



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

June 12, 2014

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

Dear Ms. Lagard:

We have reviewed the proposed changes to the Louisiana regulations in Louisiana Administrative Code, Title 33, Part XV, Radiation Protection, received by our office on March 14, 2014. We have also reviewed final regulations that were included in the March 14, 2014, letter. These regulations were reviewed by comparison to the equivalent Nuclear Regulatory Commission (NRC) rules in 10 CFR Parts 30, 31, 32, 34, 36, 39, 40, 70, 71, 150, and the requirements of the five amendments identified in the enclosed State Regulation Status (SRS) Data Sheet. We discussed our review of the regulations with Judith Schuerman on June 12, 2014.

As a result of our review of the final regulations, we have no comments. Please note that we have limited our review to regulations required for compatibility and/or health and safety. We have determined that the final regulations, as adopted, meet the compatibility and health and safety categories established in the Office of Federal and State Materials and Environmental Management Programs (FSME) Procedure SA-200, "Compatibility Categories and Health and Safety Identification for NRC Regulations and Other Program Elements."

As a result of our review of the proposed regulations, we have two comments that have been identified in the enclosure. Please note that we have limited our review to regulations required for compatibility and/or health and safety. Under our current procedure, a finding that the Louisiana regulations meet the compatibility and health and safety categories of the equivalent NRC regulation may only be made based on a review of the final Louisiana regulations. However, we have determined that if your proposed regulations were adopted, incorporating our comments and without other significant change, they would meet the compatibility and health and safety categories established in FSME Procedure SA-200, "Compatibility Categories and Health and Safety Identification for NRC Regulations and Other Program Elements."

We request that when the proposed regulations are adopted and published as final regulations, a copy of the "as published" regulations be provided to us for review. As requested in FSME Procedure SA-201, "Review of State Regulatory Requirements," please highlight the final changes, and provide a copy to Division of Materials Safety and State Agreements, FSME.

E. Lagard

-2-

The SRS Data Sheet summarizes our knowledge of the status of other Louisiana regulations, as indicated. Please let us know if you note any inaccuracies, or have any comments on the information contained in the SRS Data Sheet. This letter, including the SRS Data Sheet, is posted on the FSME Web site: <http://nrc-stp.ornl.gov/rulemaking.html>.

If you have any questions regarding the review, the compatibility and health and safety categories, or any of the NRC regulations used in the review, please contact Kathleen Schneider, State Regulation Review Coordinator, at (301) 415-2320 (kathleen.schneider@nrc.gov), or Binesh Tharakan at (817) 200-1116 (binesh.tharakan@nrc.gov).

Sincerely,

/RA D.White for/

John M. Moses, Acting Deputy Director
Division of Materials Safety and State Agreements
Office of Federal and State Materials
and Environmental Management Programs

Enclosures:

1. Compatibility Comments
2. Louisiana SRS Data Sheet

E. Lagard

-2-

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Louisiana File

Incoming Document: ML14083A568

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|--------|------------|------------|--------------------|----------|----------|
| OFFICE | Region IV | ASPB | OGC | ASPB:BC | MSSA:DD |
| NAME | BKTharakan | KSchneider | BJones/ jwo | DWhite | JMoses |
| DATE | 06/04/14 | 06/05/14 | 06/11/14 | 06/12/14 | 06/12/14 |

ML14154A184

OFFICIAL RECORD COPY

Package ML14083A554

COMPATIBILITY COMMENTS ON LOUISIANA PROPOSED REGULATIONS

| STATE SECTION | | NRC SECTION | RATS ID | CATEGORY | SUBJECT and COMMENTS |
|---------------|--------------------|-------------|---------|----------|--|
| 1 | 1519.A 1519.C.1 | 71.97(c) | 2012-2 | B | <p>Advance notification of shipment of irradiated reactor fuel and nuclear waste</p> <p>In 1519.A, Louisiana includes “11555 Rockville Pike” in the address for the NRC. The correct address is U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.</p> <p>Louisiana needs to delete notification to the NRC in 1519.C.1 and insert “the department” as the regulatory agency to be notified for advance notifications for nuclear waste.</p> <p>Louisiana needs to make the above changes in order to meet the Compatibility Category B designation assigned to 10 CFR 71.97.</p> |
| 2 | 1519.F | 71.97(f) | 2012-2 | B | <p>Advance notification of shipment of irradiated reactor fuel and nuclear waste</p> <p>Louisiana needs to delete notification to the NRC in 1519.F and insert “the department” as the regulatory agency to be notified for advance notifications for nuclear waste.</p> <p>Louisiana has included “irradiated reactor fuel” in 1519.F. Louisiana does not have the regulatory authority for irradiated reactor fuel under their 274b. agreement and “irradiated reactor fuel” should be deleted from paragraph.</p> <p>Louisiana needs to make the above changes in order to meet the Compatibility Category B designation assigned to 10 CFR 71.97.</p> |

