



D&amp;D (SP03)

RLB2  
PHL  
SCP  
KXS

## State of Louisiana

## Department of Environmental Quality

M.J. "MIKE" FOSTER, JR.  
GOVERNOR

December 18, 1996

J. DALE GIVENS  
SECRETARY

Paul H. Lohaus, Deputy Director  
Office of State Programs  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Re: Proposed Management Directive 5.8, "Proposed  
274b Agreements with States"

Dear Mr. Lohaus:

The Louisiana Radiation Protection Division has reviewed the above referenced document and would like to offer additional comments to those already provided by the State of Illinois, which we would have difficulty improving. Louisiana signed an agreement with the AEC on May 1, 1967, and desires to continue this relationship with NRC so long as resources are available and it does not become excessively burdensome.

We would strongly emphasize our agreement of the position stated by Illinois concerning the concept of mutual cooperation and that both parties should exercise their best efforts to be compatible **with each other**. This has been the cornerstone of the Agreement State program, and it has no equivalent in any other state-federal program of which we are aware. Furthermore, if anything, this relationship should be strengthened, not weakened. As pointed out, this language was fought for long and hard by New York, and we would add "and other states." If implemented as proposed, it would bring the states one step closer to being licensees of the NRC.

Louisiana also agrees that the proposed directive needs to be provided to **all** states, since it potentially affects all. If this document is adopted essentially unchanged, at what point will Congress or the GAO suggest to NRC that all state agreements without the same wording be re-negotiated for uniformity or some other reason? Furthermore, if the wording for agreements presently in existence is "grand fathered," then it would seem that new Agreement States will be treated differently from others. There generally appears to be laws prohibiting such discrimination.

Licenses transferred when a state becomes an Agreement State have traditionally been "as is," and the state is expected to convert these into their licenses within a reasonable time (whatever that is). In the past, the status of the conversion has often been questioned during program reviews. We concur with Illinois that the new Agreement State should not be expected to clear up the backlog of NRC work.

9612300082 961218  
PDR STPRG ESGLA  
PDR

SP-A-4  
SP-C-6  
SP-AG-13



recycled paper

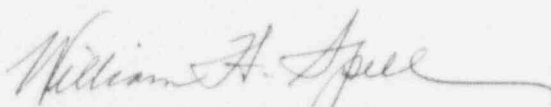
OFFICE OF AIR QUALITY AND RADIATION PROTECTION . P.O. BOX 82135 . BATON ROUGE, LOUISIANA 70884-2135  
RADIATION PROTECTION DIVISION . TELEPHONE (504) 765-0160 . FAX (504) 765-0220  
AN EQUAL OPPORTUNITY EMPLOYER

With regard to the "phased-in" approach, it is unclear what has happened to make this necessary as a requirement. Have there been instances where states were not ready, willing and able to take on the full program *if they so desired*? We believe this approach should be utilized only on request of the prospective new Agreement State and that it not be a requirement essentially "etched in stone." A final question revolves around whether or not the Atomic Energy Act needs to be amended in order to require this. Your legal staff should be able to answer this question.

In conclusion, these and other recent actions of the NRC related to Agreement States appear to bring about, in the NRC's own words, ".....a less cooperative, and less supportive, action by the NRC.....", and "[I]t could further strain the fragile relationship that now exists between NRC and a number of Agreement States."

Thank you for the opportunity to comment on this important issue.

Very truly yours,

A handwritten signature in cursive script, reading "William H. Spell".

William H. Spell, Administrator  
Radiation Protection Division

/whs

c: NRC, Region IV  
Conference of Radiation Control  
Program Directors, Inc.



D2D (SP03) RAB2  
PHL  
SLP  
KXS

# State of Louisiana

## Department of Environmental Quality



M.J. "MIKE" FOSTER, JR.  
GOVERNOR

December 18, 1996

J. DALE GIVENS  
SECRETARY

Paul H. Lohaus, Deputy Director  
Office of State Programs  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Re: Proposed Management Directive 5.8, "Proposed  
274b Agreements with States"

Dear Mr. Lohaus:

The Louisiana Radiation Protection Division has reviewed the above referenced document and would like to offer additional comments to those already provided by the State of Illinois, which we would have difficulty improving. Louisiana signed an agreement with the AEC on May 1, 1967, and desires to continue this relationship with NRC so long as resources are available and it does not become excessively burdensome.

We would strongly emphasize our agreement of the position stated by Illinois concerning the concept of mutual cooperation and that both parties should exercise their best efforts to be compatible with each other. This has been the cornerstone of the Agreement State program, and it has no equivalent in any other state-federal program of which we are aware. Furthermore, if anything, this relationship should be strengthened, not weakened. As pointed out, this language was fought for long and hard by New York, and we would add "and other states." If implemented as proposed, it would bring the states one step closer to being licensees of the NRC.

Louisiana also agrees that the proposed directive needs to be provided to all states, since it potentially affects all. If this document is adopted essentially unchanged, at what point will Congress or the GAO suggest to NRC that all state agreements without the same wording be re-negotiated for uniformity or some other reason? Furthermore, if the wording for agreements presently in existence is "grand fathered," then it would seem that new Agreement States will be treated differently from others. There generally appears to be laws prohibiting such discrimination.

