



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION II
SAM NUNN ATLANTA FEDERAL CENTER
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ATLANTA, GEORGIA 30303-8931

January 11, 2001

Mr. Henry J. Porter, Assistant Director
Division of Hazardous, Infectious, and
Radioactive Waste Management
Environmental Quality Control
Department of Health and Environmental Control
2600 Bull Street
Columbia, SC 29201

Dear Mr. Porter:

A periodic meeting with South Carolina was held on December 19, 2000. The purpose of this meeting was to review and discuss the status of South Carolina's Agreement State program. The NRC was represented by Mr. Lance J. Rakovan from the NRC's Office of State and Tribal Programs, and me. Specific topics and issues of importance discussed at the meeting included program strengths, staffing and training, performance of licensing and inspection activities, reporting of events, and the updating of regulations for compatibility.

As we discussed during the meeting, we also met with Mr. T. Pearce O'Kelley, Chief, Bureau of Radiological Health during the afternoon of December 19, 2000. The enclosed meeting summary includes our discussions with both organizations and documents specific actions that will be taken as a result of the meeting. A copy of this meeting summary is also being provided under separate cover to Mr. O'Kelley for his review.

If you feel that our conclusions do not accurately summarize the meeting discussion, or have any additional remarks about the meeting in general, please contact me at 404-562-4704, or e-mail to rlw@nrc.gov to discuss your concerns.

Sincerely,
/RA/

Richard L. Woodruff
Regional State Agreement Officer

Enclosure: As stated

cc w/encl:
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L. J. Rakovan, ASPO, OSTP

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AGREEMENT STATE PERIODIC MEETING SUMMARY FOR SOUTH CAROLINA
BUREAU OF RADIOLOGICAL HEALTH AND DIVISION OF WASTE MANAGEMENT

DATE OF MEETING: December 19, 2000

ATTENDEES:

NRC

Richard L. Woodruff, RSAO, Region II
Lance J. Rakovan, ASPO, OSTP

STATE

Pearce O'Kelley, Chief, Bureau of Radiological Health (BRH)
James K. Peterson, Director, Radioactive Materials Division, BRH
Melinda Bradshaw, Manager, Medical Program, Radioactive Materials Division, BRH
John T. Litton, Director, Division of Waste Management (DWM)
Henry J. Porter, Assistant Director, DWM
Rodney Wingard, Manager, Radioactive Waste Section, DWM

DISCUSSION:

A meeting was held with the DWM representatives during the morning of December 19, 2000, and with the BRH representatives during the afternoon of December 19, 2000. During the meetings, the topics listed in NRC letters dated October 17, 2000, to Mr. Porter, and to Mr. O'Kelley were discussed. Details for each area are discussed below. A brief exit summary was held with Mr. Leon B. Frishman, Deputy Commissioner, Health Regulation, following the meeting with Mr. O'Kelley.

Action on Previous Review Findings

The previous review (IMPEP) was conducted on July 12-16, 1999. During this review, three recommendations were made to the State as follows:

1. The review team recommends that the State provide training to technical personnel, either by formal course work or equivalent, in the areas of medical brachytherapy and irradiator technology. (Section 3.3)

Status: One BRH person has completed the course on Teletherapy and Brachytherapy, and another BRH person has completed the Irradiator Technology course.

2. The review team recommends that the State revise their incident and allegation procedures to incorporate appropriate elements following NRC guidance documents. (Section 3.5)

Enclosure

Status: The BRH revised their Incident and allegation procedures following the review and a copy was provided to the NRC at the time of the Management Review Board meeting held on October 6, 1999.

3. The review team recommends that the State obtain copies of the engineering drawings for the SC-0679-D-101-S registered device, and review the drawings for accuracy with the original application, and maintain them in their files. (Section 4.2.1)

Status: The BRH managers related during the meeting that copies of the engineering drawings for the SC-0679-D-101-S device registry had been obtained and were on file.

Program Strengths and/or Weaknesses

In general, both BRH and DWM representatives related that their programs were strong, with adequate support from the Department of Health and Environmental Control (DHEC), legislative support, stable sources of funding, legal support, good equipment, and fully staffed. No performance type weaknesses were identified by NRC during this meeting.

