

DECLARATION OF EMERGENCY

**Department of Environmental Quality
Office of the Secretary
Legal Affairs Division**

**Financial Assurance Correction
(LAC 33:XV.399.Appendix A) (RP042E)**

In accordance with the emergency provision of the Administrative Procedure Act, R.S. 49:953(B), which allows the Department of Environmental Quality to use emergency procedures to establish rules, and under the authority of R.S. 30:2011, the secretary of the department hereby declares that an emergency action is necessary to correct a discrepancy in the radiation regulations regarding financial assurance amounts.

The appendix showing financial assurance arrangements is being updated to reflect the financial assurance amendments made in state rule activity RP039ft, finalized July 20, 2005, to mirror the federal regulations for financial assurance requirements. In this rulemaking the amounts of financial assurance required for decommissioning by licensees were increased to mirror the federal regulations. The updates to the amounts in the appendix were overlooked in the rulemaking at that time. This oversight has been brought to the attention of the department and needs to be corrected in a timely manner to keep the financial assurance requirements consistent throughout the radiation regulations. The department has begun rulemaking to promulgate these amendments to correct the regulations.

This Emergency Rule is effective on February 20, 2006, and shall remain in effect for a maximum of 120 days or until a final rule is promulgated, whichever occurs first. For more information concerning RP042E you may contact the Regulation Development Section at (225) 219-3550.

This Emergency Rule is available on the Internet at www.deq.louisiana.gov under Rules and Regulations, and is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 645 N. Lotus Drive, Suite C, Mandeville, LA 70471; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374.

Adopted this 20th day of February, 2006.

Mike D. McDaniel, Ph.D
Secretary

Title 33
ENVIRONMENTAL QUALITY
Part XV. Radiation Protection

Chapter 3. Licensing of Radioactive Material
Subchapter Z. Appendices

§399. Schedules A and B, and Appendices A, B, C, D, E, and F

Schedule A. – Schedule B. ...

Appendix A			
Financial Assurance Arrangements			
Recommended Amounts for Mitigation, Liability, and Decommissioning			
By Title	Clean Up	Third Party &/or Off-Site Damages	Decommissioning
A. Licensees 1. Manufacturing & Distribution 2. Radiography 3. Gauges 4. Well Logging 5. Nuclear Medicine 6. Rad. Therp. 7. Acad. 8. R & D 9. Instru. Calib. 10. Irradiators 11. Ind. other than gauges 12. Consultants 13. General Lic. 14. Others not listed in category A	As determined by the chosen method	As determined by the chosen method	For Category A as a whole by quantity of material (Q): 1. $Q > 10^{10}$ x LAC 33:XV.399.Appendix D, as sealed sources = \$113,000 \$75,000 . 2. $(10^4 \times \text{LAC 33:XV.399.Appendix D, unsealed sources}) \geq Q > (10^3 \times \text{LAC 33:XV.399.Appendix D, unsealed sources})$, or 10-100 mCi source materials, dispersible form = \$225,000 \$150,000 . 3. $(10^5 \times \text{LAC 33:XV.399.Appendix D, unsealed sources}) \geq Q > (10^4 \times \text{LAC 33:XV.399.Appendix D, unsealed sources})$ = \$1,125,000 \$750,000 .
B. Low Quantity 1. In Vitro 2. Gas Chromatograph 3. Greater than or Equal to 100 x to 1000 x Exempt Quantity 4. Unsealed, discrete alpha emitters, 10 μ Ci total 5. Check sources of sufficient quantity to require leak testing	As determined by the chosen method	As determined by the chosen method	NA for this category.

Appendix B. – Appendix F. ...

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), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), LR 20:180 (February 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2574 (November 2000), LR 27:1228 (August 2001), amended by the Office of Environmental Assessment, LR 31:46 (January 2005), LR 31:1580 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2528 (October 2005), LR 32:**.