Licenses transferred when a state becomes an Agreement State have traditionally been "as is," and the state is expected to convert these into their licenses within a reasonable time (whatever that is). In the past, the status of the conversion has often been questioned during program reviews. We concur with Illinois that the new Agreement State should not be expected to clear up the backlog of NRC work.



recycled paper

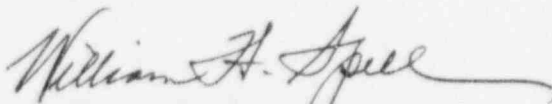
OFFICE OF AIR QUALITY AND RADIATION PROTECTION . P.O. BOX 82135 . BATON ROUGE, LOUISIANA 70884-2135  
RADIATION PROTECTION DIVISION . TELEPHONE (504) 765-0160 . FAX (504) 765-0220  
AN EQUAL OPPORTUNITY EMPLOYER

With regard to the "phased-in" approach, it is unclear what has happened to make this necessary as a requirement. Have there been instances where states were not ready, willing and able to take on the full program *if they so desired*? We believe this approach should be utilized only on request of the prospective new Agreement State and that it not be a requirement essentially "etched in stone." A final question revolves around whether or not the Atomic Energy Act needs to be amended in order to require this. Your legal staff should be able to answer this question.

In conclusion, these and other recent actions of the NRC related to Agreement States appear to bring about, in the NRC's own words, ".....a less cooperative, and less supportive, action by the NRC.....", and "[I]t could further strain the fragile relationship that now exists between NRC and a number of Agreement States."

Thank you for the opportunity to comment on this important issue.

Very truly yours,

A handwritten signature in cursive script, reading "William H. Spell".

William H. Spell, Administrator  
Radiation Protection Division

/whs

c: NRC, Region IV  
Conference of Radiation Control  
Program Directors, Inc.



# State of Louisiana

## Department of Environmental Quality

D.C.D. (SP03)  
RIBZ  
PAH  
SCP  
KXS



M.J. "MIKE" FOSTER, JR.  
GOVERNOR

December 18, 1996

J. DALE GIVENS  
SECRETARY

Paul H. Lohaus, Deputy Director  
Office of State Programs  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Re: Proposed Management Directive 5.8, "Proposed  
274b Agreements with States"

Dear Mr. Lohaus:

The Louisiana Radiation Protection Division has reviewed the above referenced document and would like to offer additional comments to those already provided by the State of Illinois, which we would have difficulty improving. Louisiana signed an agreement with the AEC on May 1, 1967, and desires to continue this relationship with NRC so long as resources are available and it does not become excessively burdensome.

We would strongly emphasize our agreement of the position stated by Illinois concerning the concept of mutual cooperation and that both parties should exercise their best efforts to be compatible with each other. This has been the cornerstone of the Agreement State program, and it has no equivalent in any other state-federal program of which we are aware. Furthermore, if anything, this relationship should be strengthened, not weakened. As pointed out, this language was fought for long and hard by New York, and we would add "and other states." If implemented as proposed, it would bring the states one step closer to being licensees of the NRC.

Louisiana also agrees that the proposed directive needs to be provided to all states, since it potentially affects all. If this document is adopted essentially unchanged, at what point will Congress or the GAO suggest to NRC that all state agreements without the same wording be re-negotiated for uniformity or some other reason? Furthermore, if the wording for agreements presently in existence is "grand fathered," then it would seem that new Agreement States will be treated differently from others. There generally appears to be laws prohibiting such discrimination.

Licenses transferred when a state becomes an Agreement State have traditionally been "as is," and the state is expected to convert these into their licenses within a reasonable time (whatever that is). In the past, the status of the conversion has often been questioned during program reviews. We concur with Illinois that the new Agreement State should not be expected to clear up the backlog of NRC work.



recycled paper

OFFICE OF AIR QUALITY AND RADIATION PROTECTION . P.O. BOX 82135 . BATON ROUGE, LOUISIANA 70804-2135  
RADIATION PROTECTION DIVISION . TELEPHONE (504) 765-0160 . FAX (504) 765-0220  
AN EQUAL OPPORTUNITY EMPLOYER

SP-A-4  
SP-C-6  
SP-AG-13  
Cross-Ref. Copy  
9612300082  
NRC FILE CENTER COPY

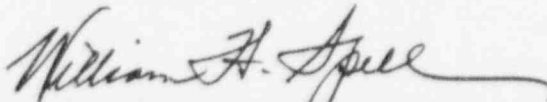


With regard to the "phased-in" approach, it is unclear what has happened to make this necessary as a requirement. Have there been instances where states were not ready, willing and able to take on the full program *if they so desired*? We believe this approach should be utilized only on request of the prospective new Agreement State and that it not be a requirement essentially "etched in stone." A final question revolves around whether or not the Atomic Energy Act needs to be amended in order to require this. Your legal staff should be able to answer this question.

In conclusion, these and other recent actions of the NRC related to Agreement States appear to bring about, in the NRC's own words, ".....a less cooperative, and less supportive, action by the NRC.....", and "[I]t could further strain the fragile relationship that now exists between NRC and a number of Agreement States."

Thank you for the opportunity to comment on this important issue.

Very truly yours,

A handwritten signature in dark ink, appearing to read "William H. Spell", with a long, sweeping horizontal line extending to the right.

William H. Spell, Administrator  
Radiation Protection Division

/whs

c: NRC, Region IV  
Conference of Radiation Control  
Program Directors, Inc.