STATE REGULATION STATUS

State: Louisiana

Tracking Ticket Number: 14-17

[5 amendment(s) reviewed is identified by a *
at the beginning of the equivalent NRC requirement.]

Date: June 12, 2014

| RATS ID | NRC Chronology Identification | Date Due for State Adoption | Incoming Package | Outgoing Package | Notes |
|---------|--|-----------------------------|----------------------|--|---|
| 1991-1 | Safety Requirements for Radiographic Equipment Part 34 55 FR 843 (Superceded by 1997-5) | 01/10/1994 | Not Required | Not Required | Louisiana has adopted Final Regulations equivalent to RATS ID: 1997-5. |
| 1991-2 | ASNT Certification of Radiographers Part 34 56 FR 11504 (Superceded by 1997-5) | none | Not Required | Not Required | Louisiana has adopted Final Regulations equivalent to RATS ID: 1997-5. |
| 1991-3 | Standards for Protection Against Radiation Part 20 56 FR 23360; 56 FR 61352; 57 FR 38588; 57 FR 57877; 58 FR 67657; 59 FR 41641; 60 FR 20183; | 01/01/1994 | Final ML12361A157 | Comments 03/29/2013 ML13044A340 | |
| 1991-4 | Notification of Incidents Parts 20, 30, 31, 34, 39, 40, 70 56 FR 64980; | 10/15/1994 | Final ML12361A157 | No Comments 03/29/2013 ML13044A340 | |
| 1992-1 | Quality Management Program and Misadministrations Part 35 56 FR 34104 (Superceded by 2002-2) | 01/27/1995 | Not Required | Not Required | Louisiana has adopted Final Regulations equivalent to RATS ID: 2002-2. |
| 1992-2 | Eliminating the Recordkeeping Requirements for Departures from Manufacturer's Instructions Parts 30, 35 57 FR 45566 | none | Not Required | Not Required | These regulations are not required to be adopted for purposes of Compatibility. |

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|---------|---|-----------------------------|-----------------------------|--|---|
| 1993-1 | Decommissioning Recordkeeping and License Termination: Documentation Additions [Restricted areas and spill sites] Parts 30, 40 58 FR 39628 | 10/25/1996 | Final ML12361A157 | No Comments 03/29/2013 ML13044A340 | |
| 1993-2 | Licensing and Radiation Safety Requirements for Irradiators Part 36 58 FR 7715 | 07/01/1996 | Not Applicable ⁱ | Not Applicable | Louisiana does not have any licensees subject to these regulations. (See SECY-95-112) |
| 1993-3 | Definition of Land Disposal and Waste Site QA Program Part 61 58 FR 33886 | 07/22/1996 | Not Applicable ¹ | Not Applicable | Louisiana does not have any licensees subject to these regulations. (See SECY-95-112) |
| 1994-1 | Self-Guarantee as an Additional Financial Mechanism Parts 30, 40, 70 58 FR 68726; 59 FR 1618 | none | Not Required | Not Required | These regulations are not required to be adopted for purposes of Compatibility. |
| 1994-2 | Uranium Mill Tailings Regulations: Conforming NRC Requirements to EPA Standards Part 40 59 FR 28220 | 07/01/1997 | Not Applicable | Not Applicable | Louisiana does not have authority to regulate this material under its Agreement. |
| 1994-3 | Timeliness in Decommissioning Material Facilities Parts 30, 40, 70 59 FR 36026 | 08/15/1997 | Final | No Comments 01/06/1999 | |
| 1995-1 | Preparation, Transfer for Commercial Distribution, and Use of Byproduct Material for Medical Use Parts 30, 32, 35 59 FR 61767; 59 FR 65243; 60 FR 322 | 01/01/1998 | Final | No Comments 01/06/1999 | |
| 1995-2 | Frequency of Medical Examinations for Use of Respiratory Protection Equipment Part 20 60 FR 7900 | 03/13/1998 | Final | No Comments 01/06/1999 | |

