State's response appears satisfactory in addressing the significant Category I comments, the staff may offer findings of adequacy and compatibility as appropriate or defer such offering until the State's actions are examined and their effectiveness confirmed in a subsequent review. If additional information is needed to evaluate the State's actions, the staff may request the information through follow-up correspondence or perform a follow-up or special, limited review. NRC staff may hold a special meeting with appropriate State representatives. No significant items will be left unresolved over a prolonged period. The Commission will be informed of the results of the reviews of the individual Agreement State Programs and copies of the review correspondence to the States will be placed in the NRC Public Document Room. If the State program does not improve or if additional significant Category I deficiencies have developed, a staff finding that the program is not adequate will be considered and the NRC may institute proceedings to suspend or revoke all or part of the Agreement in accordance with Section 274j of the Act, as amended.