

November 20, 2002

Mr. James K. Peterson, Director  
Division of Radioactive Material  
Licensing and Compliance  
Bureau of Radiological Health  
Department of Health and Environmental Control  
2600 Bull Street  
Columbia, SC 29201

Dear Mr. Peterson:

As requested, we have reviewed the proposed revisions to South Carolina Radioactive Materials Regulation 61-63, Title A, that was provided to us by letter dated September 26, 2002. The regulations were reviewed by comparison to the equivalent NRC regulations in 10 CFR Parts 20, 30, 31, 32, 34, and 39. We also discussed our review of the regulations with Ms. Melinda Bradshaw of your staff on November 19, 2002.

As a result of our review, we have four comments that have 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 comments 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. Please highlight the final changes and send one copy to STP.

The State Regulation Status (SRS) Data Sheet summarizes our knowledge of the status of other South Carolina regulations as indicated. This letter including the SRS Data Sheet is posted on the STP Web Site: <http://www.hsr.dor.gov/nrc/rulemaking.htm>. If you have any questions regarding the compatibility and health categories, or any of the NRC regulations used in the review, please contact me at 301-415-2325 or Mr. Richard Woodruff at 404-562-4704 or E-mail: RLW@NRC.GOV.

Sincerely,

**/RA Cardelia H. Maupin Acting for/**  
Josephine Piccone, Deputy Director  
Office of State and Tribal Programs

Enclosure:  
As stated

Distribution:

DIR RF (2-234)  
LRakovan, ASPO  
BUilton  
South Carolina File

DCD (SP06) PDR (YES✓)

**RESPONSE TO INCOMING DOCUMENTS: ML022800425**  
**ML022810183 Pkg.**

**DOCUMENT NAME: G:\JGZ\South Carolina\2-234.wpd**

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OFFICE	RASO	STP	OGC	OSP:D
NAME	RWoodruff:kk (via E-Mail)	JZabko	SATreby	JMPiccone (By CHMaupin*)
DATE	10/25/02	10/31/02	11/14/02	11/4/02 11/20/02*

ML023260445 Pkg.

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**COMMENTS ON PROPOSED SOUTH CAROLINA REGULATIONS AGAINST  
COMPATIBILITY AND HEALTH AND SAFETY CATEGORIES**

<b>State Regulation</b>	<b>NRC Regulation</b>	<b>RATS ID</b>	<b>Category</b>	<b>Subject and Comments</b>
RHA 2.7.1.5	32.51a(b)	2001-1	B	<p><b>Byproduct Material Contained in Devices for the Use under 32.5; Requirements for License to Manufacture, or Initially Transfer: (32.51a) Same: Conditions of Licenses</b></p> <p>The intent of 10 CFR 32.51a is for the transfer of material to an entity outside of the NRC jurisdiction. The State uses the words “NRC State” in this section and has omitted reference to Agreement States.</p> <p>The reference to NRC State should be removed. The State should use the words: “...equivalent general license of the NRC or another Agreement State, each person...”, to achieve compatibility.</p>
RHA 2.7.1.5.1	32.51a(b)(4)	2001-1	B	<p><b>Byproduct Material Contained in Devices for the Use under 32.5; Requirements for License to Manufacture, or Initially Transfer: (32.51a) Same: Conditions of Licenses</b></p> <p>The intent of 10 CFR 32.51a is for the transfer of material to an entity outside of the NRC. The State uses the words “NRC State” in its section and has omitted reference to Agreement States.</p> <p>The reference to NRC State should be removed. In the first sentence of 2.7.1.5.1, the State should use the words “A copy of the NRC or Agreement State or regulations equivalent to...” In the second sentence of 2.7.1.5, the State should use the words “...is regulated by the NRC or other Agreement State; ....” to achieve compatibility.</p>

RHA 2.7.1.8	32.51a(e)	2001-1	B	<p><b>Byproduct Material Contained in Devices for the Use under 32.5; Requirements for License to Manufacture, or Initially Transfer: (32.51a) Same: Conditions of Licenses</b></p> <p>The State uses the words “NRC State” in its section and has omitted reference to Agreement States.</p> <p>In the first sentence, the State should use the words “...,upon request, to the Department and to the appropriate regulatory agency, NRC or Agreement State, having jurisdiction at the devices new location” to achieve compatibility.</p>
RHA 2.7.1.5.4	32.51a(b)(4)	2001-1	B	<p><b>(32.51a) Same: Conditions of Licenses</b></p> <p>The State references the NRC as the contact for transfers. The correct reference is the Agreement State or Non-Agreement State the material is being transferred to.</p> <p>The State should revise the sentence to reflect that the contact is the appropriate regulatory agency, NRC or Agreement State, having jurisdiction at the devices new location to achieve compatibility.</p>

