

May 19, 2000

Mr. T. Pearce O'Kelley, Chief
Radiological Health Branch
Department of Health and Environmental Control
2600 Bull Street
Columbia, SC 29201

Dear Mr. O'Kelley:

As requested, we have reviewed the proposed regulation revisions to South Carolina Radioactive Materials Regulation 61-63, Title A, May 11, 2000, provided to us by letter dated March 30, 2000. The proposed regulations are in response to the 6 amendments identified in the enclosed Regulation Assessment Tracking System (RATS) Data Sheet. The regulations were reviewed by comparison to the equivalent NRC regulations in 10 CFR Parts 20, 30, 34, and 150. Mr. Woodruff also discussed our review of the regulations with Mr. Peterson of your staff on April 17, 2000, and his preliminary comments and a RATS Data Sheet were sent to you by e-mail on April 17, 2000.

As a result of our review we have one comment that has 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 a State regulation meets the compatibility and health and safety categories of the equivalent NRC regulation may only be made based on a review of the final State regulation. However, we have determined that if your proposed regulations were adopted incorporating the comment and without other significant change, they would meet the compatibility and health and safety categories established in the Office of State and Tribal Programs (STP) Procedure SA-200.

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 STP Procedure SA-201, Review of State Regulations, November 10, 1998, please highlight the final changes and send one copy in a computer readable format, if possible.

We have also summarized on the RATS Data Sheet our knowledge of the status of other South Carolina regulations. Please let us know if you note any inaccuracies or have any comments on the information contained in the RATS Data Sheet.

If you have any questions regarding the comment, the compatibility and health and safety categories, or any of the NRC regulations used in the review, please contact me or Richard Woodruff at 404-562-4704 or RLW@NRC.GOV.

Sincerely,

/RA/

Frederick C. Combs, Deputy Director
Office of State and Tribal Programs

Enclosures:
As stated

cc: Virgil Autry, SC

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South Carolina File

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PDR (YES)

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**COMMENTS ON PROPOSED SOUTH CAROLINA RADIOACTIVE MATERIALS
REGULATION 61-63 (TITLE A) AGAINST COMPATIBILITY AND HEALTH AND SAFETY CATEGORIES**

State Regulation	NRC Regulation	RATS ID	Category	Subject
RHA 2.21.1 RHA 2.21.1.5	150.20.1	1997-2	C	<p>Reciprocity</p> <p>The current wording is sufficient to provide for licensees from other Agreement States or the NRC to work under reciprocity in South Carolina jurisdiction.</p> <p>The proposed words <u>in Non-Agreement States;</u> <u>Areas of exclusive Federal jurisdiction within</u> <u>Agreement States;</u> and <u>offshore waters</u> should be removed from RHA 2.21.1 and 2.21.1.5 to meet the compatibility category.¹</p>

1. During the telephone discussion between Mr. Woodruff and Mr. Peterson, April 17, 2000, Mr. Peterson related that the words underlined in the comment would be removed from the proposed text.

RATS DATA SHEET

State: South Carolina

Tracking Ticket Number: 0-95

[6 proposed amendments (5/11/00) identified by★]

Date: May 19, 2000

NRC Chronology Identification	FR Notice (State Due Date)	RATS ID	Proposed/ Final- Comment (Y/N) ¹	NRC Review Date	Final Regulation ² (Effective Date)
Standards for Protection Against Radiation-Part 20	56 FR 23360 plus others (1/1/94)	1991-3	F-N	8/25/99	9/10/98
Safety Requirements for Radiographic Equipment- Part 34	55 FR 843 (1/10/94)	1991-1	F-N	Review 6/14/95	5/26/93
ASNT Certification of Radiographers-Part 34	56 FR 11504 (none)	1991-2			Not required ³
Notification of Incidents-Parts 20, 30, 31, 34, 39, 40, 70	56 FR 64980 (10/15/94)	1991-4	F-N	Review 6/14/95	5/26/93
Quality Management Program and Misadministrations- Part 35	56 FR 34104 (1/27/95)	1992-1	F-N	Review 6/14/95	5/26/93
Eliminating the Recordkeeping Requirements for Departures from Manufacturer's Instructions- Parts 30, 35	57 FR 45566 (none)	1992-2			Not required
Licensing and Radiation Safety Requirements for Irradiators-Part 36	58 FR 7715 (7/1/96)	1993-2	F-N	8/25/99	6/28/96
Definition of Land Disposal and Waste Site QA Program-Part 61	58 FR 33886 (7/22/96)	1993-3	F-N	6/14/95	6/21/94
Decommissioning Recordkeeping and License Termination: Documentation Additions [Restricted areas and spill sites]-Parts 30, 40	58 FR 39628 (10/25/96)	1993-1	F-N	8/25/99	6/28/96
Self-Guarantee as an Additional Financial Mechanism- Parts 30, 40, 70	58 FR 68726 59 FR 1618 (1/28/97)	1994-1	P-Y	4/3/96	
Uranium Mill Tailings Regulations: Conforming NRC Requirements to EPA Standards-Part 40	59 FR 28220 (7/1/97)	1994-2			Not applicable
Timeliness in Decommissioning Material Facilities- Parts 30, 40, 70	59 FR 36026 (8/15/97)	1994-3	F-N	8/25/99	6/28/96
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 (1/1/98)	1995-1	F-N	8/25/99	9/10/98
Frequency of Medical Examinations for Use of Respiratory Protection Equipment-Part 20	60 FR 7900 (3/13/98)	1995-2	F-N	8/25/99	9/10/98