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|---------|--|-----------------------------|----------------------|--|---|
| 1995-3 | Low-Level Waste Shipment Manifest Information and Reporting Parts 20, 61 60 FR 15649; 60 FR 25983 | 03/01/1998 | Final | No Comments 01/06/1999 | |
| 1995-4 | Performance Requirements for Radiography Equipment Part 34 60 FR 28323 (Superceded by 1997-5) | 06/30/1998 | Final | No Comments 01/06/1999 | Louisiana has adopted Final Regulations equivalent to RATS ID: 1997-5. |
| 1995-5 | Radiation Protection Requirements: Amended Definitions and Criteria Parts 19, 20 60 FR 36038 | 08/14/1998 | Final | No Comments 01/06/1999 | |
| 1995-6 | Clarification of Decommissioning Funding Requirements Parts 30, 40, 70 60 FR 38235 | 11/24/1998 | Final | No Comments 01/06/1999 | |
| 1995-7 | Medical Administration of Radiation and Radioactive Materials Parts 20, 35 60 FR 48623 (Superceded by 2002-2 and 2005-2) | 10/20/1998 | Final | No Comments 01/06/1999 | Louisiana has not yet adopted Final Regulations equivalent to RATS ID: 2005-2. |
| 1996-1 | Compatibility with the International Atomic Energy Agency Part 71 60 FR 50248; 61 FR 28724 (Superceded by 2004-1) | 04/01/1999 | Final ML020280299 | No Comments 02/15/2002 ML020460125 | Louisiana has not yet adopted Final Regulations equivalent to RATS ID: 2004-1. |
| 1996-2 | One Time Extension of Certain Byproduct, Source and Special Nuclear Materials Licenses Parts 30, 40, 70 61 FR 1109 | 02/15/1999 | Not Required | Not Required | These regulations are not required to be adopted for purposes of Compatibility. |
| 1996-3 | Termination or Transfer of Licensed Activities: Record keeping Requirements Parts 20, 30, 40, 61, 70 | 06/17/1999 | Final ML12361A157 | No Comments 03/29/2013 ML13044A340 | |

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|---------|---|-----------------------------|----------------------|--|--|
| | 61 FR 24669 | | | | |
| 1997-1 | Resolution of Dual Regulation of Airborne Effluents of Radioactive Materials; Clean Air Act Part 20 61 FR 65120 | 01/9/2000 | Final ML011510385 | No Comments 11/15/2001 ML013100191 | |
| 1997-2 | Recognition of Agreement State Licenses in Areas Under Exclusive Federal Jurisdiction Within an Agreement State Part 150 62 FR 1662 | 02/27/2000 | Final ML011510385 | No Comments 11/15/2001 ML013100191 | |
| 1997-3 | Criteria for the Release of Individuals Administered Radioactive Material Parts 20, 35 62 FR 4120 | 05/29/2000 | Final | No Comments 01/06/1999 | |
| 1997-4 | Fissile Material Shipments and Exemptions Part 71 62 FR 5907 (Superseded by 2004-1) | 02/10/2000 | Not Required | Not Required | These regulations are not required to be adopted for purposes of Compatibility. (See STP-97-078) |
| 1997-5 | Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiography Operations Parts 30, 34, 71, 150 62 FR 28947 | 06/27/2000 | Final ML020280299 | Comments 02/15/2002 ML020460125 | |
| 1997-6 | Radiological Criteria for License Termination Parts 20, 30, 40, 70 62 FR 39057 | 08/20/2000 | Final ML011510385 | No Comments 11/15/2001 ML013100191 | |
| 1997-7 | Exempt Distribution of a Radioactive Drug Containing One Micro curie of Carbon-14 Urea Part 30 62 FR 63634 | 01/02/2001 | Final | No Comments 01/06/1999 | |

