



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

August 30, 2005

Henry Porter, Assistant Director
Division of Waste Management
Bureau of Land and Waste Management
Department of Health and Environmental Control
2600 Bull Street
Columbia, SC 29201

SUBJECT: PERIODIC MANAGEMENT MEETING SUMMARY

Dear Mr. Porter:

A periodic meeting with the South Carolina Bureau of Land and Waste Management was held on August 2, 2005. The purpose of the meeting was to review and discuss the status of the South Carolina Agreement State program. The NRC was represented by William Rautzen from the NRC's Office of State and Tribal Programs and me. Specific topics and issues of importance discussed at the meeting included the status of activities regarding the Barnwell low-level radioactive waste disposal facility.

I have completed and enclosed a general meeting summary, including any specific actions that will be taken as a result of the meeting.

If you feel that our conclusions do not accurately summarize the meeting discussions, or have any additional remarks about the meeting in general, please contact me at (610) 337-5042 or by e-mail at adw@nrc.gov to discuss your concerns.

Thank you for your cooperation.

Sincerely,

Original Signed By:

Duncan White, CHP
Regional State Agreements Officer
Division of Nuclear Materials Safety

Enclosure: As stated

cc:
W. Rautzen, STP
P. O'Kelley, South Carolina

H. Porter 2
South Carolina Division of Waste Management

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AGREEMENT STATE PERIODIC MEETING SUMMARY FOR SOUTH CAROLINA BUREAU OF LAND AND WASTE MANAGEMENT

DATE OF MEETING: August 2, 2005

ATTENDEES:

Duncan White, RSAO
William Rautzen, ASPO
Pat Walker, Bureau Chief
John Litton, Director
Henry Porter, Assistant Director
Michael Moore, Section Manager

DISCUSSION:

There were no recommendations for the State from the last Integrated Materials Performance Evaluation Program (IMPEP) review of the South Carolina program that occurred June 9-13, 2003.

NRC staff provided an overview of the IMPEP process and the NRC/Agreement State relationship for the benefit of the recently appointed Bureau Chief.

The Agreement State program is part of the Infectious and Radioactive Waste Section. The Section is part of the Division of Waste Management which in turn is part of the Bureau of Land and Waste Management. At the start of 2005, the infectious waste program and radioactive waste program were combined into one Section. The only staff change since the last IMPEP review in 2003 is the new Manager of the Section. In addition to the Section Manager, there are eight staff members and a part-time consultant involved with radioactive waste activities. There are no vacancies in the Section. The Section also has two staff members with infectious waste responsibilities. The Assistant Director noted that the lack of turnover and the experienced staff is a strength of the program. Division and Section management noted that the challenge for the Section in the future will be succession planning as current staff starts to retire.

The Assistant Director provided an overview of Section activities. The Section has 11 specific licenses involving waste disposal, waste processing, waste research and development, and sites in the process of decommissioning. In addition, the Section also has responsibility for the transportation of radioactive waste and oversight of Environmental Protection Agency's CERCLA (i.e., Superfund) activities at the Starmet (Carolina Metals) facility. The Assistant Director and Section Manager provided a brief description and discussion of the various decommissioning activities that the Section is currently working on.

The Assistant Director discussed the status of activities at the Barnwell Low-Level Radioactive Waste Disposal Site. The license renewal for the waste site was issued last year but was challenged by an outside party. This challenge is currently before an Administrative Law Court and a decision is expected shortly. The waste site licensee had implemented a number of security measures shortly after September 11, 2001 and is currently looking at additional measures. The Division feels that the waste site has sufficient and sophisticated security, in part due to its ability to handle military waste.

The current volumes of waste disposed at Barnwell and the fees charged are based on state legislation passed in 2000 (Atlantic Compact Act). With regard to fees, the Division is looking at changes in the licensing fees due to the decrease in transportation fees in recent years. There has been a surplus of fees the last few years and no fee increases are planned this fiscal year. With regard to the disposal of waste, for the recently completed fiscal year (FY2005), the limit was set at 50,000 cubic feet, of which 43,000 cubic feet was disposed. The limit for the current fiscal year is set at 45,000 cubic feet. Current legislation closes the Barnwell site to non-Atlantic Compact states after June 30, 2008. The Assistant Director indicated that a recent report by the Governor's Nuclear Advisory Council that evaluated Barnwell operations noted that the state should consider accepting Out-of-Compact beyond the current 2008 closing date. This report can be found at:

http://www.state.sc.us/energy/PDFs/Barnwell_CommReport_04_05.pdf

The Section Manager noted that regulations are typically done in coordination with the Bureau of Radiological Health, particularly those related to waste and transportation. There are currently no overdue regulations. NRC staff noted that the State Regulation Status (SRS) Data Sheet for South Carolina was not complete in that some NRC amendments were not indicated as completed. After reviewing the SRS with the Assistant Director and the Bureau of Radiological Health, it was determined that a number of the NRC amendments were reviewed by the NRC. A copy of the revised SRS Data Sheet is attached.