NRC Chronology Identification	FR Notice (State Due Date)	RATS ID	Proposed/ Final- Comment (Y/N)¹	NRC Review Date	Final Regulation² (Effective Date)
Low-Level Waste Shipment Manifest Information and Reporting-Parts 20, 61	60 FR 15649 60 FR 25983 (3/1/98)	1995-3	F-N	8/25/99	6/28/96
Performance Requirements for Radiography Equipment- Part 34	60 FR 28323 (6/30/98)	1995-4	F-N	8/25/99	9/10/98
Radiation Protection Requirements: Amended Definitions and Criteria-Parts 19, 20	60 FR 36038 (8/14/98)	1995-5	F-N	8/25/99	9/10/98
Clarification of Decommissioning Funding Requirements-Parts 30, 40, 70	60 FR 38235 (11/24/98)	1995-6	F-N	8/25/99	9/10/98
Medical Administration of Radiation and Radioactive Materials-Parts 20, 35	60 FR 48623 (10/20/98)	1995-7	F-N	8/25/99	9/10/98
10 CFR Part 71: Compatibility with the International Atomic Energy Agency-Part 71	60 FR 50248 61 FR 28724 (4/1/99)	1996-1	F-N	8/25/99	
One Time Extension of Certain Byproduct, Source and Special Nuclear Materials Licenses-Parts 30, 40, 70	61 FR 1109 (none)	1996-2			Not required
Termination or Transfer of Licensed Activities: Recordkeeping Requirements-Parts 20, 30, 40, 61, 70	61 FR 24669 (6/17/99)	1996-3	F-N	8/25/99	9/10/98
Resolution of Dual Regulation of Airborne Effluents of Radioactive Materials; Clean Air Act-Part 20	61 FR 65119 (1/9/00)	1997-1	P-N	6/21/99	
Fissile Material Shipments and Exemptions-Part 71	62 FR 5907 (none)	1997-4			Not required
★ Recognition of Agreement State Licenses in Areas Under Exclusive Federal Jurisdiction Within an Agreement State-Part 150	62 FR 1662 (2/27/00)	1997-2	P-Y	5/19/00	
★ Criteria for the Release of Individuals Administered Radioactive Material-Parts 20, 35	62 FR 4120 (5/29/00)	1997-3	P-N	5/19/00	
★ Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiography Operations-Parts 30, 34, 71, 150	62 FR 28948 (6/27/00)	1997-5	P-N	5/19/00	
Radiological Criteria for License Termination-Parts 20, 30, 40, 70	62 FR 39057 (8/20/00)	1997-6	P-Y	6/21/99	
★ Exempt Distribution of a Radioactive Drug Containing One Microcurie of Carbon-14 Urea-Part 30	62 FR 63634 (½/01)	1997-7	P-N	5/19/00	

NRC Chronology Identification	FR Notice (State Due Date)	RATS ID	Proposed/ Final- Comment (Y/N)¹	NRC Review Date	Final Regulation² (Effective Date)
★ Deliberate Misconduct by Unlicensed Persons- Parts 30, 40, 61, 70, 150	63 FR 1890 63 FR 13773 (2/12/01)	1998-1	P-N	5/19/00	
Self-Guarantee of Decommissioning Funding by Nonprofit and Non-Bond-Issuing Licensees- Parts 30, 40, 70	63 FR 29535 (none)	1998-2			Not required
License Term for Medical Use Licenses- Part 35	63 FR 31604 (none)	1998-3			Not required
★ Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations-Part 34	63 FR 37059 (7/9/01)	1998-4	P-N	5/19/00	
Minor Corrections, Clarifying Changes, and a Minor Policy Change-Parts 20, 35, 36	63 FR 39347 63 FR 45393 (10/26/01)	1998-5			
Transfer for Disposal and Manifests: Minor Technical Conforming Amendment-Part 20	63 FR 50127 (11/20/01)	1998-6			
Radiological Criteria for License Termination of Uranium Recovery Facilities-Part 40	64 FR 17506 (6/11/02)	1999-1			
Requirements for Those Who Possess Certain Industrial Devices Containing Byproduct Material to Provide Requested Information-Part 31	64 FR 42269 (none)	1999-2			Not required
Respiratory Protection and Control to Restrict Internal Exposure - Part 20	64 FR 54543 64 FR 55525 (2/2/03)	1999-3			

1. (Y/N) Y means "Yes," there are comments in the review letter that the State needs to address.
2. Or other generic Legally Binding Requirement.
3. Not required means these regulations are not required for purposes of compatibility.