The managers identified one area of concern. The Governor's office proposed a 15% reduction in the budget. This reduction would not affect the funds for the Division of Waste Management but would have considerable affect on the operations of the Bureau of Radiological Health since most of the Bureau's funds are appropriated by the legislature. The BRH managers are in the process of evaluating the proposed budget cuts and the areas affected. BRH estimated that one FTE in staffing could be lost, and that moneys for out of state travel would be affected. The NRC representatives requested that the managers keep the OSTP appraised of the actions taken and the impacts on the agreement program.

Status of Program and/or Policy Changes

There have been no major changes in the staffing of either the BRH or DWM organizations since the last review, except for the retirement of Mr. Virgil Autry from DWM. BRH and DWM both are organized under DHEC. The DHEC organization is divided into two major areas, Health Regulation and Environmental Quality Control. BRH is under Health Regulation, and DWM is under Environmental Quality Control.

BRH has two Divisions, the Division of Radioactive Materials, and the Division of Electronic Products. The Radioactive Materials Division has six persons and reported that they regulate approximately 328 specific licensees, and that the Division is not experiencing any licensing or inspection backlogs at this time.

The DWM, Radioactive Waste Section has nine persons that regulate the Barnwell low-level radioactive waste site and about 15 other waste related facilities. DWM also reported no problems with licensing or inspection backlogs and that the Barnwell site was under timely renewal. Mr. Autry is working part-time as a waste consultant, and is involved with the Barnwell license renewal. The waste site was discussed in general and managers related that the new license would be amended by June 2001, and that the site now accepts waste from all States (other compacts) through the year 2008.

Impact of NRC Program Changes

The NRC representatives discussed NRC program changes that could impact the State, such as the National Materials Working Group, decommissioning of sites, updating of regulations, the reporting of events, self assessments, the next periodic review schedule, and the next IMPEP projected for 2003. The Region II listing for Radiation Control Program Officials was reviewed for accuracy and telephone numbers were updated.

The BRH chief related that many documents received from NRC had the wrong name. A sample envelope was examined and the ASPO related that the address on file for distribution of documents would be checked for accuracy.

Status of Allegations and Allegations Previously Referred

The NRC allegation program was discussed in general with the State representatives. The BRH and the DWM related that there had been no allegations since the previous review, and that allegations are processed on a case-by-case basis, and that follow ups were conducted as needed to close out the issue. NRC representatives noted that there had been no allegations referred to the State by NRC since the last review.

Nuclear Material Events Database (NMED) Reporting

A general discussion was held with BRH and DWM concerning the NMED reporting system. Both organizations have persons trained in the reporting system and indicated that events are being reported as they occur, and no problems or issues were identified with the reporting system.

Prior to the meeting, NRC representatives printed a listing of all events (6) reported by South Carolina since the last review including the event details, and no issues were identified.

Compatibility of State Regulations

South Carolina is unique in that regulations that are required for compatibility can be adopted administratively, and without State legislative approval. Other regulations such as fees must be approved by the legislature. This State policy has allowed the agreement program to quickly adopt regulations needed for compatibility and thus remain compatible over the years.

The BRH and the DWM have an inter-departmental agreement that addresses policies and functions of the respective offices, including the regulation adoption process. The BRH takes the lead for drafting regulations for the agreement program, except for those regulations that are specific to radioactive waste type facilities. Both offices utilize a concurrence system for approval of draft regulations.

The latest chronology of amendments as listed on the Regulation Assessment Tracking System (RATS) was provided to the BRH and the adoption of regulations was discussed. The BRH managers related that the regulation amendments needed for the year 2001 were being drafted for adoption.

Schedule for the Next IMPEP Review

Both offices were informed of the next review under the IMPEP procedure scheduled for FY 2003. The offices were also advised of the advantages of conducting a self assessment utilizing the IMPEP procedure. NRC representatives noted the excellent participation of the Radioactive Materials Division manager on the IMPEP teams.

CONCLUSIONS:

Conclusion #1: Both BRH and DWM have well trained, experienced staff, and their programs by all indications have the resources to be on target, adequate and compatible under the IMPEP criteria. Actions on previous comments have been taken and are being implemented.

No additional action is necessary.

Conclusion #2: OSTP and the Regional State Agreements Officer need to monitor the actions taken by BRH with regard to the anticipated reduction of their budget and the effects on the program.

No action needed at this time, the BRH Chief will keep NRC apprised of the programmatic impacts of the reduction efforts.

Conclusion #3: Documents are being addressed to the wrong individual.

The OSTP will check the distribution address for accuracy.