SOUTH CAROLINA RADIOLOGICAL HEALTH RULES 61-63, TITLE A
Review based upon Peterson letter dated September 26, 2002
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Change to Nrc Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material 65 FR 79162, Published December 18, 2000 Effective: February 16, 2001, RATS ID: 2001-1 Implementation Date: [Requirements of Section 32.52(a) and (b)] August 16, 2001 Implementation Date: (Entire Amendment) February 16, 2004 Note: The revisions to Part 32 and Sec. 31.5 are classified as Category B. Through this action, existing provisions of Sec. 31.5 are also being reclassified from Category D to Category B, and Sec. 31.6 is being reclassified from Category C to Category B. Although changes are being made to Sections 30.31, 30.34(h)(1), 31.1, and 31.2 as part of this rulemaking, the existing compatibility designations for these regulations are not affected.							
30.31	Types of Licenses	2.2	C	**Revision reconciles the apparent conflict between the description of a general license and a registration requirement.Section** 30.31 is revised to read as follows: Licenses for byproduct material are of two types: General and specific. (a) The Commission issues a specific license to a named person who has filed an application for the license under the provisions of this part and parts 32 through 36, and 39. (b) A general license is provided by regulation, grants authority to a person for certain activities involving byproduct material, and	No		

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				is effective without the filing of an application with the Commission or the issuance of a licensing document to a particular person. However, registration with the Commission may be required by the particular general license.			
30.34	Terms and conditions of licenses.	2.10.6	C-paragraphs (a), (b), (c) D-paragraphs, (e)(2), (e)(4), (f), (g) NRC-paragraphs (d), (e)(1) & (e)(3) D/H&S-paragraph (h)	**Revision makes the bankruptcy notification requirement applicable to those general licensees subject to the registration requirement** 30.34 is revised to read as follows: * * * * * (h)(1) Each general licensee that is required to register by Sec. 31.5(c)(13) of this chapter and each specific licensee shall notify the appropriate NRC Regional Administrator, in writing, immediately following the filing of a voluntary or involuntary petition for bankruptcy under any chapter of title 11 (Bankruptcy) of the United States Code by or against: (i) The licensee; (ii) An entity (as that term is defined in 11 U.S.C. 101(14)) controlling the licensee or listing the license or licensee as property of the estate; or (iii) An affiliate (as that term is defined in 11 U.S.C. 101(2)) of	Yes	No	Regulation groups both general and specific licensees into the term "licensee." Essential objectives satisfied, no comment

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				the licensee. * * * * *			
31.1	Purpose and scope		D	**Revision clarifies that only those paragraphs in part 30 specified in Sec. 31.2 or the particular general license apply to part 31 general licensees Section** 31.1 is revised to read as follows: This part establishes general licenses for the possession and use of byproduct material and a general license for ownership of byproduct material. Specific provisions of 10 CFR Part 30 are applicable to general licenses established by this part. These provisions are specified in Sec. 31.2 or in the particular general license.			
31.2	Terms and conditions		D	**Revision clarifies references to the sections of part 30 that are applicable to all of the part 31 general licensees.** 31.2 is revised to read as follows: The general licenses provided in this part are subject to the general provisions of Part 30 of this chapter (Secs. 30.1 through 30.10), the provisions of Secs. 30.14(d), 30.34(a) to (e), 30.41, 30.50 to 30.53, 30.61 to 30.63, and			

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				Parts 19, 20, and 21, of this chapter unless indicated otherwise in the specific provision of the general license.			
31.5(b)	Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere	2.4.2.2	B	**Revision clarifies the status of a person who receives a device through an unauthorized transfer by limiting the applicability of the general license to those who receive a device through an authorized transfer; and removes the restriction on devices distributed by Agreement State licensees in Agreement States without a general license.** 31.5 (b) is revised to read as follows: * * * * * (b)(1) The general license in paragraph (a) of this section applies only to byproduct material contained in devices which have been manufactured or initially transferred and labeled in accordance with the specifications contained in-- (i) A specific license issued under Sec. 32.51 of this chapter; or (ii) An equivalent specific license issued by an Agreement State. (2) The devices must have been received from one of the specific licensees described in paragraph	No		

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				(b)(1) of this section or through a transfer made under paragraph (c)(9) of this section.			
31.5(c)(5)			B	**Revision adds a plan for ensuring that premises and environs are suitable for unrestricted access, to the information that must be sent to NRC in the case of a failure, when device damage or failure is likely to or known to have resulted in contamination; changes the addressee for reporting information concerning a failure; and clarifies that the criteria in Sec. 20.1402 may be applied and that byproduct material no longer in the device may only be transferred to a licensee authorized to receive it or as otherwise approved by the Commission.** 31.5 (C)(5) is revised to read as follows:			

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31.5(c) (5) (Cont'd)		2.4.2.3.5		(c) * * * * * * * * (5) Shall immediately suspend operation of the device if there is a failure of, or damage to, or any indication of a possible failure of or damage to, the shielding of the radioactive material or the on-off mechanism or indicator, or upon the detection of 185 bequerel (0.005 microcurie) or more removable radioactive material. The device may not be operated until it has been repaired by the manufacturer or other person holding a specific license to repair such devices that was issued under parts 30 and 32 of this chapter or by an Agreement State. The device and any radioactive material from the device may only be disposed of by transfer to a person authorized by a specific license to receive the byproduct material in the device or as otherwise approved by the Commission. A report containing a brief description of the event and the remedial action taken; and, in the case of detection of 0.005 microcurie or more removable radioactive material or failure of or damage to a source likely to result in contamination of the premises or the environs, a plan	No		

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31.5(c)(5) (Cont'd)				for ensuring that the premises and environs are acceptable for unrestricted use, must be furnished to the Director of Nuclear Material Safety and Safeguards, ATTN: GLTS, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001 within 30 days. Under these circumstances, the criteria set out in Sec. 20.1402, ``Radiological criteria for unrestricted use,'' may be applicable, as determined by the Commission on a case-by-case basis; * * * * *			
Section 31.5(c)(8)		2.4.2.3.7	B	**Revision allows transfers to specific licensees authorized under part 30, or equivalent Agreement State regulations, as waste collectors, in addition to previously allowed transfers to part 32 (and Agreement State) licensees; allows transfers to other specific licensees, but only with prior written NRC approval; and adds the recipient's license number, the serial number of the device, and the date of transfer to the information required to be provided to NRC upon transfer of a device. Revision also requires a report in the case of export under Sec. 31.5(c)(7) and removes the exception to reporting when a device is being replaced.** 31.5(c)(8) is revised to read as follows: * * * * * (8)(i) Shall transfer or dispose	No		

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Section 31.5(c) (8) (Cont'd)				of the device containing byproduct material only by export as provided by paragraph (c)(7) of this section, by transfer to another general licensee as authorized in paragraph (c)(9) of this section, or to a person authorized to receive the device by a specific license issued under parts 30 and 32 of this chapter, or part 30 of this chapter that authorizes waste collection, or equivalent regulations of an Agreement State, or as otherwise approved under paragraph (c)(8)(iii) of this section. (ii) Shall furnish a report to the Director of Nuclear Material Safety and Safeguards, ATTN: GLTS, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001 within 30 days after the transfer of a device to a specific licensee or export. The report must contain-- (A) The identification of the device by manufacturer's (or initial transferor's) name, model number, and serial number; (B) The name, address, and license number of the person receiving the device (license number not			

