



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-4005**

December 9, 2004

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 with Louisiana was held on November 18, 2004. The purpose of this meeting was to review and discuss the status of Louisiana's Agreement State Program. The NRC was represented by me from NRC's Region IV office, and Kathleen Schneider from the Office of State and Tribal Programs and Ronnie Wascom, Administrator for Louisiana Emergency Response and Radiation Protection Program Division (by telephone).

I have completed and enclosed a general 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.

Sincerely,

/RA/

Linda McLean
Regional State Agreements Officer

Enclosure:
As stated

cc w/encl
Paul Lohaus, Director, STP

Louisiana Department
of Environmental Quality

bcc: (via ADAMS e-mail distribution):

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MLMcLean				
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PERIODIC MEETING SUMMARY FOR LOUISIANA

DATE OF MEETING: November 18, 2004

ATTENDEES:

STATE

Michael Henry, State Liaison Officer
Sharon Parker
Joe Noble
Ann Troxler

Richard Penrod
Betty Brouseaux
Dwayne Stepter

NRC

Linda McLean, Regional State Agreements Officer, Region IV
Kathleen Schneider, Agreement State Project Officer
Office of State and Tribal Programs (by telephone)

DISCUSSION:

The Louisiana Agreement State program is located in the Department of Environmental Quality (the Department). Currently the Department is divided into four Offices which are organized by function rather than by program specialty and report to the Secretary of the Department. The Office of Environmental Services contains the Permits Division, and the Office of Environmental Compliance contains the Surveillance and Enforcement Divisions. All Department inspection and compliance activities, including emergency response, are performed by the Surveillance Division. A proposed restructuring of the Department is described below. (Section 4.d.)

Program items discussed:

1. Status of State's actions to address all open previous IMPEP review findings and/or open recommendations.

1. The review team recommended that the Surveillance Division finalize their training and qualification program for radioactive materials inspectors, including the qualifications required to complete independent inspections of various license types.

CURRENT STATUS: The Surveillance Division has developed a new access program for tracking the training and qualifications for radioactive materials inspectors, and includes the qualifications required to complete independent inspections of various license types. The new program will go in to effect after the Department's restructuring scheduled for January 2005. It is recommended that this item be reviewed at the next IMPEP review.

2. The review team recommended that the Department review their existing databases, identify all routine and initial inspections that need to be conducted and complete those inspections.

CURRENT STATUS: The Department has established better communications between the Surveillance Division and the Permit Division and has developed a databases that

identifies all routine and initial inspections. It is recommended that this item be reviewed at the next IMPEP review.

3. The review team recommended that the Department develop and implement a process for ensuring that all new licensees receive a timely initial inspection.

CURRENT STATUS: The Department developed and implemented a database for ensuring that all new licensees are inspected within the one year time frame. It is recommended that this item be reviewed at the next IMPEP review.

4. The review team recommended that the Department inspect implementation of SS&D authorizations during routine inspections.

CURRENT STATUS: The Surveillance Division has completed inspections of the all SS&D authorizations during their routine inspections of the licensees, and the division will continue this inspection activity as part of the routine inspections. It is recommended that this item be reviewed at the next IMPEP review.

5. The review team recommended that the Department develop and implement a process for conducting annual accompaniments of all radiation compliance inspectors by qualified individuals.

CURRENT STATUS: All inspectors have been accompanied to date, and the division has documented all the accompaniments. It is recommended that this item be reviewed at the next IMPEP review.

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

a. Strengths: The State has had very little turn-over; therefore, the Department's staff is well qualified and experienced. Another strength is that the Department is adequately funded, and with the restructuring of the Department, the Divisions have dedicated funds for their programs.

b. Weaknesses: The Department stated that many of their past weaknesses will be improved with the planned restructuring.

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

The Department asked that the NRC consider using Word rather than Word Perfect when corresponding with the States.

4. Status of State Program including:

a. Staffing and Training: The Department is adequately staffed. The Surveillance Division has nine inspectors and the Permits Division has five reviewers. There are no vacancies under the old program organization. With the new organization, new positions have been approved for FY06.

- b. Materials Inspection Program: The Surveillance Division has no inspection backlog. The Surveillance Division has completed 28 percent reciprocity inspections.
 - c. Regulations and Legislative changes: The Department is current with all of their regulations. The last rule submission included four amendments, two final and two proposed rules. The Division is finalizing the two proposed rules.
 - d. Program reorganizations: The Secretary of the Louisiana Department of Environmental Quality announced several organizational changes that are to take effect by the end of this year. The Office of Environmental Compliance created a new division, Emergency Response and Radiation Protection Program Division. This division will be combined with the Department's Emergency Response group. Mr. Ronnie Wascom will serve as the Administrator for this new Division. The Division will be comprised of chemical and radiological emergency response, accident prevention, radiation surveillance and enforcement, radioactive material licensing, and X-ray registration. What this restructuring will accomplish is to have all of the radioactive materials program in one division, which will improve communications within the program.
 - e. Changes in Program budget/funding: The Department is adequately funded. Because of the restructuring a budget request was submitted, providing the Division dedicated funds for their program.
5. Event Reporting, including follow-up and closure information in NMED: All reportable incidents are entered into the NMED database. All NMED events for Louisiana are closed and completed
6. Response to Incidents and Allegations: The NRC has not referred any allegations to Louisiana during the period. .
7. Information exchange and discussion:
- a. Current State initiatives: Ann Troxler has been appointed to the OAS/NRC Cobalt-60 Teletherapy Self-Study Training Course Working Group. The purpose of the working group is to revise and update the current NRC training course.
 - b. Major decommissioning and license termination actions: The Department has recently terminated the license for a contaminated site. The Department contacted the EPA for their assistance in decontaminating the site under EPA's Super Fund program. The EPA included this site to their Super Fund program. The EPA completed decontamination work at the site.
 - c. Waste processing, storage and disposal licenses: The Division is currently working on a license for deep well injection of NORM.
 - d. State's mechanisms to evaluate performance: The Department has weekly meetings to discuss the status of inspection and licensing activities. In addition, they conduct a audit of the program quarterly.

8. NRC current initiatives: Items discussed: the portable gauge rule; sensitive information in ADAMS; the security of medical sources; and Security Measures, Part 35 - Training and Experience rulemaking.
9. Schedule for the next IMPEP review: FY2008