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|---------|--|-----------------------------|----------------------|--|--|
| 1998-1 | Deliberate Misconduct by Unlicensed Persons Parts 30, 40, 61, 70, 71, 150 63 FR 1890; 63 FR 13773 | 02/12/2001 | Final ML011510385 | No Comments 11/15/2001 ML013100191 | |
| 1998-2 | Self-Guarantee of Decommissioning Funding by Nonprofit and Non-Bond-Issuing Licensees Parts 30, 40, 70 63 FR 29535 | 07/01/2001 | Not Required | Not Required | These regulations are not required to be adopted for purposes of Compatibility. |
| 1998-3 | License Term for Medical Use Licenses Part 35 63 FR 31604 (Superseded by 2002-2) | 07/10/2001 | Not Required | Not Required | These regulations are not required to be adopted for purposes of Compatibility. (See STP-98-074) Louisiana has adopted Final Regulations equivalent to RATS ID: 2002-2. |
| 1998-4 | Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations Part 34 63 FR 37059 | 07/09/2001 | Final ML062480284 | No Comments 10/23/2006 ML062960278 | |
| 1998-5 | Minor Corrections, Clarifying Changes, and a Minor Policy Change Parts 20, 32, 35, 36, 39 63 FR 39477; 63 FR 45393 | 10/26/2001 | Final ML011510385 | Comments 11/15/2001 ML013100191 | |
| 1998-6 | Transfer for Disposal and Manifests: Minor Technical Conforming Amendment Part 20 63 FR 50127 | 11/20/2001 | Final ML062480284 | No Comments 10/23/2006 ML062960278 | |
| 1999-1 | Radiological Criteria for License Termination of Uranium Recovery Facilities Part 40 64 FR 17506 | 06/11/2002 | Not Applicable | Not Applicable | Louisiana does not have the authority to regulate this material under its Agreement. |
| 1999-2 | Requirements for Those Who Possess Certain Industrial | 10/04/2002 | Not Required | Not Required | These regulations are not required to |

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|---------|---|-----------------------------|----------------------|--|---|
| | Devices Containing Byproduct Material to Provide Requested Information Part 31 64 FR 42269 | | | | be adopted for purposes of Compatibility. |
| 1999-3 | Respiratory Protection and Controls to Restrict Internal Exposure Part 20 64 FR 54543; 64 FR 55524 | 02/02/2003 | Final ML061720127 | No Comments 07/27/2006 ML062120471 | |
| 2000-1 | Energy Compensation Sources for Well Logging and Other Regulatory Clarifications Part 39 65 FR 20337 | 05/17/2003 | Final ML080800500 | No Comments 04/14/2008 ML081050467 | |
| 2000-2 | New Dosimetry Technology Parts 34, 36, 39 65 FR 63750 | 01/08/2004 | Final ML041880305 | No Comments 08/26/2004 ML042390322 | |
| *2001-1 | Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material Parts 30, 31, 32 65 FR 79162 | 02/16/2004 | Final ML14083A568 | No Comments 06/12/2014 ML14083A554 | |
| 2002-1 | Revision of the Skin Dose Limit Part 20 67 FR 16298 | 04/05/2005 | Final ML062480284 | No Comments 11/27/2006 ML063180075 | |
| 2002-2 | Medical Use of Byproduct Material Parts 20, 32, 35 67 FR 20249 | 10/24/2005 | Final ML061720127 | No Comments 07/27/2006 ML062120471 | |
| 2003-1 | Financial Assurance for Materials Licensees Parts 30, 40, 70 68 FR 57327 | 12/03/2006 | Final ML062480284 | No Comments 10/23/2006 ML062960278 | |
| 2004-1 | Compatibility With IAEA Transportation Safety Standards and Other Transportation Safety Amendments | 10/01/2007 | Final ML090480013 | No Comments 04/01/2009 | |