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				applicable if exported); and (C) The date of the transfer. (iii) Shall obtain written NRC approval before transferring the device to any other specific licensee not specifically identified in paragraph (c)(8)(i) of this section.			
31.5(c)(9)(i) 31.5(c)(9)(i) (cont'd)		2.4.2.3.8 2.4.2.3.8.1	B	**Revision adds to the reporting requirement, in the case of a transfer to a general licensee taking over possession of a device at the same location, to provide the serial number of the device and the name, title, and phone number of the person identified as having knowledge of and authority to take required actions to ensure compliance with the appropriate regulations and requirements, rather than simply a contact name. It also specifies that the address of the transferee be the mailing address at the location of use. In addition, it adds to the information to be provided to thetransferee, copies of additional applicable sections of the regulations.** 31.5(c)(9)(i) is revised to read as follows: * * * * * (9) Shall transfer the device to another general licensee only if-- (i) The device remains in use at a particular location. In this case, the transferor shall give the transferee a copy of this section,	No No		

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31.5(c)(9)(i) (cont'd)		2.4.2.3.8.2		a copy of Secs. 31.2, 30.51, 20.2201, and 20.2202 of this chapter, and any safety documents identified in the label of the device. Within 30 days of the transfer, the transferor shall report to the Director of Nuclear Material Safety and Safeguards, ATTN: GLTS, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001-- (A) The manufacturer's (or initial transferor's) name; (B) The model number and the serial number of the device transferred; (C) The transferee's name and mailing address for the location of use; and (D) The name, title, and phone number of the responsible individual identified by the transferee in accordance with paragraph (c)(12) of this section to have knowledge of and authority to take actions to ensure compliance with the appropriate regulations and requirements; or (ii) The device is held in storage by an intermediate person in the original shipping container at its intended location of use prior to initial use by a general licensee. * * * * *	No		

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31.5(c)(9)(ii)		2.4.2.3.8.2	B	**Revision adds the term, "intermediate person," to clarify that the only time a report of transfer is not required, is when the information on both an intermediate person and an intended user was provided through the distributor in a quarterly material transfer report.** 31.5(c)(9)(ii) is revised to read as follows: * * * * * (9)(i)* * * * * (ii) The device is held in storage by an intermediate person in the original shipping container at its intended location of use prior to initial use by a general licensee.	No		
31.5(c)(12) 31.5(c)(12) (Cont'd)		2.4.2.3.10	B	**Revision ads an explicit requirement for the general licensee to appoint an individual assigned responsibility for knowing what regulatory requirements are applicable to the general licensee and having authority to take required actions to comply with the applicable regulations.** 31.5(c)(12) is revised to read as follows: * * * * * (c) (11)* * * * * (12) Shall appoint an individual responsible for having knowledge of the appropriate regulations and requirements and the authority for taking required actions to comply with appropriate regulations and	No		

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				requirements. The general licensee, through this individual, shall ensure the day-to-day compliance with appropriate regulations and requirements. This appointment does not relieve the general licensee of any of its responsibility in this regard.			
31.5(c)(13) 31.5(c)(13) (cont'd)		2.4.2.3.11 2.4.2.3.11.1	B	**Revision adds an explicit requirement for the general licensee to register devices meeting certain criteria, specifying the information to be provided and referencing the fee requirement in Section 170.31. (Actual fee to be added to Sec. 170.31 in next overall fee rulemaking.)** 31.5(c)(13) is revised to read as follows: * * * * * (c) (12) * * * * * (13)(i) Shall register, in accordance with paragraphs (c)(13)(ii) and (iii) of this section, devices containing at least 370 MBq (10 mCi) of cesium-137, 3.7 MBq (0.1 mCi) of strontium-90, 37 MBq (1 mCi) of cobalt-60, or 37 MBq (1 mCi) of americium-241 or any other transuranic (i.e., element with atomic number greater than uranium (92)), based on the activity indicated on the label. Each address for a location of use, as described under paragraph (c)(13)(iii)(D) of this section, represents a separate	No		

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31.5(c)(13) (cont'd)		2.4.2.3.11.2		general licensee and requires a separate registration and fee. (ii) If in possession of a device meeting the criteria of paragraph (c)(13)(i) of this section, shall register these devices annually with the Commission and shall pay the fee required by Sec. 170.31 of this chapter. Registration must be done by verifying, correcting, and/or adding to the information provided in a request for registration received from the Commission. The registration information must be submitted to the NRC within 30 days of the date of the request for registration or as otherwise indicated in the request. In addition, a general licensee holding devices meeting the criteria of paragraph (c)(13)(i) of this section is subject to the bankruptcy notification requirement in Sec. 30.34(h) of this chapter.	No		
		2.4.2.3.11.3		(iii) In registering devices, the general licensee shall furnish the following information and any other information specifically requested by the Commission-- (A) Name and mailing address of the general licensee. (B) Information about each device: the manufacturer (or initial transferor), model number, serial number, the radioisotope	No		

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				and activity (as indicated on the label). (C) Name, title, and telephone number of the responsible person designated as a representative of the general licensee under paragraph (c)(12) of this section. (D) Address or location at which the device(s) are used and/or stored. For portable devices, the address of the primary place of storage. (E) Certification by the responsible representative of the general licensee that the information concerning the device(s) has been verified through a physical inventory and checking of label information. (F) Certification by the responsible representative of the general licensee that they are aware of the requirements of the general license.			
		2.4.2.3.11.4		(iv) Persons generally licensed by an Agreement State with respect to devices meeting the criteria in paragraph (c)(13)(i) of this section are not subject to registration requirements if the devices are used in areas subject to NRC jurisdiction for a period less than 180 days in any calendar year. The Commission will not request registration information from such licensees.	No		

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31.5(c)(14)		2.4.2.3.12	B	**Revision adds a requirement for the general licensee to notify NRC of changes to the mailing address for the location of use.** 31.5(c)(14) is revised to read as follows: * * * * * (c) (13)* * * * * (14) Shall report changes to the mailing address for the location f use (including change in name of general licensee) to the Director of Nuclear Material Safety and Safeguards, ATTN: GLTS, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001 within 30 days of the effective date of the change. For a portable device, a report of address change is only required for a change in the device's primary place of storage.	No		
31.5(c)(15)		2.4.2.3.13	B	**Revision limits to 2 years the amount of time a general licensee can keep an unused device in storage and allows the deferment of testing during the period of storage. It allows a device to be held longer in standby for future use, if the general licensee conducts quarterly inventory for these devices.** 31.5(c)(15) is revised to read as follows: * * * * * (c) (14)* * * * * (15) May not hold devices that are not in use for longer than 2 years. If devices with shutters	No		

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				are not being used, the shutter must be locked in the closed position. The testing required by paragraph (c)(2) of this section need not be performed during the period of storage only. However, when devices are put back into service or transferred to another person, and have not been tested within the required test interval, they must be tested for leakage before use or transfer and the shutter tested before use. Devices kept in standby for future use are excluded from the two-year time limit if the general licensee performs quarterly physical inventories of these devices while they are in standby. * * * * *			
32.51(a)(4) and (5)	Byproduct material contained in devices for use under Sec. 31.5; requirements for license to manufacture, or initially transfer.	2.7.1.1.3.3 2.7.1.1.4	B	**Revision adds a requirement for an additional label on any separable source housing and a permanent label on devices meeting the criteria for registration.** In Sec. 32.51, paragraphs (a)(4) and (5) are added to read as follows: (a) * * * (4) Each device having a separable source housing that provides the primary shielding for the source also bears, on the source housing, a durable label	No No		