## STATE REGULATION STATUS

**State: South Carolina**

**[4 amendments reviewed are identified by a ★  
at the beginning of each equivalent NRC regulation.]**

**Tracking Ticket Number: 2-234**

**Date: November 20, 2002**

NRC Chronology Identification	FR Notice (State Due Date)	RATS ID	Proposed (P) / Final (F) Rule / ML # <sup>5</sup>	NRC Review / Y, N <sup>2</sup> / Date / ML # <sup>5</sup>	Final State Regulation <sup>1</sup> (Effective Date)
Safety Requirements for Radiographic Equipment-Part 34	55 FR 843; (1/10/94)	1991-1	F	N 6/14/95	5/26/93
ASNT Certification of Radiographers-Part 34	56 FR 11504; (none)	1991-2			Not required <sup>3</sup>
Standards for Protection Against Radiation-Part 20	56 FR 23360; 56 FR 61352; 57 FR 38588; 57 FR 57877; 58 FR 67657; 59 FR 41641; 60 FR 20183; (1/1/94)	1991-3	F	N 8/25/99	9/10/98
Notification of Incidents-Parts 20, 30, 31, 34, 39, 40, 70	56 FR 64980; (10/15/94)	1991-4	F	N 6/14/95	5/26/93
Quality Management Program and Misadministrations-Part 35	56 FR 34104; (1/27/95)	1992-1	F	N 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 <sup>3</sup>
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
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
Self-Guarantee as an Additional Financial Mechanism-Parts 30, 40, 70	58 FR 68726; 59 FR 1618 (none)	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 SECY-95-112 <sup>4</sup>
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
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

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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 <sup>3</sup>
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 65120; (1/9/00)	1997-1	P	N 6/21/99	
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	
Fissile Material Shipments and Exemptions-Part 71	62 FR 5907; (none)	1997-4			Not required <sup>3</sup>
Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiography Operations-Parts 30, 34, 71, 150	62 FR 28947; (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; (1/02/01)	1997-7	P	N 5/19/00	
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 <sup>3</sup>
License Term for Medical Use Licenses-Part 35	63 FR 31604; (none)	1998-3			Not required <sup>3</sup>
Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations-Part 34	63 FR 37059; (7/9/01)	1998-4	P ML020990037	Y 4/19/02 ML021090339	
Minor Corrections, Clarifying Changes, and a Minor Policy Change-Parts 20, 35, 36	63 FR 39477; 63 FR 45393 (10/26/01)	1998-5	P ML020990037	N 4/19/02 ML021090339	
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 <sup>3</sup>

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*Respiratory Protection and Controls to Restrict Internal Exposure-Part 20	64 FR 54543; 64 FR 55524 (2/2/03)	1999-3	P ML022800425	N 11/20/02 ML023260445	
*Energy Compensation Sources for Well Logging and Other Regulatory Clarifications-Part 39	65 FR 20337; (5/17/03)	2000-1	P ML022800425	N 11/20/02 ML023260445	
*New Dosimetry Technology-Parts 34, 36, 39	65 FR 63750; (1/8/04)	2000-2	P ML022800425	N 11/20/02 ML023260445	
*Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material - Parts 30, 31, 32	65 FR 79162; (2/16/04)	2001-1	P ML022800425	Y 11/20/02 ML023260445	
Revision of the Skin Dose Limit -Part 20	67 FR 16298; 4/5/05	2002-1			
Medical Use of Byproduct Material-Parts 20, 32, and 35	67 FR 20249; 4/24/05	2002-2			

1. Or other generic Legally Binding Requirements.
2. (Y/N) Y means "Yes," there are comments in the review letter that the State needs to address.  
N means "No," there are no comments in the review letter.
3. Not required means these regulations are not required for purposes of compatibility.
4. A State need not adopt a specific regulation if the State has no licensees that would be subject to that regulation. See: "Final Policy Statement on Adequacy and Compatibility of Agreement State Programs," III.1. Time Frame for Adoption of Compatible State Regulations, p. 6, SECY-95-112, May 3, 1995.
5. ADAMS ML Number