

APR - 4 1997

Mr. William H. Spell, Administrator
Radiation Protection Division
Office of Air Quality and Radiation Protection
Department of Environmental Quality
7220 Bluebonnet Road
P.O. Box 82135
Baton Rouge, LA 70884-2135

Dear Mr. Spell:

We have reviewed the draft proposed revisions dated March 20, 1997 that were faxed to the Office of State Programs on March 4, 1997. These proposed revisions are the equivalent to NRC's regulations for "Definition of Land Disposal and Waste Site QA Program," 10 CFR Part 61 (58 FR 39628) that became effective on July 22, 1993 and "Decommissioning Recordkeeping Documentation of Restricted Areas and Spill Sites," 10 CFR Parts 30 and 40 (58 FR 39628) that became effective on October 25, 1993. Louisiana has drafted equivalent regulations for public comment, but they have not yet become effective. Per your discussion with Mrs. Schneider on March 19, 1997, we understand that these proposed revisions will be published in April for public comment.

As a result of the review of the March 20, 1997 draft revision, we have no comments. Under our current procedure, a finding that a rule meets the compatibility requirements may only be made based on a review of the final text of the rule. However, we have determined that if the proposed rules were adopted without significant change, they would be compatible.

We request that when the proposed revisions to the rules are adopted and published as final rules, a copy of the "as published" rules be provided to the Regional State Agreements Officer for review. As requested in our All Agreement States Letter SP-96-027, "Request to Highlight Changes to Agreement State Regulations Submitted to NRC for Compatibility Review" (March 1, 1996), please highlight the final changes.

If you have any questions, please contact me at 301-415-2326.

Sincerely
Original Signed By:
PAUL H. LOHAUS /PML
Paul H. Lohaus, Deputy Director
Office of State Programs

Distribution:
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Louisiana File

DCD (SP08)
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*See previous concurrence.

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DATE	03/26/97*	03/26/97*	04/3/97*	05/04/97	

OSP FILE CODE:SP-AG-12

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PDR STPRG ESGLA
PDR



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

April 4, 1997

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A handwritten signature in cursive script, reading "Paul H. Lohaus", is written over the typed name.

Paul H. Lohaus, Deputy Director
Office of State Programs

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DATE	03/26/97*	03/26/97*	03/2/97	03/ /97	

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NAME	KSchneider:gd	PHLohaus	FXCameron	RLBangart	
DATE	03/24/97	03/26/97	03/ /97	03/ /97	

OSP FILE CODE:SP-AG-12

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ROUTING AND TRANSMITTAL SLIP

DATE: MARCH 26, 1997

CONCURRENCE REQUESTED

INITIALS

DATE

F. CAMERON, OGC

3/ /97

LETTER TO: WILLIAM H. SPELL, ADMINISTRATOR
RADIATION PROTECTION DIVISION
OFFICE OF AIR QUALITY AND RADIATION PROTECTION
LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY

FROM: PAUL H. LOHAUS, DEPUTY DIRECTOR
OFFICE OF STATE PROGRAMS

SUBJECT: LOUISIANA PROPOSED REGULATIONS FOR RECORDKEEPING
AND LLW QA/QC

YOUR CONCURRENCE IS REQUESTED BY C.O.B. APRIL 9, 1997.

OSP CONTACT: KATHY SCHNEIDER (415-2320)

PLEASE CALL KATHALEEN KERR (415-3340) FOR PICK UP.

Rule Package: Louisiana Proposed regulations for Record keeping and LLW QA/QC

Division and

CFR citation

Rule subject

State citation

Comments

10 CFR Part 30 RULES OF GENERAL APPLICABILITY TO DOMESTIC LICENSING OF BYPRODUCT MATERIAL

2	30.35	Financial assurance and recordkeeping for decommissioning	[]325.D.7.d	:(amended effective 11/24/95; 6/17/96) proposed text identical to NRC text in 30.35g(3)
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10 CFR Part 61 LICENSING REQUIREMENTS FOR LAND DISPOSAL OF RADIOACTIVE WASTE

1	61.2	Definitions	[]1302.A	:State added revised definition for land disposal facility which is identical to NRC definition. State also included definition of geological repository from Part 60, since this was a term used in the land disposal facility definition. Definition of geological repository is identical to NRC definition.
2	61.12	Specific technical information	[]1307.J	:Identical to 61.12j for quality assurance program

Post-it* Fax Note

7671

Date

3/4

of pages

To

Paul Lohman

From

Bill Spivey

Co./Dept.

Co.

Phone #

Phone #

Draft/March 20, 1997

NE18

Title 32

ENVIRONMENTAL QUALITY

Part XV. Radiation Protection

Chapter 3. Licensing of Radioactive Material

§325. General Requirements for the Issuance of Specific Licenses

* * *

[See Prior Text in A - D.7.c]

d. Except for areas containing only sealed sources (provided the sources have not leaked or no contamination remains after any leakage has occurred) or byproduct materials having only half-lives of less than 65 days, a list contained in a single document and updated every 2 years shall be kept of the following:

i. all areas designated and formerly designated restricted areas as defined in LAC 33:XV.102;

ii. all areas outside of restricted areas that require documentation under LAC 33:XV.325.D.7.a.;

iii. all areas outside of restricted areas where current and previous wastes have been buried as documented under LAC 33:XV.478; and

iv. all areas outside of restricted areas which contain material such that, if the license expired, the licensee would be required to either decontaminate the area to unrestricted release levels or apply for approval for disposal under LAC 33:XV.461.

Draft/March 20, 1997

NE18

AUTHORITY NOTE: , Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Repealed and repromulgated by the Department of Environmental Quality, Office of Air Quality and Radiation, Radiation Protection Division, LR 18:34 (January 1992), amended ***.

Draft/March 20, 1997

NE18

Title 33
ENVIRONMENTAL QUALITY
Part XV. Radiation Protection

Chapter 13. Licensing Requirements for Land Disposal of
Radioactive Waste

Subchapter A. General Provisions

§1302. Definitions

A. As used in this Chapter, the following definitions apply:

* * *

[See Prior Text]

Geologic Repository—a system which is intended to be used, or may be used for, the disposal of radioactive waste in excavated geologic media. A geologic repository includes: (1) the geologic repository operations area, and (2) the portion of the geologic setting that provides isolation of the radioactive waste.

* * *

[See Prior Text]

Land Disposal Facility—the land, buildings, and equipment which is intended to be used for the disposal of wastes into the subsurface of the land. the land, buildings, structures, and equipment which are intended to be used for the disposal of radioactive wastes. For purposes of this chapter, a "geologic repository" is not considered a "land disposal facility."

* * *

[See Prior Text]

Draft/March 20, 1997

NE18

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), Office of Air Quality and Radiation, Radiation Protection Division, amended ***.

§1307. Specific Technical Information

The specific technical information shall include the following information needed for demonstration that the performance objectives and the applicable technical requirements of this Chapter will be met:

* * *

[See Prior Text in A - I]

J. ~~A description of the quality control program for the determination of natural disposal site characteristics and for quality control during the design, construction, operation, and closure of the land disposal facility and the receipt, handling, and emplacement of waste. Audits and managerial controls must be included.~~ A description of the quality assurance program, tailored to low-level radioactive waste disposal, developed and applied by the applicant for the determination of natural disposal characteristics and for quality assurance during the design, construction, operation, and closure of the land disposal facility and for the receipt, handling, and emplacement of waste.

* * *

[See Prior Text in K - M]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), Office of Air Quality and Radiation Protection, Radiation Protection Division, amended ***.