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		2.7.1.1.5		containing the device model number and serial number, the isotope and quantity, the words, ''Caution-Radioactive Material,'' the radiation symbol described in Sec. 20.1901 of this chapter, and the name of the manufacturer or initial distributor. (5) Each device meeting the criteria of Sec. 31.5(c)(13)(i) of this chapter, bears a permanent (e.g., embossed, etched, stamped, or engraved) label affixed to the source housing if separable, or the device if the source housing is not separable, that includes the words, ''Caution-Radioactive Material,'' and, if practicable, the radiation symbol described in Sec. 20.1901 of this chapter. * * * * *	No		
32.51a (a)&(b)	Same: Conditions of licenses.			**Revision amends the requirements pertaining to the information distributors must provide to the general licensee. Distributors were previously required to provide general licensees with a copy of Sec. 31.5 when the device is transferred. This rule requires that Sec. 31.5 be provided before transfer. The distributor is also required to provide copies of additional applicable Sections of the regulations, a listing of the services that can only be performed by a specific licensee, information regarding disposal options for the devices being transferred, including estimated costs of disposal, and a statement concerning**			

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32.51a (a)&(b) (Cont'd)				**the policy of assessing high civil penalties for improper disposal. For transfers to general licensees in Agreement States, the distributor may furnish either the applicable NRC regulations or the comparable ones of the Agreement State. In addition, the distributor shall furnish the name or title, address, and phone number of the contact at the Agreement State regulatory agency from which additional information may be obtained.** In Sec. 32.51, paragraphs (a) and (b) (5) are added to read as follows:			
		2.7.1.4		(a) If a device containing byproduct material is to be transferred for use under the general license contained in Sec. 31.5 of this chapter, each person that is licensed under Sec. 32.51 shall provide the information specified in this paragraph to each person to whom a device is to be transferred. This information must be provided before the device may be transferred. In the case of a transfer through an intermediate person, the information must also be provided to the intended user prior to initial transfer to the intermediate person. The required information includes--	No		
		2.7.1.4.1		(1) A copy of the general license contained in Sec. 31.5 of this chapter; if paragraphs (c)(2)	No		

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32.51a (a)&(b) (Cont'd)				and 20.2202 of this chapter or a copy of Secs. 31.5, 31.2, 30.51, 20.2201, and 20.2202 of this chapter. If a copy of the NRC regulations is provided to a prospective general licensee in lieu of the Agreement State's regulations, it shall be accompanied by a note explaining that use of the device is regulated by the Agreement State; if certain paragraphs of the regulations do not apply to the particular device, those paragraphs may be omitted.			
		2.7.1.5.2		(2) A list of the services that can only be performed by a specific licensee;	No		
		2.7.1.5.3		(3) Information on acceptable disposal options including estimated costs of disposal; and	No		
		2.7.1.5.4		(4) The name or title, address, and phone number of the contact at the Agreement State regulatory agency from which additional information may be obtained.	Yes	Yes	Clarification needed on the use of the terms "NRC State" **Comment Generated**
		2.7.1.6		(c) An alternative approach to informing customers may be proposed by the licensee for approval by the Commission.	No		
		2.7.1.7		(d) Each device that is transferred after (insert date 1 year after the effective date of this rule) must meet the labeling requirements in Sec. 32.51(a)(3) through (5).	No		

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				through (4) or (c)(13) of Sec. 31.5 do not apply to the particular device, those paragraphs may be omitted.			
32.51a (a)&(b) (Cont'd)		2.7.1.4.2		(2) A copy of Secs. 31.2, 30.51, 20.2201, and 20.2202 of this chapter;	No		
		2.7.1.4.3		(3) A list of the services that can only be performed by a specific licensee;	No		
		2.7.1.4.4		(4) Information on acceptable disposal options including estimated costs of disposal; and	No		
		2.7.1.4.5		(5) An indication that NRC's policy is to issue high civil penalties for improper disposal.	No		
		2.7.1.5		(b) If byproduct material is to be transferred in a device for use under an equivalent general license of an Agreement State, each person that is licensed under Sec. 32.51 shall provide the information specified in this paragraph to each person to whom a device is to be transferred. This information must be provided before the device may be transferred. In the case of a transfer through an intermediate person, the information must also be provided to the intended user prior to initial transfer to the intermediate person. The required information includes--	Yes	Yes	Clarification needed on the use of the terms "NRC State" Rule does not allow for transfer to other States. **Comment Generated**
		2.7.1.5.1		(1) A copy of the Agreement State's regulations equivalent to Secs. 31.5, 31.2, 30.51, 20.2201,	Yes	Yes	Clarification of terms needed. Same as above **Comment Generated**

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		2.7.1.8		(e) If a notification of bankruptcy has been made under Sec. 30.34(h) or the license is to be terminated, each person licensed under Sec. 32.51 shall provide, upon request, to the NRC and to any appropriate Agreement State, records of final disposition required under Sec. 32.52(c).	Yes	Yes	Clarification needed Same as above. **Comment Generated**
Section 32.52 Section 32.52 (Cont'd)	Same: material transfer reports and records		B	**Revision adds the following information to the existing quarterly transfer reporting requirement: the serial number and model number of the device; the date of transfer; for devices received from a general licensee, the type, model number, and serial number of the devices received, the identity of the general licensee by name and address, the date of receipt, and, in the case of devices not initially transferred by the reporting licensee, the name of the manufacturer or initial transferor; information that has been changed on device labels; the name and license number of the reporting company; and the specific reporting period. Also, the general licensee address is specified as the mailing address for the location of use of the generally licensed device. The name, title, and phone number of the person identified by the general licensee as having knowledge of and authority to take required actions to ensure compliance with the appropriate regulations and requirements, replaces the name and/or position of a simple contact between the Commission and the general licensee. Also, a form (NRC Form 653) will be provided for use in**			

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				making these reports. However, the use of the form is not required as long as the report is clear and legible and includes all of the required information. (Category B) Section 32.52(c)--Revises the content of the recordkeeping requirement through specifying that information supporting the revised reports is to be maintained. The period of retention for recordkeeping concerning transfers is reduced from 5 years to 3 years from the date of the recorded event.			
Section 32.52 (Cont'd)		2.7.1.9		Section 32.52 is revised to read as follows: Each person licensed under Sec. 32.51 to initially transfer devices to generally licensed persons shall comply with the requirements of this section.	No		
		2.7.1.9.1		(a) The person shall report all transfers of devices to persons for use under the general license in Sec. 31.5 of this chapter and all receipts of devices from persons licensed under Sec. 31.5 to the Director of the Office of Nuclear Material Safety and Safeguards, ATTN: GLTS, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. The report must be submitted on a quarterly basis on Form 653--``Transfers of Industrial Devices Report'' or in a clear and legible	No		

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Section 32.52 (Cont'd)		2.7.1.9.1		report containing all of the data required by the form. (1) The required information for transfers to general licensees includes-- (i) The identity of each general licensee by name and mailing address for the location of use; if there is no mailing address for the location of use, an alternate address for the general licensee shall be submitted along with information on the actual location of use. (ii) The name, title, and phone number of the person identified by the general licensee as having knowledge of and authority to take required actions to ensure compliance with the appropriate regulations and requirements; (iii) The date of transfer; (iv) The type, model number, and serial number of the device transferred; and (v) The quantity and type of byproduct material contained in the device.	No		
		2.7.1.9.1.2		(2) If one or more intermediate persons will temporarily possess the device at the intended place of use before its possession by the user, the report must include	No		