The program currently has no overdue inspections and licensing is kept current except as noted above regarding the Barnwell waste site renewal. The Section Manager indicated that its licensees are inspected more frequently than required by NRC guidance.

There were no allegations referred to the Section since the last IMPEP review. The Section has lead responsibility for responding to radiation alarms at metal recycling facilities and solid waste facilities. The Section will provide followup and closure information to the Nuclear Materials Events Database (NMED) for those events. NRC staff noted that all event information in NMED for the State is closed and complete.

The Division does not have any formal mechanism to evaluate performance. Since all licensing and inspection information is tracked on databases and spreadsheets, the Section Manager and Assistant Director periodically review the status of activities. There is a quarterly report to the Department's Governing Board documenting some of the Section's routine activities. The Section Manager reported that inspector accompaniments are being conducted annually.

NRC staff discussed the current status of NRC's security initiatives involving material licensees, status of the one Commission vacancy, management changes at the Region and Headquarters and legislative changes that impact the NRC as a result of the 2005 Energy Bill.

The Assistant Director requested guidance that NRC uses to determine what constitutes an adequate amount of financial assurance. Subsequent to the meeting, the RSAO provided the Assistant Director with the requested information. The Assistant Director noted that the Division and Section routinely discuss matters of mutual interest with NRC staff and management in the Division of Waste Management in NMSS.

The Bureau Chief discussed the Department's current initiative to strengthen its public outreach program and increased attention and sensitivity to environmental justice issues.

The next IMPEP review for the South Carolina program is scheduled for FY 2007. NRC staff did not identify any performance issues necessitating a change in the current schedule.

STATE REGULATION STATUS

State: South Carolina

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

Tracking Ticket Number: Periodic Meeting

Date: August 2, 2005

NRC Chronology Identification	FR Notice (State Due Date)	RATS ID	Proposed (P) / Final (F) Rule / ML #⁵	NRC Review / Y, N² / Date / ML #⁵	Final State Regulation¹ (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 ³
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; (½7/95)	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 ³
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			Not required ³
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 ⁴
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
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	

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One Time Extension of Certain Byproduct, Source and Special Nuclear Materials Licenses-Parts 30, 40, 70	61 FR 1109; (none)	1996-2			Not required ³
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	F	Y 5/19/00	5/26/00
Criteria for the Release of Individuals Administered Radioactive Material-Parts 20, 35	62 FR 4120; (5/29/00)	1997-3	F	N 5/19/00	5/26/00
Fissile Material Shipments and Exemptions-Part 71	62 FR 5907; (none)	1997-4			Not required ³
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	F	N 5/19/00	5/26/00
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	F	N 5/19/00	5/26/00
Deliberate Misconduct by Unlicensed Persons-Parts 30, 40, 61, 70, 150	63 FR 1890; 63 FR 13773 (2/12/01)	1998-1	F	N 5/19/00	5/26/00
Self-Guarantee of Decommissioning Funding by Nonprofit and Non-Bond-Issuing Licensees-Parts 30, 40, 70	63 FR 29535; (none)	1998-2			Not required ³
License Term for Medical Use Licenses-Part 35	63 FR 31604; (none)	1998-3			Not required ³
Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations-Part 34	63 FR 37059; (7/9/01)	1998-4	F	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	F	N 8/25/99	6/28/96
Radiological Criteria for License Termination of Uranium Recovery Facilities-Part 40	64 FR 17506; (6/11/02)	1999-1			Not required ³
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 ³
Respiratory Protection and Controls to Restrict Internal Exposure-Part 20	64 FR 54543; 64 FR 55524 (2/2/03)	1999-3	F ML030550104	N 3/12/03 ML030720133	
Energy Compensation Sources for Well Logging and Other Regulatory Clarifications-Part 39	65 FR 20337; (5/17/03)	2000-1	F ML030550104	N 3/12/03 ML030720133	

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New Dosimetry Technology-Parts 34, 36, 39	65 FR 63750; (1/8/04)	2000-2	F ML030550104	N 3/12/03 ML030720133	
Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material - Parts 30, 31, 32	65 FR 79162; (2/16/04)	2001-1	ML030550104	N 3/12/03 ML030720133	
Revision of the Skin Dose Limit -Part 20	67 FR 16298; 4/5/05	2002-1	F ML051580125	N 6/30/05 ML05180477	
Medical Use of Byproduct Material-Parts 20, 32, and 35	67 FR 20249; 10/24/05	2002-2	F ML051580125	N 6/30/05 ML05180477	
Financial Assurance for Materials Licensees – Parts 30, 40, 70	68 FR 57327; (12/3/06)	2003-1			
Compatibility With IAEA Transportation Safety Standards and Other Transportation Safety Amendments – Part 71.	69 FR 3697; (10/01/07)	2004-1			
Security Requirements for Portable Gauges Containing Byproduct Material - Part 30	70 FR 2001; (7/11/08)	2005-1			
Medical Use of Byproduct Material - Recognition of Specialty Boards - Part 35	70 FR 16336; (4/29/08)	2005-2			

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