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|---------|--|-----------------------------|----------------------------------|--|-------|
| | Part 71 69 FR 3697 | | | ML090710728 | |
| 2005-1 | Security Requirements for Portable Gauges Containing Byproduct Material Part 30 70 FR 2001 | 07/11/2008 | Final ML081080146 | No Comments 05/29/2008 ML081500119 | |
| 2005-2 | Medical Use of Byproduct Material - Recognition of Specialty Boards Part 35 70 FR 16336; 71 FR 1926 | 04/29/2008 | Final ML090480013 | No Comments 04/01/2009 ML090710728 | |
| 2005-3 | Increased Controls for Risk-Significant Radioactive Sources (NRC Order EA-05-090) 70 FR 72128 | 12/01/2005 | License Condition ML052900105 | No Comments 10/20/2005 ML052930327 | |
| 2006-1 | Minor Amendments Parts 20, 30, 32, 35, 40 and 70 71 FR 15005 | 03/27/2009 | Final ML093360142 | Comments 01/26/2010 ML093521321 | |
| 2006-2 | National Source Tracking System - Serialization Requirements Part 32 with reference to Part 20 Appendix E 71 FR 65685 | 02/06/2007 | Final ML080800500 | No Comments 04/14/2008 ML081050467 | |
| 2006-3 | National Source Tracking System Part 20 71 FR 65685, 72 FR 59162 | 01/31/2009 | Final ML080800500 | No Comments 04/14/2008 ML081050467 | |
| 2007-1 | Medical Use of Byproduct Material - Minor Corrections and Clarifications Parts 32 and 35 72 FR 45147, 54207 | 10/29/2010 | Final ML121230290 | Comments 05/23/2012 ML12129A352 | |
| 2007-2 | Exemptions From Licensing, General Licenses, and Distribution of Byproduct Material: Licensing and Reporting Requirements Parts 30, 31, 32, 150 | 12/17/2010 | Final ML12338A037 | Comments 03/28/2013 ML13009A386 | |

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|---------|--|-----------------------------|----------------------------------|--|-------|
| | 72 FR 58473 | | | | |
| 2007-3 | Requirements for Expanded Definition of Byproduct Material Parts 20, 30, 31, 32, 33, 35, 61, 150 72 FR 55864 | 11/30/2010 | | | |
| 2007-4 | Order Imposing Fingerprinting Requirements and Criminal History Records Check Requirements for Unescorted Access to Certain Radioactive Material NRC Order EA-07-305 72 FR 70901 | 06/05/2008 | License Condition ML080800499 | No Comments 03/27/2008 MI080870350 | |
| 2008-1 | Occupational Dose Records, Labeling Containers, and Total Effective Dose Equivalent Parts 19, 20 72 FR 68043 | 02/15/2011 | Final ML12338A037 | Comments 03/28/2013 ML13009A386 | |
| 2009-1 | Medical Use of Byproduct Material – Authorized User Clarification Part 35 74 FR 33901 | 09/28/2012 | Final ML12338A037 | Comments 03/28/2013 ML13009A386 | |
| 2011-1 | Decommissioning Planning Parts 20, 30, 40, 70 76 FR 35512 | 12/17/2015 | | | |
| *2011-2 | Licenses, Certifications, and Approvals for Materials Licensees Parts 30, 36, 39, 40, 70, and 150 76 FR 56951 | 11/14/2014 | Proposed ML14083A568 | No Comments 06/12/2014 ML14083A554 | |
| *2012-1 | Change of Compatibility of 10 CFR 31.5 and 31.6 (See RATS ID: 2001-1 for Rule text) 77 FR 3640 | 01/25/2015 | Final ML14083A568 | No Comments 06/12/2014 ML14083A554 | |

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|---------|---|-----------------------------|-------------------------|--|-------|
| *2012-2 | Advance Notification to Native American Tribes of Transportation of Certain Types of Nuclear Waste Part 71 77 FR 34194 | 08/10/2015 | Proposed ML14083A568 | Comments 06/12/2014 ML14083A554 | |
| *2012-3 | Technical Corrections Part 30, 34, 40 and 71 77 FR 39899 | 08/06/2015 | Proposed ML14083A568 | No Comments 06/12/2014 ML14083A554 | |
| 2012-4 | Requirements for Distribution of Byproduct Material Parts 30, 31, 32, 40 and 70 77 FR 43666 | 10/23/2015 | | | |
| 2013-1 | Physical Protection of Byproduct Material, 10 CFR Parts 20, 30, 32, 33, 34, 35, 36, 37, 39, and 71 78 FR 16922 | 03/19/2016 | | | |
| 2013-2 | Distribution of Source Material to Exempt Persons and to General Licensees and Revision of General License and Exemptions, 10 CFR Parts 30, 40, and 70 78 FR 32310 | 08/27/2016 | | | |

ⁱ IMPEP Team: verify that Louisiana does not have any licensees subject to these regulations during each review.