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				the same information for both the intended user and each intermediate person, and clearly designate the intermediate person(s).			
		2.7.1.9.1.3		(3) For devices received from a Sec. 31.5 general licensee, the report must include the identity of the general licensee by name and address, the type, model number, and serial number of the device received, the date of receipt, and, in the case of devices not initially transferred by the reporting licensee, the name of the manufacturer or initial transferor.	No		
Section 32.52 (Cont'd)		2.7.1.9.4		(4) If the licensee makes changes to a device possessed by a Sec. 31.5 general licensee, such that the label must be changed to update required information, the report must identify the general licensee, the device, and the changes to information on the device label.	No		
		2.7.1.9.5		(5) The report must cover each calendar quarter, must be filed within 30 days of the end of the calendar quarter, and must clearly indicate the period covered by the report.	No		
		2.7.1.9.6		(6) The report must clearly identify the specific licensee submitting the report and include the license number of the	No		

Change to Nrc Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
Section 32.52 (Cont'd)		2.7.1.9.7		specific licensee. (7) If no transfers have been made to or from persons generally licensed under Sec. 31.5 of this chapter during the reporting period, the report must so indicate. (b) The person shall report all transfers of devices to persons for use under a general license in an Agreement State's regulations that are equivalent to Sec. 31.5 of this chapter and all receipts of devices from general licensees in the Agreement State's jurisdiction to the responsible Agreement State agency. The report must be submitted on Form 653--``Transfers of Industrial Devices Report'' or in a clear and legible report containing all of the data required by the form. (1) The required information for transfers to general licensees includes-- (i) The identity of each general licensee by name and mailing address for the location of use; if there is no mailing address for the location of use, an alternate address for the general licensee shall be submitted along with information on the actual location of use. (ii) The name, title, and phone number of the person identified by the general licensee as	Yes	No	A sentence was added to cover 32.52(b) provisions.

Change to Nrc Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
Section 32.52 (Cont'd)				having knowledge of and authority to take required actions to ensure compliance with the appropriate regulations and requirements; (iii) The date of transfer; (iv) The type, model number, and serial number of the device transferred; and (v) The quantity and type of byproduct material contained in the device. (2) If one or more intermediate persons will temporarily possess the device at the intended place of use before its possession by the user, the report must include the same information for both the intended user and each intermediate person, and clearly designate the intermediate person(s). (3) For devices received from a general licensee, the report must include the identity of the general licensee by name and address, the type, model number, and serial number of the device received, the date of receipt, and, in the case of devices not initially transferred by the reporting licensee, the name of the manufacturer or initial transferor. (4) If the licensee makes changes to a device possessed by a general licensee, such that the label must be changed to			

Change to Nrc Section	Title	State Section	Compatibility Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				update required information, the report must identify the general licensee, the device, and the changes to information on the device label. (5) The report must cover each calendar quarter, must be filed within 30 days of the end of the calendar quarter, and must clearly indicate the period covered by the report. (6) The report must clearly identify the specific licensee submitting the report and must include the license number of the specific licensee. (7) If no transfers have been made to or from a particular Agreement State during the reporting period, this information shall be reported to the responsible Agreement State agency upon request of the agency.			
		2.7.1.9.2		(c) The person shall maintain all information concerning transfers and receipts of devices that supports the reports required by this section. Records required by this paragraph must be maintained for a period of 3 years following the date of the recorded event.	No		

Comment # 1: Suggest that the <u>first sentence</u> of 2.7.1.5 be revised for clarification as follows:

2.7.1.5 If radioactive material is to be transferred in a device for use under an equivalent general license in another Agreement State, a licensing State, or under the jurisdiction of the US Nuclear Regulatory Commission, each person that is licensed under RHA 2.7.1 shall provide the information specified in this paragraph to each person to whom a device is to be transferred.

Comment # 2: Suggest that regulation 2.7.1.5.1 be revised for clarification as follows:

2.7.1.5.1 A copy of the appropriate regulations from the Agreement State, licensing State, or the Nuclear Regulatory Commission that are equivalent to RHA 2.4.1, 2.4.2, 2.1.8, 3.44 and 3.45 of this part or a copy of these regulations. If a copy of the Department's regulations is provided to a prospective general licensee in another jurisdiction, in lieu of the Agency having jurisdiction, it shall be accompanied by a note explaining that use of the device is regulated by the Agency having jurisdiction; and if certain paragraphs of the regulations do not apply to the particular device, those paragraphs may be omitted.

Comment #3: Suggest that regulation 2.7.1.5.4 be revised for clarification as follows:

2.7.1.5.4 The name or title, address, and phone number of the contact at the regulatory Agency having jurisdiction at the new location (another Agreement State, licensing State, or the Regional Office of the US Nuclear Regulatory Commission).

Comment #4: Suggest that regulation 2.7.1.8 be revised for clarification as follows:

2.7.1.8 If a notification of bankruptcy has been made under RHA 2.10.6 or the license is to be terminated, each person licensed under RHA 2.7.1 shall provide, upon request, to the Department and to any other appropriate Agreement State, licensing State, or US Nuclear Regulatory Commission, records of final disposition required under RHA 2.7.1.9.2.

SOUTH CAROLINA RADIOLOGICAL HEALTH RULES 61-63, TITLE A
Review based upon Peterson letter dated September 26, 2002
File: a:\sc2000-2New Dosimetry.wpd

Change to Nrc Section	Title	State Section	Comparability Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
New Dosimetry Technology – Parts 34, 36, 39 (65 FR 63749, October 24, 2000; 66 FR 1573, January 9, 2001) RATS ID 2000-2 Effective January 8, 2001							
34.47	Personnel monitoring	5.14	C	In Sec. 34.47, the introductory text of paragraph (a), and paragraphs (a)(2), (a)(3), (a)(4), (d), (e), and (f) are revised to read as follows:			
		5.14.1		(a) The licensee may not permit any individual to act as a radiographer or a radiographer's assistant unless, at all times during radiographic operations, each individual wears, on the trunk of the body, a direct reading dosimeter, an operating alarm ratemeter, and a personnel dosimeter that is processed and evaluated by an accredited National Voluntary Laboratory Accreditation Program (NVLAP) processor. At permanent radiography installations where other appropriate alarming or warning devices are in routine use, the wearing of an alarming ratemeter is not required.	Yes	No	Sec. 5.14.1 includes provisions of 34.47(a), thru 34.47(a)(2).
		5.14.1		* * * * *	Yes	No	(See above)
		5.14.5		(2) Each personnel dosimeter must be assigned to and worn only by one individual.	Yes	No	34.47(a)(3) and (a)(4) were combined
				(3) Film badges must be replaced at periods not to exceed one month and other personnel dosimeters			

Change to Nrc Section	Title	State Section	Comparability Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
34.47 (cont'd)		5.14.5		processed and evaluated by an accredited NVLAP processor must be replaced at periods not to exceed three months. (4) After replacement, each personnel dosimeter must be processed as soon as possible	Yes	No	34.47(a)(3) and (a)(4) were combined
		5.14.4		.* * * * *	No		
		5.14.4		(d) If an individual's pocket chamber is found to be off-scale, or if his or her electronic personal dosimeter reads greater than 2 millisieverts (200 millirems), and the possibility of radiation exposure cannot be ruled out as the cause, the individual's personnel dosimeter must be sent for processing within 24 hours. In addition, the individual may not resume work associated with licensed material use until a determination of the individual's radiation exposure has been made. This determination must be made by the RSO or the RSO's designee. The results of this determination must be included in the records maintained in accordance with Sec. 34.83. (e) If the personnel dosimeter that is required by paragraph (a) of this section is lost or damaged, the worker shall cease work immediately until a replacement personnel dosimeter meeting the requirements in paragraph (a) is provided and the exposure is calculated for the time period from issuance to loss or damage of the personnel dosimeter. The results of	No		Combined (d) and (e)

Change to Nrc Section	Title	State Section	Comparability Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
		5.14.5		the calculated exposure and the time period for which the personnel dosimeter was lost or damaged must be included in the records maintained in accordance with Sec. 34.83. (f) Dosimetry reports received from the accredited NVLAP personnel dosimeter processor must be retained in accordance with Sec. 34.83. * * * * *	No		Provisions included in 5.14.5, last sentence
34.83	Records of personnel monitoring procedures	5.14.7 5.14.7.3 5.14.7.4	C	* * * * * (c) Personnel dosimeter results received from the accredited NVLAP processor until the Commission terminates the license. (d) Records of estimates of exposures as a result of: off-scale personal direct reading dosimeters, or lost or damaged personnel dosimeters until the Commission terminates the lice	No No No		Note: all provisions of 34.83 incorporated in 5.14.7
36.55	Personnel monitoring	11.20 11.20.1	D	In Sec. 36.55, paragraph (a) is revised to read as follows: (a) Irradiator operators shall wear a personnel dosimeter that is processed and evaluated by an accredited National Voluntary Laboratory Accreditation Program (NVLAP) processor while operating a panoramic Irradiator or while in the area around the pool of an	No No		

Change to Nrc Section	Title	State Section	Comparability Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				underwater Irradiator. The personnel dosimeter processor must be accredited for high energy photons in the normal and accident dose ranges (see 10 CFR 20.1501(c)). Each personnel dosimeter must be assigned to and worn by only one individual. Film badges must be processed at least monthly, and other personnel dosimeters must be processed at least quarterly. * * * * *			
36.81	Records and retention periods.	11.28 11.28.5	D	In Sec. 36.81, paragraph (e) is revised to read as follows: * * * * * (e) Evaluations of personnel dosimeters required by Sec. 36.55 until the Commission terminates the license. * * * * *	No No		
39.65	Personnel monitoring	8.21 8.21.1	Category C for paragraph (a) and Category D for paragraph (c)	In Sec. 39.65, paragraphs (a) and (c) are revised to read as follows: (a) The licensee may not permit an individual to act as a logging supervisor or logging assistant unless that person wears, at all times during the handling of licensed radioactive materials, a personnel dosimeter that is processed and evaluated by an accredited National Voluntary Laboratory Accreditation Program (NVLAP) processor. Each	No No		

Change to Nrc Section	Title	State Section	Comparability Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
		8.21.3		personnel dosimeter must be assigned to and worn by only one individual. Film badges must be replaced at least monthly and other personnel dosimeters replaced at least quarterly. After replacement, each personnel dosimeter must be promptly processed. * * * * * (c)The licensee shall retain records of personnel dosimeters required by paragraph (a) of this section and bioassay results for inspection until the Commission authorizes disposition of the records.	No		

SOUTH CAROLINA RADIOLOGICAL HEALTH RULES 61-63, TITLE A
Review based upon Peterson letter dated September 26, 2002
File: c:\regs\sc\sc1999-3 proposed.wpd

Change to Nrc Section	Title	State Section	Comparability Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
SOUTH CAROLINA **Respiratory Protection and Controls to Restrict Internal Exposures** **(64 FR 54543; October 7, 1999; 64 FR 55524, October 13, 1999)** **RATS ID 1999-3 Effective February 2, 2000**							
20.1003	Definitions	63-		Section 20.1003 is amended by adding the following definitions:			
				* * * * *			
		3.2.5	B	**Air-purifying respirator** means a respirator with an air-purifying filter, cartridge, or canister that removes specific air contaminants by passing ambient air through the air-purifying element.	No		
				* * * * *			
		3.28	B	**Assigned protection factor (APF)** means the expected workplace level of respiratory protection that would be provided by a properly functioning respirator or a class of respirators to properly fitted and trained users. Operationally, the inhaled concentration can be estimated by dividing the ambient airborne concentration by the APF.	No		
				* * * * *			
		3.2.9	B	**Atmosphere-supplying respirator** means a respirator that supplies the respirator user with breathing air from a source independent of the ambient atmosphere, and includes	No		

Change to Nrc Section	Title	State Section	Comparability Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				supplied-air respirators (SARs) and self-contained breathing apparatus (SCBA) units.			
		3.2.27	B	* * * * * **Demand respirator** means an atmosphere-supplying respirator that admits breathing air to the facepiece only when a negative pressure is created inside the facepiece by inhalation.	No		
		3.2.31	B	* * * * * **Disposable respirator** means a respirator for which maintenance is not intended and that is designed to be discarded after excessive breathing resistance, sorbent exhaustion, physical damage, or end-of-service-life renders it unsuitable for use. Examples of this type of respirator are a disposable half-mask respirator or a disposable escape-only self-contained breathing apparatus (SCBA).	No		
		3.2.42	B	* * * * * **Filtering facepiece (dust mask)** means a negative pressure particulate respirator with a filter as an integral part of the facepiece or with the entire facepiece composed of the filtering medium, not equipped with elastomeric sealing surfaces and adjustable straps.	No		
		3.2.43	B	* * * * * **Fit factor** means a quantitative estimate of the fit of a particular respirator to a specific individual, and typically estimates the ratio of	No		

Change to Nrc Section	Title	State Section	Comparability Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				the concentration of a substance in ambient air to its concentration inside the respirator when worn.			
		3.2.44	B	* * * * *			
				Fit test means the use of a protocol to qualitatively or quantitatively evaluate the fit of a respirator on an individual.	No		
		3.2.47	B	* * * * *			
				Helmet means a rigid respiratory inlet covering that also provides head protection against impact and penetration.	No		
		3.2.50	B	* * * * *			
				Hood means a respiratory inlet covering that completely covers the head and neck and may also cover portions of the shoulders and torso.	No		
		3.2.58	B	* * * * *			
				Loose-fitting facepiece means a respiratory inlet covering that is designed to form a partial seal with the face.	No		
		3.2.63	B	* * * * *			
				Negative pressure respirator (tight fitting) means a respirator in which the air pressure inside the facepiece is negative during inhalation with respect to the ambient air pressure outside the respirator.	No		
		3.2.70	B	* * * * *			
				Positive pressure respirator means a respirator in which the pressure inside the respiratory inlet covering exceeds the ambient air pressure outside the respirator.	No		

Change to Nrc Section	Title	State Section	Comparability Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
			B		No		
		3.2.71	B	**Powered air-purifying respirator (PAPR)** means an air-purifying respirator that uses a blower to force the ambient air through air-purifying elements to the inlet covering.	No		
		3.2.72	B	**Pressure demand respirator** means a positive pressure atmosphere-supplying respirator that admits breathing air to the facepiece when the positive pressure is reduced inside the facepiece by inhalation.	No		
				* * * * *			
		3.2.74	B	**Qualitative fit test (QLFT)** means a pass/fail fit test to assess the adequacy of respirator fit that relies on the individual's response to the test agent.	No		
				* * * * *			
		3.2.76	B	**Quantitative fit test (QNFT)** means an assessment of the adequacy of respirator fit by numerically measuring the amount of leakage into the respirator.	No		
				* * * * *			
		3.2.82	B	**Self-contained breathing apparatus (SCBA)** means an atmosphere-supplying respirator for which the breathing air source is designed to be carried by the user.	No		
				* * * * *			
		3.2.89		**Supplied-air respirator** (SAR)			

Change to Nrc Section	Title	State Section	Comparability Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
			B	or airline respirator means an atmosphere-supplying respirator for which the source of breathing air is not designed to be carried by the user. * * * * *	No		
		3.2.90	B	**Tight-fitting facepiece** means a respiratory inlet covering that forms a complete seal with the face. * * * * *	No		
		3.2.94		**User seal check (fit check)** means an action conducted by the respirator user to determine if the respirator is properly seated to the face. Examples include negative pressure check, positive pressure check, irritant smoke check, or isoamylacetate check. * * * * *			
20.1701	Use of process or other engineering controls	3.19.1.1	D/H&S	Section 20.1701 is revised to read as follows: The licensee shall use, to the extent practical, process or other engineering controls (e.g., containment, decontamination, or ventilation) to control the concentration of radioactive material in air.	No		
20.1702	Use of other controls	3.19.2	D/H&S	Section 20.1702, is revised to read as follows: (a) When it is not practical to apply process or other engineering controls to control the	No		

Change to Nrc Section	Title	State Section	Comparability Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				concentrations of radioactive material in the air to values below those that define an airborne radioactivity area, the licensee shall, consistent with maintaining the total effective dose equivalent ALARA, increase monitoring and limit intakes by one or more of the following means-- (1) Control of access; (2) Limitation of exposure times; (3) Use of respiratory protection equipment; or (4) Other controls. (b) If the licensee performs an ALARA analysis to determine whether or not respirators should be used, the licensee may consider safety factors other than radiological factors. The licensee should also consider the impact of respirator use on workers' industrial health and safety.			
20.1703	Use of individual respiratory protection equipment	3.19.3.1.1 3.19.3.1.2	D/H&S	If Section 20.1703 is revised to read as follows The licensee assigns or permits the use of respiratory protection equipment to limit the intake of radioactive material, (a) The licensee shall use only respiratory protection equipment that is tested and certified by the National Institute for Occupational Safety and Health (NIOSH) except as otherwise noted in this part. (b) If the licensee wishes to use	No Yes	No	Different arrangement of

Change to Nrc Section	Title	State Section	Comparability Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				equipment that has not been tested or certified by NIOSH, or for which there is no schedule for testing or certification, the licensee shall submit an application to the NRC for authorized use of this equipment except as provided in this part. The application must include evidence that the material and performance characteristics of the equipment are capable of providing the proposed degree of protection under anticipated conditions of use. This must be demonstrated either by licensee testing or on the basis of reliable test information.			phrases, but the Essential Objectives are met.
		3.19.3.1.3		(c) The licensee shall implement and maintain a respiratory protection program that includes:	No		
		3.19.3.1.3.1		(1) Air sampling sufficient to identify the potential hazard, permit proper equipment selection, and estimate doses;	No		
		3.19.3.1.3.2		(2) Surveys and bioassays, as necessary, to evaluate actual intakes;	No		
		3.19.3.1.3.3		(3) Testing of respirators for operability (user seal check for face sealing devices and functional check for others) immediately prior to each use;	No		
		3.19.3.1.3.4		(4) Written procedures regarding-- (i) Monitoring, including air sampling and bioassays; (ii) Supervision and training of respirator users;	Yes ✓	No	Different arrangement of elements (words), but essential objectives are present.

Change to Nrc Section	Title	State Section	Comparability Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
		3.19.3.1.3.5		(iii) Fit testing; (iv) Respirator selection; (v) Breathing air quality; (vi) Inventory and control; (vii) Storage, issuance, maintenance, repair, testing, and quality assurance of respiratory protection equipment; (viii) Recordkeeping; and (ix) Limitations on periods of respirator use and relief from respirator use; (5) Determination by a physician that the individual user is medically fit to use respiratory protection equipment; before (i) The initial fitting of a face sealing respirator; (ii) Before the first field use of non-face sealing respirators, and (iii) Either every 12 months thereafter, or periodically at a frequency determined by a physician.	Yes	No	Different arrangement of words but essential objectives are present.
		3.19.3.1.3.6		(6) Fit testing, with fit factor <gr-thn-eq> 10 times the APF for negative pressure devices, and a fit factor <gr-thn-eq> 500 for any positive pressure, continuous flow, and pressure-demand devices, before the first field use of tight fitting, face-sealing respirators and periodically thereafter at a frequency not to exceed 1 year. Fit testing must be performed with the facepiece operating in the negative pressure mode.	No		

Change to Nrc Section	Title	State Section	Comparability Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
		3.19.3.1.4		(d) The licensee shall advise each respirator user that the user may leave the area at any time for relief from respirator use in the event of equipment malfunction, physical or psychological distress, procedural or communication failure, significant deterioration of operating conditions, or any other conditions that might require such relief.	No		
		3.19.3.1.5		(e) The licensee shall also consider limitations appropriate to the type and mode of use. When selecting respiratory devices the licensee shall provide for vision correction, adequate communication, low temperature work environments, and the concurrent use of other safety or radiological protection equipment. The licensee shall use equipment in such a way as not to interfere with the proper operation of the respirator.	Yes ✓	No	Some difference in wording but essential objectives are met.
		3.19.3.1.6		(f) Standby rescue persons are required whenever one-piece atmosphere-supplying suits, or any combination of supplied air respiratory protection device and personnel protective equipment are used from which an unaided individual would have difficulty extricating himself or herself. The standby persons must be equipped with respiratory protection devices or other apparatus appropriate for the potential hazards. The standby	No		

Change to Nrc Section	Title	State Section	Comparability Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
		3.19.3.1.7		rescue persons shall observe or otherwise maintain continuous communication with the workers (visual, voice, signal line, telephone, radio, or other suitable means), and be immediately available to assist them in case of a failure of the air supply or for any other reason that requires relief from distress. A sufficient number of standby rescue persons must be immediately available to assist all users of this type of equipment and to provide effective emergency rescue if needed. (g) Atmosphere-supplying respirators must be supplied with respirable air of grade D quality or better as defined by the Compressed Gas Association in publication G-7.1, ''Commodity Specification for Air," 1997 and included in the regulations of the Occupational Safety and Health Administration (29 CFR 1910.134(i)(1)(ii)(A) through (E). Grade D quality air criteria include-- (1) Oxygen content (v/v) of 19.5-23.5%; (2) Hydrocarbon (condensed) content of 5 milligrams per cubic meter of air or less; (3) Carbon monoxide (CO) content of 10 ppm or less; (4) Carbon dioxide content of 1,000 ppm or less; and (5) Lack of noticable odor.	No		

Change to Nrc Section	Title	State Section	Comparability Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
		3.19.3.1.8		(h) The licensee shall ensure that no objects, materials or substances, such as facial hair, or any conditions that interfere with the face--facepiece seal or valve function, and that are under the control of the respirator wearer, are present between the skin of the wearer's face and the sealing surface of a tight-fitting respirator facepiece.			
		3.19.3.2		(i) In estimating the dose to individuals from intake of airborne radioactive materials, the concentration of radioactive material in the air that is inhaled when respirators are worn is initially assumed to be the ambient concentration in air without respiratory protection, divided by the assigned protection factor. If the dose is later found to be greater than the estimated dose, the corrected value must be used. If the dose is later found to be less than the estimated dose, the corrected value may be used.	No		
20.1704	Further restrictions on the use of respiratory protection equipment	3.19.4	D	Section 20.1704 is revised to read as follows: The Commission may impose restrictions in addition to the provisions of Secs. 20.1702, 20.1703, and Appendix A to Part 20, in order to: (a) Ensure that the respiratory	No		

Change to Nrc Section	Title	State Section	Comparability Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
		3.19.4.1		protection program of the licensee is adequate to limit doses to individuals from intakes of airborne radioactive materials consistent with maintaining total effective dose equivalent ALARA; and (b) Limit the extent to which a licensee may use respiratory protection equipment instead of process or other engineering controls.	No		
20.1705	Application for use of higher assigned protection factors	3.19.5	B	Section 20.1705 is added to subpart H as follows: The licensee shall obtain authorization from the Commission before using assigned protection factors in excess of those specified in Appendix A to Part 20. The Commission may authorize a licensee to use higher assigned protection factors on receipt of an application that--	No		
		3.19.5.1		(a) Describes the situation for which a need exists for higher protection factors; and	No		
		3.19.5.2		(b) Demonstrates that the respiratory protection equipment provides these higher protection factors under the proposed conditions of use.	No		
Appendix A to Part 20	Appendix A	App. A	B	Please see next two pages for Appendix A	No		

Appendix A to Part 20 is revised to read as follows:

Appendix A to Part 20 -- Protection Factors for Respirators[a]

	Operating mode	Assigned Protection Factors
I. Air Purifying Respirators [Particulate1A[b] only]1A[c]:		
Filtering facepiece disposable[d]	Negative Pressure	([d])
Facepiece, half [e]	Negative Pressure	10
Facepiece, full	Negative Pressure	100
Facepiece, half	Powered air-purifying respirators	50
Facepiece, full	Powered air-purifying respirators	1000
Helmet/hood	Powered air-purifying respirators	1000
Facepiece, loose-fitting	Powered air-purifying respirators	25
II. Atmosphere supplying respirators [particulate, gases and vapors1A[f]]:		
1. Air-line respirator:		
Facepiece, half	Demand	10
Facepiece, half	Continuous Flow	50
Facepiece, half	Pressure Demand	50
Facepiece, full	Demand	100
Facepiece, full	Continuous Flow	1000
Facepiece, full	Pressure Demand	1000
Helmet/hood	Continuous Flow	1000
Facepiece, loose-fitting	Continuous Flow	25
Suit	Continuous Flow	([g])
2. Self-contained breathing Apparatus (SCBA):		
Facepiece, full	Demand	[h]100

Facepiece, full	Pressure Demand	10,000
Facepiece, full	Demand, Recirculating	100
Facepiece, full	Positive Pressure Recirculating	10,000
III. Combination Respirators:		
Any combination of air-purifying and atmosphere-supplying respirators	(1) Assigned protection factor for type and mode of operation as listed above.	

[a] These assigned protection factors apply only in a respiratory protection program that meets the requirements of this Part. They are applicable only to airborne radiological hazards and may not be appropriate to circumstances when chemical or other respiratory hazards exist instead of, or in addition to, radioactive hazards. Selection and use of respirators for such circumstances must also comply with Department of Labor regulations.

Radioactive contaminants for which the concentration values in Table 1, Column 3 of Appendix B to Part 20 are based on internal dose due to inhalation may, in addition, present external exposure hazards at higher concentrations. Under these circumstances, limitations on occupancy may have to be governed by external dose limits.

[b] Air purifying respirators with APF <100 must be equipped with particulate filters that are at least 95 percent efficient. Air purifying respirators with APF = 100 must be equipped with particulate filters that are at least 99 percent efficient. Air purifying respirators with APFs >100 must be equipped with particulate filters that are at least 99.97 percent efficient.

[c] The licensee may apply to the Commission for the use of an APF greater than 1 for sorbent cartridges as protection against airborne radioactive gases and vapors (e.g., radioiodine).

[d] Licensees may permit individuals to use this type of respirator who have not been medically screened or fit tested on the device provided that no credit be taken for their use in estimating intake or dose. It is also recognized that it is difficult to perform an effective positive or negative pressure pre-use user seal check on this type of device. All other respiratory protection program requirements listed in §§20.1703 apply. An assigned protection factor has not been assigned for these devices. However, an APF equal to 10 may be used if the licensee can demonstrate a fit factor of at least 100 by use of a validated or evaluated, qualitative or quantitative fit test.

[e] Under-chin type only. No distinction is made in this Appendix between elastomeric half-masks with replaceable cartridges and those designed with the filter medium as an integral part of the facepiece (e.g., disposable or reusable disposable). Both types are acceptable so long as the seal area of the latter contains some substantial type of seal-enhancing material such as rubber or plastic, the two or more suspension straps are adjustable, the filter medium is at least 95 percent efficient and all other requirements of this Part are met.

[f] The assigned protection factors for gases and vapors are not applicable to radioactive contaminants that present an absorption or submersion hazard. For tritium oxide vapor, approximately one-third of the intake occurs by absorption through the skin so that an overall protection factor of 3 is appropriate when atmosphere-supplying respirators are used to protect against tritium oxide. Exposure to radioactive noble

gases is not considered a significant respiratory hazard, and protective actions for these contaminants should be based on external (submersion) dose considerations.

[g] No NIOSH approval schedule is currently available for atmosphere supplying suits. This equipment may be used in an acceptable respiratory protection program as long as all the other minimum program requirements, with the exception of fit testing, are met (i.e., §§20.1703).

[h] The licensee should implement institutional controls to assure that these devices are not used in areas immediately dangerous to life or health (IDLH).

[i] This type of respirator may be used as an emergency device in unknown concentrations for protection against inhalation hazards. External radiation hazards and other limitations to permitted exposure such as skin absorption shall be taken into account in these circumstances. This device may not be used by any individual who experiences perceptible outward leakage of breathing gas while wearing the device.

Change to Nrc Section	Title	State Section	Comparability Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
Energy Compensation Sources for Well Logging and Other Regulatory Clarifications – Part 39 (65 FR 20337; April 17, 2000) RATS ID 2000-1 Effective May 17, 2000							
39.2	Definitions	Title A		Section 39.2 is amended by adding definitions, energy compensation source and tritium neutron generator target source to read as follows:			
		8.3.1	B	Energy compensation source (ECS) means a small sealed source, with an activity not exceeding 3.7 MBq [100 microcuries], used within a logging tool, or other tool components, to provide a reference standard to maintain the tool's calibration when in use. * * * * *	No		
		8.3.17	B	Tritium neutron generator target source means a tritium source used within a neutron generator tube to produce neutrons for use in well logging applications. * * * * *	No		
39.15	Agreement with well owner or operator	8.5	C	Section 39.15 is amended by revising paragraph (a)(5)(ii) and the introductory text of paragraph (a)(5)(iii) to read as follows:			

Change to Nrc Section	Title	State Section	Comparability Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
			C	(a) * * * (5) * * *			
		8.5.1.5.2		(ii) A means to prevent inadvertent intrusion on the source, unless the source is not accessible to any subsequent drilling operations; and	No		
		8.5.1.5.		(iii) A permanent identification plaque, constructed of long lasting material such as stainless steel, brass, bronze, or monel, must be mounted at the surface of the well, unless the mounting of the plaque is not practical. The size of the plaque must be at least 17 cm [7 inches] square and 3 mm [\1/8\-inch] thick. The plaque must contain-- * * * * *	No		
39.35	Leak testing of sealed sources	8.10	C	Section 39.35 is amended by revising paragraphs (b), (c), (d)(1), (e)(1), (e)(4) and (e)(5) to read as follows: * * * * *			
		8.10.2		(b) Method of testing. The wipe of a sealed source must be performed using a leak test kit or method approved by the Commission or an Agreement State. The wipe sample must be taken from the nearest accessible point to the sealed source where contamination might accumulate. The wipe sample must be analyzed for radioactive contamination. The analysis must be capable of detecting the presence -of 185 Bq [0.005 microcuries] of radioactive material	No		

Change to Nrc Section	Title	State Section	Comparability Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
		8.10.3		on the test sample and must be performed by a person approved by the Commission or an Agreement State to perform the analysis. (c) Test frequency. (1) Each sealed source (except an energy compensation source (ECS)) must be tested at intervals not to exceed 6 months. In the absence of a certificate from a transferor that a test has been made within the 6 months before the transfer, the sealed source may not be used until tested. (2) Each ECS that is not exempt from testing in accordance with paragraph (e) of this section must be tested at intervals not to exceed 3 years. In the absence of a certificate from a transferor that a test has been made within the 3 years before the transfer, the ECS may not be used until tested.	No		
		8.10.4		(d) Removal of leaking source from service. (1) If the test conducted pursuant to paragraphs (a) and (b) of this section reveals the presence of 185 Bq [0.005 microcuries] or more of removable radioactive material, the licensee shall remove the sealed source from service immediately and have it decontaminated, repaired, or disposed of by an NRC or Agreement State licensee that is authorized to perform these functions. The licensee shall check	No		

Change to Nrc Section	Title	State Section	Comparability Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				the equipment associated with the leaking source for radioactive contamination and, if contaminated, have it decontaminated or disposed of by an NRC or Agreement State licensee that is authorized to perform these functions.			
				* * * * *			
		8.10.5.1		(e) * * *	No		
				(1) Hydrogen-3 (tritium) sources;			
				* * * * *			
		8.10.5.4		(4) Sources of beta- or gamma-emitting radioactive material with an activity of 3.7 MBq [100 microcuries] or less; and	No		
		8.10.5.5		(5) Sources of alpha- or neutron-emitting radioactive material with an activity of 0.37 MBq [10 microcuries] or less.	No		
39.41	Design and performance criteria for sources		B	Section 39.41 is revised to read as follows:			
		8.13.1		(a) A licensee may use a sealed source for use in well logging applications if --	No		
		8.13.1.1		(1) The sealed source is doubly encapsulated;	No		
		8.13.1.2		(2) The sealed source contains licensed material whose chemical and physical forms are as insoluble and nondispersible as practical;	No		
		8.13.1.3		and			
				(3) Meets the requirements of paragraph (b), (c), or (d) of this section.	No		
		8.13.2		(b) For a sealed source	No		

Change to Nrc Section	Title	State Section	Comparability Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				manufactured on or before July 14, 1989, a licensee may use the sealed source, for use in well logging applications if it meets the requirements of USASI N5.10-1968, ''Classification of Sealed Radioactive Sources," or the requirements in paragraph (c) or (d) of this section.			
		8.13.3		(c) For a sealed source manufactured after July 14, 1989, a licensee may use the sealed source, for use in well logging applications if it meets the oil-well logging requirements of ANSI/HPS N43.6-1997, ''Sealed Radioactive Sources--Classification."	No		
		8.13.4		(d) For a sealed source manufactured after July 14, 1989, a licensee may use the sealed source, for use in well logging applications, if--	No		
		8.13.4.1		(1) The sealed source's prototype has been tested and found to maintain its integrity after each of the following tests:	No		
		8.13.4.1.1		(i) Temperature. The test source must be held at -40 deg. C for 20 minutes, 600 deg. C for 1 hour, and then be subject to a thermal shock test with a temperature drop from 600 deg. C to 20 deg. C within 15 seconds.	No		
		8.13.4.1.2		(ii) Impact test. A 5 kg steel hammer, 2.5 cm in diameter, must be dropped from a height of 1 m onto the test source.	No		
		8.13.4.1.3		(iii) Vibration test. The test	N0		

Change to Nrc Section	Title	State Section	Comparability Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				source must be subject to a vibration from 25 Hz to 500 Hz at 5 g amplitude for 30 minutes.			
		8.13.4.1.4		(iv) Puncture test. A 1 gram hammer and pin, 0.3 cm pin diameter, must be dropped from a height of 1 m onto the test source.	No		
		8.13.4.1.5		(v) Pressure test. The test source must be subject to an external pressure of 1.695×10^7 pascals [24,600 pounds per square inch absolute].	No		
		8.13.5		(e) The requirements in paragraphs (a), (b), (c), and (d) of this section do not apply to sealed sources that contain licensed material in gaseous form.	No		
		8.13.6		(f) The requirements in paragraphs (a), (b), (c), and (d) of this section do not apply to energy compensation sources (ECS). ECSs must be registered with the Commission under Sec. 32.210 of this chapter or with an Agreement State.	No		
39.49	Uranium sinker bars	8.17	C	Section 39.49 is revised to read as follows: The licensee may use a uranium sinker bar in well logging applications only if it is legibly impressed with the words ''CAUTION--RADIOACTIVE-DEPLETED URANIUM" and ''NOTIFY CIVIL AUTHORITIES (or COMPANY NAME) IF FOUND."	No		
39.53	Energy	8.13.7	C	Section 39.53 is added to read as	No		

Change to Nrc Section	Title	State Section	Comparability Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
	compensation source			follows: The licensee may use an energy compensation source (ECS) which is contained within a logging tool, or other tool components, only if the ECS contains quantities of licensed material not exceeding 3.7 MBq [100 microcuries].			
		8.13.7(a)		(a) For well logging applications with a surface casing for protecting fresh water aquifers, use of the ECS is only subject to the requirements of Secs. 39.35, 39.37 and 39.39.	No		
		8.13.7(b)		(b) For well logging applications without a surface casing for protecting fresh water aquifers, use of the ECS is only subject to the requirements of Secs. 39.15, 39.35, 39.37, 39.39, 39.51, and 39.77.	No		
39.55	Tritium neutron generator target source	8.13.8	C	Section 39.55 is added to read as follows:	No		
		8.13.8(a)		(a) Use of a tritium neutron generator target source, containing quantities not exceeding 1,110 MBq [30 curies] and in a well with a surface casing to protect fresh water aquifers, is subject to the requirements of this part except Secs. 39.15, 39.41, and 39.77.	No		
		8.13.8(b)		(b) Use of a tritium neutron generator target source, containing quantities exceeding 1,110 MBq	No		

Change to Nrc Section	Title	State Section	Comparability Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				[30 curies] or in a well without a surface casing to protect fresh water aquifers, is subject to the requirements of this part except Sec. 39.41.			
39.77	Notification of incidents and lost sources; abandonment procedures for irretrievable sources	8.27 8.27.3.1 8.27.4.9	C- paragraphs (a), (c) & (d) D- paragraph (b)	Section 39.77 is amended by revising paragraph (c)(1), redesignating paragraphs (d)(9) and (d)(10) as paragraphs (d)(10) and (d)(11), and adding a new paragraph (d)(9) to read as follows: * * * * * (c) * * * (1) Notify the appropriate NRC Regional Office by telephone of the circumstances that resulted in the inability to retrieve the source and-- (i) Obtain NRC approval to implement abandonment procedures; or (ii) That the licensee implemented abandonment before receiving NRC approval because the licensee believed there was an immediate threat to public health and safety; and * * * * * (d) * * * (9) The immediate threat to public health and safety justification for implementing abandonment if prior NRC approval was not obtained in accordance with paragraph	No No		

Change to Nrc Section	Title	State Section	Comparability Category	Summary of Change to CFR	Difference Yes/No	Significant Yes/No	If Difference, Why or Why Not Was a Comment Generated
				(c)(1)(ii) of this section; * * * * *			